



2012



Town of Provincetown Open Space & Recreation Plan

**UPDATE
2012 – 2019**



Horsley Witten Group
Sustainable Environmental Solutions

Prepared for:

Town of Provincetown
Open Space Committee and
Recreation Commission
260 Commercial Street
Provincetown, MA 02657

Updated and Revised 2007 Plan



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SECTION 1: PLAN SUMMARY

This 2012 Open Space and Recreation Plan update is a complete revision of Provincetown's 2007 Open Space Plan, in order to meet the state's Open Space and Recreation Plan Requirements. It has been revised to reflect the current conditions and concerns in Provincetown. The update builds on the earlier plan, incorporating goals of protecting natural resources, conserving open space and providing a varied recreation program. The updated plan seeks to address these goals simultaneously where possible by encouraging preservation of open space, and allowing opportunities for its enjoyment through modest improvements and access for recreation. Pursuant to the guidance provided by the Massachusetts Division of Conservation Services (DCS), the plan will serve the community as a whole as a detailed reference for various information critical to the proper protection of open space and recreational resources.

This plan presents some new ideas for management of open space areas, and incorporates new goals for increased availability and accessibility of both recreation and open space facilities. Currently, there is an emphasis on open space preservation by direct acquisition, conservation easements, donations, etc. Several of the objectives identified in the plan are focused on increasing Provincetown's planning capacity through better inter-departmental communication, and increasing and optimizing the use of planning technologies such as Geographic Information Systems (GIS). Other strategies identified by the Town include regulatory tools designed to redirect growth or provide higher levels of protection to natural resources. Examples of these tools include Transfer of Development Rights (TDR) and the use of conservation easements to increase pocket parks and greenway land.

Public participation played an important role in developing this plan. The results of a 2012 survey were used to obtain a real sense of public opinion about the Town's approach to open space and recreation. In addition, public hearings were held throughout the planning process.

SECTION 2: INTRODUCTION

2.1 Statement of Purpose

The purpose of this plan is to serve as a guide to responsible action to conserve Provincetown's natural resources, preserve its open space and provide ample opportunities for recreation for Provincetown's citizens, and to provide a framework for decision-making by Provincetown's residents, town officials and staff.

2.2 Planning Process and Public Participation

The 2012 Provincetown Open Space and Recreation Plan (OSRP) was developed through a planning effort by several local boards and town staff in conjunction with a public participation process and community visioning survey. The survey was conducted online and also through the mail and was sent to resident property owners, non-resident property owners, which included second home owners and renters. The update of the Provincetown OSRP was developed under the guidance of an advisory committee, which included members of the Conservation Commission, the Open Space Committee, the Recreation Commission, and the Recreation Department. The Assistant Town Manager and Health & Environmental Affairs Manager provided administrative support. The Open Space Planner's Workbook: Companion to the Open Space and Recreation Plan Requirements (EOEA, 2008) was used as a guide in preparing this plan.



The Goals and Objectives of this plan were developed based on the results of a community visioning survey, conducted by the town in April and May of 2012. This enhanced outreach community visioning survey used an online survey tool and also sent hard copy surveys to all town residents including those residents that reside in the towns' environmental justice community which is located near the center of town. This survey was also conducted in conjunction with interviews of town officials. All of these meetings were publicized in the local media as well as on the town's webpage. Comments from these meetings have been incorporated in the plan. A sub-committee of the Conservation Commission and Open Space Committee will monitor and implement the results throughout the entire community.

Acknowledgements

In addition to the regular members of the Town of Provincetown Open Space Committee, Conservation Commission, and the Recreation Department, the Health and Environmental Affairs Manager, Assistant Town Manager, Assessor's Office, Public Works Department, and other town departments all contributed significantly to both the data collection and planning analysis contained in this document.

Open Space Committee | Recreation Commission | Recreation Department | Conservation
Commission | Town Manager | Assistant Town Manger | Disability Commission | Grants Administrator
Public Works Department | Assessor's Office | Principal Assessor | Permit Coordinator
Planning Board | Board of Selectmen

SECTION 3: COMMUNITY SETTING

3.1 Regional Context

Provincetown is unique. It has been described as singularly, spectacularly, unique. Imagine a place isolated by geography, geology, history and cultural traditions and you begin to get a sense of what makes Provincetown different. The town is different not only from the rest of Cape Cod, but perhaps from the rest of the world. The town has changed from being the "First Outpost" to the "Outermost Resort" in Massachusetts, and is now inexorably linked to its natural splendor. Provincetown is one of the few places in the U.S. where one can watch the day's sun rise and set over the ocean.

Located at the tip of Cape Cod between an area commonly described as the "wrist" (North Truro) and the extreme eastern tip known as the "finger" (Long Point), Provincetown is isolated from the other Cape Cod communities. By way of land, it is located 117 miles from Boston and 290 miles from New York City. However, because it is only 50 miles to Boston by boat, the regular ferry between Boston and Provincetown has become increasingly popular.

Provincetown encompasses 8.35 square miles of land area, or 6,400 acres. Since 1961, approximately 78% of the town's acreage has been under the jurisdiction of the Cape Cod National Seashore, administered by the National Park Service. The municipal area of Provincetown is a highly urbanized stretch of land, three miles long and one and a half miles wide. The town government has direct jurisdiction over the remaining 1,900 acres outside the National Seashore, which is generally the area south of Route 6. Historically, downtown has been divided into two neighborhoods, East End and West End, with MacMillan Wharf and Town Hall being the informal centerline.

Provincetown is the cultural and commercial anchor for the other Outer Cape town's of Truro and Wellfleet. It is the natural start and end point for the Cape-wide bikeways system, with many bicyclists and assorted athletic groups arriving via the Boston shuttle ferry to access the bicycling opportunities



on the Cape. Tourism accounts for 60 to 70 percent of Provincetown's employment, and is growing. These jobs tend to be seasonal, requiring relatively low levels of skill and offering relatively low wages.

The socio-economic conditions in Provincetown frame the town as a unique, geographically isolated, socially diverse community made up of a local workforce, largely dependent upon tourism, which is primarily comprised of artisan and service-oriented employees. According to a 2006 housing study completed for the Town, the town's work force is largely employed in low-paying industries (e.g., hospitality, education, healthcare, and non-business services such as retail, fishing/agriculture). This may be due to the town's dependency on tourism since these services generate substantial revenue during the summer/fall months. Ensuring that open space and recreation areas are available to visitors thus becomes an economic priority.

There is an increasing disconnect between the cost and composition of the community's housing stock and the make-up of its work force. The current housing market in Provincetown provides little opportunity for homeownership for low, moderate or even middle-income, first-time homebuyers. Therefore, the demand for new housing structures and/or conversion and expansion of existing structures is great, which could impact the limited open space and recreation areas Provincetown seeks to maintain.

Provincetown has historically worked closely with its only neighbor, Truro, on issues of shared resources. In 1907 Provincetown secured state legislative approval to acquire land in North Truro (Knowles Crossing) for the first public well-field on Cape Cod. Ever since that time, the protection and utilization of groundwater between Truro and Provincetown has been a joint concern. In 1994, Provincetown joined other lower Cape town's in preparing a Lower Cape Water Management Plan, which extended the bilateral work of Truro and Provincetown to Wellfleet and Eastham, other towns lacking municipal water supplies. In 2005, the Town continued to work with Truro toward the identification of new water sources, including the development of the North Union Field property in Truro as a redundant well source to replace use of the former North Truro Air Force Base wells. This new water source work was completed in 2011.

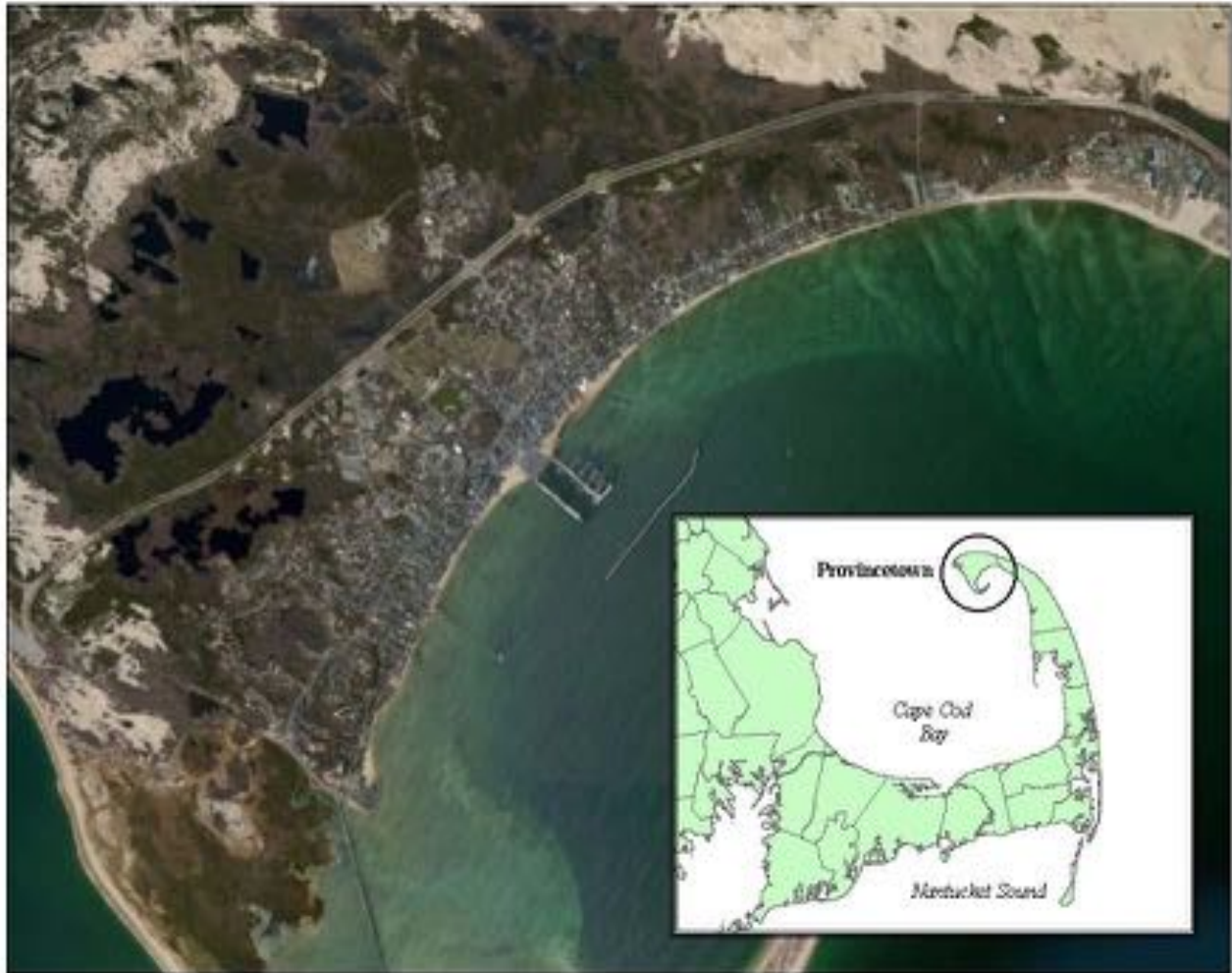
Provincetown is engaged with other Cape Cod communities in regional natural resource and planning issues through participation in the Cape Cod Commission, Coastal Zone Management Advisory Committee, Barnstable County Health Department, Shellfish Task Force, and other regional organizations. As a major destination within the Cape Cod National Seashore, Provincetown has a successful cooperative relationship with the National Park Service, even in the face of significant differences in management policies. Cooperative ventures in protecting the large Clapps Pond - Duck Pond ecosystem have required partnerships with the three large landowners in this wetland area, which include the Town, the MA Division of Fisheries and Wildlife, and the National Park Service.

In recent decades the Cape Cod Commission has focused on development on the Cape's outer four towns and has concluded that they are nearing or have reached a threshold at which water quality and traffic congestion will begin to see negative effects and these effects will increase at an exponential rate. There have been concerns over a lack of high quality water and damage to environmentally sensitive areas due to both residential and infrastructure expansion. A focus on purchasing open space as well as a review of local zoning regulations is one way to address this issue.



Increasing rates of development and infrastructure needs represent potential threats to open space in Provincetown.

Regional Locus



3.2 History of the Community

Even before there were citizens of Provincetown, there were transient fishermen who built fish houses and fish drying-flakes along the three-mile long shoreline. Were it not for the lack of fresh water, the Mayflower Pilgrims might have stayed and built their colony at Provincetown. Instead because of the inadequacy of water supplies (a continuing problem), and barely arable land, the Pilgrims journeyed on to Plymouth. The Pilgrims were certainly impressed in 1620 by the harbor at the tip of Cape Cod, as explorer Captain Batholomew Gosnold named the Cape for the species of fish "pestering" his vessel.

Provincetown developed slowly because of its remoteness and its lack of natural resources. Provincetown began as a fishing settlement with the felling of trees for a stage. And it almost ended in the same way. Wood was scarce and was not replenished; with each season the early itinerant fisherman had to walk farther into the slim tip of the peninsula to find timber and brush. He tapped pine trees for tar and turpentine; cut pine, cedar or oak to replace a spar; and gathered bayberry bush to



insulate a cobhut and to start a fire. When householders settled in destruction accelerated. Woods were decimated to build wharves, houses, salt vats and windmills. After only one generation of settlement, dunes and hollows were stripped of tree and brush; the unanchored sand nearly buried the town. This was indeed a bizarre period in Provincetown's history; it was a one-hundred year incurious struggle against avalanching sand. Finally there was action taken, not because the houses and roadways were threatened, but because the sand was clogging the harbor. One of the first conservation acts designed to save Provincetown Harbor and the Provincelands was written in 1714; it restricted the felling of trees "to keep the sand from being driven into the Harbour by the wind." This was followed by a series of laws from 1740 to 1768 attempting to limit the unrestricted pasturage of cattle and horse on the dunes and salt meadows. The barren land was a far cry from the lofty forests of "oaks, pines, sassafras, juniper, birch, holly" touted by the Pilgrims.. Provincetown was slow to raise itself out of the sand. By the time of the completion of the Pilgrim Monument in 1910 the town had become sufficiently concerned about the fragile environment that a guard was assigned to keep visitors from stepping on the newly planted fragile grass. Tourism had become a thriving business by then. -Provincetown as a Stage, by Leona Rust Egan (Parnassus Imprints, 1994)

Settlement was typically located around the harbor and along the roads that led to it, with only a moderate commercial and institutional core at the center. The harbor was deemed Provincetown Harbor, the main road was called "Commercial Street" and the small core was fixed at Town Hall Square. The Massachusetts Office of Coastal Zone Management describes the harbor as "one of the best natural harbors on the Atlantic coast." From its beginning, Provincetown exported fish, participated in subsistence farming and imported everything else, (except perhaps cranberries, which were locally grown in bottomlands into the twentieth century.) While most Cape Codders were farmers first and fishermen on the side, Provincetowners were fishermen by trade because farming was difficult on this geologically young barrier beach. In his visits to the Cape in the mid-nineteenth century, Henry David Thoreau described the qualitative difference between the dark, rich clays of Concord with the yellow sands of much of the Cape and the white sands of the Provincelands. Where the yellow sands were deficient in nutrients for crop growing, the white sands were absolutely destitute. Thoreau reported that he "did not see enough black earth in Provincetown to fill a flower pot (Thoreau, 1865)."

As a consequence of this poor soil, there was no reason for the Provincetown settlement to spread out over its corporate boundary. In addition, until its incorporation in 1727, title to land in Provincetown was informal at best in the downtown area and non-existent in the dunes. The dunes of the Provincelands were a common resource, originally of the Province of Massachusetts and later, of the Commonwealth. The Provincelands were administered from afar in Boston, when at all, but generally this was a wide-open territory. This accounted for much of the town's attraction for the free spirits. This attraction continues to this day, and has generated the most socially liberal people living on the Cape today. Like Key West in Florida, Homer in Alaska, and Lahaina in Hawaii--other towns with end-of-the-road ambiance--Provincetown has a live-and-let-live ethos that some say arrived with the religious seekers aboard the Mayflower. By 1900, artists seeking that same creative freedom flocked to create the "cradle of American Art" at Provincetown. Summer art schools and galleries were established, and continue to flourish. By 1915, Provincetown had become one of the foremost art colonies in the U.S. and Europe.

A small town in land area compared to other Cape communities, and always considered a small town in absolute population; Provincetown has consistently had a higher population density than other Cape



Cod towns. In 1727, when Provincetown was incorporated, the town had few permanent residents (mostly in the East End), and this population grew slowly until after the American Revolution. While most towns on the Cape lost population due to economic recession and downturn in the maritime professions around the Civil War period, Provincetown continued to flourish through the 1800's as "the prime maritime, fishing and commercial center of the Cape. The completion of the Old Colony Railroad to Provincetown by 1873 assured Provincetown of continued growth.

In the 20th century, vacation homes appeared throughout the area north of Bradford Street and in scattered spots elsewhere, such as "The Moors." Since 1950, development for seasonal visitors, retirees, and residents has spread throughout the East and West Ends of town. Unlike most Cape towns, Provincetown does not have an extensive inland area of developable land associated with inexpensive land values and "land-banking" for future public needs. This physical constraint - the scarcity of large tracts of vacant land - means that Provincetown must think small and creatively when it comes to planning, whether for open space or commercial development. Creative infilling, or maximizing the potential of limited available space, within business zones is more appropriate than dreaming of new industrial parks. The value of small pockets of protected open space is magnified in Provincetown proper relative to other towns, due to their scarcity.

Provincetown has evolved, for economic, geological and political reasons, as an unintentional "cluster development." Part of the charm of Provincetown today is the incredible density of its downtown area with stores and homes packed tightly against each other in a way that rings of the current trend of "Smart Growth." Surrounding this urban core is a sweeping natural backdrop of dunes, beaches, tidal flats, salt marshes and freshwater ponds. The town's primary common open space lands (preserved by the National Park Service) serve the "cluster development." However, the National Park Service Lands do not adequately service the many wildlife species, as the National Park within the Provincetown Quadrangle consists primarily of only scrub pine, unvegetated dune and dune grass. Most of the forest rich in deciduous trees, which serve to support our wildlife population, exist in private ownership within the town borders, and thus this land within the town needs protection in order to protect our wildlife.

If Provincetown was a clean slate and planned afresh with modern land use principles, it would be hard to improve on this layout, accidental though it was. However, this dense design is not without its faults. The intense density has led to wastewater problems, stormwater management concerns, traffic nightmares in the summer, and lack of urban parks, particularly town beaches, landings and playgrounds. In addition, new growth has forced residential sprawl onto the former downtown open spaces. The town has not been able to balance its downtown development with preservation of downtown open space.

3.3 Population Characteristics



Provincetown's year round population has remained fairly stable. More people lived in Provincetown in 1900 (4,247) than in 2010 (2,942). Though the town's year round population grew between 1970 and 1990 (2,911 to 3,561), most of that growth (21%) was during the 1970s, (see Table 3.1), not the 1980s, when the county population grew by a resounding 26%. Provincetown's summer population swells more than most other Cape towns, ranging between 30,000 and 60,000 during the summer months. Nowhere on the Cape is there such a marked contrast between walking through a village on a summer day or a winter night than in Provincetown.

The Provincetown year-round population has very limited resources given its isolation at the end of Cape Cod. This year-round population of 2,942 suffers as one of the poorest on Cape Cod and in the Commonwealth with 57% of the town-wide population considered low/moderate income according to HUD. The median household income is typically \$20,000 behind that of the state. In 2009, Provincetown's median household income was \$43,993 compared to the state's \$64,081. Poverty on Cape Cod has nearly doubled in less than 5 years, from 5.1% in 2006 to 11.3% in 2010. Annual unemployment in Provincetown for 2011 was 24.9%, peaking at 41% in January 2011; compared to a state rate that peaked at 8.6%. With the escalation of housing costs and limited employment opportunities, many families have been forced out of town seeking more housing and employment options elsewhere. The 2010 Census reflects the loss of year-round residents from 3,431 in 2000 to 2,942 in 2010, a decline of 14.4%. As a result, a significant decline in school age children has led to the phasing out of Provincetown High School with the final class to graduate in 2013.

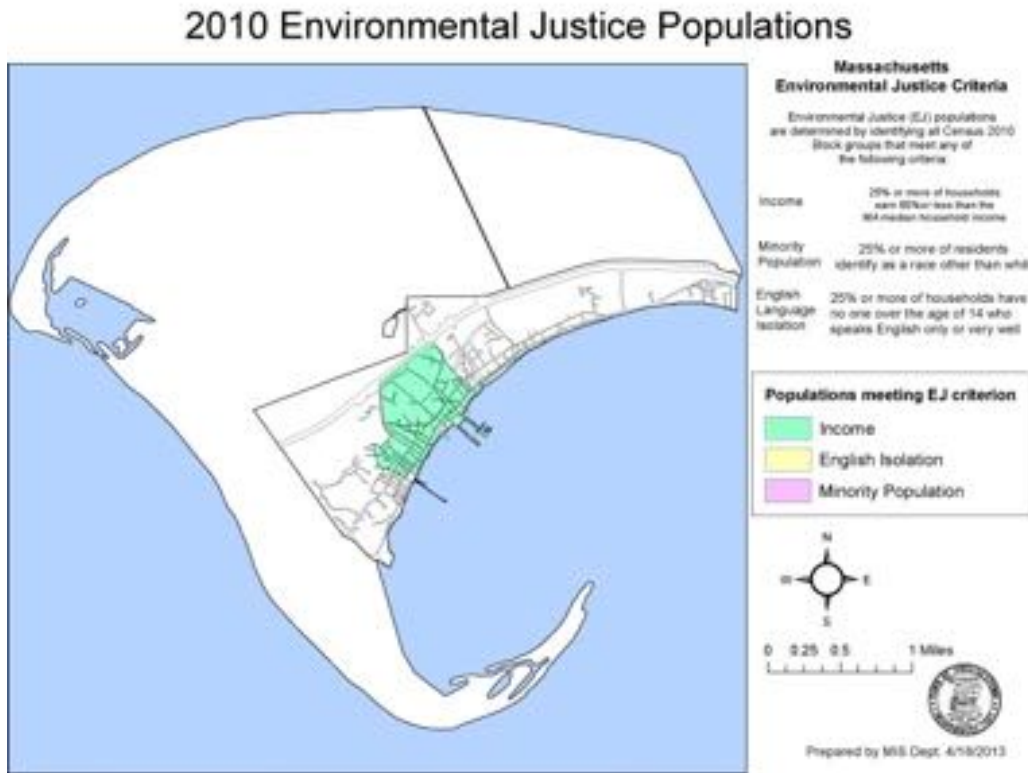
Table 3.1 Year	1970	1980	1990	2000	2004	2010
Population	2,911	3,536	3,561	3,431	3,450	2,942
% Change		21%	0.7%	-3.65%	0.55%	14.72%

Table 3.2 Population Characteristics

Table 3.2 Provincetown Demographics (U.S. Census)	1990	% of Total	2000	% of Total	% Change Since 1990	2010	% of Total	% Change Since 1990	% Change Since 2000
Age Group									
Under 5	134	3.3%	60	1.7%	-48.48%	55	1.90%	-42.42%	0.11764706
5-14 years	232	6.9%	154	4.5%	-34.78%	106	3.60%	-47.83%	-0.2
15-24 years	235	7.0%	239	7.0%	0.00%	127	4.30%	-38.57%	-0.3857142
25-44 years	1,377	40.8%	1,239	36.1%	-11.52%	631	21.40%	-47.55%	-0.4072022
45-64	783	23.2%	1,129	33.0%	42.24%	1424	48.40%	108.62%	0.46666667
65 & over	635	18.8%	642	17.8%	-5.32	599	20.40%	8.51%	0.14606742
Total	3,374		3,431			2,942			
Median Age	41.1		45.4			52.3			



There are Environmental Justice (EJ) populations within the Town which are described in the 2010 Census. The EJ populations consist of Income Isolation and will be monitored by the Town. The Town Manager and Committee Chairs will provide leadership in this area. Please see the following map which locates these EJ populations within the Town geography.



Population density of the entire town is 169 persons per square mile. This calculation is based on the total population (2,942 people) divided by the total land mass of the town (17.4 square miles). However, the more accurate density calculation is to subtract the unpopulated, undevelopable land area owned by the federal government; Cape Cod National Seashore, from the total land area (17.5 – 7.95 = 9.55), and divide this developable land mass by the total population to equal 355 persons per square mile. This is the figure that the U.S. Census uses, which better reflects the compact, centralized development pattern of the town that is sandwiched between a large stretch of public land to the north and west; Cape Cod National Seashore, the town of Truro to the east, and Provincetown Harbor to the South.

Despite indications of an aging stagnant population in 1995, Provincetown is no longer one of the oldest towns on Cape Cod, though the town does still have a significant middle-aged and older



population. This suggests a need for leisure activities for both younger and older populations, as will be seen in the inventory section of this plan.

Table 3.3 Income Statistics for Provincetown

While most types of recreational facilities should be expanded to serve all residents, much of that recreation should perhaps emphasize more inexpensive opportunities. Walking trails, scenic lookouts and sidewalks may be more appropriate than active recreation facilities (such as tennis or basketball) or private health clubs. In general, passive recreation should be emphasized over active recreation to serve the needs of Provincetown, except for specific facilities for children.

The economy of Provincetown is still largely dependent upon the tourist trade. In fact, county-wide, 90 percent of jobs were in service producing industries, compared with 85 percent statewide. This includes retail trade, eating and drinking establishments, services and government. The largest employers continue to be the Town, the Stop & Shop supermarket, two motels and restaurants. Therefore, it is unlikely that industry or other large-scale commercial enterprises will enter town or consume huge masses of open space. Most new businesses will have to be small and located in existing business zones, clustered downtown.

Table 3.3 Income Year	1980		1990		2000		2010	
	Town	State	Town	State	Town	State	Town	State
Median Family Income	\$13,347	\$21,166	\$29,032	\$44,367	\$39,679	\$61,664	\$61,667	\$64,509
% Change	NA	NA	117.5%	109.6%	36.7%	39.0%	55.41%	4.61%
Per Capita Income	\$6,828	\$7,458	\$14,955	\$17,224	\$26,109	\$25,952	\$40,748	\$33,966
% Change	NA	NA	119.0%	131.0%	74.6%	50.7%	56.07%	30.88%

Commercial fishing, though always a vibrant cultural (as well as economic) asset and tourist attraction, employs fewer and fewer people each year, and the 1994 federal closure of most ground fish stocks in New England will inevitably lead to more decline, at least in the near future, until exhausted stocks can rebuild. There are no significant manufacturers or industries to provide steady, year round employment. However, there is a vibrant entrepreneurial class of artists, crafts persons and retailers. This decentralized, irregular economy renders Provincetown ever more reliant on the ability to attract, retain and expand its tourist base. Nevertheless, there are few residents who would welcome an increase in tourist numbers, particularly in the "overheated" summer months. A broadening of the active tourism season was a major goal of the 2000 Local Comprehensive Plan.

People are attracted to Provincetown because of its proximity to the water, the woods, and the dunes, the views that this proximity provides, and recreational opportunities that are incorporated by the town into the scheme of natural resources and man-made facilities. While the National Seashore beaches are large enough to accommodate a great number of tourists and remain a strong attraction, many



visitors today seek quieter enjoyment, a theme reflected in a new campaign by some Cape commerce leaders and resort owners called "ecotourism." For the Town to continue to please the economy's lifeblood (tourists), a wider variety of outdoor offerings other than the existing traditional beach-going seem desirable. Attractive and accurate maps of natural areas with walking and picnicking facilities would encourage this more low-key type of tourism. "Green tourism" is occurring on our conservation lands and could be extended to the waterfront, so it seems important that marine water quality protection should be made one of Provincetown's paramount goals. Areas that naturally suit certain marine activities, such as space for additional moorings, locations for wind surfing, etc., should be clearly identified to avoid conflicts between different uses of the water.

3.4 Growth and Development Patterns

Issues of land use and growth management have common characteristics with many other issues including open space, natural resources, transportation, capital facilities, affordable housing, and economic development. While all have significance to every town on Cape Cod and reflect common problems and objectives, Provincetown's land use and growth management scenario is particularly place-specific and defined by its unique geography and geographical location. Provincetown's compact village development pattern, peninsular location, and vulnerable natural resources are at the heart of the Town's need for growth constraint. (See map 1: Zoning District.) These geographical constraints join with local and regional interest in maintaining community and historic character and protecting and preserving scenic and natural resources. Provincetown is geographically isolated, surrounded by water and the National Seashore, and has a limited area available for development. These factors contribute to the demand for new construction and conversion and expansion of existing structures.

Historic settlement patterns, reinforced by the 4,500-acre National Seashore holdings, have effectively created a linear pattern of development. Dense development that is approximately four miles long and two miles wide has occurred along the Harbor shoreline. This developed area, with its clearly defined edges, is surrounded by protected open space. In the face of tremendous growth pressure and increasing real estate prices, land that is undeveloped or underdeveloped is at a premium. Demand for single-family residences and condominiums exceed the available inventory. Real estate has become so valuable that all properties that were formerly abandoned or unoccupied within the old part of Town have been renovated and reoccupied. However, the irony is that for the majority of the year, hundreds of condominiums and homes sit empty and unused. The challenge for Provincetown is to be creative and discover ways to stimulate owners to rent year-round and not just to visitors; therefore, saving more open space from being lost to development for affordable housing. At the present time it is financially advantageous for owners to rent to tourists for the summer season rather than to year-round renters.

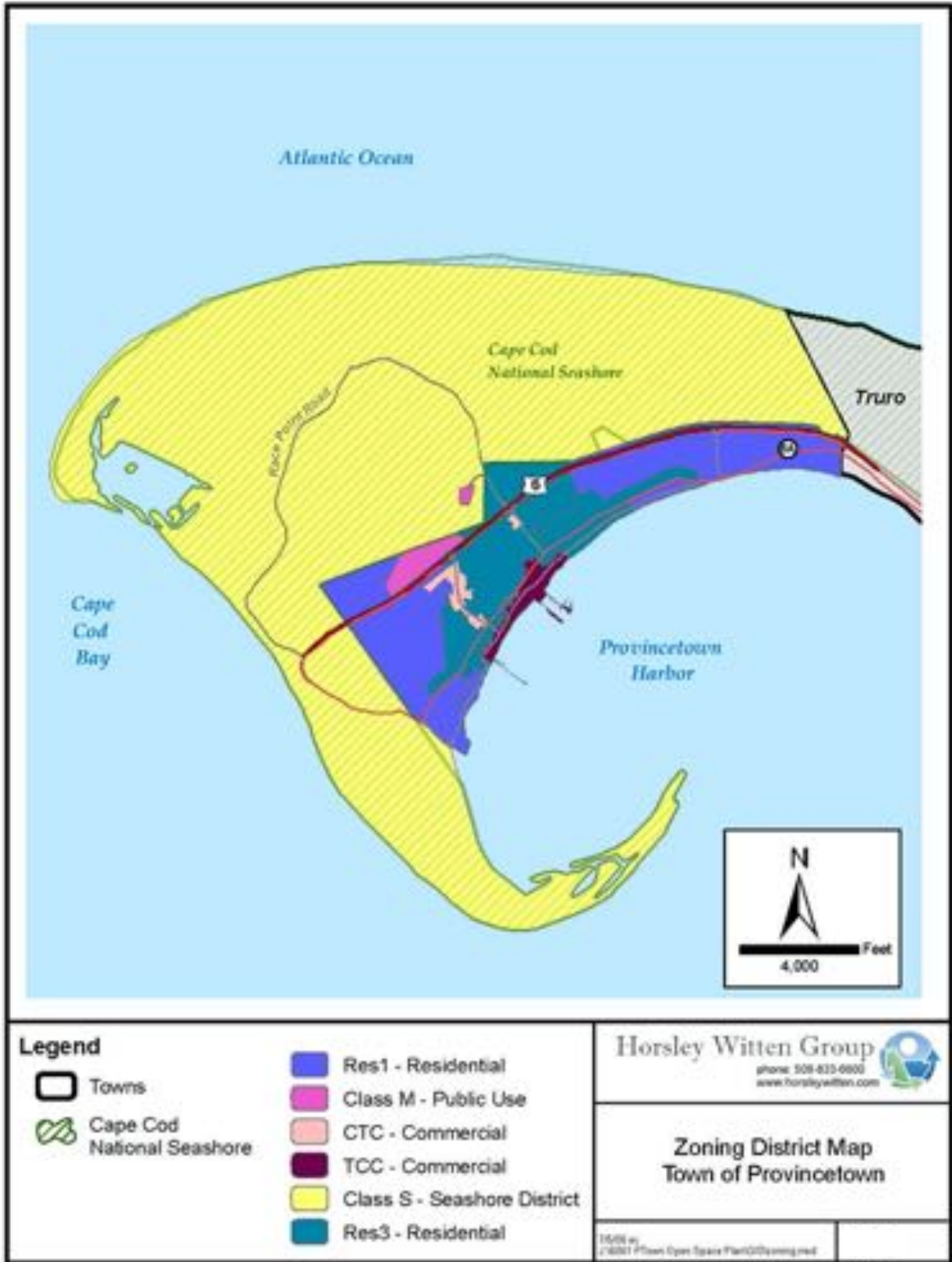
As a result of the April 2009 amendments to the Zoning By-Law, the role of the Annual Report has been strengthened by requiring that the allocations for all of the categories are now subject to this annual review process, including the Board of Selectmen's recommendations as to the amount of the Growth Limitation Goal Allocations for the upcoming year following a required Public Hearing. In particular, the Amendment to the Zoning By-Law specified that

Annually, during the Growth Management Review, the Board of Selectmen may allocate up to a specified number of gallons per day (gpd) for each of Categories 1, 2, 3, and 4, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water



withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

The Selectmen shall have the flexibility with the General Use Category 1 to distribute up to the specified gallons amongst the Use Categories 1a, 1b, and 1c based on the recommendation of the Provincetown Community Housing Council.



Map 2. Zoning District



Annual Review Findings

Section 6600 (3) Growth Management Review states that: Annually, by January 15, the Town Manager, in consultation with the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board, and Provincetown Community Housing Council (PCHC) shall evaluate the effects of growth on our resources over the past year, including but not limited to potable water supply, solid waste disposal, wastewater disposal, and the inventory of affordable housing and issue an Annual Growth Management Report to the Board of Selectmen on those impacts and their recommendations therefore. The Board of Selectmen shall hold a Public Hearing on the Report within 30 days, and make a determination as to the amount of the Growth Limitation Goal Allocations, not to exceed the assigned allocations in Section 6600 for the upcoming year. From a review of the available data, the following findings and recommendations are made:

Average Water Withdrawal

Whereas DEP’s permitted average daily withdrawal is 850,000 Gallons Per Day (GPD) (with noncompliance at 950,000 GPD) water withdrawal will be recorded at 658,923 GPD, below the permitted maximum withdrawal limit.

Table 3.4					2011/2010	Days	Days
Month	2008	2009	2010	2011	% diff	> 850,000	> 950,000
Jan	12,936,225	13,145,491	18,405,920	15,182,541	(21%)	3	2
Feb	10,601,631	12,072,346	13,525,815	14,386,412	6%	0	0
March	10,399,317	12,468,720	16,858,952	17,182,810	2%	8	5
April	14,336,603	15,514,831	16,972,565	15,875,722	(7%)	3	2
May	20,427,947	23,122,300	21,437,215	21,960,236	2%	15	12
June	26,708,665	26,578,260	28,175,326	24,618,793	(13%)	14	10
July	40,570,163	36,705,558	41,251,181	35,302,797	(14%)	27	25
Aug	40,253,421	41,446,757	42,376,841	34,183,997	(19%)	28	24
Sept	25,994,385	29,104,171	29,508,348	22,008,571	(25%)	11	8
Oct	23,487,568	22,725,236	22,845,990	17,272,303	(24%)	5	5
Nov	15,440,195	14,801,419	16,547,382	11,566,006	(30%)	0	0
Dec	12,939,375	16,115,145	15,637,233	10,966,845	(30%)	1	1
TOTAL	254,095,495	263,800,234	283,542,768	240,507,033	(15%)	115	94

The operation of the Water System in 2011 was excellent particularly during the critical summer peak period due to the efforts of the Water Department Superintendent and his staff. MassDEP’s Sanitary Survey Report showed “no violations or deficiencies” - a major accomplishment for any water system in the state. In addition, the April 14 through October 15, 2011 peak season pumpage and water use billing showed a substantial reduction in unaccounted for water – a direct result of the two-year leak management program funded by the USDA ARRA grant, supplemented with funds from a smaller MassDEP grant. Unaccounted for water for this peak period was 42% lower than in 2010 while the total amount of water pumped was 14% than in 2010.

The unaccounted for water for the entire 2011 calendar year was approximately 20% of the total water pumped, a substantial reduction from the approximately 30% UAW number for the previous two years. The 20% number that was achieved for 2011 was the goal that was set when the leak management program began and it has been achieved as planned. The success of this important program means that the Town is now in a much better position to approve in the future the maximum amount of managed growth allocations allowed by the Growth Management Zoning By Law without ever jeopardizing meeting the required MassDEP permitted Annual Average Daily Water Withdrawal Limit of 850,000 Gallons per day (GPD).



The grant-funded leak management program which began in June 2010 and is scheduled to end in June 2012 involves inspection of all of the Water System accounts in Provincetown and Truro, notification of either required or recommended corrective actions for the approximately 77% of the account owners with non-compliant services, replacement of older meters and missing meter pins by Water Department personnel, and use of state-of-the-art acoustic leak detection equipment in conjunction with the Department's auto-read program to identify major leaks and ensure that they are quickly corrected. At the end of 2011, over 97% of the accounts had been inspected and a number of compliance programs have been put in place to ensure that in the future leaks will be both minimized and identified and corrected as quickly as possible. This includes on-going Water Department inspections, education and enforcement, Department service upgrades and account owner corrective actions, and continued use of the acoustic detection equipment and auto-read programs to quickly identify problems or potential problems.

This program has been so successful in reducing the amount of unaccounted for water as required by MassDEP that the Water Department plans to continue the leak management activities after the grant funds earmarked for this purpose have been expended through the operating budget as well as the use of Capital Improvement Program (CIP) funding. These funds will be used to continue to replace missing meter pins and older meters, to relocate meters to a curb stop, and for the on-going service inspection and acoustic leak detection programs. The Water Department will continue to work with the Water & Sewer Board, to include the new members from the Town of Truro, on those non-compliance education and enforcement programs that will be needed to ensure that the amount of unaccounted for water (UAW) use can be successfully managed in the future. The MassDEP Water Management Act Permit for the new North Union Field water supply source will probably include a schedule for the Town to achieve 10% UAW in the future.

During 2011, significant progress has been made for all of the capital improvements that were proposed for funding under the several grants that the Town applied for in 2009 and 2010. The total funding to be used for these Water Quality Improvement projects is approximately \$12 million, consisting of approximately \$900,000 of grants from MCDBG, MassDEP and a \$7,364,000 grant from USDA plus a \$2,466,000 low-interest loan from USDA, and an estimated \$1.4 million of additional borrowing, with the potential for a low-interest USDA loan for most of this additional borrowing. The Water Department and the Town's engineers, Environmental Partners, have been able to program the available grant and September 2009 and April 2010 Special Town Meeting Article funds to accomplish all of the following:

1. Decommissioning of the Winslow 1 Storage Tank which was completed during 2011,
2. Construction of a raw water transmission main from South Hollow to Knowles Crossing which was completed during January 2012,
3. Construction of a water treatment facility at Knowles Crossing which is currently in final design and is scheduled to be completed by September 2013. This facility will include a water filtration membrane provided by Siemens Corporation and funded by the grant from MCDBG as well as storage and administration facilities that will improve the operational efficiency of the Water Department and
4. A new water supply source at North Union Field in Truro which is currently working its way through the permitting and final design process and is scheduled to be on line by the end of 2013. The North Union Field project involved extensive negotiations to purchase private land in Truro for the MassDEP-required water supply source buffer area (the "Zone II"), to lease the land for the new water supply source from the Town of Truro, and to secure all of the necessary approvals from the state and the Cape Cod National Seashore. The agreement with the Town of Truro to lease a 10-acre parcel owned by the town reaffirmed and revised the Inter-Municipal Agreement that had been formalized in 2004 to



include the expansion of the Water & Sewer Board to add two members from Truro who will participate as full voting members for all water system matters.

Following the necessary approval by the state legislature in 2011, the new members have now joined the Board. Once the North Union Field water supply source is on line, the Town will have fulfilled its obligation to provide for a “redundant” water supply source which will mean that the former North Truro Air Force Base wells located in the Cape Cod National Seashore will only be needed on an emergency basis in the future. The provision of this important redundant water supply source will mean that the Town will be able to approve in the future the maximum amount of managed growth allocations allowed by the Growth Management Zoning By-Law without being concerned that the Water System does not have sufficient capacity to meet its peak period pumpage needs.

Wastewater System Flow at the Plant

When originally planned over ten years ago Provincetown’s municipal sewer system was designed to serve about 350 properties with a combined Title 5 design flow of approximately 500,000 gpd. As soon as the Treatment Plant came on line in 2003 the interest in a sewer connection grew, necessitating both optimization of the downtown vacuum sewer and expansion of the collection system to serve additional areas in Phases 2 and 3. Once Phase 3 is completed in 2012, the sewer system will serve over 900 properties with a Title 5 design flow of approximately 935,000 gpd. This means that 40% of the properties in the town with nearly 60% of the Title 5 design flow will now be served by the sewer system. And, there is already a substantial amount of interest in further optimization and expansion to serve an additional 10% of the properties in town.

Phases 1 and 2 of the sewer system will serve approximately 720 properties with a Title 5 design flow of 750,000 gpd when the remaining “red-dot delay” and delinquent properties are connected. Although the Phase 3 sewer extension was originally planned in 2008 to serve about 75,000 gpd of identified interest, it has become a much larger project as a result of the January 2010 award of a \$9 million grant and a \$3 million low-interest loan from the USDA and the substantial increase in the identified interest to more than 200,000 gpd from 220 properties. Additional funding authorizations for Phase 3 were approved by the voters at both the April and October 2011 Special Town Meetings bringing the total funding provided by either the USDA grant or from betterments from new users to almost \$18 million.

When completed by the end of 2012, Phase 3 can provide for the town’s managed growth needs in the following important ways:

1. A 30% increase in the capacity of the Treatment Plant. The Treatment Plant successfully processed record flows over July 4th and during Carnival in 2011 and with the additional interest for a Phase 3 connection, will be expanded in 2012 to provide more treatment capacity. The majority of this increased capacity will be available for important future town needs including economic development, affordable housing and the other growth that is allowed under the Growth Management Zoning By-Law. This additional capacity will also provide for the town’s public health and other public service use needs as well as for future interest either through optimization of the existing collection system or through expansion of the system to serve new areas where the betterments from new users can cover the cost to serve them.
2. Freeing up of capacity along the entire length of the downtown vacuum sewer system by re-directing properties served by grinder pumps at the two ends of the sewer to new gravity sewer mains located on Bradford Street. In addition several of the larger users currently on the vacuum sewer will have their flow redirected to one of the new gravity sewer mains. The USDA grant also provided funding for a number of capital improvements on the vacuum sewer designed to improve the operation of the system during the July 4th and Carnival peak flow periods.



3. Areas to be served by the collection system once Phase 3 is completed include nearly all of the low-lying environmentally sensitive portions of town including the major commercial users, areas with cesspools or older systems and properties with small lots that would have difficulty replacing their system on site. Most of the remaining properties not served by the sewer have newer Title 5 systems and are in areas that are much less cost-effective to serve. Exceptions include the Coastal Acres Campground adjacent to Shank Painter Pond which has requested a "Phase 4" connection and those hook-up requests that would only require optimization of the existing sewer system.

AECOM and the Sewer Team are continuing to plan for the future needs of the sewer system. This includes a review of all of the interest generated from the summer 2011 outreach program as well as the identified municipal and public service needs including Maushope housing, Outer Cape Health, the proposed Police-DPW facility and the Cape Cod National Seashore's proposed new bathhouse at Herring Cove. The "life expectancy" of wastewater treatment plants is approximately 20 years before they generally need to undergo a major upgrade. Such an upgrade can take advantage of new technology and other process advances that may be able to provide for increased capacity. Should the forecasted demand exceed the capacity before the Plant would otherwise be upgraded, the Town will have a number of options including undertaking an interim Plant modification to increase the capacity before the Plant is scheduled for upgrade or moving forward the timeframe for upgrading the Plant and building in the needed additional capacity as a part of the upgrade.

There are also capital improvements that can be made to add more capacity to the vacuum system as long as the revenues from additional betterments cover the costs. According to AECOM the vacuum system should be able to handle the smaller additional flows (500 gpd or less) which includes most of the Economic Development Permit (EDP) requests either through an existing or a new vacuum structure. And for large users it will generally be cost-effective to direct the flow to one of the new gravity sewer mains. Therefore the most likely situations where capacity on the vacuum sewer could become limited in the future would be for requests to add mid-size flows (+/- 500 to 1,500 gpd) either through new connections or through EDP approvals. AECOM will be looking at all of the options for meeting the future needs of additional mid-size flows.

The planning for the future will take into account the development of vacant lots as well as other growth that can be permitted under the Growth Management Zoning By-Law. As recently amended at the October 24th Special Town Meeting, the By-Law provides for a maximum annual growth allocation of 3,750 gallons for Category 4 which includes Economic Development Permits. The maximum allowable annual growth allocations for the other categories are 2,750 for Categories 1 and 2 combined (affordable housing and the associated market rate units) and 1,870 for Category 3 market rate housing. According to the records maintained by the Town, most of the Category 4 gallons that have been allocated and used have been for properties located on the sewer system while almost none of the Category 3 gallons used have been on the sewer. Only some of the affordable housing gallons, most notably the 90 Shank Painter project, have been for properties located on the sewer. It is expected that this pattern will continue in the future. Therefore, using an average of 5,000 gallons per year of additional flow to the sewer from Growth Management Zoning By-Law allocations would seem to be a conservative estimate for future sewer capacity planning purposes. This number is higher than the average gallons per year of additional flow to the sewer from Growth Management allocations over the years for which the records have been kept.

In addition to the flow that may be allocated each year through Growth Management including the approved Economic Development Permits, there may be situations in the future when either a large municipal use exempt from Growth Management or a one-time "public service use" approved by Town Meeting adds flow to the sewer. However since approximately 10% of the Plant capacity has already been placed in reserve for plant operations, AECOM and the Sewer Team do not believe that any additional reserve would need to be set aside for planning purposes for such unknown flows.



Wastewater System Flow at the Plant

Table 3.5	2003	2004	2005	2006	2007	2008	2009	2010	2011
Jan		1,445,640	2,122,283	2,393,059	2,164,925	2,225,552	2,139,298	2,313,867	3,044,139
Feb		1,303,300	2,397,980	1,927,674	1,946,086	2,108,585	1,875,892	2,099,887	2,748,329
Mar		1,749,942	2,335,573	2,248,695	2,165,158	1,979,689	2,046,858	3,187,998	2,587,479
Apr		2,412,911	2,899,703	2,886,753	3,001,948	2,457,311	2,858,444	3,222,187	3,596,339
May		3,911,838	4,425,125	4,630,246	4,217,612	4,029,829	4,245,494	4,654,314	5,235,923
Jun		5,011,526	5,389,781	5,700,329	5,620,535	5,348,975	5,525,620	5,697,523	6,953,870
Jul	699,176	7,693,771	8,538,931	8,721,308	8,686,236	8,610,765	8,353,496	9,114,926	10,817,258
Aug	2,001,906	8,110,351	8,977,337	8,896,437	9,039,840	8,927,377	9,147,595	8,884,902	10,383,576
Sep	1,388,572	5,271,005	5,779,896	5,106,447	5,868,868	5,106,447	5,792,987	5,160,117	7,147,976
Oct	1,572,183	4,323,057	4,757,871	4,183,489	4,324,823	3,910,683	4,258,911	5,336,325	5,802,262
Nov	1,221,040	3,348,443	2,856,522	2,620,870	2,710,076	2,452,268	2,637,860	3,367,260	3,609,211
Dec	1,575,837	2,736,729	2,636,499	2,427,465	2,468,372	2,120,246	2,311,966	3,171,799	3,048,302
Total	8,458,714	47,318,513	53,117,501	51,742,772	52,214,479	49,277,727	51,194,421	56,220,105	64,975,276
July 4th	Peak Flow	--	--	360,717	353,569	352,264	290,734	377,823	426,688
Carnival	Peak Flow	--	--	349,800	349,092	349,092	356,130	420,000	423,374

Tracking Building Permits – per category

The following represents the amount of gallons issued by growth management permits in each of the five General Use Categories (Description of General Use Categories available in Attachment A) as of December 31, 2011:

Table 3.6	Starting balance	Gallons Added /returned	Gallons Used	Remaining Balance
Category 1a	6026	1650	0	7676
Category 1b	6243	0	0	6243
Category 1c	3121	0	0	3121
Category 2	3300	1100	0	4400
Category 3	1108	1870	2750	228
Category 4	29	1250	1279	0
Category 4a	3636	502	2920	1218

Affordable Housing Needs Assessment Annual Update

The 2011 Affordable Housing Needs Assessment Annual Update Report (Appendix B) was prepared by staff and provided to the Community Housing Council (CHC) in January 2012. Pursuant to Zoning Bylaw Section 6600 (1), The CHC provides the following recommendation:

The need to have a full range of affordability options in housing is a key component of any vibrant and diverse community. However fully achieving this is a very challenging undertaking that requires a long-term and ongoing commitment by that community. In Provincetown, our unique geographical location and the seasonal nature of our economy combined with an expensive housing market present us with significant challenges in housing.

Provincetown has always shown a tremendous commitment to creating a safe and welcoming environment for all. However it is critical that we continue the work to create a range of affordability in housing to ensure that we are able to attract and retain a diverse group of individuals and families that make up our workforce and our community. Two projects currently in the pipeline will provide some relief, however recent research demonstrates a continued and growing need for affordable housing in the area. We urge the Town to continue its commitment to helping meet our affordable housing needs



through the creation of new housing resources in the future. Based on the analysis of existing inventories within Growth Management for affordable housing and the anticipated demand from existing projects in the pipeline, the Community Housing Council recommends the full allotment of affordable housing gallon be placed as follows:

- 1650 gallons to Category 1a (Low Income Affordable Housing)
- 0 gallons to Category 1b (Median Income Community Housing)
- 0 gallons to Category 1c (Middle Income Community Housing)

Economic Development Assessment Annual Update

As a result of the October 2011 amendments to the Zoning By-Law, the amount of commercial growth was increased to a maximum of 3,750 gpd for General Use Category 4. The Selectmen shall have the flexibility with the General Use Category 4 to distribute the 3,750 gallons between Category 4 and 4a, projects that receive an Economic Development Permit based on inventory and demand of economic development requests.

Table 3.7 - 2011 Economic Development Activity	EDP#	Property	Gallons	Category
24-Jan-11	11-01	244 Commercial - Jonathan Williams Salon	85	85 gpd from Cat 4
28-Feb-11	11-02	15 Commercial Street - Red Inn	700	700 gpd from Cat 4
28-Mar-11	11-03	225 Commercial St - Blondies Burgers	181	38 gpd Cat 4/143 gpd Cat 4a
13-Jun-11	11-04	63 Shank Painter Rd - Sniff K9 Training	764	764 gpd from Cat 4
11-Apr-11	11-05	336 Commercial - Tiny's Restaurant	420	420 gpd from Cat 4a
14-Mar-11	11-06	206 Commercial -Nor-east Beer Garden	456	gpd taken from Cat 4
11-Apr-11	11-07	67 Bradford St - Brass Key	700	700 gpd from Cat 4a
13-Jun-11	11-08	7 Masonic Place	330	330 gpd from Cat 4a
12-Sep-11	11-09	Outer Cape Health Services	563	563 gpd from Cat 4a
Total:				4199

Recommendation

Based on the provisions of the Growth Management Zoning By-Law Article 6 staff recommends the following allocations to each category for calendar year 2012 as follows:

- Category 1a up to 1,650 gallons
- Category 1b no gallons
- Category 1c no gallons
- Category 2 up to 1,100 gallons
- Category 3 up to 1,870 gallons
- Category 4 up to 1,250 gallons
- Category 4a 2,500 gallons

**Zoning Bylaw Growth Management Categories
Section 6400 Priorities**

Growth Management Allocation Permits shall be issued on the basis of the order of use priorities listed within each General Use Category in the following Table, and within each use priority in order of the date of the completed applications. The first listed use within each General Use Category shall be the highest use priority within that General Use Category.



Section 6500 Table of Use Categories and Priorities

GENERAL USE CATEGORY 1

- 1a. Affordable Housing Units
- 1b. Median Income Community Housing Units
- 1c. Middle Income Community Housing Units

GENERAL USE CATEGORY 2

The non-affordable housing components of project consisting of:

- 2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing
- 2a2 Two-family dwellings projects / 50%-99% affordable housing/community housing
- 2a3 Single-family dwelling projects / 50%-99% affordable housing/community housing
- 2b1 Multi-family dwelling projects / 33%-49.9% affordable housing/community housing
- 2b2 Two-family dwelling projects / 33%-49.9% affordable housing/community housing
- 2b3 Single-family dwelling projects / 33%-49.9% affordable housing/community housing

GENERAL USE CATEGORY 3

- 3a. Expansions or alterations to existing residential structures or uses that result in increased Title 5 flow, not to exceed the Title 5 Design Flow pursuant to 310 CMR 15.203(2). A total of 330 gallons per year will be reserved for one bedroom per year per applicant.
- 3b. Single-family dwelling, one per lot; two family dwelling, one per lot.
- 3c. All other market rate residential projects without affordable housing components that result in increased Title 5 flow.

GENERAL USE CATEGORY 4

- 4a Projects that receive an Economic Development Permit
- 4b Non-Profit or Community Service Uses which meet a critical community need as determined by the Board of Selectmen
- 4c Boarding, Lodging or Tourist Homes, Hotel, Motel, Inn, Camp, Cabin, Dormitory Housing
- 4d All other non-residential uses, expansions or alterations to existing structures or uses and any change in use or increase in posted occupant load that results in increased Title 5 Design Flow.

The following table lists the current available housing inventory for the Categories 1A, 1B, 1C at the end of 2011:

Existing GM by Category

- 1A = <80% 7676 gpd 69 bedrooms 45%
 - 1B = <100% 6243 gpd 56 bedrooms 37%
 - 1C = <150% 3121 gpd 28 bedrooms 18%
- 17,040 gpd

As well as the unmet need for gallons within growth management:

- Need as determined by the 2006 Report: 55,661
- Remaining need after new production*: 45,541
- Existing GM gallons as of Jan 1, 2012: 17,040
- Unmet need for affordable housing: 28,501

* Includes: Seashore Pointe, Sandy Hill Lane, Herring Cove Village and 90 Shank Painter Rd

CURRENT HOUSING NEEDS ASSESSMENT:

Provincetown’s community housing needs assessments have consistently identified the need for hundreds of new units, especially rental units, at various income levels.



The 2005 Community Housing Report: identified at that time, the need for 144 units over 5 years – that is by 2010 – 96 rental and 48 ownership.

The 2006 John Ryan Housing needs assessment identified the #1 housing priority need for 200- 250 rental units, plus 40 ownership units, plus 24 rental units for seniors for a total number of 264 – 314 units.

So what have we accomplished since then:

Rental units in the pipeline:

Table 3.8 PHA WAIT LIST	8/31/2008	12/31/2009	Increase	% Increase
Elderly	39	56	17	43.59%
Under 60 Disabled	44	60	16	36.36%
AHVP	7	7	0	0.00%
1-Bedroom	17	23	6	35.29%
2-Bedroom	51	85	34	66.67%
3-Bedroom	47	69	22	46.81%
Total	205	300	95	46.34%
Total local	36	48	12	33.33%

Construction has begun at the Town’s development at Province Landing at 90 Shank Painter Road for 50 rental units and will be complete in 2012.

Construction has begun at Community Housing Resource’s development at 83 Shank Painter Road for 15 rental units and will be complete in 2012.

That same private developer is pursuing the development of approximately 23 new rental units at Stable Path. Zoning approval has been obtained, the project is awaiting funding.

Ownership units: 16 new units in total are complete:

- New England Deaconess – 9 moderate income are complete.
- Sandy Hill Lane – 4 moderate income [plus 8 median income units].
- Herring Cove Village – 3 moderate income units.

EXISTING PROJECTS IN THE PIPELINE

It was originally thought that the two existing affording housing projects in the pipeline (90 Shank Painter and Race Point Road) would consume nearly all (approximately 75%) of the existing inventory of gallons within growth management. Since then both projects have been scaled back considerably. Shank Painter Rd has reduced the overall number of bedrooms while increasing the number of units by providing more one bedrooms. Race Point Road needed to redesign the proposal based on the unavailability of sewer and thus significantly reduced the over number of bedrooms and and units within the development. We now anticipate the demand for gallons to be as follows.

Waiting Lists:

The Housing Authority maintains a waiting list for their low and moderate income units. The wait list for elderly housing is 5 years; for family housing - 7 to 10 years. Generally speaking there is a very low turnover in available units; typically one or two vacancies per year. 2010 saw an unusual 4 vacancies.



In accordance with state regulations there are preferences for emergencies such as homelessness, for veterans, and for locals.

Table 3.9	90 Shank Painter Issued January 2010	Race Point Road ZBA approval issued 2011 (project pending funding)	Total of pending gallons	January 2012 Balance	Balance after pending gallons
Category 1A:	70 bds x 110 = 7700	33 bds x 110 = 3630	3630	7676	4046
Category 1B:		10 bds x 110 = 1100	1100	6243	5143
Category 1C:				3121	3121
Category 2:		14 bds x 110 = 1540	1540	4400	2860
Total	7700	6270	6270	21,440	15,170

SUBSIDIZED HOUSING INVENTORY:

Another measurement of Provincetown’s progress is the state’s Subsidized Housing Inventory, DHCD maintains a Subsidized Housing Inventory (SHI) of every community’s affordable housing units. The SHI lists every community’s stock of deed-restricted low or moderate income housing that meets their guidelines. It does not include median units and it does not include low/moderate income units that did not follow their guidelines. This inventory is updated by the communities every 2 years. The most recent update for the Town of Provincetown on 8/31/11 has us at 5.84%, the equivalent of 124 units. The minimum goal is 10% - or 213 units for Provincetown. Some units are deed-restricted in perpetuity, others have expiration dates which means that the percentage on the inventory is always changing as deed restrictions expire.

With the completion of both Shank Painter Projects, we will have 184 deed-restricted affordable units bringing us to 8.67%. With the completion of the Stable Path project and the addition of 18 new units, we will have 202 units [9.52%]. Assuming no units expire, we will need 11 more deed restricted affordable units to reach the 10% threshold.

Provincetown has a combination of municipal sewage collection, and various types of on-site septic systems, including cesspools, "improved" cesspools, Title 5 systems, and tight tanks. All on-site systems must meet federal, state, regional, and local requirements. Title 5 regulations of the State Environmental Code, enforced by the local Board of Health and the state Department of Environmental Protection (DEP), represent the major regulatory standards for Provincetown. Design standards for on-site septic systems include requirements for setbacks, maximum design flows, restrictions for flood zones, and variance procedures. Provincetown also has many existing subsurface systems in V Zone flood areas that would not be permitted under current Title 5 requirements. Enforcement of Title 5 (through upgrading) occurs when repairs are necessary or when structures are altered or sold (unless the system is operating effectively and passes inspection).

Over the past decade, Provincetown has developed and implemented a unique municipal sewer collection and treatment system. The system is "growth neutral" by limiting the number of connecting properties. What is unique about their approach is the amount of choice and flexibility that was provided to property owners. Through the establishment of special state legislation; a "checkerboard" district, properties with on-site systems that complied with Title 5 were allowed to hook-up, if they wished. These properties’ sewer connection would be limited to its Title 5 design flow capacity or



actual flow resulting from its current legal use of the property, whichever is greater. This could allow for greater use than strict Title 5 compliance would allow. Systems that could not comply with Title 5 were allowed to delay connecting if their on-site system was not in failure. An administrative consent order was issued allowing property owners with failed systems to set aside escrow funds to pay for their sewer betterments, rather than having to use those funds to upgrade septic systems that would soon be abandoned. The collection and treatment system is paid for only by those properties which connect to the sewer through another change in state law.

Provincetown's roadway layout reflects its historic past, when horse-drawn vehicles serviced the working waterfront. As the Town grew it spread out along the waterfront with Commercial and Bradford streets developing as the main streets. As the Town's popularity as a tourist destination grew automobile and pedestrian traffic began to place tremendous burdens on the small-scale streets, especially in the downtown area. Road expansion and other improvements have not accompanied changes in use and increasing numbers of cars and pedestrians to the circulation system. Current problems during the summer include difficulty in parking cars, conflicts between pedestrian and automobile traffic and difficulty getting in and out of Provincetown. According to the Local Comprehensive Plan, roadway improvements should minimize congestion without expanding road capacity, in keeping with the existing scale and character of the Town. This would also allow for the flexibility for increased open space and recreational opportunities in the Downtown and more congested areas of town where residents and visitors tend to walk.

The Provincetown Transportation Center Master Plan calls for the encouragement of a lesser dependency on automobiles in town, particularly in the downtown center, and concentrating on improvements that expand pedestrian and bicycle capacity and safety rather than automobile capacity on local roadways. This would increase the opportunity for residents and citizens to visit open space and recreation areas without the use of automobiles and, therefore, a need for parking at these areas.

Although roads are undersized to serve current or future needs, lack of access has not served as a hindrance to growth. Town roads connect most areas and their long established pattern leaves few areas of Provincetown far from public roadways. There are very few landlocked parcels, again because of the lack of interior lands cited earlier. Provincetown cannot rely on the inadequacy of its roads to prevent growth.

Provincetown Harbor is home to a very busy seasonal water transportation service, primarily, private ferry and water taxi operations. Various ferry services transport passengers from Provincetown to Gloucester, Boston, and Plymouth. Combined, their current daily seasonal capacity offers the potential of delivering 1,725 car-less visitors to Provincetown. This would alleviate congestion on Provincetown roadways and the potential need for some roadway expansion.

Provincetown Municipal Airport is a 378-acre facility with parallel taxiways surrounded by the Cape Cod National Seashore. Parking is provided at the airport for both commuter and private aircraft. The number of operations peaks in the summer but an increasing number of off-season flights is needed by year-round residents. Air travel to and from Provincetown reduces Cape-wide road congestion, as well as providing more convenient and expedient off-Cape travel options. Extensions to the runway in order to accommodate larger, 19 to 30 passenger aircraft, and improvements to the water supply, septic system and emergency equipment have been discussed in the Local Comprehensive Plan.



There are few places immune to development in municipal Provincetown. The Town has assumed that development will continue to consume open spaces throughout town. Since physical impediments have not stopped development, legal and political will must be used to abate growth and preserve open space. However, the Town is currently limited in staffing and; therefore, its ability to adequately review development projects. Provincetown does not have a Town planner or a Town engineer, and often relies on conservation and building department staff alone to review and comment on proposed development projects. Short and long-term growth and open space planning typically does not occur within the local government, even with the establishment of the new growth management bylaw, and often outside assistance must be solely relied upon.

The ability of the town's infrastructure to absorb such long-term growth is questionable at best, threatening a choke hold on traffic, a strain on natural resources and potential loss of Provincetown's small town atmosphere. It is unlikely that open space set aside will grow swiftly with development; unless open space is preserved through cluster zoning or significant new purchases of open space are made. The preservation of the limited remaining open space is an important way to manage growth, in addition to preserving resources.

Development takes its toll on Provincetown's fragile ecosystems. Non-point discharges from septic systems that have not been connected to the municipal sewer system, are sources of contamination of water resources. Although the Town has made great effort in providing treatment of stormwater runoff, discharges from new and existing development continues to affect water resources. Provincetown's high water table, concentrated development pattern and vulnerable location magnify the potential impacts of groundwater contamination on surface water bodies and human health. Provincetown is unique in the barrier beach habitat it provides, and the Pamet lens plays an important role in balancing this fragile and unique system. Protecting open space resources and acquiring additional open space (natural lands) in adjacent to groundwater resources is a critical element in protecting drinking water sources and important ecologically significant areas.

SECTION 4: ENVIRONMENTAL INVENTORY & ANALYSIS

All of Provincetown's surface water bodies, including its harbor, ponds, wetlands, and the shoreline, are sensitive resources. The majestic dunes within and surrounding the Town are also vulnerable. While some of these features are contained within the National Seashore holdings, others are not. Provincetown is one of the top two towns in the state listed as having the greatest density per square mile of state-listed rare species.

The town's natural resources, physical development, and social structure create unique problems and opportunities for open space/conservation and recreation planning. This section examines how these features influence policy.

4.1 Geology, Soils, and Topography

Provincetown is a barrier beach. Unlike all the other Cape Cod towns, which are primarily composed of glacial deposits (sands and gravel laid down as outwash plains or pushed up into moraine ridges by the Wisconsin Glacier 15,000 years ago), Provincetown is underlain entirely by shifting sands and is much younger (less than 5,000 years old) than the rest of the Cape, geologically speaking. (See map 2: Soils and Geologic Features.) After the retreat of the glacier, sea level rose and, by 6,000 years ago, the ocean began to lap at the bluffs of Truro, eroding them with storm-driven waves. Some of the



eroded material was carried offshore to form the long, steep bars, which have caused so many shipwrecks off the Cape's backshore; the remaining eroded sand was transported to the north and west by lateral, longshore currents. A spit or hook formed and continued to build off what is now Truro's High Head. The hook grew in width from south to north, so the oldest part of Provincetown is the south side or downtown area. As waves laid the platform for Provincetown's substructure, wind created the superstructure: dunes. The prevailing northwest wind, which howls unimpeded from the Atlantic throughout the winter, blew the sand into parabolic dunes, whose leading edges, called slip faces, are very steep (34° angle of repose for unvegetated sand) and generally face southeast. Behind these slopes are blowout depressions, which, if their bottoms are low enough, fill with groundwater to become ponds or freshwater wetlands.

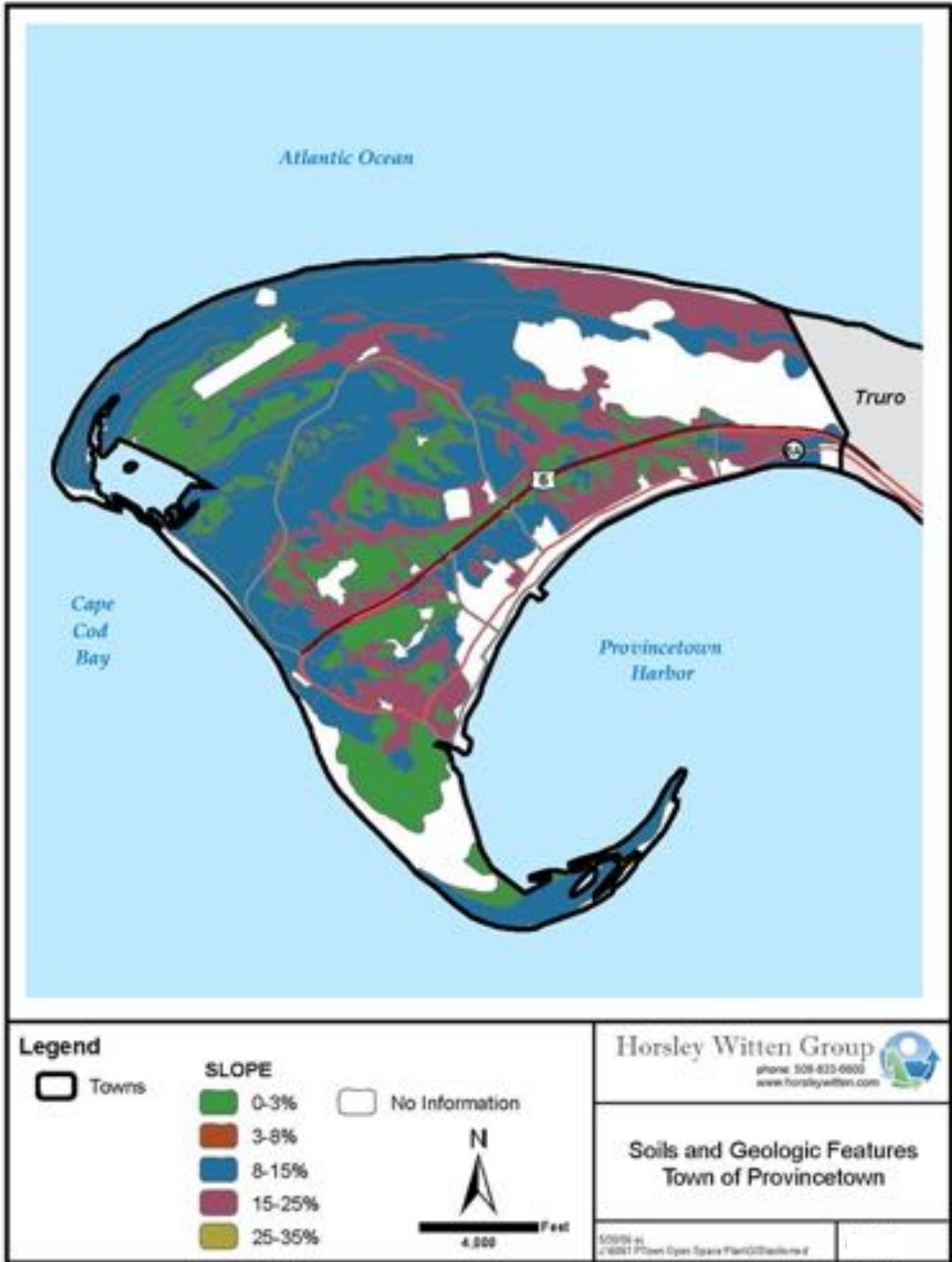
The shifting of the dunes has caused problems throughout Provincetown's history. Even though most of Provincetown was originally stabilized by vegetation, and a thin veneer of topsoil began to accumulate over it, supporting upland forests, the colonists soon stripped the timber from the woods and the topsoil blew away, leaving loose, white sand. As early as 1714, Provincetowners voted to prevent the felling of trees and later, around 1740, to prevent cattle and horse from grazing the dunes in an effort to prevent desertification. The utility of East Harbor (sometimes known as Pilgrim Lake) was diminished as sand encroached into the embayment, silting in the depths. Wetlands and woods have been buried by migrating dunes (for example, Beech Forest off Race Point Road). Maintenance budgets for highway crews (both state and town) still include funds for plowing sand off roadways.

The dunes in the downtown area exhibit the same essential features as the classic ones in the National Seashore, but they are older, relatively stabilized by vegetation and retaining walls and more manipulated by development. Still, the remaining undeveloped slip faces in particular pose significant development obstacles due to erosion and aesthetic issues, while at the same time being very attractive for residential development owing to the magnificent water views they afford.

Twenty of the dune hills are about 100 feet in height; downtown, the highest is High Hill (100 feet) under the Pilgrim Monument and the second is Telegraph Hill in the West End at 98 feet, which had a subdivision development approved in 1994. In 1991 Town Meeting voted to establish a High Elevation Protection District to preserve high elevation dunes which are of natural scenic beauty important to the tourist base of the Town and which present serious concerns regarding the consequences of erosion. Areas above the 40-foot elevation have stringent performance standards for new construction to prevent erosion and visual intrusion.

The soils of Provincetown are uniform. They are all derived from beach deposits: sands and small gravels from the cliffs of Truro. There are no boulders in Provincetown because they are too heavy to have been transported alongshore by waves and currents. In the wetlands, organic decay has formed the acidic material and peaty soils typically found in wetlands. These areas present sewage disposal difficulties due to their lack of percolation capacity. The coastline is flat and subject to flooding along most of the length of Commercial Street, the street fronting the shore.

To date, neither soils nor topography, with the exception of wetlands, has proven to be an effective impediment to development. Retaining open space by relying on natural development constraints is not a realistic approach in Provincetown.



Map 3. Soils and Geologic Features



4.2 Landscape Character

The most appealing aspect of Provincetown's landscape is its 21.3 miles of coastal shoreline (all but three miles of it in the National Seashore) and the scenic backdrop formed by the high, steep dunes and forest. The human eye delights in scenes where land meets water, and it does so in Provincetown with dramatic frequency and variety. Provincetown has 333 acres of salt marsh (almost all in the Seashore) and the broad sweep of these "meadows", as the colonists knew them, is breathtaking from the West End Breakwater. The scene at Race Point Beach is bolder, with frequent large waves breaking in a curl down the long beach.

The more intimate shoreline scenes are prized as well, such as the narrow inlet to Hatches Harbor (a good place to glimpse harbor seals). The large tidal range (ten feet on Cape Cod Bay, three to four feet elsewhere) assures different perspectives even at the same location. In a popular photograph book, *A Summer's Day*, Joel Meyerowitz trains his camera lens on the same spot out his Provincetown waterfront window over the course of a day and tides and moods. And while the tops of dunes are marvelous to get panoramic views from, the bottoms of dune blowouts adjacent are fascinating places in which to hide from the pressing world.

The best places to get a view of Provincetown are from its high tops, such as Pilgrim Monument, Mount Ararat, Mount Gilboa (recently the top of Mt. Gilboa has been blocked with a safety utility fence due to municipal and commercial activity, making the view no longer available), Telegraph Hill (once a woodland area, this area is now developed with large private homes and is not as accessible for viewing), and Race Point Visitors Center, and its extremities, including MacMillan Wharf, Wood End, and Long Point.

The scenic quality of the Provincetown coastline was underscored in the Massachusetts Landscape Inventory, conducted by the Department of Environmental Management. A greater percentage (about three-quarters) of Provincetown was ranked highly than any other town on the Cape. The survey classified the entire National Seashore in Provincetown as a "Distinctive" landscape (the top category statewide, including only four percent of the Massachusetts land mass) or as "Noteworthy" (the second highest ranking, consisting of only five percent of the statewide land mass). Ironically, the survey did not include urban areas as prized "landscapes", but clearly the downtown of Provincetown is a visually distinctive part of Massachusetts. The mix of historical architecture, cultural diversity and natural splendor is what attracts many tourists to Provincetown.

4.3 Water Resources

The town of Provincetown is located at the tip of the Cape Cod Watershed. The watershed is surrounded by the salt waters of Buzzards Bay, Cape Cod Bay, the Atlantic Ocean, and Nantucket Sound. It lacks the characteristic, large rivers and associated tributary systems common to the other watersheds of Massachusetts. Only a few small freshwater streams can be found in the Cape Cod Watershed, but lakes and ponds are abundant¹: These "kettle hole" ponds were formed when receding glaciers left large ice formations partially buried in the surrounding sediments, and when they melted depressions remained filling with water. Groundwater within the watershed is naturally low in nutrients

¹ Massachusetts Executive Office of Environmental Affairs, Cape Cod Watershed Water Quality Assessment Report (2002).



and is slightly acidic. The groundwater system is the most important freshwater resource on Cape Cod.

A large portion of the town includes the Cape Cod National Seashore. The Seashore is comprised of 40 miles of pristine sandy beach, marshes, ponds, and uplands support diverse species. Watershed characteristics of the Seashore, which is located within the town of Provincetown, include forests of pitch pine, heathlands, wooded swamps and freshwater marshes within the riparian areas of grasslands and dunes.

Provincetown Harbor is a subwatershed of the Cape Cod Watershed, located alongshore of the towns of Provincetown and Truro. There are ten state recognized freshwater ponds that contribute to the subwatershed (as groundwater outflow). Land uses within the subwatershed vary from protected natural areas to residential to commercial with limited industrial. Currently there are two 21 E sites located within the subwatershed. There are also two solid waste sites located north of Route 6, outside of the densely developed downtown, close to the town’s largest dissemination of Kettle Ponds. Although there are no drinking water source Zone II locations (primary recharge area for drinking water supply), there is one Interim Wellhead Protection Area (IWPA) in the subwatershed. The Massachusetts Department of Environmental Protection defines IWPA’s as the area encompassing a half mile radius around a public supply well that does not have a delineated Zone II.

There are no named rivers or creeks but vernal pools do exist in the watershed and need to be further delineated. The subwatershed, includes Kettle Ponds, Coastal Wetlands, and Inland Wetlands.

4.3.1 Salt Water Bodies

Table 4.1 - Provincetown Harbor Water Quality Assessment EPA Status Reporting Year 2010			
The overall status of this waterbody is Impaired.			
<u>Designated Use</u>	<u>Designated Use Group</u>	<u>Status</u>	
Aesthetic	Aesthetic Value	Not Assessed	
Fish Consumption	Aquatic Life Harvesting	Not Assessed	
Fish, Other Aquatic Life And Wildlife	Fish, Shellfish, And Wildlife Protection And Propagation	Not Assessed	
Primary Contact Recreation	Recreation	Good	
Secondary Contact Recreation	Recreation	Good	
Shellfish Harvesting	Aquatic Life Harvesting	Impaired	
Provincetown Harbor Causes of Impairment for Reporting Year 2010			
<u>Cause of Impairment</u>	<u>Cause of Impairment Group</u>	<u>Designated Use(s)</u>	<u>State TMDL Development Status</u>
Fecal Coliform	Pathogens	Shellfish Harvesting	TMDL completed



As previously discussed, the town's landscape character and 21 miles of salt water shorefront are the primary focus of informal outdoor activities and form the background for the town's tourist based economy, including swimming, fishing, shellfishing, hunting, and boating. These activities are spread throughout the town's marine areas: Provincetown Harbor, the Moors (West End), Herring Cove, Hatches Harbor, and the open Atlantic. Major public bathing beaches are at Herring Cove (New Beach) and Race Point Beach. The primary boat anchorage is located inside the Breakwater around MacMillan Wharf. Smaller boats are moored all along the harbor front, though, due to the extensive ten foot tidal range in the harbor, many of these boats sit high and dry on the flats at low tide.

Surfcasting for bluefish and striped bass is a popular pastime along the Outer Beach from Truro to Race Point. Recreational fishermen use off road vehicles (ORVs) on the Beach to reach more remote fishing spots. As part of its agreement to allow continuity of access for Provincetown residents and others, the National Park Service has allowed ORVs on this section of beach, while restricting portions during nesting season in order to protect piping plovers and least terns. There are nine town landings on the salt water shorefront. Only one of these has a paved ramp for boat launching at high tide (55-57 Commercial St., West End). The Town has compiled an inventory of these public landings in an effort to prevent private encroachment. Nevertheless, the ability to get to the waterfront is severely limited by the lack of parking at all of the landings. Also, the landings are not well distributed; there is no defined public access to water in the East End east of Conwell Street. Finally, the intense development along the waterfront precludes most opportunities to create new landings.

Provincetown Harbor was on the 2010 Massachusetts 303(d) List of Impaired Waterbodies for pathogens, meaning that the water body is not expected to meet surface water quality standards after the implementation of technology-based controls and requires the development of Total Maximum Daily Load study for pathogens. This is reflected in beach closures at Breakwater Motel, Johnson Street, Kendall Lane, Ryder Street, and Beach Point beaches due to high enterococcus bacteria counts after a storm event. Although most of the shellfish growing areas in Provincetown Harbor are approved according to the Department of Fish and Game, Division of Wildlife, the area around MacMillan Wharf is closed and parts of the harbor to the east and south of this prohibited section are conditionally approved.

4.3.2 Fresh Water Bodies

There are no navigable freshwater rivers or streams in Provincetown. The town's primary freshwater resources are its ten state-recognized ponds, totaling 94 acres of surface area (see Table 4.1). Most of these ponds are located in the triangle created by Race Point Road, Province Lands Road and Route 6 in or near the National Seashore. (See map 3: Drainage Boundaries.) Three of the ten ponds are greater than ten acres in size, which classifies them as Great Ponds of the Commonwealth and means the public owns them and is entitled to access, while other ponds can be owned privately by surrounding landowners and public access can be prohibited. Provincetown's Great Ponds are Clapps, Shank Painter and Great Ponds. There are at least 15 other "pondlets" which look like small ponds during high groundwater periods, but are primarily vegetated wetlands. (CCNS = pond is in Cape Cod National Seashore, public domain; PCT = Provincetown Conservation Trust owns adjacent land.)

The entirety of 40-acre Clapps Pond is owned by the National Park Service (the northwest quarter of the pond) and the Massachusetts Department of Fish and Game (DFG), Division of Wildlife (remaining three-quarters), though the town owns some abutting wetlands. The DFG maintains a dirt access off



Route 6 to the southwest corner of the pond for launching of small boats. A 1982 DFG description of the pond describes it as a very shallow, extremely weedy, warm water pond. The pond is so weedy as to be swamp like and is characterized by very dark water having a transparency of one foot. The bottom is muck and the two miles of shoreline are undeveloped. The pond is very difficult to fish because of the weeds. Nevertheless, a recreational fishery for largemouth bass and chain pickerel exists here and other species include pumpkinseed sunfish and brown bullhead. This less than glowing description of the pond's "utility" belies the scenic beauty of the area and the small quaking bog found there. Many people enjoy the recreational activity of walking on the sandy fire-road that surrounds the pond with its magnificent views.

From 1870 until the turn of the century, Bennett's Pond and Webbers Pond were used commercially as ice ponds. Mr. Bennett capitalized on the era's demand for fish kept fresh by freezing rather than drying/salting and grew his business to 5,000 tons of pond ice cut, stored and delivered annually from the shores of these ponds. He employed up to 120 men during the winter harvest. Clapps Pond is the only pond with a practical shallow-draft boat access point, the dirt landing, provided by the Massachusetts Department of Fish and Game, off Route 6. No pond is suitable for swimming, owing to lack of depth and weedy bottoms. Fishing is conducted sporadically at Clapps and Shank Painter Pond, though no ponds are stocked with trout or other sport fish, again due to lack of appropriate habitat.

The ponds in Provincetown are not classic kettlehole ponds, formed elsewhere on the Cape as deep depressions in the glacial outwash left by stagnant ice blocks. Rather, they were formed by dune blowouts induced by storm winds. All are isolated; that is, they do not drain to the sea. These ponds, dependent solely on the fluctuation in the water table for their own surface level, often expose a wide shore during the summer when the water table is low. These exposed shorelines comprise the unique

Table 4.2 Pond Name	Surface Acreage	Max. Depth (ft.)	Shore Length (miles) Activities	Public Access*
Clapps Pond	40	4	1.8. Fishing, hunting	off Rt. 6
Shank Painter Pond	15	3	1.2	none
Great Pond	10	<3	0.7. Nature study,	CCNS
Grassy Pond	6	<3	0.4	CCNS
Pasture Pond	6	<3	0.5	CCNS
West Shank Painter Pond	5	<3	?	none
Bennett Pond	5	<3	0.4	CCNS
Duck Pond	4	<3	?	Route 6
Clapps Round Pond	3	<3	0.1	CCNS
Jimmys Pond	2	<3	?	PCT

habitat called "Coastal Plain Pond Shores" which harbor rare and endangered plants, such as golden club and long-beaked bald rush. There are no anadromous fish (herring) runs in town.

The significance of Provincetown's ponds lies not in their recreational importance, as is the case in other Cape Cod towns, but rather the fact that they are the town's primary sites for rare plant and animal species and should be protected as sensitive habitat.

4.3.3 Surface Water Quality



All of Provincetown's waters are generally of high quality, though problem spots exist. The Massachusetts Department of Environmental Protection lists all of the marine (salt) waters of Provincetown as Class SA, the top salt water ranking, meaning they are an "outstanding resource" whose purity should be suitable for all types of water recreation, including swimming and shellfishing. All freshwater ponds are included in Class B, the top freshwater ranking for ponds not used as a source of a public drinking water supply. These ponds must be maintained at a high level of purity and cannot be degraded by point source discharges. Freshwater ponds on the Cape tend to be naturally acidic due to a lack of alkaline materials in the soils, and accelerated acidification seems apparent in several ponds.

Water chemistry measurements made during a 2011 & 2012 survey of Shankpainter Pond did not reveal any unusual conditions. Dissolved oxygen was relatively uniform throughout the water column (surface to 3-ft depth), ranging from 8.2 to 9.1 mg/L or 88.3-104.8% saturation. Specific conductance ranged from 147 μ S to 176 μ S, within the range of values measured in 2011. Water temperature ranged from 18.8 °C on the bottom in the morning at the eastern measurement location to 20.9 °C at the surface in the afternoon at the western measurement location.

Shankpainter Pond, though unique in its size, location, and distinction of being the largest quaking bog on a barrier beach, is typical of quaking bogs in that it is a natural community in transition. The natural course of events for this type of community is a progression toward a shrub swamp, with less and less open-water habitat and colonization and expansion of more typical wetland and then terrestrial vegetation. This process typically takes decades to centuries to occur, but evidence of its occurrence at Shankpainter Pond is obvious. The numerous and expansive floating root masses and sections of what was once pond bottom are being actively colonized by emergent macrophytes and woody shrubs. Much of the open-water area of the pond is now shallow enough for emergent vegetation to root and grow to the surface. As this process continues, it will also likely increase in pace, so change in the system will likely occur at a noticeable pace. This is a natural process, so change in the pond is not in itself an undesirable outcome. However, given the uniqueness of Shankpainter Pond in the overall landscape of the region, it is important to ensure that any changes that do occur within the Shankpainter Pond ecosystem are not the result of human generated impacts.

4.3.4 Floodplains

Provincetown participates in the Federal Flood Insurance Program, which requires that new shorefront development meet engineering standards for floodproofing. Flood velocity zones or V-Zones, land areas where storm surge or direct wave action occurs, are found along the shore of Provincetown Harbor. State and local wetlands protection legislation should help prevent future development in this high hazard area. The Town also is a participant in the Community Rating System which is a voluntary hazard mitigation program that affords the Town a reduced flood insurance premium rate based on documented activities that reduce the risk of flood damage and flood hazards within the community. As of 2012, the Town of Provincetown receives a 10% reduction in flood insurance rates for the voluntary activities it has conducted.

Landward of the velocity zones are other flood prone areas (A-Zones) in which standing waters can be expected during 100-year storm events. These areas consist mostly of salt marshes and shorefront uplands up to about the 15-foot contour. Both commercial and residential developed areas occur in the A-Zone, including the Municipal Parking Lot and Town Hall Square. Hurricanes are typically



associated with storm damage, and 1991's Hurricane Bob caused havoc in Provincetown. Erosion from the intense waves and winds of Northeasters, such as the Great Storm of 1978 and the Halloween Storm of 1991 can cause property damage by undermining the revetments and seawalls. Other more recent storms such as Hurricane Earl in 2010 and Hurricane Irene in 2011 caused some street flooding and loss of power. In 2012 and 2013 hurricane Sandy and winter storm Nemo caused significant beach erosion, flooding and property damage. In fact, Provincetown is vulnerable to any storm from the east (northeast to southeast). Long Point and the Breakwater help to protect downtown from westerly storms. Protecting our wetlands and forest affords protection from flooding and wind damage. Wetlands absorb flood-waters lessening the impact of a storm. Forests protect us from erosion as well as wind damage to structures.

In coming decades, flooding and erosion will be increasingly exacerbated due to relative sea level rise. This phenomenon, the result of land submergence and ocean expansion from climate change, could result in the loss of between 10 and 33 acres of upland in Provincetown by the year 2025. These areas will basically coincide with the 100-year floodplain and the downtown shorefront. Sea level rise will also mean an increase in the severity of storm damage. At the same time, Race Point will continue to experience accretion or build-up of sediment transported alongshore from Truro.



Map 4. Drainage Boundaries



4.3.5 Wetlands

Wetlands, both fresh and salt water types, are the food factories, underwater gardens and habitat for most of Provincetown's wild animals. Fortunately, Provincetown is blessed with a diversity of wetland, in type, size and distribution, scattered evenly throughout the Town (see maps 4 and 5 for reference.) To promote healthy wetlands and wildlife, it is important to protect our uplands as well. Many species that breed in the wetlands will live in the uplands; and many species that breed in the uplands will live in the wetlands.

A 1990 University of Massachusetts study found that Provincetown had 271 acres of freshwater wetlands, no cranberry bogs and 384 acres of saltwater wetlands. A 1985 Massachusetts Coastal Zone Management report identified 332 acres of salt marsh in Provincetown, located at Hatches Harbor and behind the West End Breakwater. This difference in salt marsh acreage figures is due to differences in methodology, not change in area. A salt marsh's high biomass makes it excellent habitat for birds, shellfish, and finfish nurseries. Efforts have been made by the National Park Service to reestablish salt marsh east of the Hatches Harbor dike by reintroducing tidal flow, but a compromise was needed to allay concerns about flooding the Provincetown Municipal Airport.

The 2005 Provincetown Wetlands Master Plan by Sterns and Wheeler, LLC identified and documented 60 freshwater/inland wetlands and vernal pools outside of the Cape Cod National Seashore. As with Provincetown's ponds, most freshwater wetlands are dependent on water table fluctuations, rather than surface runoff, to ensure the soil saturation necessary for wetlands plants. Most wetlands are at low elevations, close to the water table and the sand and gravel soils readily transmit groundwater through wetlands. Wetlands play an important role in filtering out contaminants from freshwater and reducing flooding during major storms.

Quaking bogs mats of vegetation floating on the surface of a waterbody'-are uncommon in general and very unusual on a barrier beach system, such as Provincetown. The 20-acre plus bog on Shank Painter Pond is the largest known quaking bog on a barrier beach system in the world. Smaller quaking bogs occur at Clapps Pond, Jimmy's Pond, in the white cedar swamps and in a small bog between Clapps and Duck Ponds.

The 1990 Critical Habitats Atlas for Cape Cod identifies five separate wetlands dominated by Atlantic White Cedar (*Chamaecyparis thyoides*) in Provincetown. These forested wetlands, all in the East End, are highly acidic and are uncommon throughout the Cape and the Provincetown cedar swamps are the single known occurrence of this tree on a barrier beach system in New England. (See map 5: Unique Landscape Features.) These areas were once much more extensive before the trees were harvested in earlier centuries. Most of the cedar swamps are privately owned. The Provincetown Conservation Trust owns and protects 1.4 acres of cedar swamp at Somerset Heights.

Vernal pools were officially recognized as critical habitat in 1987 when the Massachusetts General Court amended the Wetlands Protection Act to include their protection. These small temporary ponds are crucial breeding grounds for woodland amphibians, such as Eastern Spadefoot toads and salamanders. Three vernal pools (all in the National Seashore) have been documented in Provincetown so far, but not all the town has been inventoried yet. These small isolated wetlands can be expected to be found throughout the town owing to its steep hill and swale topography.



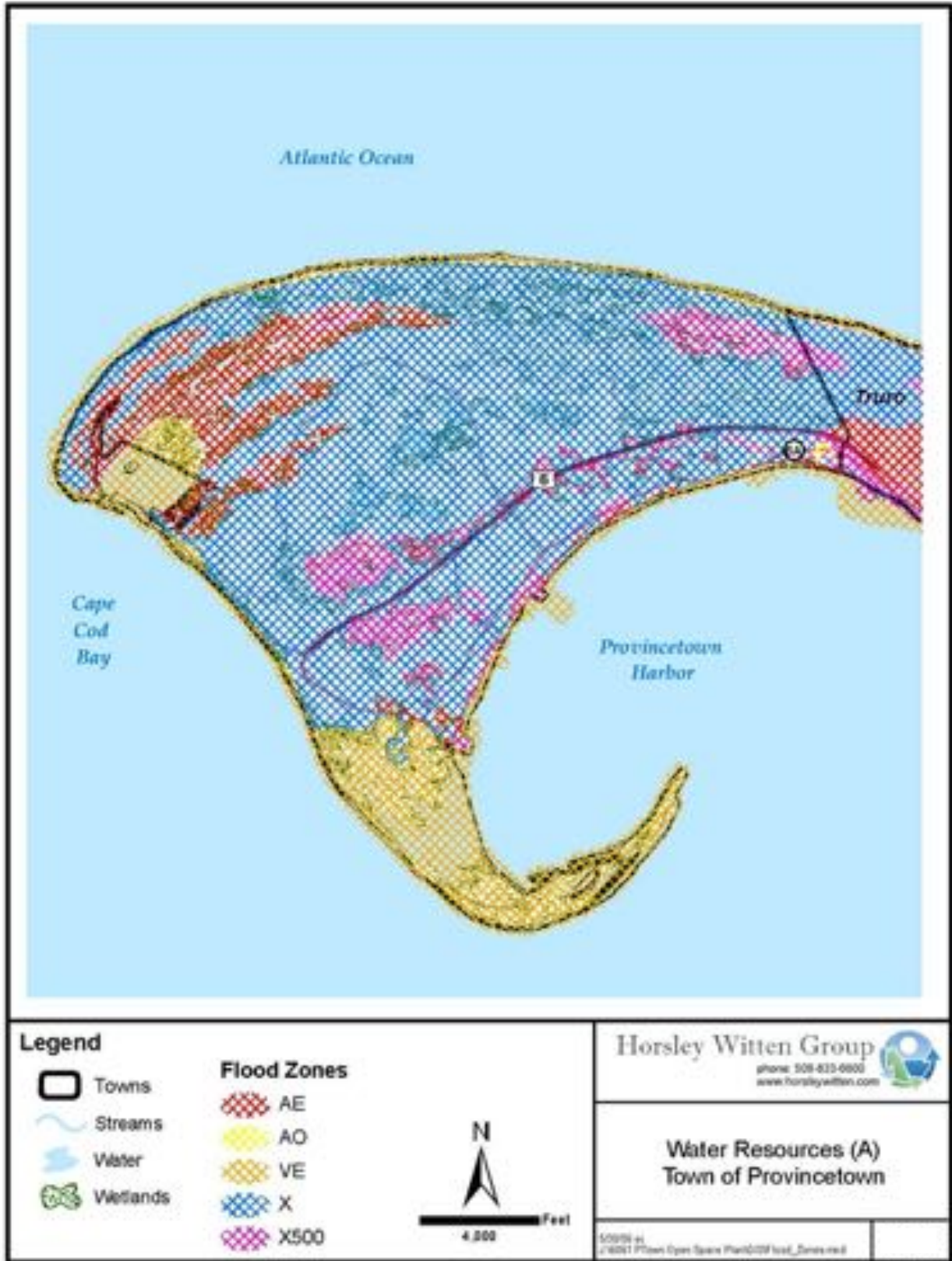
Another significant, though often overlooked, wetland resource in Provincetown is tidal flats. Provincetown has 162 acres of estuarine flats, which are portions of the beds of embayments exposed at low tides. They are particularly productive for eelgrass and shellfish populations. In Provincetown, these flats are primarily found in Hatches Harbor and in Provincetown Harbor.

There are also 43 acres of marine flats of the type found in open coastal areas, such as along Herring Cove and the Atlantic backside. Both of these types of flats are an important recreational resource in the town. The firm, hard footing of the flats along Provincetown Harbor is popular for activities ranging from shellfishing to walking to kite flying. The broad tidal flats are truly the most open of open spaces.

4.3.6 Groundwater Resources

In recognition of the region's complete reliance on groundwater for potable water, all of Barnstable County was designated a Sole Source Aquifer by the U.S. Environmental Protection Agency in 1982. All of Provincetown's drinking water is drawn from the Pamet Lens in Truro. The primary supply sites are the Knowles Crossing and Paul Daley well fields, with additional wells for summer use at the former North Truro Air Force Station, through an annual emergency agreement with the National Seashore. Provincetown recently participated in the Lower Cape Water Management Task Force, which resulted in a report that identified potential well sites, their preliminary withdrawal limits and potential procedures for distribution of aquifer resources for the towns of Eastham, Wellfleet, Truro, and Provincetown.

The freshwater lens in Provincetown, the Pilgrim Lens, was long ago abandoned as a source of public water supply due to high levels of sodium and iron.



Map 5. Water Resources



4.4 Vegetation

In 1620 the Mayflower Pilgrims described Provincetown's lofty forests of oaks, pines, sassafras, juniper, birch and holly. The sandy peninsula that protects the harbor from the Atlantic Ocean was covered with trees to the water's edge. To construct a fishing stage, the early fisherman needed to walk only a few steps back from the shoreline to fell pine, red oak, or cedar. As the population developed, residents decimated the woods to build "wharfs, houses, salt vats and windmills." After only one generation of settlement, dunes and hollows were stripped of tree and bush; the unanchored sand nearly buried the town. After several failed attempts to revegetate the town, in 1893 the Commonwealth began a major project to plant woody trees and shrubs around Provincetown. Because the opportunistic species of pitch pine and oak are not of millable quality, the new forest of Provincetown does not face the same threat that the original one did.

Today, 87 percent of Provincetown (including the National Seashore) consists of unvegetated or scrub cover, while about 13 percent is deciduous forest. The primary vegetative categories and their coverage are as follows:

Beach grass areas 1,726 acres

Scrub /pitch pine 1,151 acres

Unvegetated sand /dune 923 acres

Pine/oak 462 acres

Oak 400 acres

Despite its paucity of rich and varied soils, Provincetown still supports some interesting plant communities in addition to the typical pitch pine and oak association found throughout Cape Cod. Provincetown is the only barrier beach known to contain the American beech (*Fagus grandiflora*). The most famous stand is in the National Seashore on Race Point Road and is a top attraction for tourists curious to see the big trees growing straight out of the dunes. There are scattered pockets elsewhere in the downtown area, such as the half-acre beech stand protected by the 1993 Del Deo conservation restriction east of Atkins Mayo Road.

Other tree species found throughout town include red maple (*Acer rubrum*), black cherry (*Prunus serotina*), sassafras (*Sassafras albidum*), gray birch (*Betula populifolia*), tupelo (*Nyssa sylvatica*) and white pine (*Pinus strobus*). The habitat significance of the woodlands of Provincetown lies in its ability to provide migratory corridors and refuge for wildlife from the 'heat' and openness of the dunes and the built up environment along Commercial Street. The recreational value of these wooded areas for humans is remarkably similar. For much of the summer and winter, the great recreation areas of the interior dunes are not as popular as one might expect because of the exacerbated heat and cold there. Woodlands offer important relief from the searing sun and the bitter winds. (See Appendix A for a complete list of Rare Species, as identified by the Natural Heritage and Endangered Species Program.)

Large blocks of woodland create a significant corridor along Route 6. The densest portions stretch from Harry Kemp Way and Howland Street through to Mayflower Heights, including conservation properties of The Provincetown Conservation Trust, Nicky's Park, Curtis Conservation Lands, Whistle



Path Woods and Foss Woods. Another large block of wooded uplands are found on the 50-acre Patrick parcel northeast of Shank Painter Pond. Most of these properties have been purchased by the Town and are under the stewardship of the Conservation Commission.

Rare plants in Provincetown protected under the 1991 Massachusetts Endangered Species Act include quaking bog and pondshore species. Specific examples include few-flowered sedge (*Carex oligosperma*), golden club (*Orontium aquaticum*), bogbean (*Menyanthes trifoliata*) and adder's tongue fern (*Ophioglossum vulgatum*). The only known Cape Cod sites for the dragon's mouth orchid (*Arethusa bulbosa*) and the insectivorous pitcher plant (*Sarracenia purpurea*) are found at Shank Painter Pond. The only site in southeastern Massachusetts and the largest in the state for the bog twayblade orchid (*Liparis loeselii*) is along Jimmy's Pond. Broom crowberry (*Corema conradii*) and the northernmost site in Massachusetts for prickly pear (*Opuntia humifusa*) (the only native cactus growing east of the Mississippi) are found in Provincetown's coastal heathland. State regulations now prohibit the taking or habit alteration of these species without a state permit. The Foss Woods parcel contains extremely rare species such as the checkered rattlesnake orchid, found in only one other location on Cape Cod.

Owing to the poor soil of the town, landscaping came late to Provincetown. In his 1874 Gazetteer, Elias Nason reported that: "the man now lives who made the first artificial garden here." Nevertheless, owing to the density of the downtown area, gardens have become increasingly important for the Provincetown psyche. The 1988 Master Plan found that "landscaping in Provincetown is important in softening the urban character of the town." Homes and other buildings are closely spaced, usually with small yards. Preventing these landscaped spaces from being converted to parking is very important to the character of the community. The town acquired over two acres of filled wetland on the southeast corner of Shank Painter Pond in 2009 and now hosts the "B Street Community Garden", with 60 plots that are tended by residents who were chosen by lottery; the garden continues to be developed and managed for passive recreation. The town Director of Public Works serves as the town Tree Warden and is consulted regarding all public shade trees. Public shade trees are those trees that cast shadows or hang over public streets and public ways.

4.5 Fisheries and Wildlife

Provincetown is located in the Acadian bio-geographic region, defined by the cold waters of the Labrador Current coursing down through the Gulf of Maine into Cape Cod Bay. The marine life of Provincetown is extremely diverse and interesting. As the closest town to the Stellwagen Bank National Marine Sanctuary (established 1993), Provincetown stands to benefit from this protective designation. Whale-watching cruises from MacMillan Wharf have become an important component of the Provincetown tourist economy over the past 15 years, and, with the collapse of the commercial fishery, promises to become even more significant as a reason for tourists to wander out onto the Wharf. The National Marine Fisheries Service categorized the Stellwagen/Cape Cod Bay area as critical habitat for the endangered North American right whale. Finbacks and humpbacks, dolphins and harbor and gray seals are other marine mammals found here. The scientific research on the Stellwagen whales by The Center for Coastal Studies in Provincetown is world-renowned.

Stellwagen Bank and the waters off Provincetown also support a wide array of pelagic birds, such as fulmars, gannets, shearwaters and alcids (guillemot, murre, razorbill), all attracted to the abundant baitfish. Shorebirds include terns (common, least, roseate, and an occasional Arctic) and piping plovers, all listed as protected rare species in Massachusetts. Owing to the importance of Race Point



Beach and the Atlantic shore for piping plover nesting, the National Park Service has had to close sections of the beach to off-road vehicle travel during the nesting season in recent years. The U.S. Fish and Wildlife Service indicate this measure has improved breeding success for the plover in the Cape Cod National Seashore which increased from three in 1988 to 45 in 2011.

The National Audubon Society recently listed Provincetown as one of America's premier places to witness winter bird migration, owing to its strategic location as a stopover on the Atlantic Flyway.

Table 4.3 - 2012 Bird List

Double Crested Cormorant ^a	Northern Gannet ^b	Great Blue Heron ^a
Snowy Egret	Green Heron	Black Crowned Night Heron
Canada Goose ^a	Wood Duck	Mallard
American Black Duck	Turkey Vulture	Sharp-shinned Hawk
Cooper's Hawk ^c	Red-shouldered Hawk	Broad-winged Hawk ^a
Red-tailed Hawk	Bald Eagle ^a	Osprey ^a
Merlin	American Kestrel	Peregrine Falcon
Northern Bobwhite ^d	Wild Turkey	Greater Yellowlegs ^a
Spotted Sandpiper	Killdeer ^a	Black-bellied Plover ^a
Willet ^a	Laughing Gull ^a	Ring-billed Gull ^a
Herring Gull ^a	Greater Black-backed Gull ^b	Common Tern ^a
Roseate Tern ^a	Least Tern ^a	Dovekie ^b
Mourning Dove ^c	Rock Dove	Yellow-billed Cuckoo
Long-eared Owl	Great Horned Owl ^c	Eastern Screech Owl
Ruby-throated Hummingbird ^c	Belted Kingfisher	Red-bellied Woodpecker
Yellow-bellied Sapsucker	Downy Woodpecker	Hairy Woodpecker
Northern Flicker	Great Crested Flycatcher	Eastern Kingbird
Empidonax species	Blue Jay ^c	American Crow ^c
Eastern Phoebe	Barn Swallow	Tufted Titmouse ^c
Red-eyed Vireo	Red-breasted Nuthatch	White-breasted Nuthatch ^c



Tree Swallow	Carolina Wren ^c	House Wren
Black-capped Chickadee ^c	Golden-crowned Kinglet	Ruby-crowned Kinglet
Brown Creeper	American Robin ^c	Wood Thrush ^d
Winter Wren	Hermit Thrush	Gray Catbird ^c
Blue-gray Gnatcatcher	Brown Thrasher	European Starling
Veery	Cedar Waxwing	Northern Parula Warbler
Northern Mockingbird	Chesnut-sided Warbler	Magnolia Warbler
Bohemian Waxwing	Blackburnian Warbler	Yellow-rumped Warbler
Yellow Warbler	Prairie Warbler	Pine Warbler
Black-throated Blue Warbler	Blackpoll Warbler	Black-and-white Warbler
Black-throated Green Warbler	Ovenbird	Northern Waterthrush
Bay-breasted Warbler	Canada Warbler	Scarlet Tanager
American Redstart	Rose-breasted Grosbeak	Indigo Bunting
Common Yellowthroat	American Tree Sparrow ^c	Chipping Sparrow
Northern Cardinal ^c	Fox Sparrow	Song Sparrow ^c
Eastern Towhee ^d	Dark-eyed Junco	Brown-headed Cowbird
White-throated Sparrow	Rusty Blackbird	Common Grackle ^c
Swamp Sparrow	Evening Grosbeak	Purple Finch
Red-winged Blackbird ^c	White-winged Crossbill	Common Redpoll
Baltimore Oriole ^c	Pine Siskin	American Goldfinch
House Finch ^c		
Hoary Redpoll		
House Sparrow		

a = flew over

b = blown in after storm

c = documented nesting (note: no formal investigation, just casual observations)

d = entirely disappeared (or extremely rare) over the past two or three decades; this also applies to migrating warblers and tanagers



While a complete inventory of birds is not available for Provincetown, other important or interesting breeding birds include prairie warbler, pine warbler, red-eyed vireo, cedar waxwing, red-breasted nuthatch, horned lark, eastern phoebe, great horned owl, black-billed cuckoo, black duck and wood duck. Over the last forty years, biologist Dennis Minsky has documented 122 species of birds in the undeveloped areas adjacent to the Old Colony Nature Path in the town's east end.

Rare species of amphibians and reptiles found in Provincetown include the Eastern spadefoot toad, which breeds in vernal pools, and the Eastern box turtle, which prefers woodlands with access to water. The Massachusetts Audubon Society has prepared a herpetological atlas for Massachusetts, which should be consulted for additional information.

Mammals in Provincetown include the common assemblage: red and gray squirrel, white-tailed deer, raccoon, red fox, rabbit, skunk, opossum, otter, shrew, muskrat, bat, weasel, mice and voles. In recent decades, a top-of-the-food-chain predator, the Eastern coyote, has extended its range throughout all of Cape Cod and is seen frequently in the outskirts of downtown Provincetown. Recently fishers, a midsize mustelid species, has also been documented on the Cape and in Provincetown.

Wildlife corridors enable animals, particularly upland mammals, to migrate to new territories in search of food or breeding grounds. Biologists estimate that undisturbed 300-foot wide corridors are necessary for many species to feel comfortable enough to move around undetected. Because development is so dense throughout the municipal area of Provincetown, wildlife corridors are fewer and narrower than they should be. Wildlife utilizes both wooded corridors on either side of Route 6 to migrate. Though quite narrow in some areas, these connections actually link to the town of Truro as well. Therefore, it is important to protect wildlife linkages in order to keep gene pools healthy and to maintain the remaining wooded areas that create these corridors. Thus the newly defined Greenway, as discussed further in Section 5.21, has important implications for wildlife.

Among invertebrates, the rare water-willow borer moth (*Papaipema sulphurata*), which nests in the hollow stems of *Decodon* or water willow along pond edges, is found at Jimmy's Pond.

Provincetown has about 480 acres of productive shellfish beds, along the harbor front. Species harvested recreationally include soft-shell clam, quahog, sea clam, blue mussels and, rarely, bay scallops. Commercial permits are issued only for sea clams. Town public aquaculture projects include a 30,000 seed quahog bed in the West End and experimental spat collection for oysters and steamers. Over two hundred recreational permits are issued each year. Because shellfishing is a popular pastime, there is always pressure on the shellfish supply. The town has tried to enhance natural sets of shellfish by broadcasting quahog seed purchased from private growers elsewhere.

Please see Appendix A for a complete list of Rare Species, as identified by the Natural Heritage and Endangered Species Program.

4.6 Scenic Resources and Unique Areas

Though environmental educators and activists are trying to increase public appreciation of the complex ecological relationships among soils, water, plants and animals, many people still approach the environment from primarily an aesthetic viewpoint. If it is an attractive landscape, it is valuable, according to this perspective. Fortunately, Provincetown abounds in beautiful natural scenes that are also environmentally sensitive areas, such as pondshores, salt marshes, barrier beaches, dune bogs



and cedar swamps. Specifically, the town is proud of the following resources, areas and features of the town:

1. **Scenic Landscapes.** The most predominant scenic view can be found just as you cross the town boundary. As you drive into the town from state Route 6, one cannot help but notice the breathtaking massive dunes of the National Seashore that surround the roadway. These dunes are mainly the result of deposition of sand that has washed from eroded glacial scarp (cliff), which was built into dunes by wind action, and then stabilized by beach grass. As one continues down Route 6, you enter the Province Lands. This unique land formation of parabolic dunes (u-shaped dunes formed by strong winds eroding a section of the vegetated sand), ponds, and groves of beech and oak have long been a source of inspiration for writers, poets and artists. This is why Provincetown has been home to an artist colony since the turn of the 20th century. Included in the Province Lands is East Harbor, also known as Pilgrim Lake. The name "East Harbor" reflects the fact that the water body once served as Provincetown's inner harbor. However, concern over sand being flushed out into Provincetown Harbor led to the filling in of the entrance, making it a brackish lake. At the tip of Provincetown, one of the easternmost land masses in the country, the Outer Beach is accreting (building) as a result of "long shore" transport of sand from glacial scarps to the south. Here, the shoreline drops off dramatically, allowing whales (and vessels) to come close inshore. Another magnificent natural resource that is located within the Province Lands, often associated when thinking of Cape Cod, is cranberry bogs. They occur between dune areas and are made up of a saturated sandy, acidic loam.



Province Land Dunes. Source: T.S. Amarasiriwardena

Provincetown also has significant pond systems; Clapps and Shank Painter Ponds, designated by the Massachusetts Department of Environmental Protection (DEP) as "great ponds". A great pond is defined by DEP as any pond or lake that contained more than 10 acres in its natural state. These ecologically and hydrologically unique ponds are subject to the Massachusetts Public Trust, Massachusetts General Law Chapter 91 regulations, which protect the public trust in access to its waterways. Typically, these regulations are

reserved for coastal waterways (tidelands) and major rivers; however, these ponds are critical enough to be protected under these regulations as well.

2. **Cultural and Historic Areas.** Provincetown has a unique and robust commercial center. It is home to numerous shops and restaurants of all varieties from gourmet food shops to gag gift shops. Provincetown remains an artist colony as it has since the turn of the 20th century. The town is also well-known for its cultural freedom, where people can be free to express their political, cultural and sexual orientation freely. Residents and visitors alike do not feel inhibited to express who they are in the public setting. At the same time, the town has upheld their community traditions such as maintaining an active fishing fleet. MacMillian Wharf and Provincetown Harbor remain as a busy, bustling port area, validated by fishing fleet celebrations such as the Blessing of the Fleet weekend, a religious and secular celebration of the Portuguese fishing fleet.

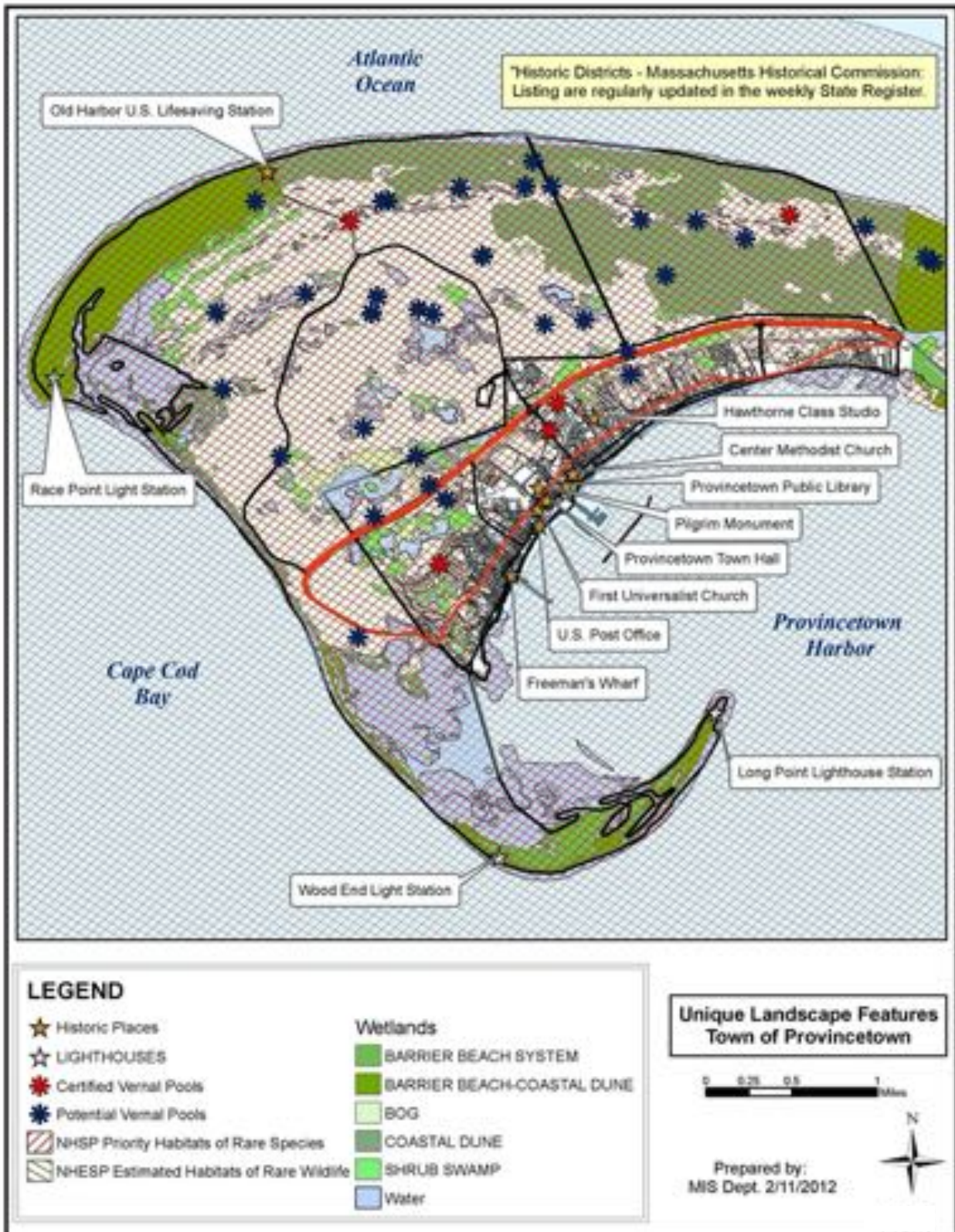


In 2002, Provincetown Harbor Beach was selected by the U.S. Environmental Protection Agency as one of three Flagship beaches for the Commonwealth of Massachusetts that serve as models for beach managers in water quality monitoring and pollution assessments and because of its health. “Flagship” beaches are selected by each state as good models for other beach managers from which to learn. Selected beaches serve large populations, historically have had closures due to pollution, demonstrate high-quality beach monitoring and management practices, and show strong potential to effectively use state and federal resources to reduce closures. All parties – federal, state, and local – are committed to reducing and eliminating closures due to pollution at the Provincetown Harbor Beach.

Another unique cultural site in town is the Long Point Breakwater; a continuous, stone man-made structure that divides the harbor to the east from tidal flats to the west, and connects Long Point (the northernmost end of the cape’s “arm”) to the western edge of Provincetown. The breakwater was constructed in 1911 to protect the town’s harbor from the dune’s shifting sands. It has created an ecological shift from marine water environment to a salt marsh environment in the now enclosed area to the west of the breakwater. The breakwater provides residents and tourists with access to the very tip of Cape Cod and the Long Point Lighthouse, as well as amazing views of the Harbor and mainland.

3. Unusual Geologic Features. Provincetown, as well as other lower Cape towns, have unusual geologic features that stemmed from the advance and retreat of the last continental ice sheet (the Wisconsin Laurentide ice sheet). Outwash plains (broken rock material held within ice sheets) were built throughout portions of Cape Cod. Meltwater streams flowing west into Glacial Lake Cape Cod later deposited sediments throughout the lower Cape, which was then carried by long-shore drift to form bars and spits, as in Provincetown. Strong onshore winds transported sand inland where it is deposited to form dunes, such as the parabolic dunes in Provincetown, that reach heights of 40 to 100 feet.

4. Unique Environments. Although there are a number of important unique environments in Provincetown, there are no designated Areas of Critical Environmental Concern located in town. There are, however, several areas of unique habitat areas, including the Province Lands described above. The contrast between the massive dunes and wetland systems is awe-inspiring. For example, in the midst of the parabolic dunes, one can find quaking bogs, which are wetlands that have formed across the surface of shallow ponds. The predominant characteristics of this rare wetland is floating mats that cross the pond, which creates an unstable, “quaking” surface. The world’s largest known quaking bog is located in the Shank Painter Pond system in Provincetown. Heathlands, located within the Provincetown boundaries of the National Seashore, are a rare ecosystem comprised of multi-stemmed, woody plants that dominate open areas. In fact, some of these areas are dominated by the heath family (Ericaceae) and have been described by the National Park Service (Godfrey et. al) as one of the most distinctive shrub communities on Cape Cod. Provincetown also has a rare white cedar swamp located to the south of Route 6. As described by the Woods Hole Group, Atlantic White Cedar Swamps are globally threatened ecosystems native only to isolated hollows in a 100-mile wide strip on the U.S. Atlantic and Gulf coasts. They are characterized by saturated, acidic organic-peat soils, and dominated by Atlantic white cedar (*Chamaecyparis thyoides*).



Map 6. Unique Landscape Features



4.7 Environmental Challenges

There are numerous challenges to protecting and preserving Provincetown’s extremely rare and unique natural resources. Development pressures and recreation interests can cause detrimental impacts to these resources. For example, plants and animals found in dune habitats may be killed by foot traffic and off-road vehicles. Bogs are threatened by land development, changes in water flow, and pollution from runoff and industrial sites. Fortunately, Provincetown only has one oil and/or hazardous materials sites, as classified by the Massachusetts Contingency Plan, Chapter 21E (see map 6). Many of the environmental challenges that Provincetown faces are a direct result of its development pace and pattern over past three hundred years.



Map 7. 21 E Site – MassDEP Tier Classified Oil and/or Hazardous Material Sites



As described in earlier chapters, the largest, persistent problem is environmental and public health issues related to wastewater disposal. Provincetown previously only relied on individual on-site septic systems. Though most of the town's soils are highly permeable, there were still failed systems due to overloading, particularly during the summer. Because the soils are highly permeable, nitrates and viruses were readily transmitted off-site to surface waters, particularly ponds and the harbor. There is insufficient depth to groundwater on many lots that can lead to the design of "mounded" systems, which can be aesthetically displeasing to many people. Through the use of "administrative consent orders" with the Board of Health, property owners with failed systems are currently allowed to set aside escrow funds to pay for their future sewer betterments, rather than having to use those funds to upgrade septic systems that would soon be abandoned.

In March 2002, 60 townspeople and project officials gathered at the "old burn" dump to break-ground for the town's 17 million dollar sewer system construction project. July 2003 was the first official flush of the sewer wastewater treatment plant. The installation of this plant was a very important step for the health of Provincetown residents and its environment, and the town has been expanding the sewer system service to other areas. The plant is now servicing over 700 connections, primarily along Commercial Street but it also been extended up Shank Painter Road in 2009 and in the East End to the Town of Truro line in 2012.

The town received a 2004 Municipal Innovation Award from the Massachusetts Municipal Association for its "Unique Wastewater Solution." Provincetown's sewer solution is so complex it required five special pieces of state legislation to implement. Provincetown's is a model for other communities looking to construct a sewer which principally serves those properties that cannot comply with Title 5 on site, as well as those adjacent properties which choose to connect, by establishing a "checkerboard" district where properties opt-in. Provincetown's sewer system is paid for only by those properties which connect to the sewer-- through another change in state law. Provincetown's sewer is "growth neutral" and does not fuel growth simply by building a sewer system, but instead limits connecting properties to their current legal use or their Title 5 design capacity, whichever is greater.

The use of the harbor is another problem faced by the community. Space conflicts, lack of adequate shorefront access, and commercial versus recreational disputes all need to be addressed in addition to water quality problems. Provincetown has a Municipal Harbor Plan in place, which was approved by the Commonwealth. The stated goals of this plan are as follows:

Provincetown Harbor should consistently be recognized as a unique public asset for which change should be carefully planned and implemented to protect both its environmental and economic role.

Decisions concerning use of the harbor and its edges should seek to achieve a balance, allowing for multiple uses and seeking compatible relationships among them.

Marine-dependent uses should generally have priority over other uses for land use and water use.

Provincetown Harbor is a scenic resource and activity center for tourism and recreation; this role should be protected and enhanced.

The environmental quality of Provincetown Harbor should be managed, monitored, and maintained to thoroughly protect its role as a natural and clean asset.

Public access to and along the water's edge should be consistently protected and enhanced.



Provincetown should strive to improve existing deficiencies in the harbor for all existing uses, without seeking to significantly shift the balance of uses in the short term.

Responsibilities should be reorganized to improve both the effective management of public facilities and the interests in the harbor.

A third issue relates to the impact of continued development on biodiversity, open space and water supply availability in general. The local mechanism to preserve Open Space via Landbank funds and Community Preservation Act (CPA) funds is not enough to match the lots being developed. Since the 1995 Open Space and Recreation Plan was completed, Provincetown has experienced significant development of subdivisions under the State's MGL Chapter 40B regulations relating to the affordable housing stock in town. Although these are large developments for Provincetown, none of these developments exceeded 30 acres in size and thus did not fall under the purview of the Cape Cod Commission as Developments of Regional Impact (DRIs). Although many of the subdivisions are designed in a cluster style, there is not much open space remaining on these lots, resulting in impacts to Provincetown's biodiversity, open space and water supply.

Other environmental challenges include extensive erosion and sedimentation of beaches and dunes from more frequent and intense winter storms and hurricanes. These storms and subsequent wave action move large amounts of sand throughout the Provincetown harbor area. In the winter of 2012 the Town experienced several large winter storms which caused large scale beach erosion, property damage and flooding. Engineered solutions are being pursued to address chronic flooding from storm water during extreme high tides and large weather events. Additionally, development impact and issues of vacant lots being turned into housing continues to be a challenge. Development is regulated through more restrictive local bylaws and regulations. The local Conservation Commission, for instance, included MESA jurisdiction in their local bylaws to give them review over projects proposed in these State protected areas. This gives the local regulatory authority the option to be more restrictive. The Town of Provincetown is fortunate that it is surrounded by the Cape Cod National Seashore. This address environmental equity as this protected open space is available to the entire community making Provincetown one of the most environmental accessible geographic locations.

SECTION 5: INVENTORY OF LANDS OF CONSERVATION and RECREATION INTEREST

In land use planning, urban open space is open space areas for "parks", "green spaces", and other open areas. The landscape of urban open spaces can range from playing fields to highly maintained environments to relatively natural landscapes. They are commonly open to public access, however, urban open spaces may be privately owned. Areas outside of city boundaries, such as state and national parks as well as open space in the countryside, are not considered urban open space. The value of urban open space can also be considered with regards to the specific functions it provides. These functions include the nature function, urban design function, economic function, social retreat function, and outdoor recreation function. The values of open space includes a sociological viewpoint such as, civic and social capital, cultural expression, economic development, education, green infrastructure, public health, recreation, and urban form.

Additional beneficial aspects of urban open space can be factored into how valuable it is compared to other urban development. The category of value includes; utility, function, contemplative, aesthetic, recreational, and ecological. These categories account for the value an urban open space holds to the development of the city in addition to just those things citizens consciously appreciate. For example,



the "function value" of an open space accounts for the advantages an urban open space may provide in controlling runoff. The final three values listed, aesthetic, recreational, and ecological, are essentially the same as the values that make urban open spaces consciously valuable to citizens. Of course, there are several different ways to organize and refer to the merit of open space in urban planning.

The purpose of this section of the plan is to provide an inventory of all lands in Provincetown that are significant to open space and recreational use. Conservation areas and other notable land holdings are depicted in Map 7 on the following page. Open space lands can be grouped into three major classifications: protected, permanently protected, and unprotected lands:

Protected Parcels – Land is considered protected, at the basic level, if the Provincetown Conservation Commission, Board of Health or Provincetown Conservation Trust owns and manages the property. In addition, if a nonprofit entity, with a mission similar to the above local organizations (i.e., to protect the land for conservation and open space interests), owns the land, it is considered "protected" by the town. However, these lands do not have management agreements or deed restrictions that specify the use of the property (e.g., as conservation land or open space land rather than another use).

Permanently Protected - Land is considered permanently protected if the Provincetown Conservation Commission, Board of Health, Provincetown Conservation Trust or other public or private entity owns the land and a deed/conservation restriction has been filed at the County Registry of Deeds specifying the land as reserved in perpetuity as open space and devoted to conservation purposes.

Unprotected Parcels – If the owner is a town government entity other than the Provincetown Conservation Commission, Board of Health or Provincetown Conservation Trust, the land is considered unprotected, since these lands cannot be guaranteed to be managed and maintained for conservation or open space purposes. Privately-owned lands are considered unprotected, as well as those areas regulated under Massachusetts General Law, Chapter 61 lands (forest land classification).

5.1 Private Lands

The table below lists the largest and/or significant parcels of developable, unprotected land remaining in Provincetown. Currently there are no parcels enrolled under the MGL Chapter 61, A, & B current use assessment programs, which defer property taxes while the land is not developed, though some could qualify (riding stables, campgrounds) since they meet the 5-acre minimum area requirement. The fate of these parcels represents the last opportunity for Provincetown to preserve significant blocks of open space near or in the downtown area.

5.1.1 Areas Significant for Water Resource Protection

Provincetown's high water table, concentrated development pattern and vulnerable location, magnify the potential impacts of groundwater contamination on surface water bodies and human health. The chances of establishing a safe, functional well field here, even as an emergency back-up source, seemed unlikely.

5.1.2 Priority Areas for Protection of Rare Species and Exemplary Natural Communities



All of Provincetown is, geologically speaking, a barrier beach unlike any other on Cape Cod. This is what makes any rare plants, insect or animal life especially noteworthy. Habitats and natural features occur here that may be unique to the entire world. The Town has been listed as number one out of the top ten towns in the Commonwealth with the greatest density of rare species by the Nature Conservancy and the Massachusetts Natural Heritage and Rare Species Program (NHRSP). The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has recorded occurrences in Provincetown of seven endangered species, ten threatened species and seventeen species of special concern. (See Appendix A for a complete list of Rare Species, as identified by the Natural Heritage and Endangered Species Program.)

5.2 Public and Nonprofit Lands

5.2.1 Public Open Space Land

The National Park Service controls 4,500 acres within the Cape Cod National Seashore, making it the largest landowner in Provincetown. The National Seashore is committed to protecting the coastal, fresh water, vegetative, wildlife, architectural, cultural landscape, and archaeological resources located in the Seashore.

Other open space areas include the Route 6A rotary, which has been refurbished by the Town through a Department of Conservation and Recreation grant to commemorate the site as the first landing spot of the Pilgrims. The Town of Provincetown owns approximately 40 acres south and east of Clapps Pond, through the Route 6 right-of-way, abutting both the seashore on the north and property owned by the Massachusetts Division of Fisheries and Wildlife to the west. A 68.4-acre conservation area on the south side of Clapps Pond is owned by the Massachusetts Division of Fisheries and Wildlife, but it is largely unmanaged.

At present, Provincetown's total protected open space and recreation land is primarily comprised of the following properties: its two cemeteries, totaling about 22-acres; eight town landings, totaling less than an acre; the nearly 15-acre Foss Woods; the 24.44 acre Old Colony Conservation Pathway abutting Foss Woods; the 7-acre Whistle Path Woods; the 1.5-acre Curtis Conservation Lands abutting Howland Street; the 4.17-acre Nicky's Park; the 7.52-acre Shank Painter Pond Sanctuary; and Motta Field, a 4.5-acre playing field. Evans Field, although historically an important ballfield, has recently been subject to increased groundwater inundation and flooding, and has been reclassified as a protected wetland based on its changed vegetation.

In addition, Provincetown has ten state-recognized ponds covering approximately 94 acres, none of which drain to the sea. Three of the ponds are over ten acres in size and classified as Great Ponds of the Commonwealth, meaning they are publicly owned. Totaling 65 acres, they are Clapps, Great and Shank Painter. Smaller ponds can be privately owned and public access prohibited. All of the freshwater ponds are Class B, the top ranking for ponds not used for public drinking water. The significance of Provincetown's ponds lies not in their recreational importance, as is the case in other Cape Cod towns, but rather the fact that they are the Town's primary sites for rare plant and animal species and should be protected as sensitive habitat.

The following is a brief description of the different parcels that make up the Town's primary open space and recreation land areas.



Shank Painter Pond Wildlife Sanctuary

Overview: Upland to Shank Painter Pond, which is the largest known quaking bog on a barrier beach system found anywhere in the world. It's rare and threatened plant species include dragon's mouth orchid, rose pogonia, golden club, adder's tongue fern, bogbean, few-flowered sedge, thread leaved sundew, pitcher plant, bladderwort, grass pink and nodding ladies' tresses. Rare animals found there include the Eastern spadefoot toad and the bog turtle. Recreational fishermen haul up large and small-mouthed bass and pickerel.

Acreage: Approx. 7.52 Acres

Access: Parking currently takes place near Route 6, at the boundary of the property.

Uses: The sanctuary is open to the public for passive recreational use. Existing uses are primarily pedestrian.

Rec. Potential: High potential for passive recreation, yet more active uses are restricted such as hunting, mountain biking, and motorized vehicle uses.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Critical eco-system; referred to as one of the real jewels of Provincetown's ecology. Hosts the largest known quaking bog located on a barrier beach in the nation. Includes rare and endangered plant and animals such as golden club and spotted turtle.

Type/Grant: Land Bank and Self Help

Degree of Protection: Development rights and conservation deed restrictions held by Provincetown Conservation Trust.

Clapps Pond/Duck Pond Conservation Area

Overview: The Clapps Pond/Duck Pond ecosystem is crucial due to its size and opportunity to provide integrated management. The ponds themselves are co-owned by the Cape Cod National Seashore (federal), Division of Fisheries and Wildlife (state), the Town of Provincetown (40-acres). This combined ecosystem is defined by Route 6 on the south and a dune ridge to the north, with freshwater wetlands extending continuously from one pond to the other. The 68.4-acre conservation area on the south side of Clapps Pond is owned by the Massachusetts Division of Fisheries and Wildlife, but it is largely unmanaged. No parking is provided at the site, and it has become an unauthorized "transfer station" for old tires, mattresses and other trash.

Acreage: Approx. 100 Acres in Total

Access: Parking currently takes place near Route 6, at the boundary of the property, yet no direct access is provided.

Uses: Currently a passive recreational area with great walking trails. Also an area known as Evans Field was a small ball field located on town land between the ponds but because it was created by converting a wetland, seasonal flooding made it unusable for much of the year. Use of this field as a



ball field has been discontinued. Off-road vehicle riding, particularly motocross cycles, for the past 20 years has impacted wetland quality. Bonfires and illegal camping at the west end of Clapps Pond have persisted.

Rec. Potential: Conflicting uses and degraded areas make management necessary, and a contentious local issue.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Fair – critical ecosystem, yet degraded due to unauthorized uses and historic filling or some wetland areas (for former ball field).

Type/Grant: N/A

Degree of Protection: Basis protection Town owned land with no restriction)

Jimmy’s Pond/Adjacent Property: 82 Harry Kemp Way

Overview: This wetland system, approximately 3 acres in size, is located between Route 6 and Harry Kemp Way. It includes pond, cranberry bog, quaking bog, marsh, meadow, and shrub and tree swamp habitats. It is the town's most important habitat for the water-willow borer moth (*Papaipema sulphurata*), the threatened few-flowered sedge (*Carex oligiosperma*), and the only site in Southeastern Massachusetts for the bog twayblade orchid (*Liparis loeselii*).

The town holds a strip of land nearby (0.63 acres), perpendicular to Harry Kemp Way, for general municipal purposes. Next to the wetland is a vacant 2.08 acre parcel owned by the Academy for the Performing Arts. Other lands adjacent to the property are held by the Conservation Trust and the town-owned Nicky’s Park.

Acreage: Approx. 5 Acres

Access: Harry Kemp Way

Uses: None

Rec. Potential: This combined area could make a small yet strategically-located open space area halfway between the West and East Ends of town and at the western terminus of the railroad bed, an active public recreational trail.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Good- important eco-system listed in the APCC Atlas. Property is part of three parcels which connect to create a park area for residents and visitors.

Type/Grant: Land Bank; Self Help

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust



Foss Woods

Overview: Foss Woods, the second largest undeveloped upland parcel in town, consists of 15 acres of sloping woodland between Route 6A and the town-owned Old Colony Nature Pathway in the East End near Mount Gilboa. The town's acquisition of the Foss Woods parcel has protected a significant patch of forestland for migration and one that contains extremely rare species such as the checkered rattlesnake orchid, found in only one other location on Cape Cod. The Eastern Box Turtle also exists in these woods.

Acreage: 15 Acres

Access: Snail Road & Mount Gilboa Road

Uses: Open to the public for passive recreation, yet more active uses are restricted such as hunting and motorized vehicle uses. This land abuts the Old Colony Nature Pathway.

Rec. Potential: Excellent area for passive recreational uses with some improvement to pathways and additional of benches.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Critical part of green corridor. Excellent nesting and migration habitat for marsh nesting birds such as Great Horned Owl & Blue Perula. Habitat for other animals such as fox, coyote, deer, Eastern box turtles. Includes rare orchids.

Type/Grant: Urban Self Help Grant

Degree of Protection: Conservation Restriction held by Provincetown Conservation Trust

Whistle Path Woods

Overview: Whistle Path Woods, once one of the largest remaining tracts of developable land in Provincetown, was purchased by the town in 2001. It includes a, half of a one-half acre red maple/tupelo swamp long its western edge. This wetland, formed in a blowout depression in the old dunes, has saturated soil owing to its intersection of the water table. The wetland provides important habitat diversity, a water source for wildlife, and absorbs stormwater runoff. Whistle Path Woods, like the rest of Provincetown, is composed of sands eroded off the Truro cliffs and reshaped by wind and waves over the past several thousand years. The dunes closest to the Harbor, including the ridges on the Whistle Path Woods property, are older than the dunes closer to the Atlantic. The dunes rise in dramatic steep ridges along the eastern perimeter of Whistle Path Woods. There is a pathway that runs through the property to connect entrances/exits for the enjoyment of resident and visitors alike.

Acreage: 7.05 Acres

Access: Accessible from Snail Road and Howland Street (primarily reached by walking along the Old Colony Nature Pathway) as well as by Thistlemore Road from Bradford Street. Well-maintained walking pathway extends from the railroad bed to Thistlemore Road.



Uses: Passive recreational area open to the public as well as a pathway link from the homes in the neighborhood to the Old Colony Conservation Pathway. Whistle Path Woods also provides a natural wooded greenbelt along 342 feet of the public recreational corridor known as the old railroad bed. Hikers, bikers and cross country skiers use this informal trail and enjoy the solace of the woods bordering either side of the corridor.

Rec. Potential: Passive recreation only with some benches for improvement.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Excellent habitat for wildlife and a bird nesting and resting route for migrating birds. Important connecting section of the Greenway Corridor.

Type/Grant: Land Bank; Self Help

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust

Atlantic White Cedar Swaps

Overview: The five small white cedar swamps of Provincetown total 14 acres and are found in the East End east of Atkins-Mayo Road and on either side Route 6. No other barrier beach in New England can claim to have this wetland tree

species growing on it. The National Park Service owns a portion of the cedar swamp north of Route 6; the other portion is owned by the MDH. In 1981 the Provincetown Conservation Trust was given 1.4 acres of bog, including a portion of white cedar swamp, at Somerset Heights. The remainder is held privately.

Acreage: 14 Acres

Access: Unmanaged

Uses: Significant habitat for many species and passive visual recreational enjoyment

Rec. Potential: Recreational observation of species for peaceful enjoyment

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Excellent wildlife habitat. Includes rare white cedar swamps.

Type/Grant: Land Bank

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust

Old Colony Nature Pathway

Overview: The railroad right-of-way is town-owned for its entire length (about 7,000 feet) except for a short section near the Truro line, and the western segment, which was converted into Harry Kemp Way and Railroad Avenue. The Path is now called Old Colony Nature Pathway and extends from Mayflower



Heights to Howland Street. An attempt by the town in October 1994 to create a formal, paved recreational/bicycle path on the rail bed failed due to abutter and citizen concerns about paving the trail, but it is used by many people for jogging, walking, skiing, mountain-biking, horseback riding and dog walking. The trail has a varied surface that includes some sand and some hardened areas.

Acreage: 24 Acres

Access: Accessible from Howland Street, Snail Road, Mayflower Heights and Mount Gilboa Road.

Uses: Passive recreation uses include jogging, walking, skiing, mountain biking, horseback riding, and dog walking.

Rec. Potential: Excellent for passive recreation (with some improvement).

Owner: Town of Provincetown

Manager: Board of Selectmen

Condition: Good – Starts at Howland Street continuing to Mayflower Heights to the Truro town line. Critical part of the Greenway Corridor and nesting area for local and migrating birds. Includes rare Atlantic White cedar swamps and march area.

Type/Grant: Town Meeting purchase

Degree of Protection: Article 97 Open Space designated by Town Meeting

Curtis Conservation Lands (Fox Run)

Overview: Curtis Conservation Lands is a densely forested area with maple trees, oak trees and beech trees and teeming with wildlife, particularly local and migrating birds. The land area includes upland areas as well as very active wetlands. Portions of these wetlands are classified as white cedar swamps which are very rare and special on a barrier beach ecosystem such as Provincetown. Passers-by recently observed a pregnant fox, indicating prime wildlife habitat. The property abuts the Old Colony Conservation Pathway along the Old Colony Nature Pathway, and includes a walking trail..

Acreage: 1.5 acres

Access: Accessible from the Old Colony Conservation Pathway and closest to the Howland St. entrance/exit.

Uses: Passive recreational activity for public

Rec. Potential: Excellent passive recreation with some improvement to trail and benches.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Excellent wildlife habitat. Includes rare white cedar swamps.

Type/Grant: Land Bank

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust



Nicky's Park

Overview: The Nicky's Park conservation area includes the former Wells property (2.090 acres) and the former Theatre Foundation property (2.080 acres), and 74-82 Harry Kemp Way. This conservation area, located between Route 6 and Harry Kemp Way, includes a vast wetland system comprised of: ponds, cranberry bogs, quaking bogs, salt marsh areas, meadows, shrubs, and tree swamp habitats. It contains one of the nine known world sites for the Water-willow borer moth (*Papaipema sulphurata*); one of three current sites for the threatened few-flowered sedge (*Carex oligosperma*); the only site in southeastern Massachusetts and the largest in the state for the bog Twayblade orchid (*Liparis loeselii*); habitat for an additional five species of orchids; and a nearby site for a Special Concern plant, Broom Crowberry.

Acreage: 4.17 acres

Access: Accessible from Harry Kemp Way

Uses: Conservation/passive recreation area between West End and East End. Preserves land, creates central park for residents, protects species, and protects greenway.

Rec. Potential: Excellent with improvement to pathways and installment of natural benches.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Good- part of three separate parcels which create a park for resident and visitors.

Type/Grant: Land Bank; Self-Help Grant

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust

Suzanne's Garden

Overview: Since its creation Suzanne's garden has been a private garden that has always been open to the public. Now a public park this beautiful garden is a perfect place to relax and reflect. There have been weddings, benefits, painters, and most important of all a procession of kids of all ages enjoying the flowers. Suzanne's garden is one the few remaining open lots in town, which gives the density of housing a deserved break. It has provided a destination for the many visitors who have returned year after year to view the numerous colors of the various blooms.

Acreage: 5,620 sq ft

Access: Accessible from Commercial Street

Uses: Conservation/passive recreation area in the East End. Preserves land, creates central park for residents.

Rec. Potential: Excellent for passive recreation and easy enjoyment of the outdoors.

Owner: Town of Provincetown

Manager: Recreation Commission



Condition: Excellent – Urban park with benches and areas for passive recreation.

Type/Grant: PARC grant and CPC grant

Degree of Protection: N/A

B-Street Garden and Conservation Park

Overview: By an overwhelming margin, in April 2009, the Town of Provincetown voted to appropriate up to \$180,000 to purchase the 2.29 acres utilizing available LAND Band funds. To help offset the cost of this acquisition, the town sought and received grant reimbursement funds in the amount of \$93,600 from the State's Local Acquisition for Natural Diversity (LAND) grant program. The Provincetown Conservation Trust (PTC) also holds a perpetual conservation restriction on the entire 2.29 acres to provide an additional layer of protection. The site is composed of several habitat characteristics: Open water, unconsolidated bottom, flooded, persistent emergent marsh, seasonally flooded scrub-shrub swamp, saturated, seasonally flooded mixed forested swamp. The area is also considered habitat for the four-toed salamander. The entire site lies within the estimated habitat for rare and endangered species.

Acreage: 2.29 acres

Access: Accessible from Browne Street off Shankpainter Road.

Uses: Conservation/passive recreation area between West End and East End. Preserves land, creates central park for residents, protects species, and provided active community agriculture.

Rec. Potential: Excellent with improvement to pathways and installment of natural benches.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Good- This upland was created through the filling of wetland in the 1950's. It was private land used by lobstermen to store their pots. It is now a community garden and conservation park with 58 community garden beds.

Type/Grant: LAND grant

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust

Hawthorne Wildlife Sanctuary

Overview: Situated within an MNHESP Priority Habitat for Rare Species, an EOEA BioMap Core Habitat area, and the Statewide Conservation Plan, the Hawthorne Wildlife Sanctuary property has significant ecological value. With its mix of wooded upland, open dune, and wetlands, the Hawthorne Wildlife Sanctuary presents habitat diversity in miniature. The property's woodlands also provide critical upland buffer to the state-certified vernal pool on the adjoining property. Five rare plant and animal species have been documented occurring on or near the property. This parcel was the last vacant private land to be added to now a total of 17 acres of contiguous town, state, and land trust conservation lands.



Acreage: 3.03 acres

Access: Accessible from Harry Kemp Way and Aunt Sukey's Way

Uses: Conservation/passive recreation area. Preserves land, creates central park for residents, protects species, and protects greenway.

Rec. Potential: Excellent with improvement to pathways and installment of natural benches.

Owner: Town of Provincetown

Manager: Conservation Commission

Condition: Excellent – large land area that has not been developed with great dune scape areas and high vistas. Great wildlife habitat and area for outdoor passive recreation such as hiking.

Type/Grant: PARC grant

Degree of Protection: Conservation Restriction held by the Provincetown Conservation Trust

Dune's Edge Campground

Overview: Situated within an MNHESP Priority Habitat for Rare Species, the Dune's Edge Campground property has significant ecological value. With its mix of wooded upland, open dune, and wetlands, the Dune's Edge Camp Ground presents expansive habitat diversity.

Acreage: 17.15 acres

Access: Accessible from Route 6 and abutting the National Seashore.

Uses: Conservation/passive recreation area. Preserves land for camping and wildlife habitat.

Rec. Potential: Excellent seasonal camping and year round passive recreation.

Owner: The Trustees of the Reservation

Manager: The Trustee of the Reservation

Condition: Excellent. This land is being preserved as a camp ground and will serve the community well and a place for tourists and the community to enjoy the outdoors through camping. The property has been purchased by a private non-profit with a conservation restriction held in perpetuity by the Town of Provincetown.

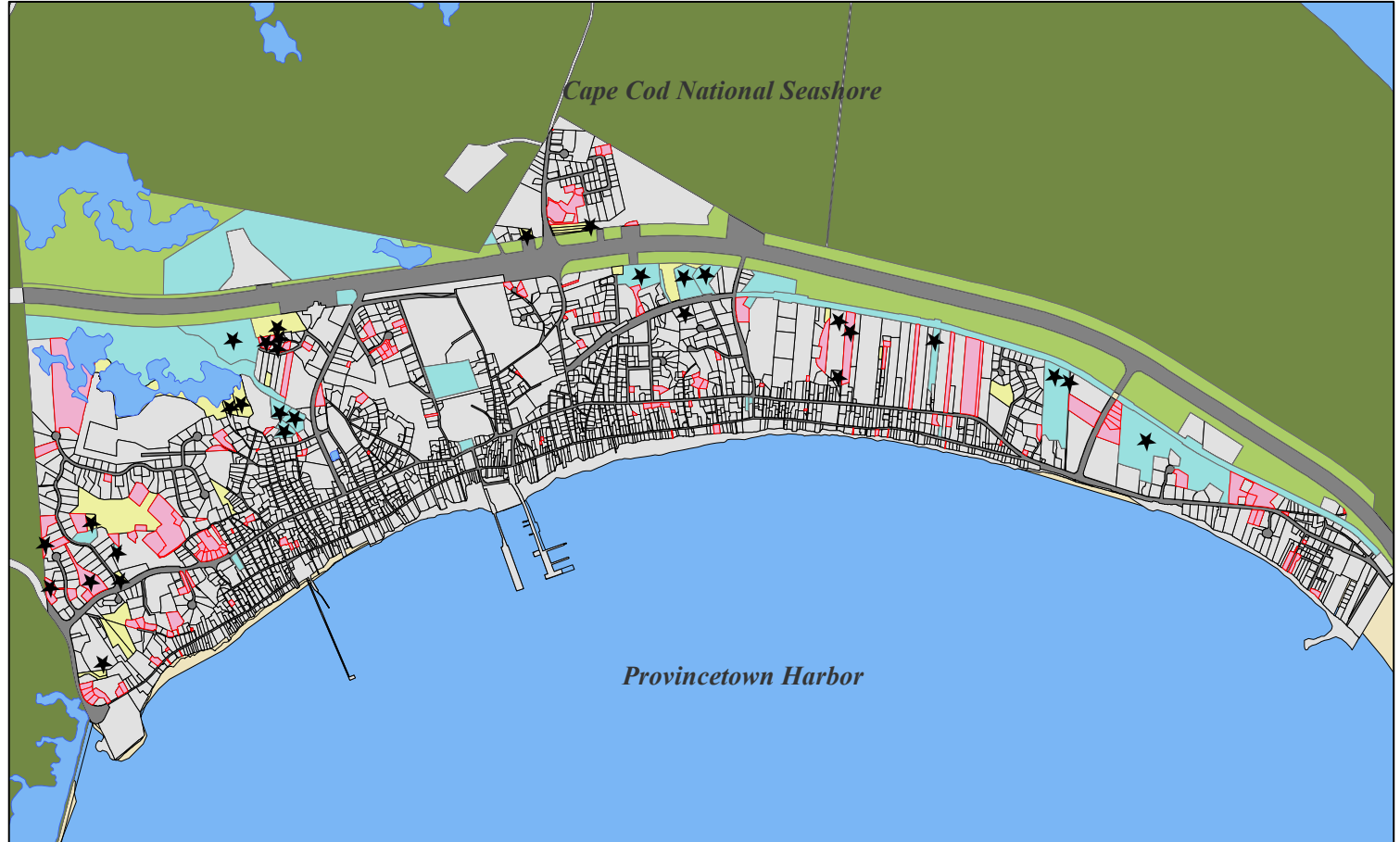
Type/Grant: PARC Grant

Degree of Protection: Conservation Restriction held by the Town of Provincetown



5.2.2 Public Recreation Areas

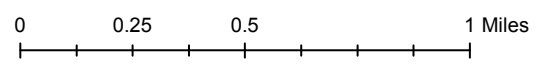
The Town Recreation Department has taken great effort to bolster the recreation capacity of the Town. The Town, Through the Recreation Department, owns and manages Town Hall Park and Bas Relief Park near Pilgrim Monument, as well as a town-owned area near the MacMillan Wharf and Cabrals Pier (sitting parks). The Town recently created a soccer field on Jerome Smith Road (on the parcel of land abutting St. Peter's Cemetery, adjacent to Route 6). A new skate park has also been constructed at the parking lot of the Jerome Smith Road field. Other passive recreation areas include Clapps Pond/Duck Pond Conservation Area, Foss Woods, Whistle Path Woods, Shankpainter Pond Wildlife Sanctuary, Nicky's Park, Curtis Conservation Lands (aka Fox Run), and Old Colony Nature Pathway, Hawthorne Wildlife Sanctuary, Browne Street Community Garden & Dune's Edge Campground described above in section 5.2.1. In addition, The School Department currently only owns one set of playing fields, located at the 4.39-acre Motta Field, as well as two pocket parks; the half-acre Chelsea Earnest Playground and quarter-acre Mildred Greensfelder Park. Motta Field, which primarily serves the High School, has an MIAA regulation soccer, baseball, and softball field. These fields are generally too large for younger children to use. The School Department must grant permission to use these fields.



Legend

- ★ Restrictions and Easements
- Water
- Vacant Lots
- Federal
- Mass Fish & Game
- Provincetown Conservation Trust
- Open Space and Recreation Land

**Plan of Provincetown
Showing Town-Owned Open Space
and Recreational Land**



Prepared by MIS Dept. 2/22/2012



5.2.3 Conservation Restriction Areas

While most of the land protected by the Provincetown Conservation Trust was donated outright, three parcels on Atkins Mayo Road totaling 3.11 acres are protected by conservation restrictions. Town-owned Conservation areas include 15-acre Foss Woods, the 24.44-acre Old Colony Conservation Pathway abutting Foss Woods to Howland Street, 7.52-acre Shank Painter Pond upland, 7-acre Whistle Path Woods, 1.5-acre Curtis Conservation Lands, 4.17-acre Nicky's Park.

Street Number	Unit Number	Street Name	Map and Parcel	Property Owner	Type of Restriction
5	A	CREEK RND HILL RD	01-1-002	HIGHLAND MOORS HOMEOWNERS ASSN	Conservation
15	R	CREEK RND HILL RD	01-1-008	HIGHLAND MOORS HOMEOWNERS ASSN	Conservation
12	R	PILGRIM HGTS RD	02-1-022	PROVINCETOWN CONSERVATION TR	Conservation
48		BRADFORD ST EXT	05-3-035	HIGHLAND MOORS HOMEOWNERS ASSN	Conservation
2		PILGRIM HGTS RD	06-1-008	PROVINCETOWN CONSERVATION TR	Conservation
36	R	ICE HOUSE RD	07-1-004-A	PROVINCETOWN CONSERVATION TR	Conservation
65	R	PLEASANT ST	07-1-022-A	PROVINCETOWN CONSERVATION TR	Conservation
207		ROUTE 6	07-3-021	SHANK PAINTER ASSOCIATES INC	Conservation
2		SHIPS WAY RD	07-3-021-B	SHANK PAINTER ASSOCIATES INC	Conservation
338		ROUTE 6	09-1-007	PROVINCETOWN CONSERVATION TR	Conservation
368		ROUTE 6	13-1-003	PROVINCETOWN CONSERVATION TR	Conservation
686		COMMERCIAL ST	18-1-019	PROVINCETOWN CONSERVATION TR	Conservation
6	R	PILGRIM HGTS RD	06-1-009-B	TOWN OF PROVINCETOWN	Conservation
14	R	BROWNE ST	07-1-032	TOWN OF PROVINCETOWN	Conservation
6	R	BROWNE ST	07-1-033	TOWN OF PROVINCETOWN	Conservation
10	R	BROWNE ST	07-1-034	TOWN OF PROVINCETOWN	Conservation
185		ROUTE 6	07-3-021-C	TOWN OF PROVINCETOWN	Conservation
15		AUNT SUKEYS WY	13-1-025	TOWN OF PROVINCETOWN	Conservation
82		HARRY KEMP WY	13-2-034-A	TOWN OF PROVINCETOWN	Conservation
74		HARRY KEMP WY	13-2-034-B	TOWN OF PROVINCETOWN	Conservation
290	F	BRADFORD ST	15-3-105	TOWN OF PROVINCETOWN	Conservation
682	R	COMMERCIAL ST	18-1-026	TOWN OF PROVINCETOWN	Conservation
784		COMMERCIAL ST	18-2-017	TOWN OF PROVINCETOWN	Conservation
21	U1	BRADFORD ST EXT	05-3-023	SOLOMAN MYRNA F	Conservation
16		SHIPS WAY RD	07-3-021-E	VICHERT NICOLA C ET AL	Conservation
4		SHIPS WAY RD EXT	07-3-021-F	KATZ STEVEN R	Conservation
67		HARRY KEMP WY	13-2-032	DAPHNIS DEMETRIOS	Conservation
31		ATKINS MAYO RD	15-2-042	DEL DEO SALVATORE A ET UX	Conservation
258	B	BRADFORD ST	15-2-043	DEL DEO SALVATORE A ET UX	Conservation
21		ATKINS MAYO RD	15-2-044	DEL DEO ROMOLO	Conservation
386 & 390		ROUTE 6	13-3-20 & 13-3-18	MASS LAND CONSERVATION TRUST	Conservation



SECTION 6: COMMUNITY GOALS

6.1 Description of Process and Results

To determine what the citizens of Provincetown value relative to Open Space and Recreation, a joint advisory committee was established to discuss town goals. In addition, the committee also reviewed the results of the 2012 Community Visioning Survey. A significant portion of this effort involved developing goals and objectives for open space and natural resource protection in the community.

Local Comprehensive Plan

The Local Comprehensive Plan (LCP), prepared in 1999, was adopted at the 2000 Annual Town Meeting (ATM) and certified by the Cape Cod Commission (CCC) as compliant with the CCC Act. Since it was formally adopted by the Town's legislative body and certified by Cape Cod's Regional Planning Agency (RPA), the Provincetown LCP is the Town's official policy plan for land use development, economic development, transportation, etc.

6.2 Community Visioning Process and Open Space and Recreation Survey

During the spring of 2012 a community wide survey was mailed to 4,137 addresses and it was also posted the Town of Provincetown homepage. The online survey used the Survey Monkey product and platform to collect information. The survey results that were received back in the mail were then manually input into the Survey Money database which collected survey data from person submitting their responses over the internet.

A total of 432 individuals started the survey and a total of 420 individuals completed the survey. This equates to 97.2% survey completion rate and about a 10% return rate. The community visioning survey asked tax payers and registered voters 29 questions pertaining to their perceptions, needs and wants relative to open space and recreation planning in the Town of Provincetown. The results are found on the following pages.



1. Please indicate how you would like the Town to prioritize purchasing new open space land. 1 (most preference for purchase) to 5 (least preference for purchase).

	1 (most preference for purchase)	2	3	4	5 (least preference for purchase)	Rating Average	Response Count
Biodiversity (preserving environments where different plants and animals live)	51.8% (188)	17.9% (65)	16.5% (60)	6.1% (22)	7.7% (28)	2.00	363
Wetlands	40.2% (136)	24.0% (81)	18.0% (61)	7.4% (25)	10.4% (35)	2.24	338
Preservation of endangered species & habitat	50.3% (182)	21.5% (78)	14.1% (51)	8.6% (31)	5.5% (20)	1.98	362
Scenic views and vistas	34.3% (117)	26.4% (90)	17.9% (61)	8.2% (28)	13.2% (45)	2.40	341
Beach land and access points	43.1% (155)	19.7% (71)	14.7% (53)	11.9% (43)	10.6% (38)	2.27	360
Drinking water preservation	60.6% (217)	18.7% (67)	10.1% (36)	4.7% (17)	5.9% (21)	1.77	358
Linking open space parcels together	24.6% (75)	16.4% (50)	21.3% (65)	16.7% (51)	21.0% (64)	2.93	305
Recreational use	10.3% (31)	18.2% (55)	24.2% (73)	20.5% (62)	26.8% (81)	3.35	302
Historically vacant lots, scattered sites	12.2% (35)	17.5% (50)	19.2% (55)	19.6% (56)	31.5% (90)	3.41	286
Roadside buffers	7.4% (19)	14.8% (38)	22.3% (57)	19.9% (51)	35.5% (91)	3.61	256
					Other (please specify) Show Responses		17
					answered question		421
					skipped question		11



2. To preserve open spaces in Provincetown, would you...

	Yes	No	Maybe	Response Count
Contribute some of your land to the Town/Land Bank?	10.6% (39)	73.8% (271)	15.5% (57)	367
Donate money to buy land?	30.0% (119)	37.0% (147)	33.0% (131)	397
Rewrite your deed to limit future use (conservation restriction)?	25.2% (93)	55.8% (206)	19.0% (70)	369
Sell land to the Town/Land Bank at a bargain price?	11.3% (41)	71.1% (258)	17.6% (64)	363
Sell land to the Town/Land Bank at a fair market value?	30.5% (111)	48.6% (177)	20.9% (76)	364
Vote for a Town supported land acquisition?	60.6% (245)	18.3% (74)	21.0% (85)	404
Pay higher property taxes to acquire remaining land?	27.8% (111)	47.4% (189)	24.8% (99)	399
		answered question		417
		skipped question		15



3. Please rank which, if any, Town actions you favor to preserve open space. 1 (most important) to 6 (least important).

	1 (most important)	2	3	4	5	6 (least important)	Rating Average	Response Count
Town/Land Bank purchase of land	37.8% (123)	15.7% (51)	16.0% (52)	11.7% (38)	13.5% (44)	5.2% (17)	2.63	325
Dedication of open space by developers	21.6% (66)	25.5% (78)	16.0% (49)	15.4% (47)	15.0% (46)	6.5% (20)	2.96	306
Zoning to encourage open space conservation	28.0% (87)	26.0% (81)	22.2% (69)	10.6% (33)	9.0% (28)	4.2% (13)	2.59	311
Purchase and acquisition of conservation restrictions	6.2% (18)	20.2% (59)	26.7% (78)	29.5% (86)	13.7% (40)	3.8% (11)	3.36	292
Cooperative land conservation efforts with public & private entities	23.1% (72)	20.8% (65)	18.9% (59)	15.7% (49)	20.2% (63)	1.3% (4)	2.93	312
						Other (please specify) Show Responses		22
						answered question		385
						skipped question		47



4. Which of the following natural resources do you feel are most in need of protection? 1 (most in need of protection) to 5 (least in need of protection).

	1 (most in need of protection)	2	3	4	5 (least in need of protection)	Rating Average	Response Count
Freshwater wetlands	58.6% (205)	19.1% (67)	12.6% (44)	3.7% (13)	6.0% (21)	1.79	350
Endangered & threatened species habitat	51.4% (180)	22.3% (78)	14.3% (50)	5.1% (18)	6.9% (24)	1.94	350
Unique & scenic resources	35.7% (112)	24.8% (78)	20.1% (63)	8.9% (28)	10.5% (33)	2.34	314
Salt marshes	40.9% (140)	26.6% (91)	16.1% (55)	8.8% (30)	7.6% (26)	2.15	342
Forested lands	37.1% (118)	28.6% (91)	16.0% (51)	8.2% (26)	10.1% (32)	2.25	318
Sand dunes/beach barriers	57.3% (211)	19.8% (73)	7.9% (29)	8.4% (31)	6.5% (24)	1.87	368
Ponds and bogs	36.5% (118)	28.2% (91)	17.3% (56)	9.6% (31)	8.4% (27)	2.25	323
Agricultural lands	16.3% (46)	18.4% (52)	24.8% (70)	17.0% (48)	23.4% (66)	3.13	282
Ocean/open water	44.8% (142)	19.6% (62)	12.6% (40)	11.7% (37)	11.4% (36)	2.25	317
Fishing, shellfishing	45.5% (147)	20.1% (65)	15.2% (49)	9.9% (32)	9.3% (30)	2.17	323
Beaches	49.7% (169)	25.3% (86)	11.2% (38)	7.4% (25)	6.5% (22)	1.96	340
					answered question	417	
					skipped question	15	



5. How important is it to you for the Town to continue to acquire and preserve land for conservation?

		Response Percent	Response Count
Very Important		45.0%	191
Important		34.0%	144
Neutral		11.3%	48
Less Important		5.4%	23
Not at All Important		4.2%	18
		answered question	424
		skipped question	8

6. How well has the Land Bank utilized funds to purchase open space parcels?

		Response Percent	Response Count
Excellent		9.9%	35
Good		42.0%	148
Average		37.8%	133
Below Average		6.8%	24
Poor		3.4%	12
		answered question	352
		skipped question	80



7. How has Provincetown done protecting the following?							
	Excellent	Very Good	Good	Average	Below Average	Poor	Response Count
Groundwater	6.2% (22)	21.6% (77)	31.7% (113)	26.9% (96)	9.0% (32)	4.8% (17)	357
Ponds	5.7% (20)	19.9% (70)	39.0% (137)	25.4% (89)	7.4% (26)	2.6% (9)	351
Harbors	7.7% (28)	25.5% (93)	33.2% (121)	21.2% (77)	9.1% (33)	3.3% (12)	364
Wetlands	7.1% (25)	23.6% (83)	37.8% (133)	19.9% (70)	7.1% (25)	4.5% (16)	352
Forests/wild land	8.2% (29)	23.4% (83)	39.2% (139)	21.7% (77)	5.4% (19)	2.3% (8)	355
Moors	6.8% (24)	25.4% (90)	35.5% (126)	22.3% (79)	6.5% (23)	3.7% (13)	355
Beaches/Dunes	8.2% (30)	26.5% (97)	29.0% (106)	19.9% (73)	11.2% (41)	5.2% (19)	366
answered question							371
skipped question							61



8. How accessible do you feel the following conservation lands are to the public at-large?

	Very Accessible	Accessible	Somewhat Accessible	Not Accessible	Response Count
Ponds	18.1% (70)	43.8% (169)	33.7% (130)	4.4% (17)	386
Harbors	53.8% (213)	36.9% (146)	8.6% (34)	0.8% (3)	396
Wetlands	16.0% (61)	41.1% (157)	37.4% (143)	5.5% (21)	382
Forest/wild lands	31.2% (123)	49.5% (195)	17.0% (67)	2.3% (9)	394
Moors	25.6% (98)	51.4% (197)	20.1% (77)	2.9% (11)	383
Beaches	54.3% (216)	36.9% (147)	7.5% (30)	1.3% (5)	398
answered question					400
skipped question					32




9. In your opinion, are the Provincetown conservation lands accessible to the following communities?

How accessible for this population?

	Very Accessible	Accessible	Somewhat Accessible	Not Accessible	Response Count
Sight Impaired	7.9% (25)	34.1% (108)	39.4% (125)	18.6% (59)	317
Hearing Impaired	21.6% (69)	49.7% (159)	20.3% (65)	8.4% (27)	320
Mobility Impaired	4.9% (16)	21.0% (69)	49.4% (162)	24.7% (81)	328
answered question					329
skipped question					103



10. Do you feel you receive sufficient information about the Town's open space resources?

		Response Percent	Response Count
Yes		12.0%	26
Somewhat		40.6%	88
No		47.5%	103
		answered question	217
		skipped question	215



11. How often do you visit the following areas for recreation?

	Never visited	1-5 visits	5-10 visits	10-15 visits	15+ visits	Response Count
Designated Shellfishing Areas	52.7% (208)	32.4% (128)	4.3% (17)	4.8% (19)	5.8% (23)	395
Fox Run Conservation Area	73.1% (283)	19.1% (74)	3.1% (12)	1.0% (4)	3.0% (14)	387
Suzanne's Garden	62.9% (251)	24.1% (96)	5.5% (22)	3.3% (13)	4.3% (17)	399
Herring Cove Beach	1.9% (8)	11.9% (49)	13.9% (57)	11.2% (48)	61.1% (251)	411
Clapp's and Duck Ponds	40.4% (161)	32.6% (130)	6.3% (25)	7.8% (31)	13.0% (52)	399
Shankpainter Pond Wildlife Sanctuary	43.1% (172)	39.8% (156)	7.5% (30)	3.3% (13)	6.3% (25)	399
Town Beaches/Landings	3.6% (13)	11.8% (49)	11.6% (48)	9.9% (41)	63.0% (261)	414
Old Colony Nature Pathway	57.7% (226)	25.8% (101)	5.9% (23)	3.1% (12)	7.7% (30)	392
Hawthorne Wildlife Sanctuary	78.4% (304)	17.0% (66)	2.3% (9)	1.0% (4)	1.3% (5)	388
Nicky's Park Conservation Area	73.1% (285)	19.7% (77)	2.8% (11)	1.8% (7)	2.6% (10)	390
Foss Woods Conservation Area	55.3% (215)	27.0% (105)	8.0% (31)	1.3% (5)	8.5% (33)	389
B-Street Community Garden and Conservation Park	74.0% (288)	17.0% (66)	4.6% (18)	1.5% (6)	2.8% (11)	389
Whistle Path Woods	72.3% (282)	17.7% (69)	3.8% (15)	1.3% (5)	4.9% (19)	390
Chelsea Ernest Playground	73.0% (287)	17.0% (67)	4.6% (18)	1.8% (7)	3.6% (14)	393
Mildred Greenfield Playground	78.7% (307)	14.6% (57)	3.3% (13)	0.8% (3)	2.6% (10)	390
Provincetown Skate Park	82.4% (322)	12.8% (50)	2.0% (8)	0.8% (3)	2.0% (8)	391
Provincetown Bark Park (dog park)	62.1% (244)	20.9% (82)	5.3% (21)	3.1% (12)	8.7% (34)	393
answered question						418
skipped question						14








13. Check the types of recreational facilities that you would like to be provided by the Town from the list below.



	Response Percent	Response Count
Fitness course	25.5%	114
Mini-golf course	11.0%	44
Campground	15.0%	60
Hunting areas	2.0%	8
Beach access and amenities	75.5%	302
Public access to water	62.0%	248
Outdoor amphitheater	27.0%	108
Children's playgrounds	19.5%	78
Family picnic areas, outdoor grills	22.3%	89
Bowling/game facility	8.8%	35
Fields for soccer, football, baseball, etc.	20.8%	83
Swimming pool	19.3%	77
Hiking trails	65.8%	263
Petting zoo/farm	3.5%	14
Community gardens	43.8%	175
Skateboarding	9.5%	38
Sailing/kayaking/canoeing	41.5%	166
Public marina/boating club	33.8%	135
Public horse-riding facility	18.5%	74
Expanded parking areas	24.8%	99
Parks in developed areas (Le. Suzanne's Garden)	28.8%	115
Additional tennis courts	13.8%	55
Extreme sports (windsurfing, kite surfing, etc.)	9.3%	37
Bike paths to beaches	67.8%	271
	Other (please specify) Show Responses	51
	answered question	400
	skipped question	32



14. Do you support using revenue generated from recreation area usage fees to fund recreational programs and facility maintenance?

		Response Percent	Response Count
Strongly support		36.6%	145
Support		45.2%	179
Neutral		13.4%	53
Oppose		3.3%	13
Strongly oppose		1.5%	6
		answered question	396
		skipped question	36

16. Do you feel you receive enough information about the Town's recreation opportunities and facilities?

		Response Percent	Response Count
Yes		12.8%	48
Somewhat		45.1%	169
No		42.1%	158
		answered question	375
		skipped question	57



17. How do you rate the quality of the following recreational facilities?

	Excellent	Very Good	Good	Average	Below Average	Poor	Response Count
Walking/Hiking	32.7% (130)	35.7% (142)	21.1% (84)	6.8% (27)	3.8% (15)	0.0% (0)	398
Bird watching/Nature enjoyment	34.6% (133)	35.4% (136)	20.8% (80)	6.5% (25)	2.3% (9)	0.3% (1)	384
Beach access & amenities	21.1% (85)	33.8% (136)	28.4% (114)	9.7% (39)	4.7% (19)	2.2% (9)	402
Other (please list below)	11.1% (4)	22.2% (8)	8.3% (3)	2.8% (1)	19.4% (7)	36.1% (13)	36
Other (please specify) Show Responses							36
answered question							405
skipped question							27

18. What should the Town do to increase accessibility and public enjoyment of recreational facilities? Please rank on a scale of 1 (most important) to 5 (least important).

	1 (most important)	2	3	4	5 (least important)	Rating Average	Response Count
More/better public parking at facilities	23.2% (63)	24.3% (66)	23.9% (65)	17.3% (47)	11.4% (31)	2.69	272
More/better public transportation to/from facilities	27.3% (76)	28.8% (80)	27.3% (76)	11.2% (31)	5.4% (15)	2.38	278
Improve existing facilities	46.1% (143)	26.5% (82)	22.6% (70)	4.2% (13)	0.6% (2)	1.87	310
Acquire/build new facilities	9.8% (29)	13.6% (40)	14.2% (42)	37.6% (111)	24.7% (73)	3.54	295
Other (please list below)	55.6% (30)	7.4% (4)	7.4% (4)	9.3% (5)	20.4% (11)	2.31	54
Other (please specify) Show Responses							56
answered question							381
skipped question							51



19. How do you receive news and information concerning recreation opportunities and facilities? Please rank the 3 you use the most.

	1	2	3	Rating Average	Response Count
Newspaper(s)	78.2% (247)	13.9% (44)	7.9% (25)	1.30	316
Town's website	19.4% (26)	47.0% (63)	33.6% (45)	2.14	134
Other internet source(s)	17.0% (9)	41.5% (22)	41.5% (22)	2.25	53
Radio	14.0% (8)	54.4% (31)	31.6% (18)	2.18	57
Word-of-mouth	30.1% (90)	49.2% (147)	20.7% (62)	1.91	299
Recreation Department's informational pamphlets/signs/posters	11.8% (11)	31.2% (29)	57.0% (53)	2.45	93
			Other (please specify) Show Responses		25
			answered question		394
			skipped question		38

20. The Community Preservation Act (CPA), generates funds to purchase open space, affordable housing, and/or historic preservation lands. In order of priority, how should CPA revenue be spent?

	1st Priority	2nd Priority	3rd Priority	Rating Average	Response Count
Open space	54.2% (211)	28.5% (111)	17.2% (67)	1.63	389
Affordable housing	22.5% (86)	23.0% (88)	54.6% (209)	2.32	383
Historical preservation	25.3% (96)	47.8% (181)	26.9% (102)	2.02	379
			answered question		395
			skipped question		37



22. What is your age group?			
		Response Percent	Response Count
18-24		0.2%	1
25-34		1.7%	7
35-44		7.1%	29
45-54		31.7%	130
55-64		36.1%	148
65+		23.2%	95
answered question			410
skipped question			22


23. Do you own property in Provincetown?			
		Response Percent	Response Count
Yes		90.8%	374
No		9.2%	38
answered question			412
skipped question			20

24. What is your residency status in Provincetown?			
		Response Percent	Response Count
Year-round		53.3%	219
Seasonal		46.7%	192
answered question			411
skipped question			21



25. Are you a registered voter in Provincetown?			
		Response Percent	Response Count
Yes		50.7%	208
No		49.3%	202
answered question			410
skipped question			22

26. If you answered YES to Question 24, do you regularly attend Annual Town Meeting?			
		Response Percent	Response Count
Yes		54.9%	123
No		45.1%	101
answered question			224
skipped question			208

27. If you answered YES to Question 24, do you regularly vote in Town elections or other ballot issues?			
		Response Percent	Response Count
Yes		87.0%	188
No		13.0%	28
answered question			216
skipped question			216



6.3 Statement of Open Space and Recreation Goals

The uniqueness of Provincetown lies in its geographic location and development history, both of which distinguish the community from other Cape Cod towns. The town has changed from being the "First Outpost" to the "Outermost Resort" in Massachusetts. Its isolated geography, geology, history and cultural traditions attract numerous tourists every year.

Provincetown's natural features, physical development, and social structure create unique problems and opportunities for open space/conservation and recreation planning. The town has a number of environmentally-sensitive areas, such as pondshores, salt marshes, barrier beaches, dune bogs and cedar swamps, which should be protected as conservation or open space areas. As discussed in previous sections, Provincetown is reliant upon Cape Cod's Sole Source Aquifer for its drinking water supply. Specifically, the town is served by the Pamet Lens, one of six discrete components of the aquifer. These drinking water resources make it important to consider groundwater and aquifer protection measures when managing open space.

Provincetown's general charge is to preserve the natural and human qualities which make it unique, while promoting these features appropriately to attract tourism and bolster the economy. In keeping with this charge, and in considering important natural features, five broad open space goals were identified through community forums, interest group discussions, and through a town-wide mailed survey which was conducted in the spring of 2012. Revised open space goals are as follows:

- Expand the amount of land that is open space for natural resource protection, passive recreational activities, quality of life and aesthetics.
- Increase conservation, protection of environmental resources, and greenway corridor, wetland, and habitat protection through public/private sector cooperation.
- Properly manage open space and previously owned conservation properties.
- Manage growth and decrease development sprawl through smart growth techniques, including; limiting development, promoting redevelopment opportunities, and encouraging environmentally sound construction where development is allowed.
- Provide recreational opportunities and increase public access of town-owned land (e.g., increase public awareness and protection of traditional and historic walkways and beach access points).

SECTION 7: ANALYSIS OF NEEDS

The purpose of this section is to identify the overall open space and recreation needs of Provincetown. These needs have been identified through the public process described in Section 6 above and will serve as the foundation for the Goals and Objectives and Five-Year Action Plan developed in the concluding sections of the plan.

7.1 Summary of Resource Protection Needs

Beyond land acquisition efforts to increase open space and proper management of conservation areas, ensuring the protection of environmentally sensitive areas (wetlands and groundwater resources) and promoting stewardship of these areas have been consistently identified as high



priorities. In addition, growth management has been identified as a community need, and a tool for achieving open space protection. A list of conservation needs, central to the community's program, is described in the following sections.

7.1.2 Enforce Wetlands Protection Laws

The Regional Policy Plan (RPP) for Barnstable County recommends that Cape Cod towns adopt local wetlands by-laws or ordinances that include measures to specifically protect vernal pools and isolated wetlands, enact policies of "no alteration/replication of wetlands for both public and private applicants," expand jurisdiction beyond 100 feet where appropriate, and improve enforcement. Provincetown revised their wetlands bylaws and recently developed regulations that fulfill the Commission's recommendations. The rules promulgated a buffer zone jurisdiction of 100 feet from all resource areas, within which there should be a 50 foot "no touch" area and an 80 foot "no build" area; in addition, all land currently within MESA jurisdiction is automatically subject to local jurisdiction. Thus, local bylaws and regulations create a higher level of wetland resource area protection than the state Wetlands Protection Act currently provides.

The RPP also suggests that the local Conservation Commissions work closely with their Boards of Health in implementing these measures. Provincetown is currently working to develop this inter-governmental relationship, yet is still finding it difficult to discover violations, and therefore, enforce them. To remedy this issue, action items that call for additional resources for town enforcement and permitting staff are suggested in Section 9 of this plan.

7.1.3 Critical Habitat Areas in Need of Special Protection

Much of undeveloped Provincetown is critical habitat area. Specific identifiable areas that may require special protection include Shank Painter Pond, the Clapps Pond/Duck Pond ecosystem and Jimmy's Pond. Protection of habitat and endangered species should be made more explicit in the Development Impact Statement section of the Zoning Bylaw and consideration should be given to increasing the required lot area in proximity to sensitive resources. Other potential measures include the institution of provisions for open space set-asides and dedications and mandatory clustering.

Specific management plans have been drafted for the following properties, due to their environmental significance: Shankpainter Pond Wildlife Sanctuary, Whistle Path Woods Conservation Area, Nicky's Park, Hawthorne Wildlife Sanctuary, B-Street Community Garden and Conservation Park. The management recommendations for each of these conservation areas all include the following strategies:

Handicapped accessibility.

Adjacent property acquisition.

Managing and policing the proper use of the property.

Making habitat improvements, as necessary.

Providing site access (parking availability, and pedestrian trails).

Establishing a stable funding source.

These management recommendations require the coordination of town boards, management services for each property, property security services, fire planning, and planning services to update management plans. These management needs are further described below in section 7.3, as well as within in each management plan (see Appendix E).



7.1.4 Establishing an Official Greenway with Plans for Management and Protection

The term “Green Corridor” has been used to refer to the stretch of contiguous wood, shrub, and wetlands that extends from the Truro town line through Mayflower Heights and Foss Woods, Massachusetts Fish & Game lands, areas abutting both sides of the Old Colony Nature Path for over a mile, and continuing (southwest) through Nicky’s Park and Jimmy’s Pond through the Hawthorne Nature Area and then through various public and private property to Shank Painter Pond and the Cape Cod National Seashore.

The ecological advantages to such a corridor have been previously mentioned: augmentation of wildlife habitat value to connected parcels, the enhancement of animal movement, biodiversity, and potential gene flow.

The term “Greenway” has referred to a similar and somewhat adjacent area, comprised of the open space associated with Route 6, from the Truro town line and extending all the way to the boundary of Cape Cod National Seashore. It is generally understood that the “Greenway” would include the median strip between east and west bound lanes, the shoulders of the highway, and an area up to 400 yards on either side of the road. This referred-to area encompasses every category of property- public (town, state, and federal) as well as private- and largely overlaps the above referenced “Green Corridor”.

The “Greenway” represents all the advantages of the “Green Corridor” and in addition provides an unbroken green viewscape for residents and visitors alike. Still, there has been some confusion over these two terms and a concomitant lack of management with their associated areas.

The 2010 Annual Town Meeting passed Article 22, which instructed

“...the Open Space Committee and the Conservation Commission to develop a grant proposal for submission to the appropriate funding sources, for \$10,000 to survey and define the said Greenway with all its grandfathered development, from the Provincetown Town Line to the Cape Cod National Seashore. Having surveyed and defined this unique and precious tourism resource, and having identified its private, Town and Commonwealth properties, a petitioned article developing a legal and efficient method of administering the Greenway will be brought before the next Annual Town Meeting...”

Since that vote, the above committees, assisted by Americorps Cape Cod, have worked on a GIS map of the area and met to discuss a working and precise definition of the Greenway that would take into account existing uses, private development rights, and future town infrastructure needs, as well as already existing protection.

Once the newly defined “Greenway” is included in this Open Space and Recreation Plan and is accepted by the Board of Selectmen, the Open Space Committee will schedule a joint meeting with the Planning Board to discuss the appropriate measures for protection.

Future actions should include the posting of additional “Turtle Crossing” warning signs in areas where they are warranted.



7.1.5 Managing Information for Future Acquisition

The overwhelming response at public forums and to surveys distributed throughout the community demonstrates that open space acquisition is a high priority for the community. With the recent development of the municipal GIS, town agencies and the Open Space Committee can identify parcels and gather detailed Assessor's information with a much higher degree of detail and efficiency. The Open Space Committee, the Assessor's Office and Town Engineering will need to develop a mechanism through which they can track the parcels of conservation interest that should be targeted based on existing funds, communication with land owners and sales price of individual parcels. The need for this level of inter-agency communication could be adequately addressed by hiring a full-time Conservation Agent who has day-to-day interaction with Town Hall, specific knowledge of resource areas, and acts as a liaison to quasi-municipal agencies such as the Open Space Committee.

7.1.6 Proper Use and Policing

Throughout this revision process, there was a significant amount of input regarding the issue of "appropriate use" of conservation areas and how any restrictions might be enforced in town. On some of the conservation lands throughout Provincetown, uses such as trail walking and hunting can compete in different seasons and create conflicts or dangerous conditions. There is a need in the community, therefore, to designate specific conservation areas for specific uses and to ensure that the general public is aware of these conditions. Use restrictions would likely be seasonal in nature to account for the hunting demands in the community and would also respect the opportunities and limitations of the wide range of acreage provided by different conservation areas. Where use restrictions are already in place, these restrictions should be clearly posted and enforced through police action.

7.1.7 Property Integration

There are opportunities to augment the value of existing conserved lands by increasing the size of the conservation area. Undeveloped properties adjacent to these properties should be evaluated for acquisition or other means of protection from full development.

7.1.8 Capital Costs and Funding

A major expense associated with management of open space areas is restoration (e.g., the cost of revegetation in denuded areas, etc.). Another expense is aesthetic improvements (e.g., trail benches). Sometimes these improvements can be performed using existing manpower and equipment from the Provincetown Public Works Department. However, work from this department is contingent upon operating budgets, available staff, season, and scheduling. The Town's Capital Outlay Plan should include funding for improving town lands and facilities, particularly in areas of conservation interest. Outside sources of funding for these types of improvements should be explored, through Urban Self Help reimbursement for recreational development (trail surfacing) or private fundraising.

7.2 Summary of Community's Needs

The following community-based needs are related to open space planning due to their potential impacts on open space land or availability.



7.2.1 Recreational Needs

According to the Massachusetts Statewide Comprehensive Outdoor Recreation Plan (SCORP), Massachusetts communities are in need of recreation areas for swimming and trail-based activities such as walking and biking. They are also in need of additional playground areas. On the Cape and Islands specifically, the SCORP indicated that new playground areas were the most highly sought after recreation need, with tennis and golfing facilities as a close secondary need. Provincetown is in need of these facilities as well. However, due to the unique topography and geographic confines of the town, residents and town officials alike understand that there is limited availability for expansive recreational facilities such as golf courses. Rather, there is a preference to provide pocket parks and trails throughout the town, as well as establish a greenway system connecting existent natural corridors, particularly along the Old Colony Nature Pathway. In addition, the town also wishes to provide environmentally-based outdoor recreational opportunities, to educate the about the extremely rare and sensitive natural resources of the town.

As discussed in Section 3 of this Plan, Provincetown has a significant middle-aged and older population, and their younger-aged population is declining (approximately a 55% reduction in children under 5 and a 33% reduction in school-aged children). Therefore, it is in the town's interest to focus some of its attention on increasing and/or enhancing recreational opportunities for its aging population. Planning for the outdoor needs of elders need not be complicated or expensive. Items as simple as a bench to stop and catch one's breath along a hiking trail would be useful. Benches, firm footing, safe parking access should be easy, yet important, design considerations.

The Recreation Department has undertaken significant efforts to improve recreation facilities in town, starting with youth-oriented recreation. The Recreation Department has established and maintained the Jerome Skate Park as well as Town Hall Park, Bas Relief Park, MacMillan Wharf, Cabral's Pier and the soccer field and skate park on Jerome Smith Road. However, there is a recognized need to increase youth-orientated recreation in town, as well as increase recreation for the aging population. Therefore, the town should also improve its existing playgrounds and increase the number of pocket playgrounds (small playground structures tucked-away within public areas within walking distance to the Veterans Memorial Elementary School, as well as the High School).

Discussions at public forums and the results of the survey indicate that there is a significant interest in potentially expanding the stock of recreational facilities in Provincetown. Many of the respondents were interested in increasing the number of several types of facilities that are already popular within the community. These facilities include ball fields, playgrounds and tot lots. It is interesting to note that in several instances, the respondents who wanted these additional facilities lived in neighborhoods that were identified as under-served in the 1998 plan. This demonstrates that communities with high volumes of detached single family dwellings often require a more dispersed inventory of recreational facilities to accommodate different neighborhoods.

An important consideration when assessing Provincetown's recreational opportunities is to determine whether these opportunities are meeting the demands of Provincetown's disabled population. The Americans with Disabilities Act (ADA) is a wide-ranging piece of legislation intended to make American society more accessible to people with disabilities. For facilities to become ADA-compliant, certain specifications must be met, such as the inclusion of hand rails, ramps and handicapped accessible bathrooms.



Town-owned recreational properties within Provincetown, including Mildred Greenfelder Park, Old Colony Nature Pathway, Nicky's Park, Chelsea Earnest Playground, Motta Field, and Shank Painter Pond Uplands were inventoried to determine whether they are ADA-compliant. It was found that none of these facilities are fully ADA-compliant with regard to parking and ramps and most lacked site access, stairs and door requirements as well. Many specifications, such as restroom requirements, did not apply to these outdoor recreation facilities. Forms detailing the specifications met and not met at each site are provided in Appendix D.

Table 7.1 summarizes specific improvements that the Town of Provincetown hopes to make in order for the Town-owned recreational properties listed above to become ADA-compliant.

The Open Space Committee, Conservation Commission, Recreation Commission and the Disability Commission will work together to create accessibility on Town-owned properties. These boards are also committed to continued reevaluation of the management plans for each of these properties.

7.2.2 Future Land Use Needs

Wastewater

Because of the high volume of construction and building, the Wastewater Treatment Plant may need additional effluent disposal beds at some point. In 2012 Town Meeting authorized and appropriated funds to install additional capacity at the waste water treatment plant which will expand the

Drinking Water

Already stressed in meeting water demand on an average summer day, the Town must ensure that Pamet lens is not mined (withdrawn at a higher rate than recharge) allowing harmful salt intrusion. Two permits, a Groundwater Withdrawal Permit from the Commonwealth of Massachusetts and a Special Use Permit from the National Park Service for the North Truro Air Force Base well, control Provincetown's water use. Under terms of the DEP Water Management Act, the Town is currently limited to withdrawing 311.62 million gallons per year (MGY), yet is seeking additional water withdrawal options due to increasing consumption rates.

7.2.3 Affordable Housing Sites and Other Needs

The Board of Selectmen voted on June 26, 2006 to authorize submission of a grant application to the Massachusetts Department of Housing and Community Development under its Priority Development Fund for \$50,000 in planning assistance for housing production, including a feasibility study for a Chapter 40R Smart Growth district in Provincetown. "Smart growth" is a principle of land development that:

Increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods.

Emphasizes mixed land uses.

Takes advantage of compact design.

Fosters distinctive and attractive communities.

Preserves open space, farmland, natural beauty and critical environmental areas.

Strengthens existing communities.

Provides a variety of transportation choices.



Makes development decisions predictable, fair and cost effective.

Encourages community and stakeholder collaboration in development decisions.

This allocation of funds indicates the town's need to secure land for affordable housing, particularly housing that is affordable to the local workforce, artists' space, childcare sites, and space for start-up businesses. The concern is that affordable housing needs will result in the use of open space because it is deemed cheaper to build than renovate. As pressure increases for affordable housing units in Provincetown, more developers will invoke state law 40B to override local bylaws and develop sensitive areas and non-jurisdictional wetlands. Therefore, it will be important for the town to consider open space needs in planning for, and permitting, affordable housing developments. The town should consider the preservation of open space by utilizing existing buildings and redevelopment possibilities for affordable units.

7.2.4 Existing Regulations and Effectiveness in Managing Growth

As land becomes more precious and increasingly scarce, development in wetlands or buffer zones will increase, leading to potentially disastrous environmental threats of flooding, etc.

The Growth Management By-law, intended to sustain public water, waste disposal and other services, helps slow growth but does not address all growth, nor does it address service capacity. Each conversion to year-round use, each additional dwelling space carved out of an existing unit, and each guest staying for the weekend during the peak tourist season represents additional stress on services. Review and modification of the Growth Management By-law should be undertaken to determine the appropriate number of annual permits and to assess the effectiveness of priority levels in allocating those permits.

The results of the 2004 Community Visioning Survey showed that residents are in favor of limiting growth in the community and that they feel that current development controls need to be strengthened. These results indicate that the water supply/land development issue, once the subject of considerable discussion by Town government, needs to be revisited. In addition, since the communities of Truro and Provincetown are closely linked geographically and hydrologically, these communities should work together to limit growth in line with water resources.

7.2.5 Areas in Need of Revitalization or Redevelopment

Economic Development in Provincetown, an Evolving Plan for Action, issued in January, 1996, states that "(m)any of Provincetown's commercially zoned properties are not being used to their full potential" and encourages the use of tax incentive tools to maximize such potential. The economic plan also endorses extension of the tourist season and expansion of the economic base to provide more products and services locally that are currently imported. While beneficial to the local economy if successfully acted upon, all of these directives could result in additional burdens on municipal services.

7.2.6 Access to and Awareness of Conservation Lands

The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 1994 evaluation by the Provincetown Disability Committee found that Provincetown's unique, steep dune topography renders many public lands unsuitable for full accessibility, a feature shared by Whistle Path Woods and Shank Painter Pond Wildlife Sanctuary. In general, the experiences that an able person could enjoy at these locations should be made available to the disabled. However, of great concern regarding the slope of



the trail for accessibility is its surfacing. The surface of the paths to these areas could be hardened slightly (perhaps with bluestone dust or clay). The cost of the latter might prove prohibitive for these long trails. Wheelchairs can use hardened natural surfaces, but only 5% of the disabled are wheelchair bound. Asphalt paving could cost as much as \$40 per foot and would disturb the natural setting. However, the town understands that, whenever possible, it must meet ADA rules regarding access to conservation and recreation areas for people with disabilities.

In addition, poor access to conservation lands also refers to barriers in public awareness and physical barriers such as locked gates, and inadequate parking. For example, if residents of

Provincetown are not aware of where existing access points to conservation lands exist, these areas will not realize their full value to the community. Similarly, if trails are not marked or mapped, residents will not be aware of where they expect to take walks through forested areas. To this end, efforts have been made to supply uniform signage at all trailheads and interpretive signs at significant points within conservation areas; interpretive kiosks are also in the planning stage.

7.2.7 Funding

An obvious issue that arises when discussing expanding recreational facilities and maintaining those that exist is the funding of these efforts. Approximately half of the respondents to the survey were either moderately satisfied or not satisfied at all with either the number or maintenance of existing facilities. This level of response, along with a similar dynamic at the public forum, suggests that there is a significant demand for new facilities and that maintenance issues deserve careful consideration for existing sites. Discussions with municipal agents suggest that maintenance of recreational facilities is generally adequate, although there is room for improvement. Discussions of how to better organize and leverage funding for these purposes are provided in the Five-Year Action Plan.

It is recommended that the town also provide a long-term funding source for maintaining and acquiring open space areas. For example, some communities establish a public access and open space preservation fund, through a Charter amendment, which stipulates a minimum percentage of the government's certified real property taxes appropriated to the fund each year. Many communities also establish an ordinance that includes procedures for the administration and prioritization of fund expenditures and the establishment of an advisory commission to oversee the expenditures. At present there is a maintenance fund which is funded through the Land Bank. This maintenance fund is calculated as 3% of the 3% surcharge which generates revenue for the Land Bank. The Open Space Committee uses these funds to maintain the Town's open space and recreation properties which were purchases using the Land Bank. There are also grant opportunities through our local Visitors Services Board, AmeriCorps Cape Cod and the Conservation Trust.

The Community Preservation Act (CPA) allows participating cities and towns to adopt a real estate tax surcharge up to 3% in order to fund three key community purposes: open space, historic preservation and community housing. State matching funds are available for communities that accept the CPA (MGL C.44B, §§3-7). The Town adopted the Community Preservation Act at their May 2004 Annual Town Election. At 3%, the CPA's property tax surcharge is projected to raise \$235,000 in Provincetown per year, producing a state match of nearly a million dollars every four years. These state and local funds together translate to total borrowing authority of \$7.5-million for Provincetown for these CPA purposes: (1) the acquisition, creation, and preservation of open space -- which includes "land to protect existing and future well fields" and "aquifers and recharge areas"; (2) the acquisition,



preservation, rehabilitation and restoration of historic resources; and (3) the creation and support of community housing. A minimum of 10% (\$750,000) must be used for each of the three areas. The remaining 70% can be allocated for any combination of the allowed uses, or for land for recreational use. According to the records for the May 2004 Election, the Town is interested in ear-marking up to 80%, or \$6-million of these funds for affordable housing.

The Town of Provincetown has passed a Community Preservation Committee bylaw that establishes the role of the Community Preservation Committee (CPC). The CPC is responsible

for undergoing regular study of the needs, possibilities and resources of the town regarding community preservation. Among a number of community preservation related duties, they must make recommendations to the Town for the acquisition, creation and preservation of open space, historic resources, and recreation. It is strongly recommended that the Conservation Commission work with the Community Preservation Committee to ensure that available funds are used towards open space acquisition maintenance.

7.3 Management Needs, Potential Changes of Use

Based on the community's needs relative to both protecting open space resources and providing recreational opportunities, several management challenges have been identified. Although specific changes in land use were not identified, enforcing existing restrictions on conservation lands has been a problem. Maintaining restrictions and facilitating better information exchange are therefore two focal points of these needs. Additionally, amending the existing Zoning Bylaw with the goal of more centralized "sustainable" development techniques could make significant additions to Provincetown's open space inventory.

7.3.1 Coordination of Town Boards

The Health and Environmental Affairs Manager is serving as the project coordinator for this plan update. The updated plan was circulated through all relevant town boards and municipal staff.

7.3.2 Maintenance of Assessor's Database

The Town of Provincetown has recently developed a GIS database to help manage municipal affairs relative to property ownership, utilities, engineering, etc. The spatial database can be directly linked to the Assessor's database and therefore represents an excellent opportunity for enhancing management of specific properties throughout the community. During the development of this Open Space and Recreation Plan, it became evident that different municipal agents are tracking different sets of information relative to individual parcels. For example, the

Assessor's Office has very detailed information for tax-paying areas of town. However, they do not keep very detailed records regarding ownership for most open space parcels. Therefore, detailed information regarding Conservation Restrictions or the specific use of Town-owned property must be found in other areas. The Recreation Department and Conservation represent two agencies that may have essential pieces of information that cannot be found in other departments.

The Town of Provincetown requires the hiring of an individual who can manage the GIS system in a way that globally satisfies the community's needs. Information on easements, permit submittals, wetland delineations, conservation restrictions, property ownership, recreational use and utilities



should all be maintained in a single database. This individual would be responsible for developing data sharing protocols for the different community departments and integrating the information into the database. Beyond being able to readily inventory open space and recreational lands, this database would streamline several other municipal functions such as development permitting, utility maintenance, comprehensive planning, and providing general information to residents.

7.3.3 Use of Conservation Lands

As mentioned earlier in this plan, proper policing of conservation lands is a high priority for the community as ATV use and other more high intensity uses have damaged significant areas of resource areas. The community should work to amend the Town's General Bylaw to better define the management and enforcement of these areas.

Encouraging deeded public access between public use areas is essential to preserve unfragmented habitat, and to provide interconnected water quality buffers and land buffers between land uses. This is best achieved by employing a multifaceted conservation approach. Various regulatory techniques such as conservation easements, transfer/purchase of development rights, and zoning overlays can be developed, and also employed within the development review process, to secure long term public access between recreational and conservation areas. However, in order to minimize land use conflicts and permitting delays it is imperative that communities comprehensively study and map these public conservation areas and identify appropriate greenway corridors in advance of reviewing formal development plans.

7.3.4 Conservation Easements

The Planning Board and the community as a whole should also consider the adoption of a Conservation Easement program. Aside from outright land acquisition, the conservation easement is one of the most important tools available today to protect open space and preserve natural settings. A conservation easement is a restriction on future development on a parcel of land. The easement document is flexible. It is written to conserve the integrity of the landscape. An easement need not cover an entire lot, preclude all use or development, or allow public access to qualify for a charitable deduction. For example, a conservation easement can allow for simply leaving the land unchanged or allow for a limited subdivision of the land and housing

development. The more restrictive the easement is, the greater the value of the easement and its potential tax benefits. Conservation easements may either be sold from a property owner to a government or land trust or donated. Clients donate conservation easements to protect their land or historic property from inappropriate development and maintain private ownership. An easement ensures this preservation will endure no matter who owns the property in the future.

7.3.5 Transfer of Development Rights

The Planning Board and the community as a whole should also consider the adoption of a Transfer of Development Rights (TDR) program. A TDR program in Provincetown would identify "sending areas", such as parcels listed in the "areas of conservation interest", and "receiving areas", such as the Town center and selected surrounding districts. A TDR zoning bylaw would enable land owners in the sending areas to sell development rights to landowners in the receiving areas. As part of the transaction, the sending area property would be restricted relative to intensity and type of use. In turn,



the receiving area property could be developed at a higher density than what conventional zoning allows.

7.3.6 Village Development

Provincetown does not have specific village zoning. Provincetown should change its zoning bylaw to ensure that the town is able to maintain village character and a pedestrian-friendly environment, as well as community character, greater densities in specific areas, protection of open space and conservation areas and preservation of the National Seashore.

SECTION 8: GOALS and OBJECTIVES

The following list provides concrete objectives to meet the general goals identified in Section 6 of this Plan.

1. Expand the amount of land that is open space for natural resource protection, recreation activities, quality of life and aesthetics. a) Commit unbuildable and suitable town property to open space. b) Increase availability of open space areas for community use.
2. Increase conservation, protection of environmental resources and rare species, and greenway corridor, wetland, and habitat protection through public/private sector cooperation.
 - a) Preserve open space in contributing areas for public water supply. b) Enforce higher water quality and quantity standards for stormwater recharge throughout the community.
3. Properly manage open space and previously owned conservation properties. a) Provide adequate resources for GIS management. b) Continue to identify and protect critical resource areas.
4. Manage growth and decrease development sprawl through smart growth techniques. a) Concentrate development in areas more suited to higher densities of housing or commercial use. b) Provide adequate planning and conservation resources to direct development to appropriate areas and review development proposals. c) Focus on infill opportunities before development of open spaces.
5. Provide recreational opportunities and increase public access of town-owned land (e.g., increase public awareness of traditional and historic walkways and beach access points).
 - a) Provide adequate resources for existing Recreation Department, School Department and DPW.
 - b) Upgrade existing facilities to comply with ADA standards.
 - c) Enforce appropriate and legal use of conservation areas for passive recreation.



SECTION 9: SEVEN YEAR ACTION PLAN 2012-2019

The following tables list the actions that will accomplish each of the objectives developed in Section 8 of this plan. Each action is accompanied by the year(s) by which it should be accomplished. This Action Plan has been established to be implemented over the next 7 years.

1.a. Commit unbuildable and suitable town property to open space.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Evaluate properties for purchase of conservation easements from property owners to prevent large or well-located tracts of open space from being developed and to protect open space areas along the harbor (see Nantucket model as reference).	2011 - ongoing	TBD	Conservation Commission, Land Owner, Assessor, Open Space Committee, Provincetown Conservation Trust, CPC
Encourage the donation of unbuildable and suitable private, tax delinquent, or wetlands and their buffers to the town, to the Provincetown Conservation Commission, Provincetown Conservation Trust, or the Compact of Cape Cod Conservation Trusts for land protection in perpetuity.	2009 - ongoing	Tax Relief	Town Manager, Land Owner, Assessor, Open Space Committee
Find additional, long-term funding mechanisms for open space protection	2011-ongoing	State Grants, Land Management Grants	Grants Administrator, Conservation Commission, Open Space Committee

1.b Increase availability of open space areas for community use.

FUNDING	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Continue to work with private parties and the Provincetown Conservation Commission to develop a walking path to connect open space lands across the community (i.e. greenbelt and other connected open space	2011-ongoing	Land Management Grants, VSB Grants	Conservation Commission, Board of Selectmen, Open Space Committee, Visitor Services Board, Conservation Trust, CPC



lands).			
Create pocket parks that are deed restricted for open space, conservation and recreation only.	2011-ongoing	TBD	Open Space Committee, Provincetown Conservation Trust, Recreation Department, CPC
Conserve lands that abut other conservation lands and promote expansion of the town's existing greenway.	2011-ongoing	TBD	Open Space Committee, Conservation Commission, Provincetown Conservation Trust, CPC
Conserve lands that abut other conservation lands and promote expansion of the town's existing greenway.	2011-ongoing	TBD	Planning Board
Inventory and document historic and current right-of-ways. Establish language in the town code/bylaw regarding the protection of these right of- ways. Determine appropriate enforcement actions for private land owners blocking and/or deterring use of right-of-ways (reference: Town of Wellfleet regulations).	2011-ongoing	TBD	Assessor, Town Clerk, Board of Selectmen, Open Space Committee, Planning Board, Historical Commission

2.a. Preserve open space in contributing areas for public water supply.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Apply for grant money toward the acquisition of privately held open space areas through state and Federal grant programs. Ground water for use in Provincetown comes from the Town of Truro.	2011-ongoing	TBD	Grants Administrator, Conservation Commission, Open Space Committee, Provincetown Conservation Trust
Develop detailed spending plan for CPA funding to target important properties. These properties may include Zone 1 contributing areas for past, present or future water supplies.	2011-ongoing	Community Preservation Act	Board of Selectmen, Town Manager, CPC



Protect groundwater from contamination by nutrients, chemicals, acids, pharmaceuticals, and pesticides. Establish a nutrient loading groundwater supply carrying capacity for growth and development in Provincetown and Truro.	2010-2017	TBD	Board of Selectmen, Department of Public Works, Conservation Commission, BOH
Establish groundwater protection zoning overlay district.	2011-2017	TBD	Planning Board
Enforce the above groundwater protection program.	2010-ongoing	TBD	Board of Selectmen, Town Manager, Department of Public Works, Conservation Commission
Pursue regional water planning. Specifically, Provincetown and Truro should work cooperatively to protect existing and potential water sources and to initiate coordinated water conservation efforts.	2008-ongoing	TBD	Board of Selectmen, Town Manager, Department of Public Works

2.b. Enforce higher water quality and quantity standards for stormwater recharge throughout the community.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Examine local regulations relative to stormwater management and identify areas for improvement.	2012-2019	Smart Growth Technical Assistance Grant	Board of Selectmen, Department of Public Works, Conservation Commission, Board of Health
Conduct public outreach campaign with citizens and local officials regarding the benefits of innovative stormwater management techniques.	2012-2019	TBD	Board of Selectmen, Department of Public Works, Conservation Commission, Board of Health
Revise local zoning and/or Subdivision Rules and Regulations to include Low Impact Development techniques.	2012-2019	TBD	Zoning, Planning, Conservation Commission

3.a. Provide adequate resources for GIS management.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Provide necessary training to a member of town staff (probably from existing Engineering staff) to maintain Assessor's database in GIS format.	2012-2019	TBD	Board of Selectmen, Town Manager
Develop wetlands maps, using		TBD	Board of Selectmen,



aerial photography, showing changes in wetlands over time.	2012-2014		Town Manager, Conservation Commission
Develop a protocol for transferring data for new development or property transfer into the GIS.	2012-2014	TBD	Geographic Information Systems Administrator, Assessor
Design a GIS database that meets many of the needs of different municipal departments.	2009-ongoing	TBD	Town Manager, Board of Selectmen, Information Technology
Continue to maintain and upgrade database on a regular basis.	2010-ongoing	TBD	Town Manager, Board of Selectmen, Information Technology

3.b Continue to identify and protect critical resource areas.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Create a building permit sign-off form and process that allows the Conservation Commission to review building permits, particularly development that may impact wetlands (reference: City of Salem Building Permit Review Process).	2009-ongoing	TBD	Department of Community Development, Permit Coordinator, Conservation Commission
Use local school programs to help identify critical natural resources and certify vernal pools.	2008-ongoing	TBD	Conservation Commission, School Board, Provincetown Conservation Trust
Continue inventory and documentation of rare and endangered species.	2007-ongoing	TBD	Conservation Commission
Compile a rigorous inventory of town sites needing resource protection through surveys by specialists and naturalists.	2011-ongoing	TBD	Board of Selectmen, Conservation Commission, Town Manager
Develop a database of wetlands filings by map and parcel number and maintain this database through additional staffing and/or dedication of responsibility to an existing staff member.	2011-ongoing	TBD	Town Manager, Board of Selectmen, Information Technology, Department Heads
Develop an inventory of wetland buffer zones, which, if compromised by development activities, present credible dangers to natural resources.	2008-ongoing	TBD	Town Manager, Board of Selectmen, Department Heads, Conservation Agent
Develop a formal relationship between town government, private businesses and non-profit organizations to coordinate the pursuit of economic development	2007-ongoing	TBD	Economic Development Council, Visitor Services Board, Conservation Committee, Town Manager, Board of



with natural resource protection.			Selectmen, Provincetown Business Guild, Chamber of Commerce, Provincetown Cons. Trust
Change the Development Impact Statement section of the Zoning Bylaw to make protection of habitat and endangered species more explicit. Consideration should be given to increasing the required lot area in proximity to sensitive resources.	2009-ongoing	TBD	Conservation Commission, , Planning Board

4.a. Concentrate development in areas more suited to higher densities of housing or commercial use.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Develop a detailed infrastructure map for existing municipal facilities and cross-reference with zoning map to determine if zoning and infrastructure are compatible.	2012-2014	TBD	Planning Board, Town Manager, Board of Selectmen
Identify parcels in Town best suited to industrial development.	2012-2014	TBD	
Explore the possibility of increasing density in the existing town center through the use of zoning revisions including, but not limited to, Chapter 40R and/or Transfer of Development Rights.	2012-2013	TBD	Town Planner
Develop hypothetical buildout analyses for the town center under different zoning change scenarios.	2013-ongoing	TBD	Town Manager, Board of Selectmen, , Information Technology, Geographic Information Systems Specialist
Identify impediments to higher density or mixed use in the existing Zoning Bylaw.	2008-ongoing	TBD	Enforcement Officer
Propose zoning changes to areas suited to higher densities	2011-ongoing	TBD	

4.b. Provide adequate planning and conservation resources to direct development to appropriate areas and review development proposals.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Establish a permanent joint committee on growth management, which is staffed by interested representatives from all affected	2007-ongoing	TBD	Town Manager, Board of Selectmen



departments.			
Identify open space areas that require detailed and ongoing habitat assessment.	2007-ongoing	TBD	Town Manager, Board of Selectmen, Open Space Committee, Conservation Committee, Provincetown Conservation Trust
Review the Growth Management By-law to assess the effectiveness of priority levels in allocating building permits, and make modifications as necessary.	2012-2014	TBD	Planning Board
Review Zoning Bylaw and Subdivision Rules and Regulations to ensure that development proposals in or adjacent to critical areas are being reviewed by appropriate staff.	2012-ongoing	TBD	Conservation Commission Chair, Permit Coordinator
Propose changes to zoning or subdivision codes to ensure proper review.	2010-ongoing	TBD	Planning Board, Conservation Commission
Strengthen development controls (changing language to existing Growth Management Bylaw). Revise bylaw in order to conform with nutrient loading analyses (action 2.a.) so that state and federal water quality standards for drinking water and perchlorate are not exceeded, due to adverse impacts from population growth and development.	2012-2015	TBD	Board of Health, Board of Selectmen, Department of Public Works, Town Manager, Conservation Commission, Board of Health

4.c. Focus on infill opportunities before development of open spaces.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Inventory existing structures that are under-utilized or are candidates for use conversion.	2012-2014	TBD	Assessor, Geographic Information Systems Specialist, Town Planner
Identify areas in town center or elsewhere that are underdeveloped in terms of lot coverage or other dimensions.	2012-2014	TBD	Geographic Information Systems Specialist, Board of Selectmen Chair, Town Planner
Develop affordable housing plan to curb ongoing Chapter 40B development on undeveloped lands and to encourage the redevelopment of existing developed areas for affordable housing.	2012-2019	TBD	Board of Selectmen Chair, Local Housing Authority, Town Planner
Apply for infrastructure improvement grants such as the recently	2009-	TBD	Town Manager, Grants Administrator, Board of



developed Transit Oriented Design (TOD) state programs.	ongoing		Selectmen, Town Manager
Implement infrastructure improvements.	2011-ongoing	TBD	Board of Selectmen, Town Manager

5.a. Provide adequate resources for existing Recreation Department, School Department and DPW.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Identify recreational areas in Provincetown that require the highest levels of maintenance.	2012-2015	TBD	Recreation Department, Board of Selectmen Disability Commission
Develop a recreation facilities plan that anticipates demographic changes and potentially changes primary use of existing facilities.	2012-2015	TBD	Town Clerk, Board of Selectmen, Town Manager, Recreation Department
The town's Capital Outlay Plan should include funding for improving town lands and facilities, particularly in areas of conservation interest.	2012-2016	TBD	Conservation Commission, Board of Selectmen, Grants Administrator
Use these planning documents to develop a comprehensive Maintenance Plan that clearly outlines which agents (DPW, Recreation Department, School Department) should be managing individual facilities.	2009-ongoing	TBD	Town Planner
Present the maintenance plan to the community and develop appropriate maintenance budgets for these different departments.	2012-2019	Department Budgets, Community Development Grants	Town Manager

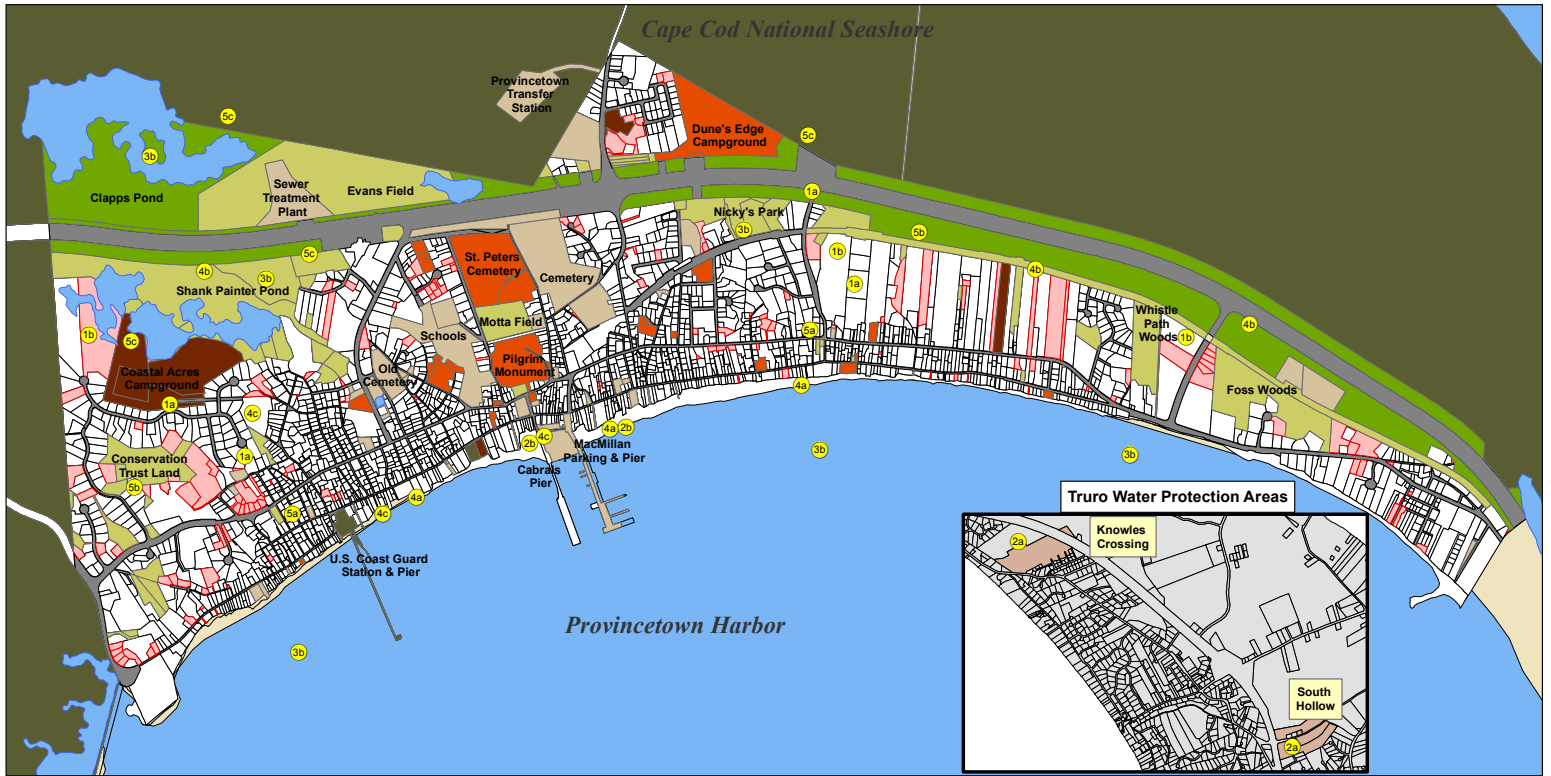
5.b. Upgrade existing facilities to comply with ADA standards.

ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Rank the remaining recreational facilities in terms of both intensity of use (how many residents use the facility year-round) and relative estimated costs of improvement.	2012-2019	TBD	Recreation Department, Disability Commission, ADA Coordinator
Present these rankings to the community and appropriate funds for further improvements.	2012-2019	TBD	Recreation Department, Board of Selectmen, Disability Commission ADA Coordinator
Continue grant applications on annual basis for these improvements according to the ranking system.	2008-ongoing	TBD	Recreation Department, Grants Administrator, Disability Commission, ADA Coordinator



5.c. Enforce appropriate and legal use of conservation areas for passive recreation.

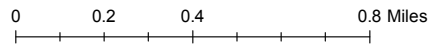
ACTIONS	SCHEDULE	FUNDING	RESPONSIBLE PARTY
Develop system of signage that clearly indicates allowable and prohibited uses for conservation areas.	2012-2014	Land Management Grants	Conservation Commission, Grants Administrator, Provincetown Conservation Trust
Pass stronger bylaw for enforcing proper use of recreational lands.	2012-2019	Town Meeting	Conservation Commission, Town Manager, Board of Selectmen, Provincetown Conservation Trust
Continue policing of areas on a regular basis.	2007-ongoing	TBD	Police, Board of Selectmen, Conservation Commission/Agent
Provide barriers where appropriate to limit access of vehicles to conservation area trails.	2008-ongoing	Land Management Grants	Conservation Commission, Department of Public Works, Board of Selectmen



Legend

	Water		Federal		Non-Profit
	Vacant Lots		Mass Fish & Game		Private
	Parcels		Municipal		Protected Land

**Potential Benefits of
Seven-Year Action Plan
Town of Provincetown, MA**



Prepared by MIS Dept. 4/24/2013

Map 8



SECTION 10: PUBLIC COMMENTS

This update of the Provincetown Open Space and Recreation Plan includes comments from the Town Manager, Board of Selectmen, Open Space Committee, Conservation Commission, Recreation Department, and Planning Board, as well as the regional planning agency the Cape Cod Commission.

The comments obtained through the 2012 open space and recreation survey can be found in Section 6.1.

SECTION 11: REFERENCES

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ENDANGERED SPECIES

This classification refers to any species of plant or animal in danger of extinction throughout all or a significant portion of its range, and species in danger of extirpation as documented by biological research and inventory.

Shortnose Sturgeon One of the smallest species of sturgeon, rarely exceeding 1 meter in length, this fish winters in saline estuaries and the open ocean, with spring habitat including freshwater rivers and estuaries. There are no recently documented occurrences in Provincetown.

Sea Lime Grass No recorded sightings since 1913.

Northern Right Whale Also on the federal endangered list.

Spine-Crowned Clubtail No verifiable observation of this plant species has occurred in Provincetown since 1878.

Weak Rush The first and last sighting of this plant species in Provincetown occurred in 1984.

Oysterleaf A distinctive perennial that flowers in August, the Oysterleaf is found on the foredunes of beaches where there is active sand deposition. It is susceptible to damage from off-road vehicles, foot traffic and storms. First observed in Provincetown in 1974, the Oysterleaf was seen locally as recently as 1992.

Lion's Foot Not verified in Provincetown since 1905.

THREATENED SPECIES

This term applies to any species of plant or animal likely to become an endangered species in the foreseeable future throughout all or a significant portion of its range. It also defines any species declining or rare as determined by biological research and inventory and likely to become endangered in the foreseeable future.

Blueberry Sallow This invertebrate was last reported locally in 1983.

Few Fruited Sedge This plant was last officially observed in 1987.

Gerhard's Underwing Moth Last observed in Provincetown in 1981.



Piping Plover This small shorebird is perhaps Cape Cod's most well known rare species as a result of debates over off-road vehicle use threatening nesting sites. Listed as a threatened species on the federal level as well, the Plover requires sandy beaches which are relatively flat and free of vegetation, preferring the dry light-colored sand found along the outer coastal shores. They often nest in the narrow areas between the high tide line and the foot of coastal dunes. The Piping Plover is protected at two sites in Provincetown.

Least Bittern This smallest member of the Heron family inhabits freshwater wetlands where cattails and reeds predominate. This wading bird is thought to breed at less than 20 wetland sites in Massachusetts.

Adder's-Tongue Fern Adder's Tongue is a small terrestrial fern, up to a foot in height, which is found in boggy meadows, marsh borders, wet fields, and moist woodland clearings where they thrive in open and sunny habitat. Once widespread in Massachusetts, there are currently eight known occurrences statewide.

Prickly Pear The only cactus that is widespread in the eastern United States, Prickly Pears grows in sprawling clubs 2 to 3 feet across and generally less than a foot high. On the Outer Cape, it grows in dry, sandy fields, dense grassy areas which have been mowed, cemeteries, and roadside embankments.

Golden Club This is an aquatic plant generally found in silty, muddy or peaty bottoms of shallow ponds, bogs and marshes.

Water-Willow Stem Borer This nocturnal moth is found only in southeastern Massachusetts and nowhere else in the world. It is always found in association with water willows in shallow waters where they lay their eggs. Research indicates these moths may depend on water level fluctuations unique to this part of the state. They are vulnerable to changes in hydrology and to pesticides, as well as trampling of water willows along paths near pond edges. This species is also a candidate for federal listing with the U.S. Fish and Wildlife Service.

Eastern Spadefoot A nocturnal, burrowing toad, the Spadefoot requires sand or sandy loam soils in pitch pine barrens, coastal oak woodlands or sparse shrub growth, interspersed with temporary ponds. It burrows up to eight feet below the surface of the ground, coming up to breed

after heavy rains. With documented home range of up to 108 square feet, this species is vulnerable to habitat loss and pesticide use.

SPECIAL CONCERN SPECIES

This category includes any species of plant or animal which has been documented by biological research and inventory to have suffered a decline that could threaten the species if allowed to continue. Also, any species that occurs in such small numbers or with such restricted distribution or specialized habitat requirements that it could easily become threatened in Massachusetts.

Coastal Heathland Cutworm Last observed locally in 1982.

Chain Dot Geometer This invertebrate has not been officially observed in Provincetown since 1891.



Broom Crowberry Found only in southeastern Massachusetts, this is a low-growing, bushy evergreen shrub that blooms between March and May. It occurs in clumps or scattered patches in low shrub or moor communities, inhabiting dry, sandy flats. It can also be found in dry pitch pine/scrub oak barrens, relic sand dunes, and road bed embankments, often colonizing open areas created by human and natural disturbance.

Common's Panic Grass This is a short perennial grass that grows in dry sandy fields and barrens on the coastal plain. It also is found in dry pitch pine/oak woods, colonizing openings and disturbed soil where there is little or no leaf litter. There are eight known occurrences in the state, its rarity due to habitat loss, forest succession, and the limits of its range.

Spotted Turtle This turtle species dwells in marshy meadows, bogs, swamps, small ponds, ditches, and other shallow bodies of water. It often suns itself and hides in mud or debris when approached. Most occurrences are in southeastern Massachusetts.

Common Moor Hen (Gallinule) Duck-like in habits but without webbed feet, the Moor Hen inhabits dense vegetation in freshwater marsh/cattail pond areas. It is currently documented at eight sites in Massachusetts.

Bushy Rockrose This perennial flowering herb grows in dry open sandplains, low shrubby moors and grassy openings in pine barrens. It is also found occasionally in cemeteries and golf course roughs and is intolerant of shade and moisture.

Pale Green Pinion Moth

The first and last local sighting of this moth species occurred in 1983.

Coastal Swamp Metarranthis Moth Not sighted in Provincetown since 1981.

Chain Fern Borer Moth Not officially sighted since 1981.

Sandplain Blue-Eyed Grass This low-growing perennial herb has blue flowers with yellow centers that bloom in summer. It occurs in loose colonies or as scattered individuals in dry, sandy fields near the coast.

Least Tern The smallest of the four tern species that nest in Massachusetts, the Least Tern inhabits coastal beaches and barrier islands, nesting in dry, exposed unvegetated areas on sandbars or beaches between the drift line and the upland. It is vulnerable to predation and loss of nesting habitat due to natural disaster, development and recreational use of beaches.

Common Tern The Common Tern frequently nests on barrier beach sand dunes and less frequently on sand spits and shingle beaches. It prefers areas with open ground for nesting and patches of vegetation as cover for the chicks.

Arctic Tern The largest of the terns found on the Cape, the Arctic Tern migrates across the Atlantic Ocean to Africa and then south to Antarctica, traveling as much as 22,000 miles round-trip. It inhabits sandy, gravelly areas and nests above the high tide mark.

Eastern Box Turtle This is a terrestrial turtle that inhabits fields, meadows, thickets, marshes, pastures, bogs, stream banks, and well-drained forest bottomland. It roams widely during rainy weather, often to



forage in low, wet places. Home range is generally 150 to 750 feet in diameter and habitat loss has led to declining numbers. Since 1978, only 26 sites have been identified in the state.

Pine Barrens Zale No recorded local observations since 1983.

WATCH LIST

Rich's Sea Blite This is a fleshy prostrate plant found in the flat open areas in salt marshes above the level of daily tides. Massachusetts is the southern limit of its range.

APPENDIX B

EXCERPT: June 2004 Community Development Plan

Visioning Process

The process of determining what Provincetown's resident and non-resident population thought about past, thinks about present and future Town growth and development was accomplished by the following methods:

Two Community Forums strategically scheduled almost a year apart to report on the proposed CD Plan process and collect community input about resident concerns and suggestions.

Approximately 30 small interest group discussions in the four subject areas (community housing, economic development, open space/natural resource protection, transportation, and a fifth: public education). The intent was to meet with interest groups in their normal settings to establish what they wanted from this planning process, and what we would do with their information to secure a clear understanding about mixed input and build trust and future consensus.

A five-page mail-out community survey was sent to every resident and non-resident property owner of Provincetown with questions about each of the above areas, except public education.

Several subject specific sub-committees and task forces, which developed from the original Community Development Working Group. They met regularly to discuss the implications of #1-3 above. These groups focused on one subject as a result of their collective interests.

The Open Space/Land Bank Committee and the Conservation Commission largely accomplished the Open Space/Natural Resource Protection visions and goals. In addition, they proposed open space implementation projects for consideration by the 2004 Annual Town Meeting.

The 2004 Town visioning process resulted in development of visions, goals, comparison with the LCP 2000 vision statement and preparation of a draft vision statement for the 2004 Community Development Plan (see Chapter 1). Perhaps the most interesting result was how similar the Town's 2000 and 2004 vision statements and goals are. In fact, the content of 2003/2004 visioning was very similar to visioning back to the early 1980s.



Local Comprehensive Plan

The LCP, prepared in 1999, was adopted at the 2000 Annual Town Meeting (ATM) and certified by the Cape Cod Commission (CCC) as compliant with the CCC Act. It is Provincetown's Comprehensive (or Master) Plan. Since it was formally adopted by the Town's legislative body and certified by Cape Cod's Regional Planning Agency (RPA), the Provincetown LCP is the Town's official policy plan for land use development, economic development, transportation, etc. A Town committee, formed by members of the Town Planning Board and others, called the LCP Implementation Committee, has utilized local staff and CCC assistance over the last several years to implement sections of the LCP, by systematically and thoroughly revising Town development controls, primarily zoning by-laws, to better reflect the 1999 plan's intent.

The Community Development Plan (CDP) is not a substitute for the LCP. It is rather a thoughtful revisit to the LCP; an opportunity to look anew at the Town's future vision for growth and development, preservation and need for municipal services, in order to learn of any substantive change in perspective that may have occurred since the LCP was adopted in 2000. The only State-mandated obligation the CDP had was to establish an "affordable" housing production goal for "middle-income" housing. The Town

has done more than that, through its Affordable Housing Task Force, by fashioning housing production goals for low-, moderate-, median- and middle-income housing (see Chapter 3). The CDP is a municipal planning opportunity to discuss the nature and direction of recent Town growth and development, and further implement the LCP.

2004 Community Visioning Survey

At the Town's request, the Center for Policy Analysis at the University of Massachusetts in Dartmouth conducted a community survey prior to its 4/04 Annual Town Meeting. Survey questionnaires were distributed to all residents (approximately 3,800) and non-resident property owners (approximately 1,800). There were approximately 900 returned questionnaires or about 16% of the total number distributed, a statistically valid sample size. The margin of error for any survey question was $\pm 2.2\%$.

Overall, the survey results demonstrated that 2004 community goals and objectives were very similar to those developed in the 1988 Master Plan, the 1995 Vision Survey and the 1999 LCP. In fact, at least 75% of 2004 Survey respondents strongly agreed or agreed with each of the goals in the above documents. There has been a striking consistency in attitudes about community and the Town's future over the last 15-20 years. That long-term consistency of values is best reflected in the following goals, strategies and policies:

- Economic diversity (range of jobs, incomes, housing prices).
- Social diversity (age, sexual orientation, ethnicity).
- Varied economic base (tourism, arts, education, fishing).
- Preservation of the Town's compact urban character.
- Protection of natural resources and environmental quality.
- Improvements to Provincetown's conservation lands.
- Conservation of small green spaces in residential areas.
- Continued growth management to preserve the Town and reduce new service needs.
- Water, solid waste and other public services should be available to all residents.



- Residents who need affordable housing should have choices available.
- A year-round, sustainable economy should be developed.
- Provincetown Harbor should be economically and environmentally healthy.
- Traffic circulation and parking should serve resident and visitor needs.

There are a number of more critical 2004 Survey questions, which are central to the Town's core identity and future direction. Those questions and responses are summarized below:

1. Is Provincetown primarily a residential community that attracts tourists?	65.1% yes
2. Do you want Provincetown to be a residential community in 20 years?	75.1%
3. Do you think it will be a residential community in 20 years?	55.7%
4. What should Provincetown's year-round economic base be:	
a.) Arts/education industry	94.5% yes
b.) Commercial fishing	90.5%
c.) Arts	85.5%
d.) Shoulder season tourism	74.3%
e.) Off-season tourism	71.3%
f.) Eco-tourism	62.7%
g.) Health care campus	58.5%
h.) Harbor tourism	57.9%
5. How should Provincetown affordable housing be created:	
a.) Funds to rehabilitate existing properties	75.2%
b.) Use tax delinquent and owner-unknown properties	68.8%
c.) Tax incentives to property owners who provide housing	68.6%
d.) Legalize in-law apartments restricted to year-round affordable	67.3%
e.) Create seasonal worker dormitory housing	44.9%
6. Parking and commuting:	
a.) Create more public parking	52.5% yes
b.) Create more satellite parking	89.7%
c.) Create more parking near the edge of downtown	74.4%
d.) Residents should have priority in parking	89.6%
e.) Make shuttle service (Truro/Provincetown) more frequent	80.5%
f.) Extend service to Orleans and Hyannis	74.7%
g.) Put more routes onto shuttle service	73.8%
7. Natural resource protection:	
a.) The Town should pursue regional water planning	76.8% yes
b.) The Town should pursue desalination	41.1% ; 36.6% unsure
c.) The Town should pursue land-based wind turbines	46.2% ; 27.3% unsure
d.) The use of public funds to purchase land	74.5%
8. Growth management regulations:	
a.) Support of growth management regulations	59.6% yes



- b.) The Town should further limit development rate and amount **79.1%**
- c.) The Town's development controls are not sufficient **19.5%**
- d.) Affordable housing should be given priority **16.5% ; 50.7% unsure**
- e.) Additional development allowed only if new water sources found **46.7% ; 24.6% unsure**

The 2004 Community Survey, despite the substantial changes that have occurred to the Town's physical and social landscape approximately over the last 20 years, is remarkably consistent with other Town surveys conducted back to the early 1980s. Core Town values and beliefs have largely remained intact in successive surveys over that extended period of change and development.

Despite the loss of resident families and children over that period, the growth in non-resident property ownership, enormous increases in housing costs, changes in the form of housing ownership, changes in resident sexual orientation and the municipal power structure, the decline in commercial fishing and growing seasonal unemployment, Town residents from all backgrounds have established that they are engaged with their community, however substantial its changes. That consistency of values and beliefs through the kinds of social change and cost escalation Provincetown has seen is extraordinary, and vividly underscores the depth and resiliency of Provincetown's culture of caring, inclusion, diversity and concerns about community life.

The following is a further look at some cross-tabulations, which give a fuller picture of the response demographics on several issues. This is an elaboration of the executive summary and report analysis of survey questionnaire responses by the Center for Policy Analysis.

Across all demographic breakdowns, survey respondents are unsure that the Growth Management regulation is doing its job: 79.1% want to further limit growth and 61.4% say current development controls need to be strengthened. These results indicate that the water supply/land development issue, once the subject of considerable discussion by Town government, needs to be revisited. Results do not vary by demographic division, whether the respondent is a resident renter or owner/nonresident property owner (nrpo).

Affordable housing has priority support, but little support for affordable development without regard for resource limits. New development, including affordable housing, as opposed to redevelopment, is not as widely supported. Not surprisingly, affordable housing has greater support among residents (91%) than among nrpo (52%). Nrpo's show greater support for legalizing "in-law" apartments, and equal support for pursuit of delinquent tax properties and the use of Town funds for property rehabilitation. Nrpo's are equally skeptical of dormitory housing. Both resident and non-resident property owners are less supportive of real estate tax incentives than renters, together with expansion of the room tax and use of Housing Trust funds to purchase expiring affordable restrictions.

The very strong (94.5%) support for greater development/promotion of an arts/education industry is uniform by income, age, resident/nrpo, owner/renter and income level, with marginally greater support between resident and nonresident property owners. There is wide support among all demographics for increased development of the shoulder (73.4%) and off-season (71.3%) tourism. This support shows a small plurality of property owners.

There is no significant demographic difference in the level of support for fishing (90.5%), harbor (57.9%), Portuguese heritage (51.7%), aquaculture (49.1%), full service marina (43.3%) or increased summer tourism (41.2%). Support for eco-tourism (62.7%) is greater among resident renters, as is



development of a healthcare campus (58.6%), tax breaks for off-season economic initiatives and a childcare facility. Nrpo's tend to be less supportive of high tech industry and donating land for economic initiatives. Generally nrpo's tend to be more wary about tax-related solutions of all kinds.

Obviously, support for commuter service is striking and significant, along with the demand for public transportation. The age (20-60) group for favorable respondents indicates this could be a growth trend. As might be expected, nrpo's would consider commuting (59.3%) more than residents, although there is no difference based on property ownership. Support is equal across all incomes, with a peak among the highest brackets.

Support is equal regarding use of public transportation for other than commuting, although while nrpo's show an intention to commute to Boston, residents show a preference for both Hyannis and Boston as destinations. Increased availability of public transportation is supported by all demographics, and the shuttle has clearly caught on. Residents give it an even higher vote, including extension of the route to Orleans and Hyannis.

Support for economic and social diversity is strong across all demographics with the nrpo's being only marginally less supportive. Support for a varied economic base gets even greater support. All, including nrpo's, equally support using Land Bank funds to purchase open spaces providing access to, or views of, the harbor.

The residential/tourism/community character relative priority question shows that, across all fields, a majority feel the town has retained its character, but also that it is important to keep it that way (with the level of support increasing by age, nonresidency and property ownership). The same holds true for the 20year projection.

The following goals and action items merge the results of the 2000 and 2004 Surveys under Community Development Plan elements. The reason for merging 2000 and 2004 goals is due to the similarities described above. Preserve and change visions and a draft 2004 vision statement appear at the end of this chapter.

Open Space/Natural Resource Protection

The 2000 vision statement reads, in part: "Environmental quality and natural resources will be protected. We will continue to expand local protection of wetlands, ponds, harbors, floodplains, groundwater supplies, greenway migration corridors, dunes, beaches, and other natural resources providing habitat, flood prevention, recreation sites, and scenic resources to complement existing local, State and Federal regulations. Communication and coordination with the Cape Cod National Seashore is imperative."

"Growth will be managed to help preserve Town character, support diversity and limit the need for additional municipal services: "We will manage the rate of development so that growth is planned in accordance with available and projected water supply, wastewater and solid waste disposal, and other Town services, and is compatible with traditional building design, building scale, and development patterns."



Open space goals, which result from both the LCP and the 2004 Survey, are:

1. Increase conservation, greenway and habitat protection through public/private sector cooperation:

- a.) Demonstrate conservation management tools, which enhance conservation opportunities, protect wildlife species habitat and increase greenways.
- b.) Encourage use of native plantings, traditional Cape landscaping, and decrease lawn space.
- c.) Purchase strategically located land parcels (or conservation easements), which provide linkages to environmentally important and/or threatened areas.
- d.) Locate blockages to wildlife passage and develop wildlife corridors.
- e.) GIS map protected properties in Town, such as conservation easements; rights of way; properties owned by CCNS, Fisheries and Wildlife or Conservation Trust properties.
- f.) GIS map strategically located properties, which should be purchased, or deed-restricted for open space, natural resource protection and conservation.
- g.) Develop a conservation brochure to describe open space locations, and which activities are or are not permissible there (i.e., walking dogs or fishing).
- h.) Pursue opportunities for increased building density in exchange for increased green space.
- i.) Protect environmental quality and natural resources. (Per the March 2004 Community Vision Survey, 96.8% of respondents agreed that the Town should continue to expand local protection of wetlands, ponds, harbors, floodplains, groundwater supplies, greenway migration corridors, dunes, beaches and other natural resources providing water supply, recreation, habitat, flood prevention and scenic resources.)

2. Increase open space and decrease development sprawl:

Create pocket parks in town, which are deed-restricted for open space, conservation and recreation only. (Per the March 2004 CVS, 90.5% of respondents agreed that the Town should promote the conservation of small pocket parks, and small green areas amongst homes.)

Conserve lands, which abut other conservation lands. (Per the March 2004 CVS, 90.5% of respondents agreed that the Town should conserve green areas, which abut other conservation lands.)

3. Manage Growth:

The Town should further limit the rate and/or amount of development. (Per the 2004 Community Survey, 79.1% of respondents agreed with this goal, and 7.8% of respondents disagreed.)

The Town should continue careful allocation of its limited growth management permits. A large minority (46.7%) of 2004 Survey respondents indicated that additional development should only be allowed if increased potable water supplies become available.



The Town should strengthen development controls. (Per the 2004 Survey, 61.4% of respondents felt the Town's development controls should be strengthened, while only 7.6% felt controls should be relaxed.)

Revise the Town's development controls to conform with nutrient loading information developed in 11b so that the adverse impacts of total population growth and land development does not exceed State and Federal water quality standards for drinking water nitrogen (10 parts/million) and the new standards for perchlorate, i.e., land development is capped in some way so that water quality standards are not exceeded.

4. Increase public awareness of traditional and historic walkways and beach access routes:

Educate the public by placing harbor accesses on the next Harbor Guide Map.

Improve signage and maintenance at beach access points.

Increase harbor access way protection by purchasing easements, code enforcement, etc.

5. Protect the Town's open space heritage:

Increase, restore and maintain Conservation lands through published management plans.

Increase, restore and maintain Greenways through published management plans.

Develop a policy for Greenway preservation.

Restore and maintain migratory species pathways through published management plans.

6. Increase protection of wetlands and other Town fragile resource areas:

Compile a rigorous inventory of Town sites needing resource protection through surveys by specialists and naturalists and by soliciting public input.

Produce a GIS wetlands map of the Town, as well as a map of areas subject to flooding, and other resource areas protected by State and municipal wetland and river protection regulations.

Work closely with the Cape Cod National Seashore to monitor and protect Town Open Space.

Work closely with Americorps to monitor and protect Town open space and resource areas.

Implement Best Management Practices for stormwater run-off, and work through the DPW, Conservation Commission, and Open Space/Land Bank Committee planning process to that end.

Develop phosphorus and nitrogen loading limits for nutrients in groundwater and marine embayments in order to avoid despoilation of water supplies and water recreation opportunities.

Develop an inventory of wetland buffer zones, which, if compromised by development activities, present credible dangers to natural resources.

7. Increase public access of town-owned conservation land:



Establish a trail system to provide foot access to conservation lands in both the east and west ends of Town.

Establish linkages between all the above trails in order to get from one trail to the next.

8. Honor the history of the Town-owned railroad rights-of-way.

Establish railroad rights-of-way as Historic Ways.

Rename railroad trails in accordance with historic documents.

9. Expand the amount of land, which is open space or protected for conservation:

Commit unbuildable and suitable Town property to open space.

Encourage the donation of unbuildable and suitable private, tax delinquent, or wetlands and their buffers to the Town, to the Provincetown Conservation Trust, or the Compact of Cape Cod Conservation Trusts for protection in perpetuity.

Aggressively pursue suitable tax delinquent and owner unknown properties for affordable housing. (Per 2004 Survey, 68.8% of respondents agreed, and 16.4% opposed this.)

Purchase conservation easements from property owners to prevent large or well-located tracts of open space from being developed.

Find additional funding for open space through the Community Preservation Act (10% of funds from the CPA will go to purchase or maintenance of open space).

10. Pursue the following Town action items to preserve and maintain open space:

Update the Town's 1995 Open Space Plan during 2004.

Improve conservation land through greater trail maintenance.

Supplement conservation lands by adding more harbor, pond, and estuarine beaches.

Make such areas more publicly accessible by adding additional benches, picnic tables, trash receptacles and aesthetically pleasing signage. (In the 2004 Survey 75.3% of respondents agreed or strongly agreed with this goal, while 8.3% disagreed).

Legally establish that the Town's open space and conservation parcels will not be used for affordable housing, for private development or for special Town projects or building.

11. Protect the Town's Drinking Water:

Develop a more reliable and redundant water system through supplemented source programs.

Protect groundwater from contamination by nutrients, chemicals, acids, pharmaceuticals, and pesticides. Establish a nutrient loading environmental groundwater supply carrying capacity for growth and development in Provincetown and Truro, which could adversely impact the relevant water supply groundwater lens from which Town drinking water is supplied.

Enforce the groundwater protection program referred to in the above goal.



Pursue regional water planning (In the 2004 Survey, 76.8% of respondents indicated the Town should pursue regional water planning.)

Do not promote desalination. Respondents to the 2004 Survey were mixed on desalination, but clear that they would not want desalination if it lead to more growth (64.8%), or if it affected marine water quality (79.8%).

12. Protect the Harbor:

Continue to develop the stormwater management plan through a second round of funding, and prevent untreated stormwater from entering harbor waters without Best Management Practices.

Work closely to that end with the Town DPW, the Center for Coastal Studies and the CCNS.

Keep the harbor environmentally healthy. (In the 2004 Survey, 88% of respondents indicated that the Harbor should remain environmentally and economically healthy, and 2.2% disagreed.)

Support Eco-tourism. (In the 2004 Survey, 62.7% of respondents indicated the Town should support the development of eco-tourism activities, while 7.7% disagreed.)

Work with the Pier Corp, ProFish, the Marine Superintendent and the Harbor Committee to improve seafood offloading in order to minimize fish wastes from entering harbor waters.

There is an alleged dead zone in the harbor where there are periodic shortages of dissolved oxygen. This dead zone needs to be analyzed, documented and corrected.

Look at the impacts of nitrogen loading on the harbor's potential for fishing and aquaculture.

Eliminate dog feces on the beaches.

13. Guarantee public access to Provincetown Harbor:

Work closely with Cape and Islands CZM and MA DEP on Chapter 91 issues.

Prevent illegal private property owner blockage of historic harbor access walkways.

Develop a formal inventory of legal harbor access rights-of-way, and of historic walking and boating access ways to and from the harbor. Protect the former and preserve the latter.

Prohibit construction of any structure, or any other obstructions to harbor access ways.

Make harbor rights-of-way handicapped accessible, if feasible.

Use Land Bank or CPA funding to purchase land, which ensures long-term harbor access or protects harbor views. (Per the 2004 Survey, 74.5 % of respondents agreed, and 12.3% disagreed.)

Develop zoning by-law language, which prohibits or limits harbor view blockage, and prohibits legally established harbor access blockage.

Analyze the Nantucket model for purchase of historic public right-of-way easements to open space areas and harbor in order to make such public access legally protected in perpetuity.



Community Housing

The 2000 vision statement reads: “Provincetown's compact urban character will be preserved. We will preserve and enhance historic architecture, harbor views, the scale of streets and buildings, the mix of uses, and the pedestrian environment that characterizes the Town. Development that is out of scale and character will continue to be discouraged by local regulations.”

“Growth will be managed to help preserve Town character and limit the need for new services. We will manage the rate of development so that growth is planned in accordance with available and projected water supply, wastewater and solid waste disposal, and other Town services, and is compatible with traditional building design, building scale, and development patterns.”

“Affordable housing will be available to residents in need. Housing will be available and affordable to all permanent residents, with special consideration given to the elderly and young people just entering the housing market, as well as those working in important service capacities.”

“Provincetown will maintain a diverse population. The community will continue to welcome people of all income levels, occupations, and backgrounds.”

Community Housing Goals, which result from both the LCP and the 2004 Survey, are:

1. To promote the provision of a range of decent, safe and affordable rental and ownership housing units that meets the needs of present and future Provincetown residents. The Town shall seek to raise its affordable housing stock to 10% of total housing units (approximately 290 units) by the year 2015. "Affordable housing" shall be defined as housing affordable to 50-80% of the median household income for Barnstable County:

Develop a Provincetown Community Housing Plan using LCP and DHCD guidance.

Utilize the Local Housing Partnership and State Department of Housing and Community Development to coordinate provision of affordable housing units, including development, rehabilitation, and technical assistance to tenants, landlords, and developers.

Develop and implement strategies to facilitate conversion of underutilized and/or unoccupied properties to affordable housing.

Ensure affordability for all housing designated as affordable through long-term deed restrictions.

Control housing converted to condominiums by assessing water use before and after conversion and, if appropriate, adopting a new zoning bylaw, which places condo conversion under the Town's growth management controls.

2. To promote equal opportunity in housing and give special consideration to meeting the housing needs of the most vulnerable segments of the population including, but not limited to, very low income (50% of median income), low income (51% - 80% of median income), families with children, single parent heads of households, racial minorities, people with AIDS, the elderly, the homeless, the disabled, and others with special needs:

Use CPA funding to acquire existing multi-unit properties for rehabilitation to ownership or permanent rental housing, managed by an appropriate sponsor.



Work cooperatively with other Outer Cape municipalities to develop regional congregate care and/or assisted living facilities for the elderly managed by a private entity.

Work cooperatively with Outer Cape municipalities to comprehensively address housing and service needs for special needs populations, including people with AIDS, the homeless, the mentally disabled, the physically disabled, and the elderly, managed by an appropriate sponsor.

Develop alternative approaches to the provision of affordable housing, such as shared housing and congregate care alone or in conjunction with other municipalities.

3. To seek out, provide support for and encourage the development of innovative strategies designed to address the housing needs of Provincetown residents, paying special attention to the needs of low- and moderate-income renters:

The Town shall adopt an Inclusionary By-Law to fund affordable housing for new construction as well as extensive, non-routine rehabilitation.

Establish a Housing Trust Fund as a depository for affordable housing funds generated or collected. The funding and spending plan for the Affordable Housing Trust Fund will be prepared for review by a Fall 2004 Special Town Meeting established under Chapter 230 of the Acts of 2002.

Develop and implement strategies for increasing the supply of affordable year-round rental housing units in Provincetown, including a property tax exemption under Chapter 408 of the Acts of 2002.

Make affordable housing available to all permanent residents (especially the elderly, the young who are new to the housing market, and those in important service capacities.) (Per the 2004 Survey, 88.4% of respondents agreed with this goal.)

Legalize existing "in-law" apartments if they are registered and restricted in perpetuity as affordable year-round housing. (Per the 2004 Survey, 67.3% of respondents supported this, and 15.6% were opposed. This goal has now been turned into law through passage of the Amnesty/Accessory by-law at the April 2004 Special Town Meeting.)

Pursue tax delinquent and "owner unknown" properties for affordable housing development. (Per the 2004 Survey, 68.8% of respondents favored such a goal, while 16.4% were opposed.)

Grant real estate tax incentives to property owners who agree to provide year-round affordable rental housing. (Per the 2004 Survey, 68.6% of respondents supported such a goal. In fact, this goal has been incorporated into Town by-laws through the Affordable Housing Tax Exemption passed at the April 2002 Annual Town Meeting, and at the May 2003 Annual Election.)

Encourage development of dormitory-type housing for seasonal workers. (Per the 2004 Survey, 44.9% of respondents support this goal, and 34.1% oppose it. A greater consensus remains to be achieved.)

Use Affordable Housing Trust Funds to purchase extensions for expiring deed restrictions, to make deed restrictions perpetual. (Per the 2004 Survey, 53.4% of respondents supported this, while 18.9% were opposed.)



Prohibit conversion of commercial and mixed-use buildings to condos without a percentage deed restricted for affordable housing. (More discussion needs to take place on this issue, but the 2004 Survey saw 48.8% of respondents in agreement, and 35% disagreed.)

4. Coordinate development of affordable housing with environmental protection:

Work with the Conservation Commission, the Harbor Committee, the Open Space/Land Bank Committee and the LHP to further community housing goals.

Do not exempt affordable housing from Growth Management. (Per the 2004 Survey, only 19.6% of survey respondents felt that affordable housing should be completely exempt from growth management by-laws.)

Only use affordable housing funds for the rehab of existing properties. (Per the 2004 Survey, 75.2% of respondents agreed with this goal.)

Economic Development

“Provincetown will have a sustainable year-round economy with increasing employment opportunities for permanent residents. The local economy will not be solely tourist-based, with particular attention paid to promotion of traditional commercial fishing and arts-related businesses. To ease the seasonal drop-off in the local economy, efforts will be made to expand the duration of the tourist season.”

“Provincetown Harbor will be environmentally and economically healthy and provide opportunities for all residents. Using an updated Municipal Harbor Plan (2005), the Provincetown Pier Corporation and a revised Harbor Overlay District as guides, promote appropriate use and development of the Harbor area, ensuring public access for all.”

Economic Development Goals, which result from both the LCP and the 2004 Survey, are:

1. To promote businesses that are compatible with Provincetown's core environmental, cultural and economic strengths in order to ensure balanced economic development:

Establish local support for appropriate new business start-ups and expansion of existing businesses through entrepreneurial training, marketing, financial planning assistance and coordination of existing programs to meet specific local needs. Targeted businesses should include indigenous knowledge-based, arts-related and retail businesses with the capacity to expand through direct marketing and development of export activity.

Investigate the potential to capitalize on Provincetown's historic and cultural resources as a source of economic development. Such an effort should consider the prospect of attracting an established academic historic preservation program to conduct hands-on case studies in Provincetown, as well as the possibility of establishing an historic preservation-based training program for local carpenters and builders and to create a UNESCO Heritage site for Provincetown Harbor (Mayflower Compact signing).

Encourage the development of new technology services, such as high-speed Internet access or WiFi (wireless fidelity/network) services for voice, data and video in Provincetown.

2. To locate new or re-development so as to preserve Provincetown's environmental and cultural heritage, minimize adverse impacts and enhance the quality of life.



3. To encourage the creation and diversification of year-round employment opportunities.

Provide private economic incentives for businesses to remain open year-round.

Promote economic diversity. Per the 2004 Survey, 75.7% of respondents consider diversity in income, and in the range of jobs available, to be important.

Promote a varied economic base. Per the 2004 Survey, 81.8% of respondents consider a varied economic base (i.e., a mix of tourism, fishing, arts and education industries) to be important.

Promote a sustainable year-round economy. Per the 2004 Survey, 82.9% of respondents agree on the importance of effectuating a sustainable year-round economy in Provincetown.

4. To improve the economic well-being of Provincetown's low and moderate-income residents:

- a. Link economic development with affordable housing through private market incentives and public regulatory mechanisms.

5. To better utilize existing under-utilized resources, structures and commercially zoned space for economic development activities, especially start-up activities.

6. To strengthen local partnerships between businesses and Town government to promote, encourage and support year-round economic activities, which lead to improvements in local infrastructure that contribute to Provincetown's industries:

Develop a formal relationship between Town government, private businesses and nonprofit organizations to pursue appropriate economic development in Provincetown. The intent of such a public/private partnership is to share and better utilize public and private resources and facilities, and encourage environmentally sound practices in undertaking economic development.

Develop and implement a teen entrepreneurship-training program to provide local teenagers with a hands-on practicum for planning, financing and managing businesses.

7. To provide housing that is affordable to the year-round and seasonal workforce, and to develop a definition of affordable housing that is specific to Provincetown.

8. To better market Provincetown's arts heritage to pursue year-round economic opportunities, including educational programs, facilities and housing:

Develop and implement a plan to improve and maintain Provincetown's qualitative and economic well-being for the theater and other performing arts, crafts and visual arts. Potential plan components include establishment of an entity for arts advocacy, integration of art and/or cultural elements in public or private infrastructure improvements, and promotion of stronger complementary ties between the arts, tourism and cottage industries.

Create affordable manufacturing and artist workspace through redevelopment of under-utilized commercially zoned properties and development and promotion of models for long-term leasing of under-utilized space. Consider allowing suitable structures in the GC zone on Shank Painter Road by modifying the municipal Building Scale requirement for that zone.



Investigate and support alternative, affordable housing strategies for seasonal workers in coordination with local businesses. Continue working with business owners to develop dormitory style worker housing to be used during the off-season as FAWC or Campus Provincetown student housing.

9. To develop improved commuter access to and from Orleans, Hyannis, Providence, Boston and Cape Cod Community College.

10. Develop supplementary municipal taxing strategies, which support year-round residency and economic development:

Local option meals tax.

Expanded short-term rental tax..

Adoption of the CPA.

11. Recognize current core economic bases and better market them. Develop a campaign for the expansion of export retail opportunities. Key components of such an effort should include both national and international promotion and marketing of Provincetown products, services, cooperative efforts among local retailers, and locally based training in mail and electronic marketing techniques. This option would require improvements to available electronic infrastructure and other communication services:

Tourism (gay/lesbian, whale watching & eco-tourism, arts & culture).

Schools.

Cape End Manor.

Town government.

Commercial fishing.

Construction trades.

Other.

12. Better analyze the seasonality and other features of tourism and prioritize efforts to enhance and/or stabilize those components of the local economy:

January – April.

May – June.

July – August.

September – October.

November – December.

13. Prepare a consultant-developed Provincetown Economic Development Strategy Plan:

Analyze the various components of the current town economy (financial, segmentation, length of stay, economic impacts, visitor satisfaction levels, etc.).

Determine economic investment priorities based on ROI (public/private improvements).

Determine needed public/private financial commitments based on ROI.

Link critical town resource needs to the strategy plan for future economic development.

14. Develop and implement tools to promote the following specific industries or businesses:



Arts/ education industry. (Per 2004 Survey, 94.5% of respondents support encouraging the arts/education industry).

Fishing. (Per 2004 Survey, 90.5% of respondents support encouraging the fishing industry).

Arts industry and Campus Provincetown. (85.5% support)

Shoulder season tourism. (74.3% support)

Off-season tourism. (71.3% support)

Eco-tourism.. (62.7% support)

Health Care Campus. (58.6% support)

Promotion of the harbor as a tourist attraction. (57.9% support)

Development of offshore Aquaculture. (49.1% support, with 32.0% undecided.)

Transportation

“Traffic circulation and parking will serve the needs of residents and visitors without compromising Provincetown's Town character and quality of life. We will reduce peak-period traffic flow in the downtown area through circulation improvements, increase the availability of alternate parking locations, and improve and promote shuttle services, pedestrian connections to parking lots, and other traffic-mitigating measures. Particular emphasis will be placed on water-based transportation alternatives.”

Transportation Goals, which result from both the LCP and the 2004 Survey, are:

1. To foster and maintain a multimodal transportation system for present and future year-round and seasonal needs, which is safe, convenient, accessible, economical, and consistent with the Town's historic, scenic, and natural resource and land use development and growth management policies:

Establish a standardized traffic impact assessment process and impact mitigation program to identify and mitigate impacts from new development or redevelopment upon the local transportation system (in accordance with the LCP and Regional Policy Plan).

Review applicable thresholds for traffic impacts associated with proposed projects within zoning by-laws or site plan reviews.

Consistent with community character, historic preservation and “highest and best” use, establish a parking facility development plan, which optimizes use of existing/proposed facilities as the primary municipal parking priority, and identify land appropriate for future parking use.

Establish clear signage for parking, ensuring efficient access to underutilized facilities.

Periodically evaluate parking requirements and fees to assess their market relevance for existing local visitor patterns, circulation issues and resident needs.

Continue to develop a comprehensive, Town-wide signage plan addressing the need for clear visitor directions and the most convenient access to downtown areas, inter-modal and parking facilities, and pedestrian and bicycle facilities.



Explore opportunities for shared and/or high turnover parking, and develop a plan for efficient use of existing parking facilities during peak and off-peak hours. Encourage use of shared parking in new developments and adopt incentives or by-laws to require shared parking.

Develop and distribute a parking map for visitors to avoid circulating through the downtown area searching for parking. Explore in collaboration with the Visitors Services Bureau, Chamber of Commerce and the Provincetown Business Guild.

2. To decrease dependence on private automobiles, establish needs for convenient, accessible, economic alternatives to private automobiles, promote energy efficiency and reduced pollution. Develop and integrate alternate transportation modes (rail, bus, ferry, air, bicycle, and pedestrian)

into the transportation system, and promote substitutes for unnecessary or marginally needed private auto use:

Work with the Parking Administrator and Cape Cod Commission to develop impact fees for prioritized transportation improvements that are consistent with the goals of the Local Comprehensive Plan. Such fees should encourage trip reduction, and add to resources, which create bicycle paths and provide connections with alternate transportation, such as bus services.

Work with the CCRTA to provide an expanded year-round shuttle service to Orleans. (Per the 2004 Survey, 74.7% of respondents felt shuttle service should expand to Orleans and Hyannis.)

Work with the CCRTA to obtain CMAQ funding to expand Truro Shuttle service to Race Point Road and the airport via Conwell Street. (Per the 2004 Survey, 73.8% of respondents felt the shuttle service should have more routes. Likewise, 80.5% of respondents felt the shuttle service should be more frequent.)

Work with the CCRTA, CCNSS and Cape Cod Transit Task Force to plan, design and build an intermodal transportation facility in Lopes Square.

Complete the Provincetown link to the Rail Trail bicycle way, and improve access from Town streets to bicycle paths in the Cape Cod National Seashore.

Develop a comprehensive pedestrian plan, incorporating appropriate public access to the harbor and throughout Town, considering signage and individual property rights.

Assess the adequacy of existing bicycle facilities, including the number and locations of bicycle racks, facilities for bicycle storage and the capacity of existing bicycle paths and connections with the downtown.

Review and begin implementing recommendations made in transportation studies by the Cape Cod Commission on pedestrian safety at the Veterans Memorial School, Conwell Street traffic improvements and establishing a link between the Town center and CCNS bike trail near the transfer station.

3. To support transportation solutions that preserve and enhance Cape Cod's character by considering the interrelationship between land use activities and transportation needs:



As part of an overall effort to encourage ride sharing, carpooling and vanpooling, develop a regional voice mail ridesharing program for the Outer Cape coordinated with service providers.

Promote more convenient and frequent express bus service to the Orleans, Boston and Providence and to the Cape Cod Community College campus.

Develop commuter schedule water and air transportation.

Develop a park-and-ride ferry service from the other side of the canal.

Support improvements, which provide safe year-round commuter air service to the Outer Cape, and discourage Massport efforts to limit commuter air service to Logan Airport.

4. Parking:

Create more public parking. (Per the 2004 Survey, 52.5% of survey respondents agreed that the Town should create more public parking.)

Create more satellite parking. (Per the 2004 Survey, 89.7% of respondents felt the Town should create more satellite parking.)

Create parking at the edge of downtown. (Per the 2004 Survey, 74.4% of respondents agreed that the Town should create parking at the edge of downtown – rather than in the downtown itself (only 14.2% supported additional downtown parking.)

Give residents priority for parking spaces. (Per the 2004 Survey, 89.6% of respondents felt residents should have priority for parking spaces.)

Public Education

There was no public education component in the 2000 LCP. It is not a requirement for Executive Order 418 Community Development Plans, but the Town felt strongly that it should be incorporated here.

“The hallmark of Provincetown’s educational system is its public schools. We envision a pre-kindergarten through twelfth grade system with an excellent core curriculum and highly qualified teaching to provide a sound education in literacy skills, mathematics skills, critical thinking skills and social skills at all educational levels.

In addition, we envision public school programs that prepare students to meet the region’s work force needs for a sustainable, year-round business and creative economy.

Lastly, we envision an educational system that provides quality life-long learning to people of all ages; that works collaboratively with the Provincetown community as a whole; and engages in cooperative local and regional ventures with other communities, businesses, social service agencies, cultural and educational institutions and governmental bodies.”

Education Goals, which result from both the LCP and the 2004 Survey, are:

The Provincetown Public Schools will continue to provide the educational needs of each local student and attract students from surrounding towns because of the quality of the Town’s educational programs.



Public school administrators and faculty will collaborate with, and seek input from community members including town officials, business owners, members of cultural groups who have a stake in the educational achievement of Provincetown's children and youth.

An Education Consortium will be created in order to provide adult members of the community with opportunities for continuous learning, to develop and update skills, to work on undergraduate and graduate degrees and/or to explore subject matter of interest.

The public schools will develop more work-study, service learning, internship, and mentoring opportunities for their students. Student placements will be developed with business, cultural, social services, health and local government organizations.

The Education Consortium will develop cooperative ventures with other communities, educational institutions, businesses, human service agencies, cultural institutions, and grant providers to maximize educational programming and minimize local costs.

The Educational Consortium will meet the needs of adult learners by partnering with local, regional, state and national institutions to provide courses designed to meet the educational needs of Provincetown citizens.

Preserve and Change Visions

There is little difference between the Town's 2004 Vision and earlier vision statements. The following comes from the 2004 Community Visioning Survey:

"Respondents continue to support the goals and policies of the Town's 1988 Master Plan and 1995 Vision Survey, which were reaffirmed in 1999 as part of the Town's Local Comprehensive Plan. For example, at least three-quarters of respondents strongly agree or agree with each of the goals and at least 90 percent of respondents strongly agree or agree with all but four of the goals."

Activities Encouraged to Help Provincetown's Economy

"Respondents were asked the level at which they support various activities that the town should undertake to help Provincetown's economy. Respondents are most supportive of the arts/education industry (94.5%), the fishing industry (90.5%), and the development and promotion of the arts (85.5%). Respondents are least likely to support the donation of Town land for economic activities (15.9%), the development of a childcare facility (34.0%), high tech industry (36.0%), or more summer tourism (41.2%)."

Respondents' View of Provincetown

"Nearly two-thirds of survey respondents (65.1%) view Provincetown as a residential community that attracts tourism, while 34.9 percent view the Town as a tourist community where people happen to live. While 65.1% of respondents view Provincetown as a residential community that attracts tourism, 75.1% of respondents indicate that they want the Town to be a residential community that attracts tourism. When asked what they think Provincetown will be like twenty years from now, only 55.7% of respondents feel that Provincetown will remain a residential community that attracts tourism, while 44.3% feel that the Town will be a tourist community where residents happen to live."



Growth Management Regulations

“More than half of respondents (59.6%) indicate that the growth management regulation is still valid and desirable, although 20.9% of respondents are unsure. While 59.6% of respondents indicate that the growth management regulation is still valid and desirable, almost 4 in 5 respondents (79.1%) indicate that the town should further limit the rate or amount of development. Of those respondents, 31.7% say that the rate of development should be limited, while 36.1% indicate that the amount should be limited.

Additionally, less than 20% of respondents (19.5%) think that Provincetown's current development controls (zoning, health, building, planning, etc.) are adequate to preserve the Town's character, while 61.4% indicate that the regulations need to be strengthened.

Just over half of the respondents (50.7%) agree that affordable housing should be given priority over other types of development, although 47.5% are unsure (16.5%), or do not support (31.0%) an initiative of this type. Nearly 20% (19.6%) of respondents would support exempting affordable housing from the growth management by-law without regard to resource limits, while 59.2% oppose such an initiative. Nearly half of the respondents (46.7%) agree that additional development should be allowed only if new water resources become available, while 27.3% disagree. Almost a quarter of respondents (24.6%) are unsure of this issue.”

Strategies for Affordable Housing

“Affordable housing strategies that respondents most support include aggressive pursuit of tax delinquent and "owner- unknown" properties for affordable housing development (68.8%), granting real estate tax incentives to property owners who agree to provide year-round affordable rental housing (68.6%), and legalizing “in-law” apartments if they are restricted as affordable year-round housing (67.3%). Respondents least support an expansion of the room tax to apply to unlicensed weekly rentals if a portion of the revenues are reserved for affordable housing (34.3%) and encourage the development of dormitory-type housing for seasonal workers (44.9%). More than three-quarters of respondents (75.2%) indicate that affordable housing funds should be used only for rehabilitation of existing properties, while 20.1% indicate that these funds should be used for new construction.

More than half of respondents (53.4%) support the use of Affordable Housing Trust Funds or other funds (Community Preservation Act funds?) designated for preservation of affordable housing to purchase deed restrictions and to make them perpetual, although 25.0% are unsure of this issue.

Almost half of respondents (48.8%) indicate that the Town should prohibit conversion of commercial (restaurants, hotels) and mixed-use (guest houses) buildings into condos without some percentage being deed-restricted for affordable housing. Nearly a third of respondents (35.0%) disagree with this action while 14.3% are unsure.”

Commuting/Parking

“Exactly half of respondents would consider commuting to and from Boston and Hyannis, if possible. More than 85% of respondents (85.6%) would use public transportation for other reasons such as shopping and medical appointments. Of those respondents, 55.4% would use the service to and from Boston, 17.8% to and from Hyannis, and 26.8% to and from both locations.



More than half of respondents (52.5%) indicate that the Town should create more public parking, with the highest percentage of respondents indicating that the parking should be satellite parking (89.7%), or at the edge of downtown (74.4%). Almost 90% of respondents (89.6%) support giving residents priority for parking spaces. Most respondents agree that the existing shuttle service should be expanded with more frequency (80.5%), extended to Orleans and Hyannis (74.7%), and with more routes (73.8%).”

Water/Open Space

“More than three-quarters of respondents (76.8%) indicate that the Town should pursue regional water planning.

41% of respondents (41.1%) indicate that the Town should pursue desalination, while 36.6% are unsure and 22.2% do not support such an initiative. Respondents are least likely to support desalination to allow more growth (64.8% against), or if it affects water quality (79.8% against).

Almost three-quarters of respondents (74.5%) agree that the Land Bank or other public funds should be used to purchase land that provides access to the harbor or preserves views of the harbor. 46% of respondents (46.2%) indicate that the Town should pursue land-based wind turbines, while 26.5% are against such an initiative and 27.3% are unsure.”

2004 Community Visioning Statement

The following vision statement establishes the framework for the goals, policies and objectives of the 2004 Community Development Plan. Guidance comes principally from the 1988 Master Plan, the 1995 Community Vision Project Survey and Workshop Results, the 2000 Local Comprehensive Plan and 2004 Community Visioning and Survey results.

These efforts focus on key local issues relating to open space/resource protection, growth management, community character, public education, economic development, transportation and parking, and community housing. In order to establish a clearer picture of the citizens' mandate, the Community Visioning process fleshed out these issues through a 2004 Community Survey, a citizen's Working Group and two task forces, one for housing and the other for economic development, probing additional issues or changes to issues since preparation of the 1999 Local Comprehensive Plan.

Based on the Working Group, Community Housing and Economic Development Task Forces and the 2004 Community Survey, the 2000 Town Vision Statement is still largely valid with somewhat different, and more pointedly specific emphases, as follows:

“Growth will continue to be selective and managed more effectively through database tools to better communicate between regulatory boards and Town managers to preserve town character and eliminate the need for increased municipal services. The rate and location of development will be more closely monitored, generally reported and proactively managed so that growth is better planned, i.e., in accordance with available and projected water supplies, wastewater disposal, septage and solid waste disposal capacities, as well as other Town service capacities, and so that the Town's development/redevelopment is more fully compatible with historical Provincetown building designs, scales, and context.



Environmental quality and natural resources will be better protected by greater coordination with local property owners, regulatory boards, scientific or non-profit management entities and regional planning organizations. The Town will continue to improve coordination and communication between local and State regulatory boards, which protect wetlands, ponds, harbors, floodplains, groundwater supplies, greenway migration corridors, dunes, beaches, and other natural resources providing habitat, flood prevention, recreation, scenic resources and water quality protection from point and non-point sources of degradation or other forms of potential misuse.

The Town will improve communication and coordination with the Cape Cod National Seashore, the Cape Cod Commission, the Town of Truro and/or other Federal, State and non-profit organizations whose mission is to find better technical methods, regulatory tools and/or organizational structures to protect vital natural resources and to preserve strategically important open spaces.

Community low-, moderate-, median- and middle-income housing, which will have five-year, annualized municipal production goals, will be made available primarily to local residents with established needs. Special consideration for such housing will be given to families, young persons and/or those working in essential Town service capacities. Provincetown has placed the highest priority on affordable housing for its residents. The Town will continue to maintain its diverse community through whatever means are available to it. The Provincetown community will continue to welcome as residents or visitors, people of all income levels, occupations, backgrounds, religions, ethnicities, sexual orientations and family composition. Provincetown's affordable housing challenge will continue to be met, even if Provincetown must build or buy housing jointly with other municipalities.

Provincetown will re-invigorate its effort to further develop and sustain a year-round economy with increased employment opportunities for permanent and seasonal residents. The local economy will not be solely tourist-based, with particular attention paid to the promotion of traditional commercial fishing or other indigenous economic activities, and Provincetown's long-term history as America's first art colony, a center for culture and early American history. To reduce the seasonal nature of the local economy, increasingly coordinated efforts will be made between businesses and the public sector to expand the tourist season from the early spring through the high season and into the late fall/early winter, rather than increased efforts to expand high season events or visitor numbers. Provincetown will also seek to establish coordinated high-turnout visitor events during the wintertime.

Provincetown's traffic circulation and parking resources will serve the needs of residents and visitors without compromising the Town's character and quality of life. Provincetown will endeavor to moderate peak-period traffic flows in the downtown area through circulation improvements, increased availability of alternate parking locations, and improved shuttle services, pedestrian connections to the downtown or parking areas, and other traffic-mitigating or calming measures. Particular emphases will be placed on bus-, taxi-, pedicab-, water-, and air-based transportation alternatives. In addition, study (s) will be made of opportunities to relocate parking to areas peripheral to the downtown without incurring substantial parking revenue loss or visitor inconvenience.

The hallmark of Provincetown's educational system is its public schools. The Town envisions a pre-kindergarten through twelfth grade educational system with an excellent core curriculum and highly qualified teaching staff to provide sound education in literacy, mathematics, critical thinking and social skills at all educational levels. In addition, the Town envisions public school programs that prepare students to meet the region's workforce needs for sustainable, year-round businesses and the creative economy. Lastly, the Town envisions an educational system that provides quality life-long learning to



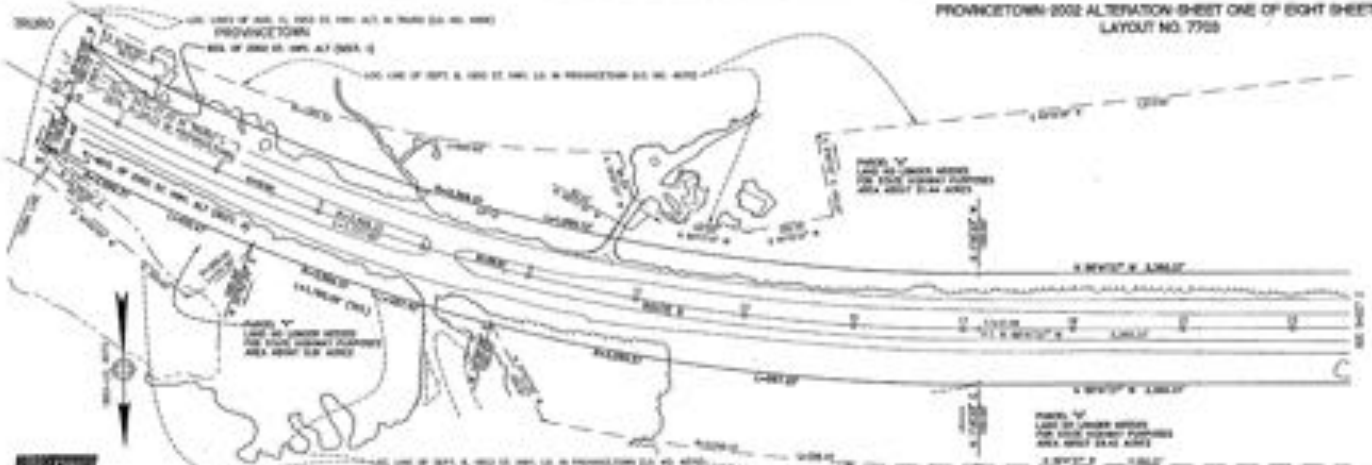
people of all ages; that works collaboratively with the entire Provincetown community; and engages in cooperative local and regional educational ventures with other communities, businesses, social service agencies, cultural and educational institutions and governmental bodies.”

APPENDIX C

EXCERPT FROM: Discontinuance of Route 6 in Provincetown

The following plan drawings were taken from the Discontinuance of Route 6 in Provincetown plan, developed by the town. These plans show the discontinuance of Route 6 in Provincetown as a state highway, and the transfer of roadway and portions of the adjoining property for wastewater disposal areas to the Town of Provincetown by the Massachusetts Board of Highway Commissioners.

PROVINCETOWN 2002 ALTERATION SHEET ONE OF EIGHT SHEETS
LAYOUT NO. 7708



THE DEPARTMENT OF HIGHWAYS HAS REVIEWED THIS PLAN AND FINDS IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS HIGHWAY DEPARTMENT.

A COUNTY ROAD PLAN AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS HIGHWAY DEPARTMENT.



THE ENGINEER HAS REVIEWED THE DESIGN OF THE ROAD AND FINDS IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASSACHUSETTS HIGHWAY DEPARTMENT.

[Signature]
ENGINEER

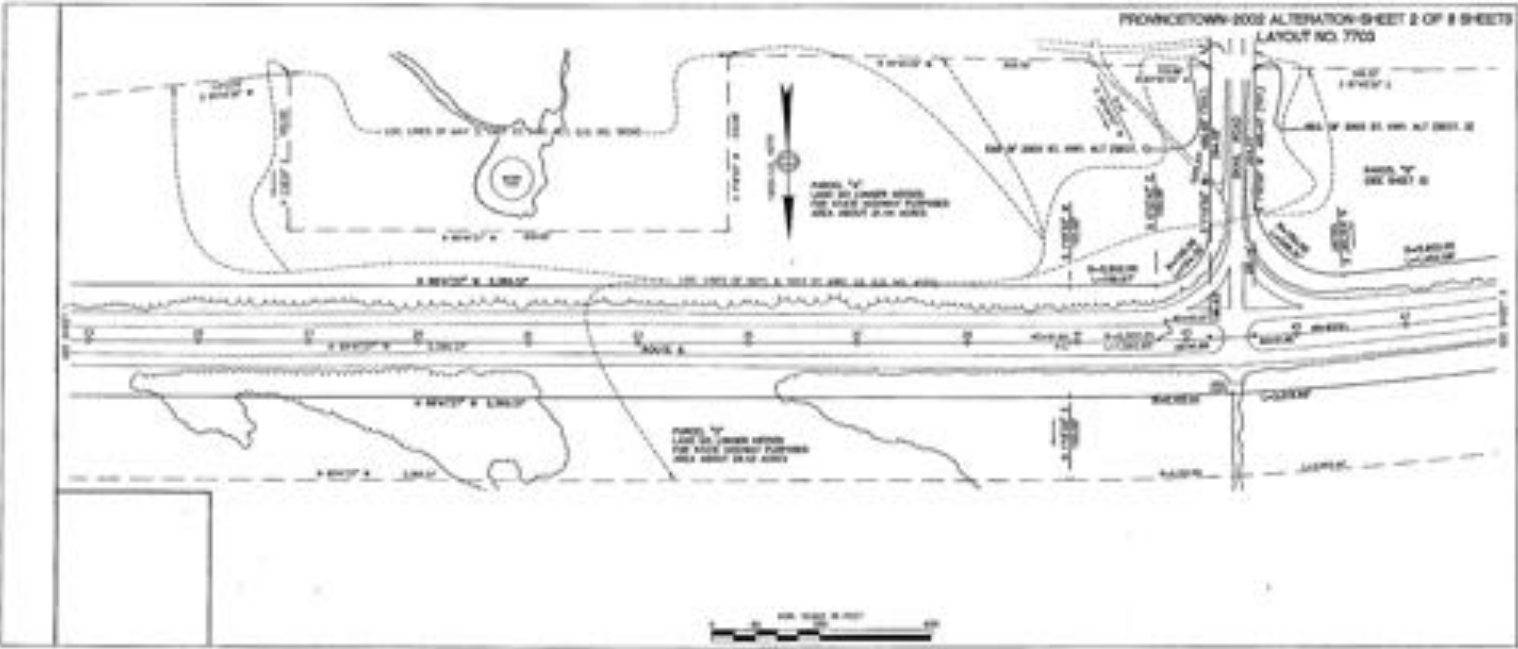
THE COMMISSIONERS OF HIGHWAYS AND THE TOWN OF
PROVINCETOWN
BARNSTABLE COUNTY
APPROVE AND LAY OUT AS A STATE HIGHWAY
BY THE DEPARTMENT OF HIGHWAYS
THIS 21ST DAY OF
[Signature]
TOWN ENGINEER



[Signature]
TOWN ENGINEER

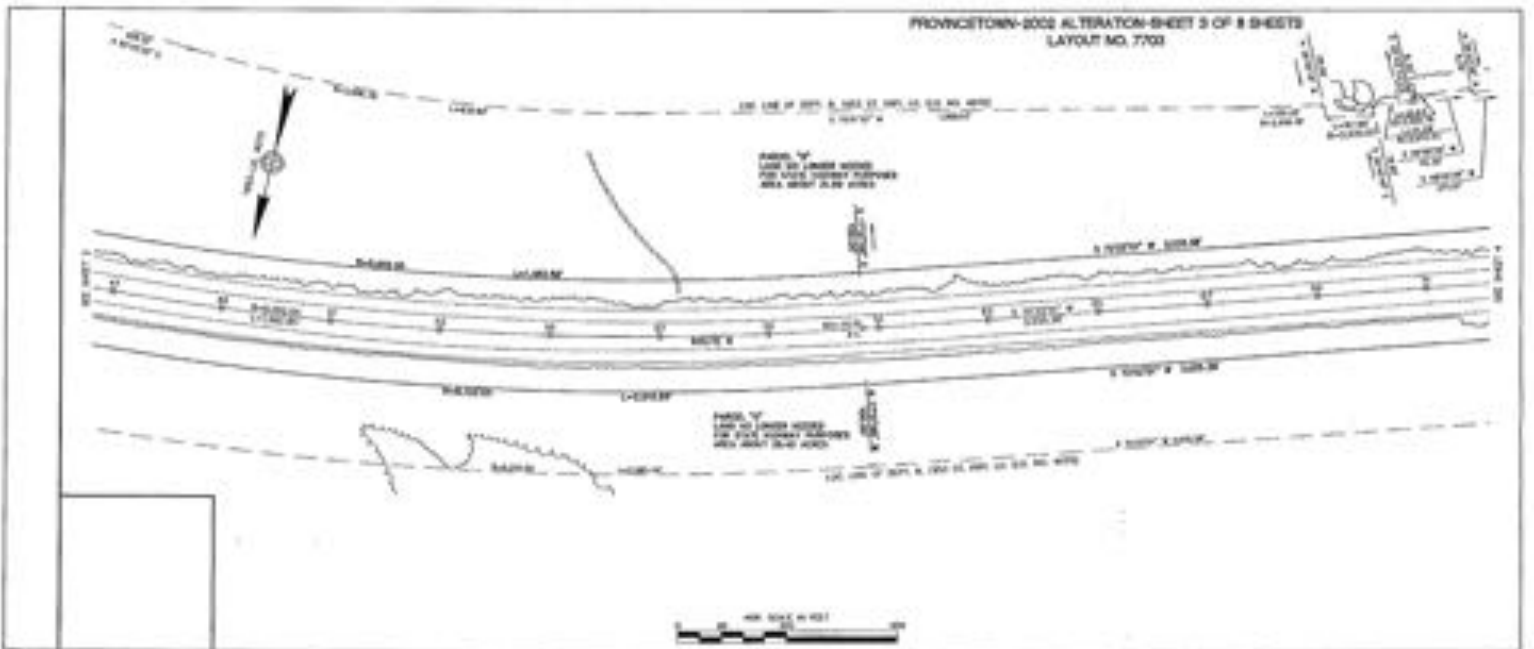
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FRANCIS TOWN-2002 ALTERNATION-SHEET 2 OF 8 SHEETS
LAYOUT NO. 7703



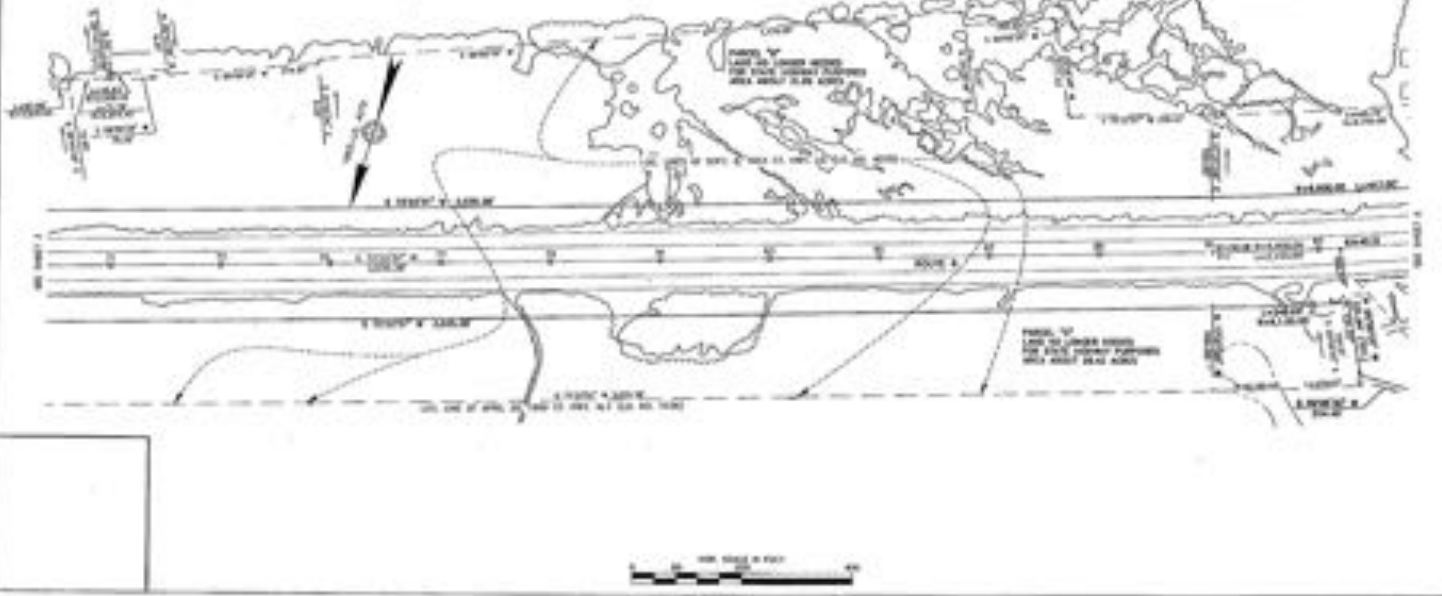
FRANCIS TOWN-2002 ALTERNATION-SHEET 2 OF 8 SHEETS LAYOUT NO. 7703

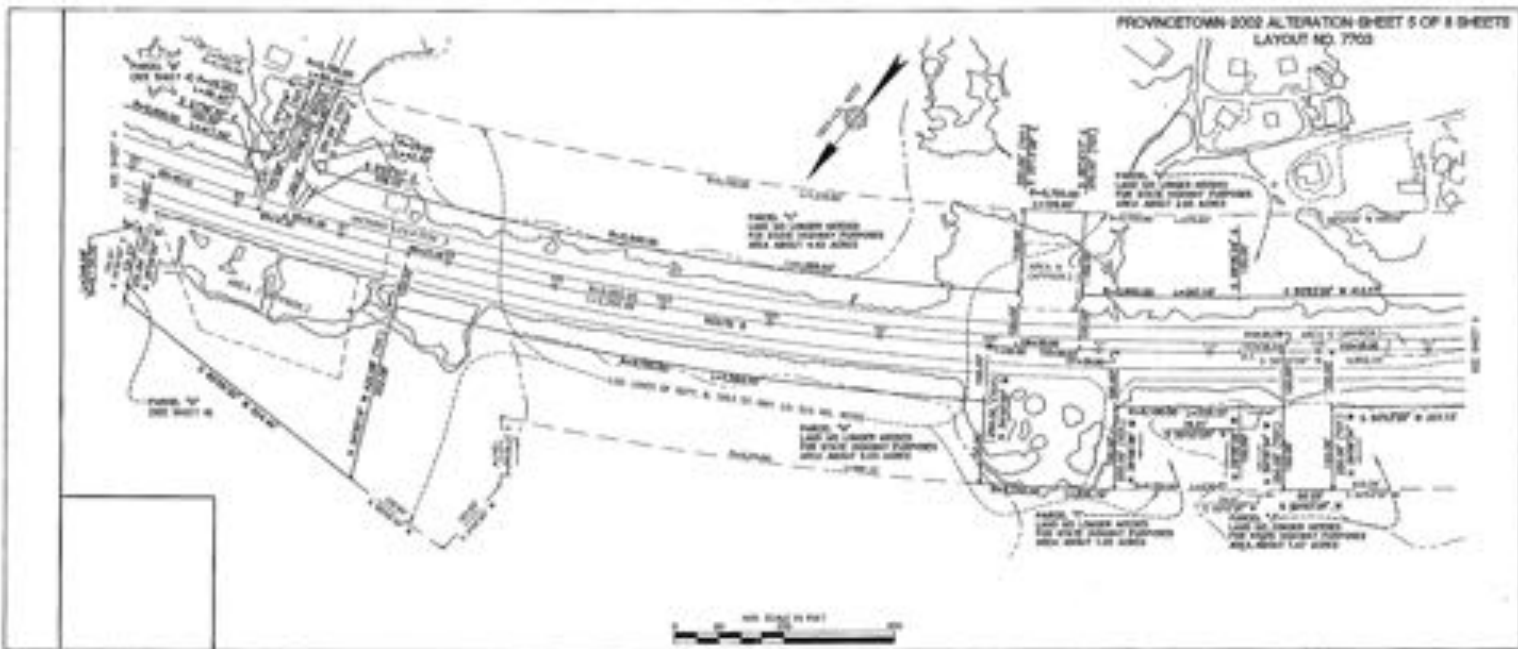
PRINCETON-2002 ALTERATION SHEET 3 OF 8 SHEETS
LAYOUT NO. 7703



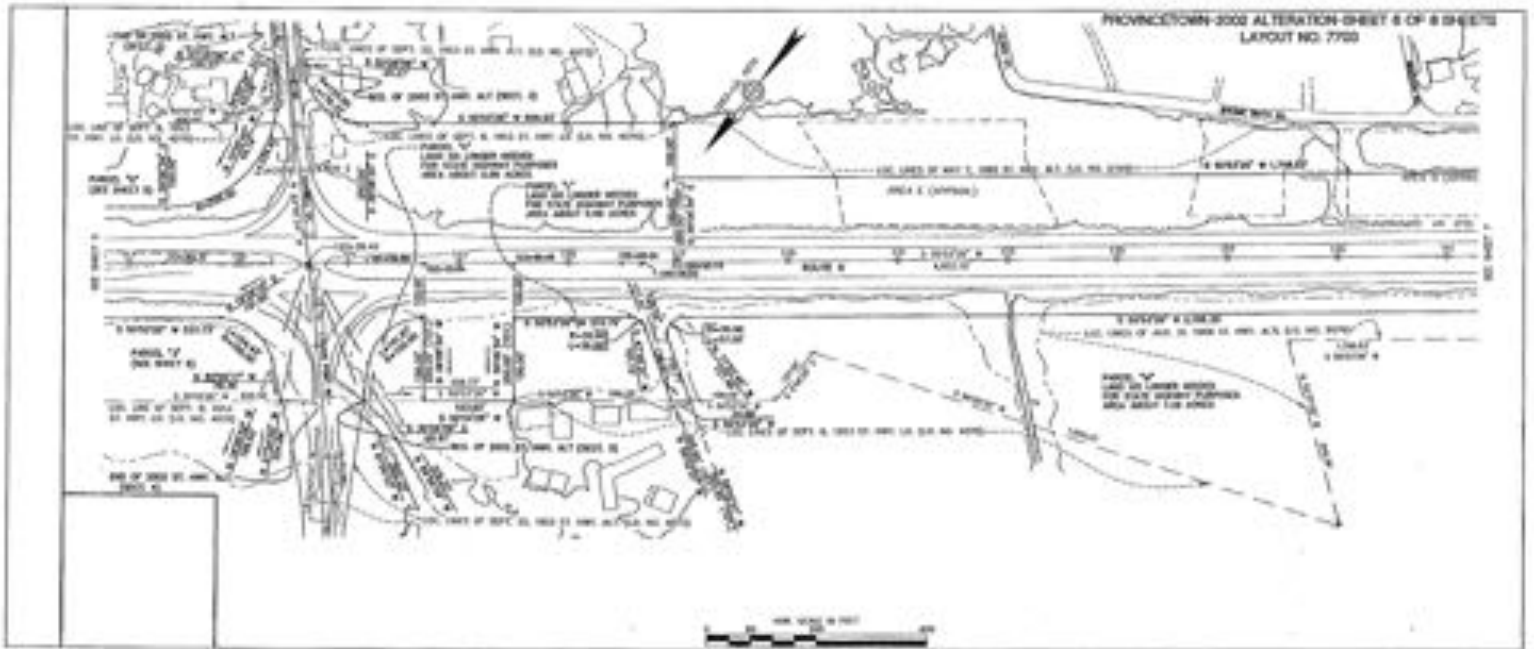
PRINCETON-2002 ALTERATION SHEET 3 OF 8 SHEETS LAYOUT NO. 7703

PROVINCETOWN-2002 ALTERATION-SHEET 4 OF 8 SHEETS
LAYOUT NO. 7795



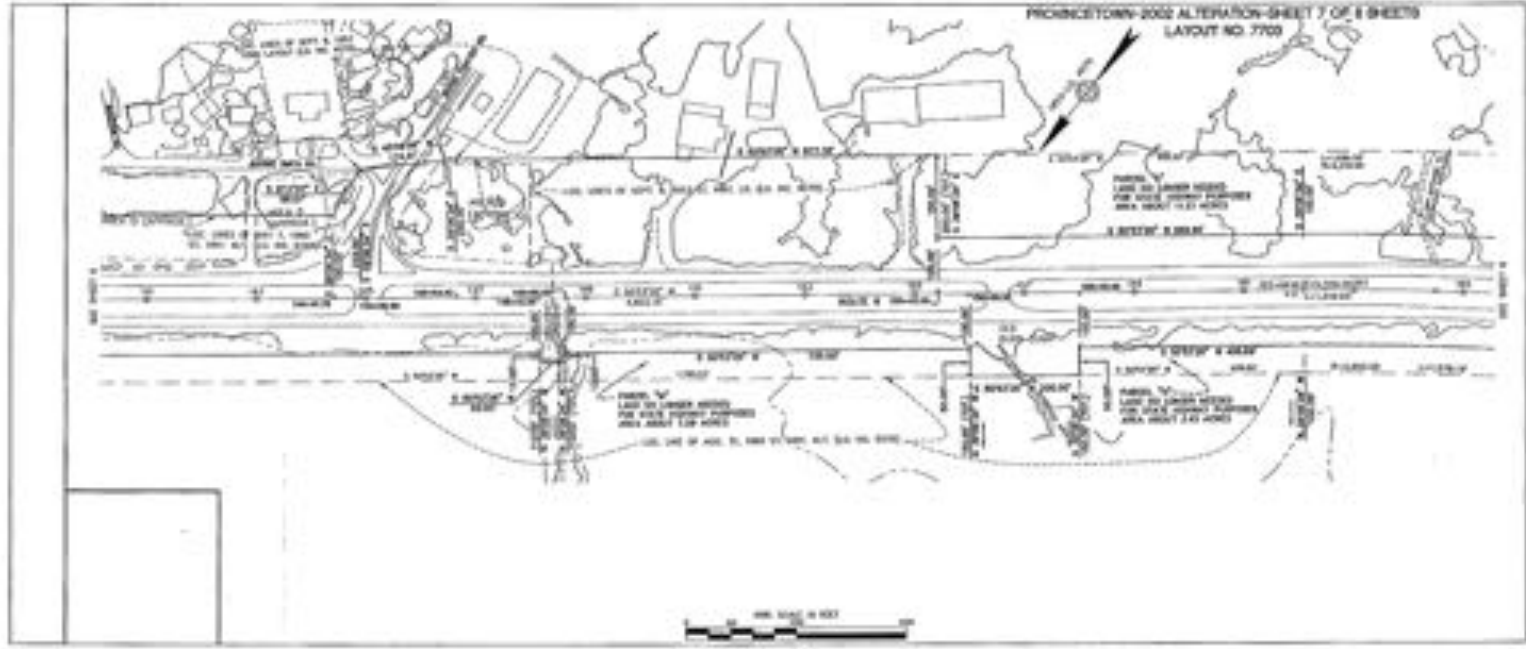


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PROVINCETOWN-2000 ALTERATION SHEET 8 OF 8 SHEETS LAYOUT NO. 7700

PRINCETOWN-2022 ALTERATION-SHEET 7 OF 8 SHEETS
LAYOUT NO. 7700





Facility Inventory

LOCATION:

ACTIVITY	EQUIPMENT	NOTES
Picnic Facilities	Tables & Benches	Located adjacent to accessible paths
		Access to Open Spaces
		Back and Arm Rests
		Adequate number
	Grills	Height of Cooking Surface
	Trash Cans	Located adjacent to accessible paths
Picnic Shelters	Located adjacent to accessible paths	
	Located near accessible water fountains, trash can, restroom, parking, etc.	
Trails		Surface material
		Dimensions
		Rails
		Signage (for visually impaired)
Swimming Facilities	Pools	Entrance
		Location from accessible parking
		Safety features i.e. warning for visually impaired
	Beaches	Location from accessible path into water
		Handrails
		Location from accessible parking
Play Areas (tot lots)	All Play Equipment i.e. swings, slides	Same experience provided to all
	Access Routes	Located adjacent to accessible paths
		Enough space between equipment for wheelchair
Game Areas: *ballfield *basketball *tennis	Access Routes	Located adjacent to accessible paths
		Berm cuts onto courts
	Equipment	Height
		Dimensions
		Spectator Seating
	Boat Docks	Access Routes
Handrails		
Fishing Facilities	Access Routes	Located adjacent to accessible paths
		Handrails
	Equipment	Arm Rests
		Bait Shelves
		Handrails
		Fish Cleaning Tables
Programming	Are special programs at your facilities accessible?	Learn-to-Swim
		Guided Hikes
		Interpretive Programs
Services and Technical Assistance	Information available in alternative formats i.e. for visually impaired	
	Process to request interpretive services (i.e. sign language interpreter) for meetings	

Chelsea Earnest Playground

LOCATION

PARKING				
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>			
Up to 25	1 space			
26-50	2 spaces			
51-75	3 spaces			
76-100	4 spaces			
101-150	5 spaces			
151-200	6 spaces			
201-300	7 spaces			
301-400	8 spaces			
401-500	9 spaces			
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>	
Accessible space located closest to accessible entrance		X		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X		
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X		
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X		
Sign with international symbol of accessibility at each space or pair of spaces		X		
Sign minimum 5 ft, maximum 8 ft to top of sign		X		
Surface evenly paved or hard-packed (no cracks)		X	Sand.	
Surface slope less than 1:20, 5%		X		
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present		X		
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		X		
RAMPS				
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>	
Slope Maximum 1:12		X		
Minimum width 4 ft between handrails			N/A	
Handrails on both sides if ramp is longer than 6 ft			↓	
Handrails at 34" and 19" from ramp surface				
Handrails extend 12" beyond top and bottom				
Handgrip oval or round				
Handgrip smooth surface				
Handgrip diameter between 1¼" and 2"				
Clearance of 1½" between wall and wall rail				
Non-slip surface				
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction				↓

Chelsea Earnest Playground

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
Specification	Yes	No	Comments/Transition Notes
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance		X	N/A
Disembarking area at accessible entrance			
Surface evenly paved or hard-packed		X	
No ponding of water			
Path of Travel			
Path does not require the use of stairs			N/A
Path is stable, firm and slip resistant		X	
3 ft wide minimum			
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch			Sand.
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane			
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance		X	N/A
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

NOTES

- Add rubber decking over recreation area (artificial surface). Presently sand.
- Presently misused by dogs.

Chelsea Earnest Playground

LOCATION

STAIRS and DOORS			
Specification	Yes	No	Comments/Transition Notes
Stairs			
No open risers			N/A
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1 $\frac{1}{4}$ " and 1 $\frac{1}{2}$ "			
1 $\frac{1}{2}$ " clearance between wall and handrail			
Doors			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 pounds interior doors			
Threshold maximum $\frac{1}{2}$ " high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			∇

NOTES

Chelsea Earnest Playground

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			✓

NOTES

Chelsea Earnest Playground

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
Specification	Yes	No	Comments/Transition Notes
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
Specification	Yes	No	Comments/Transition Notes
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES

Chelsea Earnest Playground

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access		X	
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.		X	
Top of table no higher than 32" above ground		X	
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions		X	
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter		X	

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X	
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.	X		
		X	
Sign with international symbol of accessibility at each space or pair of spaces	X		
Sign minimum 5 ft, maximum 8 ft to top of sign		X	
Surface evenly paved or hard-packed (no cracks)	X		
Surface slope less than 1:20, 5%	X		
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present	X		
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		X	
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12		X	Need ramp.
Minimum width 4 ft between handrails		X	
Handrails on both sides if ramp is longer than 6 ft		X	
Handrails at 34" and 19" from ramp surface		X	
Handrails extend 12" beyond top and bottom		X	
Handgrip oval or round		X	
Handgrip smooth surface		X	
Handgrip diameter between 1¼" and 2"		X	
Clearance of 1½" between wall and wall rail		X	
Non-slip surface		X	
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction		X	

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	X		
Disembarking area at accessible entrance	X		
Surface evenly paved or hard-packed		X	Sand.
No ponding of water		X	
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant		X	Sand.
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).		X	
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch	X		
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane		X	
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"		X	
Curb on the pathway must have curb cuts at drives, parking and drop-offs		X	
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance		X	
Level space extending 5 ft. from the door, interior and exterior of entrance doors		X	
Minimum 32" clear width opening (i.e. 36" door with standard hinge)		X	
At least 18" clear floor area on latch, pull side of door		X	
Door handle no higher than 48" and operable with a closed fist		X	
Vestibule is 4 ft plus the width of the door swinging into the space		X	
Entrance(s) on a level that makes elevators accessible		X	
Door mats less than $\frac{1}{2}$ " thick are securely fastened		X	
Door mats more than $\frac{1}{2}$ " thick are recessed		X	
Grates in path of travel have openings of $\frac{1}{2}$ " maximum		X	
Signs at non-accessible entrance(s) indicate direction to accessible entrance		X	
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted		X	

NOTES

Add lower basketball net for people with chairs.

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

STAIRS and DOORS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stairs			
No open risers	X		
Nosings not projecting		X	
Treads no less than 11" wide		X	
Handrails on both sides		X	
Handrails 34"-38" above tread		X	
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)		X	
Handgrip oval or round		X	
Handgrip has a smooth surface		X	
Handgrip diameter between 1¼" and 1½"		X	
1½" clearance between wall and handrail		X	
Doors			
Minimum 32" clear opening		X	
At least 18" clear floor space on pull side of door		X	
Closing speed minimum 3 seconds to within 3" of the latch		X	
Maximum pressure 5 pounds interior doors		X	
Threshold maximum ½" high, beveled on both sides		X	
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)		X	
Hardware minimum 36", maximum 48" above the floor		X	
Clear, level floor space extends out 5 ft from both sides of the door		X	
Door adjacent to revolving door is accessible and unlocked		X	
Doors opening into hazardous area have hardware that is knurled or roughened		X	

NOTES

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			√

NOTES

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			∨
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1¼" high			
Letters and numbers raised .03"			∨
Letters and numbers contrast with the background color			

NOTES

Mildred Greenfelder Park
Common Name: "East End Playground"

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access		X	
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.		X	
Top of table no higher than 32" above ground		X	
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions		X	
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter		X	

Motta Field

LOCATION

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X	
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.	X		
Sign with international symbol of accessibility at each space or pair of spaces		X	
Sign minimum 5 ft, maximum 8 ft to top of sign		X	
Surface evenly paved or hard-packed (no cracks)	X		
Surface slope less than 1:20, 5%		X	
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present	X		
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		X	
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12		X	
Minimum width 4 ft between handrails		X	
Handrails on both sides if ramp is longer than 6 ft		X	
Handrails at 34" and 19" from ramp surface		X	
Handrails extend 12" beyond top and bottom		X	
Handgrip oval or round		X	
Handgrip smooth surface		X	
Handgrip diameter between 1¼" and 2"		X	
Clearance of 1½" between wall and wall rail		X	
Non-slip surface		X	
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction		X	

Motta Field

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
Specification	Yes	No	Comments/Transition Notes
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance		X	
Disembarking area at accessible entrance		X	
Surface evenly paved or hard-packed		X	
No ponding of water		X	
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant	X		
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).		X	
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch	X		
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane		X	
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"		X	
Curb on the pathway must have curb cuts at drives, parking and drop-offs		X	
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance			N/A
Level space extending 5 ft. from the door, interior and exterior of entrance doors			↓
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

NOTES

Motta Field

LOCATION

STAIRS and DOORS				
Specification	Yes	No	Comments/Transition Notes	
Stairs				
No open risers		X		
Nosings not projecting		X		
Treads no less than 11" wide		X		
Handrails on both sides		X	Only on one side.	
Handrails 34"-38" above tread				
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)		X		
Handgrip oval or round	X			
Handgrip has a smooth surface	X			
Handgrip diameter between 1¼" and 1½"	X			
1½" clearance between wall and handrail	X			
Doors				
Minimum 32" clear opening			N/A	
At least 18" clear floor space on pull side of door				
Closing speed minimum 3 seconds to within 3" of the latch				
Maximum pressure 5 pounds interior doors				
Threshold maximum ½" high, beveled on both sides				
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)				
Hardware minimum 36", maximum 48" above the floor				
Clear, level floor space extends out 5 ft from both sides of the door				
Door adjacent to revolving door is accessible and unlocked				
Doors opening into hazardous area have hardware that is knurled or roughened				∇

NOTES

Motta Field

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			✓

NOTES

- Add handicapped parking by gate.
- Add handicapped portable toilet.

Motta Field

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
Specification	Yes	No	Comments/Transition Notes
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
Specification	Yes	No	Comments/Transition Notes
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES

Motta Field

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access			N/A ↓ ↓ ↓ ↓ ↓
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.			
Top of table no higher than 32" above ground			
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions			
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

Nicky's Park

LOCATION

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		Great potential.
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X	
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X	
Sign with international symbol of accessibility at each space or pair of spaces		X	
Sign minimum 5 ft, maximum 8 ft to top of sign			
Surface evenly paved or hard-packed (no cracks)		X	
Surface slope less than 1:20, 5%			
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present		X	Not developed.
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow			
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			
Minimum width 4 ft between handrails		X	N/A, under development.
Handrails on both sides if ramp is longer than 6 ft			
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

*Plan under development.

Nicky's Park

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
Specification	Yes	No	Comments/Transition Notes
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	X		When developed.
Disembarking area at accessible entrance			
Surface evenly paved or hard-packed			
No ponding of water			
Path of Travel			
Path does not require the use of stairs		X	
Path is stable, firm and slip resistant	X		
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch			
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane			
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance	X		Needs to be developed.
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

NOTES

- Great potential for accessibility.
- Add portable toilets.
- Add sight lines.

Nicky's Park

LOCATION

STAIRS and DOORS			
Specification	Yes	No	Comments/Transition Notes
Stairs			
No open risers			N/A
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1 $\frac{1}{4}$ " and 1 $\frac{1}{2}$ "			
1 $\frac{1}{2}$ " clearance between wall and handrail			
Doors			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 pounds interior doors			
Threshold maximum $\frac{1}{2}$ " high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			∇

NOTES

Nicky's Park

LOCATION

RESTROOMS - also see Doors and Vestibules			
Specification	Yes	No	Comments/Transition Notes
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			✓

NOTES

Nicky's Park

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			∨
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1½" high			
Letters and numbers raised .03"			∨
Letters and numbers contrast with the background color			

NOTES

Nicky's Park

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access			N/A ↓ ↓ ↓ ↓ ↓
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.			
Top of table no higher than 32" above ground			
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions			
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

Old Colony Nature Pathway

LOCATION

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		Room for one space.
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X	
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X	
Sign with international symbol of accessibility at each space or pair of spaces		X	
Sign minimum 5 ft, maximum 8 ft to top of sign			
Surface evenly paved or hard-packed (no cracks)	X		
Surface slope less than 1:20, 5%		X	
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present		X	
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		X	
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			
Minimum width 4 ft between handrails			No hand rails.
Handrails on both sides if ramp is longer than 6 ft		X	
Handrails at 34" and 19" from ramp surface		X	
Handrails extend 12" beyond top and bottom		X	
Handgrip oval or round		X	
Handgrip smooth surface		X	
Handgrip diameter between 1¼" and 2"		X	
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

Old Colony Nature Pathway

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
Specification	Yes	No	Comments/Transition Notes
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance			
Disembarking area at accessible entrance			
Surface evenly paved or hard-packed	X		hard-packed.
No ponding of water			
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant	X		
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch			
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane			
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance	X		Only motorized wheelchair.
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

NOTES

Add signs explaining area.

Old Colony Nature Pathway

LOCATION

STAIRS and DOORS			
Specification	Yes	No	Comments/Transition Notes
Stairs			
No open risers			N/A
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1¼" and 1½"			
1½" clearance between wall and handrail			
Doors			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 pounds interior doors			
Threshold maximum ½" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			∇

NOTES

Old Colony Nature Pathway

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			✓

NOTES

Old Colony Nature Pathway

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES

Old Colony Nature Pathway

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access			N/A ↓ ↓ ↓ ↓ ↓
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.			
Top of table no higher than 32" above ground			
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions			
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

Shank Painter Pond Uplands

LOCATION

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 spaces		
51-75	3 spaces		
76-100	4 spaces		
101-150	5 spaces		
151-200	6 spaces		
201-300	7 spaces		
301-400	8 spaces		
401-500	9 spaces		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance			N/A
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.		X	
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	
Van space - minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X	
Sign with international symbol of accessibility at each space or pair of spaces		X	
Sign minimum 5 ft, maximum 8 ft to top of sign			
Surface evenly paved or hard-packed (no cracks)		X	
Surface slope less than 1:20, 5%		X	Steep.
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present	X		
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		X	
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12		X	
Minimum width 4 ft between handrails			
Handrails on both sides if ramp is longer than 6 ft			No hand rails.
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

Shank Painter Pond Uplands

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance		X	N/A, not completed.
Disembarking area at accessible entrance			
Surface evenly paved or hard-packed			
No ponding of water	X		
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant		X	
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than $\frac{1}{2}$ inch		X	
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane			
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			N/A
Curb on the pathway must have curb cuts at drives, parking and drop-offs			N/A, until completed.
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and <i>not</i> be the service entrance		X	
Level space extending 5 ft. from the door, interior and exterior of entrance doors			N/A
Minimum 32" clear width opening (i.e. 36" door with standard hinge)			
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			N/A
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			N/A
Door mats less than $\frac{1}{2}$ " thick are securely fastened			
Door mats more than $\frac{1}{2}$ " thick are recessed			
Grates in path of travel have openings of $\frac{1}{2}$ " maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress - alarms with flashing lights and audible signals, sufficiently lighted			

NOTES

Shank Painter Pond Uplands

LOCATION

STAIRS and DOORS			
Specification	Yes	No	Comments/Transition Notes
Stairs			
No open risers	X		
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides		X	
Handrails 34"-38" above tread		X	
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)		X	
Handgrip oval or round		X	
Handgrip has a smooth surface		X	
Handgrip diameter between 1¼" and 1½"		X	
1½" clearance between wall and handrail		X	
Doors			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 pounds interior doors			
Threshold maximum ½" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			

NOTES

- Add hand rails and/or sight lines for the blind.
- Add safety rail at observation deck.
- Address tripping hazards along trail.
- Add signs.

Shank Painter Pond Uplands

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			N/A
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes with insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			
Stall door has a pull latch			
Lock on stall door is operable with a closed fist, and 32" above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
42" minimum clear space from center to farthest wall or fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1½" diameter			
1½" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			✓

NOTES

Shank Painter Pond Uplands

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
Specification	Yes	No	Comments/Transition Notes
Floors			
Non-slip surface			N/A
Carpeting is high-density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30" x 48" to allow parallel approach			
Telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			∨
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
Specification	Yes	No	Comments/Transition Notes
Switches, Controls and Signs			
Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			N/A
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jamb or recessed			
Letters and numbers at least 1½" high			
Letters and numbers raised .03"			∨
Letters and numbers contrast with the background color			

NOTES

Shank Painter Pond Uplands

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			N/A ↓ ↓ ↓ ↓ ↓
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			N/A ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓ ↓
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to the top of the seat, and at least 24" long			
Soap trays without handhold features unless they can support 250 pounds			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access			N/A ↓ ↓ ↓ ↓ ↓
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep.			
Top of table no higher than 32" above ground			
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions			
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

B-STREET GARDEN

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 space		
51-75	3 space		
76-100	4 space		
101-150	5 space		
151-200	6 space		
201-300	7 space		
301-400	8 space		
401-500	9 space		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.	X		
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle	X		
Van space – minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X	
Sign with international symbol of accessibility at each space or pair of spaces		X	A sign will be installed
Sign minimum 5 ft, maximum 8 ft to top of sign		X	
Surface evenly paved or hard-packed (no cracks)	X		Roadway is paved & hard packed
Surface slope less than 1:20, 5%	X		
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present			
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow	X		
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			No ramp at this location
Minimum width 4 ft between handrails			
Handrails on both sides if ramp is longer than 6 ft			
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	X		
Disembarking area at accessible entrance	X		
Surface evenly paved or hard-packed	X		
No ponding of water	X		
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant	X		
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than ½ inch	X		
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane	X		
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			There are no curbs along pathway
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and not be the service entrance	X		
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)		X	No doors
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible		X	No elevators
Door mats less than ½" thick are securely fastened			
Door mats more than ½" thick are recessed			
Grates in path of travel have openings of ½" maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress – alarms with flashing lights and audible signals, sufficiently lighted			
NOTES: Pathway needs to be re-graded to lessen the slope of the pathway			
LOCATION			
STAIRS and DOORS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

Stairs			
No open risers		X	No stairs at location
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1 1/4" and 1 1/2"			
1 1/2" clearance between wall and handrail			
Doors			
Minimum 32" clear opening		X	No doors at location
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 lbs interior door			
Threshold maximum 1/2" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			

NOTES: There are no doors or stairs at this location

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes and insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			

Stall door has a pull latch			
above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1 1/4" diameter			
1 1/2" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			

NOTES: There are no restrooms or sinks at this location

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface			
Carpeting is high density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains There are no drinking fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed,, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30"x48" to allow parallel approach			
Telephones There are no telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs There are not switches, controls or			

Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jam or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES: There are no switches, controls, signs or drinking fountains at this location.

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides		X	There is no pool at this location
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening		X	There is no shower room(s)
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to 20"			
Soap trays without handhold features unless they can support 250 lbs			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access	X		
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep	X		
Top of table no higher than 32" above ground	X		
Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions	X		
Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter			

SUZANNE'S GARDEN

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 space		
51-75	3 space		
76-100	4 space		
101-150	5 space		
151-200	6 space		
201-300	7 space		
301-400	8 space		
401-500	9 space		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		Accessible space w/n 200 feet
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.			
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle		X	No, roadway is very narrow.
Van space – minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.			
Sign with international symbol of accessibility at each space or pair of spaces	X		
Sign minimum 5 ft, maximum 8 ft to top of sign	X		
Surface evenly paved or hard-packed (no cracks)	X		
Surface slope less than 1:20, 5%	X		
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present	X		
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow	X		
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			There are no ramps presently
Minimum width 4 ft between handrails			
Handrails on both sides if ramp is longer than 6 ft			
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	X		
Disembarking area at accessible entrance	X		
Surface evenly paved or hard-packed	X		
No ponding of water	X		
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant	X		
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).	X		
Continuous common surface, no changes in level greater than ½ inch	X		
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane	X		
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs	X		
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and not be the service entrance	X		
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)	X		
At least 18" clear floor area on latch, pull side of door			The space is outdoors
Door handle no higher than 48" and operable with a closed fist			No doors
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible			No elevators
Door mats less than ½" thick are securely fastened			
Door mats more than ½" thick are recessed			
Grates in path of travel have openings of ½" maximum			No grates
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress – alarms with flashing lights and audible signals, sufficiently lighted			
NOTES This is an outdoor park area. It is hard packed and grass covered.			
LOCATION			
STAIRS and DOORS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

Stairs There are no stairs.			
No open risers			
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1 1/4" and 1 1/2"			
1 1/2" clearance between wall and handrail			
Doors There are no doors.			
Minimum 32" clear opening			
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 lbs interior door			
Threshold maximum 1/2" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			

NOTES: There are no stairs or doors at this park property.

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			There are no restrooms at this location
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes and insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			

Stall door has a pull latch			
above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1 1/4" diameter			
1 1/2" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			

NOTES: There are no restrooms or sinks at this location.

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface	X		
Carpeting is high density, low pile, non-absorbent, stretched taut, securely anchored			No carpeting
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor	X		
Drinking Fountains There are no drinking fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed,, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30"x48" to allow parallel approach			
Telephones There are no telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs There are not switches, controls or			

Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jam or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES: There are no switches, controls or signs.

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides			There is no swimming pool
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening			There is now shower room(s)
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors ar non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to			
Soap trays without handhold freatures unless they can support 250 lbs			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

<p>A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access</p>			<p>There are no tables.</p>
<p>For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep</p>			
<p>Top of table no higher than 32" above ground</p>			
<p>Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions</p>			
<p>Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter</p>			

HAWTHORNE

PARKING			
<i>Total Spaces</i>	<i>Required Accessible Spaces</i>		
Up to 25	1 space		
26-50	2 space		
51-75	3 space		
76-100	4 space		
101-150	5 space		
151-200	6 space		
201-300	7 space		
301-400	8 space		
401-500	9 space		
<i>Specification for Accessible Spaces</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Accessible space located closest to accessible entrance	X		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100 ft.			
Minimum width of 13 ft includes 8 ft space plus 5 ft access aisle	X		
Van space – minimum of 1 van space for every accessible space, 8 ft wide plus 8 ft aisle. Alternative is to make all accessible spaces 11 ft wide with 5 ft aisle.		X	
Sign with international symbol of accessibility at each space or pair of spaces		X	A sign will be installed
Sign minimum 5 ft, maximum 8 ft to top of sign		X	
Surface evenly paved or hard-packed (no cracks)	X		Roadway is paved
Surface slope less than 1:20, 5%	X		
Curbcut to pathway from parking lot at each space or pair of spaces, if sidewalk (curb) is present			
Curbcut is a minimum width of 3 ft, excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow	X		
RAMPS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Slope Maximum 1:12			No ramp at this location
Minimum width 4 ft between handrails			
Handrails on both sides if ramp is longer than 6 ft			
Handrails at 34" and 19" from ramp surface			
Handrails extend 12" beyond top and bottom			
Handgrip oval or round			
Handgrip smooth surface			
Handgrip diameter between 1¼" and 2"			
Clearance of 1½" between wall and wall rail			
Non-slip surface			
Level platforms (4ft x 4 ft) at every 30 ft, at top, at bottom, at change of direction			

LOCATION

SITE ACCESS, PATH OF TRAVEL, ENTRANCES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Site Access			
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	X		
Disembarking area at accessible entrance	X		
Surface evenly paved or hard-packed	X		
No ponding of water	X		
Path of Travel			
Path does not require the use of stairs	X		
Path is stable, firm and slip resistant	X		Hard packed ground, needs grading
3 ft wide minimum	X		
Slope maximum 1:20 (5%) and maximum cross pitch is 2% (1:50).			
Continuous common surface, no changes in level greater than ½ inch		X	
Any objects protruding onto the pathway must be detected by a person with a visual disability using a cane	X		Pathway needs to be trimmed back
Objects protruding more than 4" from the wall must be within 27" of the ground, or higher than 80"			
Curb on the pathway must have curb cuts at drives, parking and drop-offs			There are no curbs along pathway
Entrances			
Primary public entrances accessible to person using wheelchair, must be signed, gotten to independently, and not be the service entrance	X		
Level space extending 5 ft. from the door, interior and exterior of entrance doors			
Minimum 32" clear width opening (i.e. 36" door with standard hinge)		X	No doors
At least 18" clear floor area on latch, pull side of door			
Door handle no higher than 48" and operable with a closed fist			
Vestibule is 4 ft plus the width of the door swinging into the space			
Entrance(s) on a level that makes elevators accessible		X	No elevators
Door mats less than ½" thick are securely fastened			
Door mats more than ½" thick are recessed			
Grates in path of travel have openings of ½" maximum			
Signs at non-accessible entrance(s) indicate direction to accessible entrance			
Emergency egress – alarms with flashing lights and audible signals, sufficiently lighted			
NOTES: Pathway needs to be re-graded to lessen the slope of the pathway			
LOCATION			
STAIRS and DOORS			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

Stairs			
No open risers		X	No stairs at location
Nosings not projecting			
Treads no less than 11" wide			
Handrails on both sides			
Handrails 34"-38" above tread			
Handrail extends a minimum of 1 ft beyond top and bottom riser (if no safety hazard and space permits)			
Handgrip oval or round			
Handgrip has a smooth surface			
Handgrip diameter between 1 1/4" and 1 1/2"			
1 1/2" clearance between wall and handrail			
Doors			
Minimum 32" clear opening		X	No doors at location
At least 18" clear floor space on pull side of door			
Closing speed minimum 3 seconds to within 3" of the latch			
Maximum pressure 5 lbs interior door			
Threshold maximum 1/2" high, beveled on both sides			
Hardware operable with a closed fist (no conventional door knobs or thumb latch devices)			
Hardware minimum 36", maximum 48" above the floor			
Clear, level floor space extends out 5 ft from both sides of the door			
Door adjacent to revolving door is accessible and unlocked			
Doors opening into hazardous area have hardware that is knurled or roughened			

NOTES: There are no doors or stairs at this location

LOCATION

RESTROOMS - also see Doors and Vestibules			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
5 ft turning space measured 12" from the floor			
At least one Sink:			
Clear floor space of 30" by 48" to allow a forward approach			
Mounted without pedestal or legs, height 34" to top of rim			
Extends at least 22" from the wall			
Open knee space a minimum 19" deep, 30" width, and 27" high			
Cover exposed pipes and insulation			
Faucets operable with closed fist (lever or spring activated handle)			
At least one Stall:			
Accessible to person using wheelchair at 60" wide by 72" deep			
Stall door is 36" wide			
Stall door swings out			
Stall door is self closing			

Stall door has a pull latch			
above the floor			
Coat hook is 54" high			
Toilet			
18" from center to nearest side wall			
fixture			
Top of seat 17"-19" above the floor			
Grab Bars			
On back and side wall closest to toilet			
1 1/4" diameter			
1 1/2" clearance to wall			
Located 30" above and parallel to the floor			
Acid-etched or roughened surface			
42" long			
Fixtures			
Toilet paper dispenser is 24" above floor			
One mirror set a maximum 38" to bottom (if tilted, 42")			
Dispensers (towel, soap, etc) at least one of each a maximum 42" above the floor			

NOTES: There are no restrooms or sinks at this location

LOCATION

FLOORS, DRINKING FOUNTAINS, TELEPHONES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Floors			
Non-slip surface			
Carpeting is high density, low pile, non-absorbent, stretched taut, securely anchored			
Corridor width minimum is 3 ft			
Objects (signs, ceiling lights, fixtures) can only protrude 4" into the path of travel from a height of 27" to 80" above the floor			
Drinking Fountains There are no drinking fountains			
Spouts no higher than 36" from floor to outlet			
Hand operated push button or level controls			
Spouts located near front with stream of water as parallel to front as possible			
If recessed,, recess a minimum 30" width, and no deeper than depth of fountain			
If no clear knee space underneath, clear floor space 30"x48" to allow parallel approach			
Telephones There are no telephones			
Highest operating part a maximum 54" above the floor			
Access within 12" of phone, 30" high by 30" wide			
Adjustable volume control on headset so identified			
SIGNS, SIGNALS, AND SWITCHES			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Switches, Controls and Signs There are not switches, controls or			

Switches and controls for light, heat, ventilation, windows, fire alarms, thermostats, etc, must be a minimum of 36" and a maximum of 48" above the floor for a forward reach, a maximum of 54" for a side reach			
Electrical outlets centered no lower than 18" above the floor			
Warning signals must be visual as well as audible			
Signs			
Mounting height must be 60" to centerline of the sign			
Within 18" of door jam or recessed			
Letters and numbers at least 1 1/4" high			
Letters and numbers raised .03"			
Letters and numbers contrast with the background color			

NOTES: There are no switches, controls, signs or drinking fountains at this location.

LOCATION

SWIMMING POOLS - accessibility can be via ramp, lifting device, or transfer area			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Ramp at least 34" wide with a non-slip surface extending into the shallow end, slope not exceeding 1:6 with handrails on both sides		X	There is no pool at this location
Lifting device			
Transfer area 18" above the path of travel and a minimum of 18" wide			
Unobstructed path of travel not less than 48" wide around pool			
Non-slip surface			

LOCATION

SHOWER ROOMS - Showers must accommodate both wheel-in and transfer use			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>
Stalls 36" by 60" minimum, with a 36" door opening		X	There is no shower room(s)
Floors are pitched to drain the stall at the corner farthest from entrance			
Floors are non-slip surface			
Controls operate by a single lever with a pressure balance mixing valve			
Controls are located on the center wall adjacent to the hinged seat			
Shower heads attached to a flexible metal hose			
Shower heads attached to wall mounting adjustable from 42" to 72" above the floor			
Seat is hinged and padded and at least 16" deep, folds upward, securely attached to side wall, height is 18" to 20"			
Soap trays without handhold features unless they can support 250 lbs			
2 grab bars are provided, one 30" and one 48" long, or one continuous L shaped bar			
Grab bars are placed horizontally at 36" above the floor line			

LOCATION

PICNICKING			
<i>Specification</i>	<i>Yes</i>	<i>No</i>	<i>Comments/Transition Notes</i>

<p>A minimum of 5% of the total tables must be accessible with clear space under the table top not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. An additional 29" clear space (totaling 48") must extend beyond the 19" clear space under the table to provide access</p>		x	There are no picnic tables
<p>For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide and 24" deep</p>			
<p>Top of table no higher than 32" above ground</p>			
<p>Surface of the clear ground space under and around the table must be stable, firm and slip-resistant, and evenly graded with a maximum slope of 2% in all directions</p>			
<p>Accessible tables, grills and fire rings must have clear ground space of at least 36" around the perimeter</p>			



APPENDIX E MANAGEMENT PLANS

NICKY'S PARK

A. INTRODUCTION & AUTHORITY

This Management Plan is intended to provide guidelines for conservation and passive recreation uses at the Nicky's Park in Provincetown, Massachusetts. Formally known as the Ray and Nicky Wells Town Conservation Area, Nicky's Park consists of two adjoining town-owned parcels totaling four acres, about half upland and half wetland. The parcels are under the direct management authority of the Town of Provincetown Conservation Commission. Nicky's Park is situated in the heart of a setting of other conservation land, owned variously by the Town, State and Provincetown Conservation Trust, totaling over 11 acres around the Jimmy's Pond wetland system. This Management Plan is focused on the Nicky's Park component of this watershed area, and with its maps and appendices, is intended to comply with goals and objectives of the Provincetown Open Space and Recreation Plan and the "Land Use and Management Plan Guidelines" of the Massachusetts Division of Conservation Services. The Plan, however, can be useful in guiding management of the other adjoining conservation properties at Jimmy's Pond.

Under Massachusetts statute, lands held by the Conservation Commission under

c. 40, s. 8C are to be used for conservation and passive recreation purposes. This Management Plan is intended to reserve Nicky's Park for quiet public enjoyment at a level of use appropriate to sustain the significant natural resources identified on the property as described in Section D of this Plan.

BACKGROUND

The Town of Provincetown acquired title to Nicky's Park in two phases: first, town acquisition of the 2.02-acre parcel at #82 Harry Kemp Way from Ray Wells in 2004 for \$125,000 (see Exhibit M.1). That land acquisition was the fourth parcel purchased by the Town under the Cape Cod Open Space Acquisition Program (aka Cape Cod Land Bank), approved by the voters at a general election in November 1998. The Land Bank provides a three percent surcharge on property taxes to acquire land for open space purposes through the year 2020. The second parcel was purchased by the Town from the Provincetown Theater Foundation Inc. in January 2007 (see Exhibit M.2) for

\$340,500. The vote to purchase the Theater property was contingent upon receiving partial reimbursement from the state Division of Conservation Services. The Provincetown Conservation Commission made a state grant application in July 2006 and in November 2006, the state awarded \$177,060 in reimbursement from its stewardship of the Self Help reimbursement program (see Exhibit M.2.a); the state grant will be forthcoming after approval of the Management Plan contained herein.

The Compact of Cape Cod Conservation Trusts, Inc., acting on behalf of the Town provided valuable support for the purchase. With Town Land Bank funding, The Compact prepared the successful state grant application and prepared this Management Plan in 2007. The Compact also drafted the two perpetual conservation restrictions to be held by the Provincetown Conservation Trust over the Town on Nicky's Park, to further guarantee that the land will be preserved for conservation and passive recreation uses.



Ray Martan Wells and Nicholas Wells acquired the vacant land north along Harry Kemp Way in 1965. In 1983 they donated a 2-acre parcel to the Provincetown Conservation Trust for conservation. Nicholas Wells died in 1985. In 1986 his widow Ray Wells donated a second 2-acre parcel to the Theater Company (known formally as the Provincetown Academy of Performing Arts and Museum, Inc.) for theater purposes. Over the years, the Theater Company advanced various ideas to use the property, perhaps to build a theater, perhaps to provide affordable residential units for actors and crew. But the only activity was the placement of a wooden storage shed on the frontage of the parcel, which was used by the troupe for set storage until it was demolished and removed by the Town in 2006. In 2004, the Theater Company sold the parcel to its allied Provincetown Theater Foundation for \$34,000, essentially the amount of unpaid property taxes owed by the Theater Company. When the new Theater was built and opened in 2006 on Bradford Street, the troupe abandoned plans for the Harry Kemp Way parcel and, in knowing the wishes of benefactor Ray Wells, who had donated the land to the Theater, the Theater Foundation opted to sell the lot to the Town for conservation.

Ray and Nicky Wells were long-time residents of Provincetown, actively involved in the arts community. Ray was a talented artist herself and Nicky, a local realtor, and Ray supported the theater scene. They both were generous souls, caring for peace, the poor, the arts and the land. (See Exhibit P.) The 2004 Town Meeting vote was amended from the floor to have the citizenry declare by consent that the town conservation land along Harry Kemp Way should be known as the Ray and Nicky Wells Conservation Area, the only town conservation land dedicated specifically to individuals.

C. SITE DESCRIPTION

Nicky's Park Conservation Area consists of about four acres, of which about 1.5 acre is freshwater wetland; the remainder is upland derived of dune deposits. Nicky's Park, like the rest of Provincetown, is composed of sands eroded off the Truro cliffs and reshaped by wind and waves over the past 5,000 years. The dunes closest to the Harbor, including the ridges on the Nicky's Park property, are older than the dunes closer to the Atlantic. The dune rises in dramatic steep ridge along the eastern perimeter of Nicky's Park creating a 30-foot high ridgeline. (See Exhibit F.)

The parcel is located between Harry Kemp Way (town way) on the southeast and State Route 6 on the northwest. Residential development forms the other sides of the area. Harry Kemp Way coincides with the 80-foot wide layout for the defunct Old Colony Railroad, property acquired by the Town of Provincetown in 1967. The PCT owns wetland adjoining the western and northern ends of Nicky's Park. The 300-foot wide layout for US Route 6, property owned by the Commonwealth of Massachusetts and, since 2003, managed by the State Division of Fisheries and Wildlife after the State discontinued the highway (on paper). Route 6's northern boundary is directly contiguous with the Cape Cod National Seashore, property owned by the US Department of the Interior. The Town purchase of the Nicky's Park parcels, therefore, anchors the southern side of this contiguous assemblage of protected open space parcels.

Only 12 percent of Provincetown (including the National Seashore) is forested and Nicky's Park represented a large unprotected forest area in town. This wooded area straddling Route 6 is known informally as the Provincetown Greenway and represents important habitat (see Exhibit O.) While no specific habitat assessment has been conducted as yet, the forest composition is very similar to other upland in the Greenway. While immature pitch pine predominates, other canopy species include black and white oak, beech, sassafras, gray birch, tupelo, pussy willow and red maple, with an understory of highbush blueberry, swamp azalea, sheep laurel, shadbush, bayberry, inkberry and huckleberry. There



are no exposed boulders nor would they be expected on a dune deposit. Bearberry, greenbriar, poison ivy, wintergreen and sensitive fern are found along the ground.

The wooded upland Nicky's Park is surrounded on three sides by a contiguous wetland anchored by Jimmy's Pond, a small (1-acre), shallow (3-feet maximum depth) pond, which can perhaps be characterized more appropriately as a shallow-marsh area within the extensive wetland. (See Exhibit E.) According to 1893 and 1944 US Geological Survey maps, this wetland was originally twice as large, but the railroad bed

construction in the 1860s filled in part of the southern edge and the state highway construction in the 1950s filled in the central part of the wetland, severing it in two.

In its 2003 Cape Cod Pond and Lake Atlas, the Cape Cod Commission assigned Jimmy's Pond its own number (PR-15), but had no other information about it specifically. In its analysis of the much larger Clapps Pond in Provincetown, however, the Commission stated, "Clapps Pond is similar to many of Provincetown's ponds, shallow, very acidic, and containing moderate to high concentrations of nutrients. These ponds are much younger than most of the rest of the Cape's ponds, forming after the growth of the Provincelands during the last 3,500 years and might be more properly classified as swamps or bogs. The low pH is likely due to the influence of peat moss, which lowers pH as it decays."

Jimmy's Pond is also similar to all the other ponds in Provincetown in that it is an isolated body of water, dependent solely on the fluctuation in the aquifer's water table for its own surface level, often exposing a wide shore during the summer when the water table is low. This exposed shoreline comprises the unique "Coastal Plain Pond Shore" habitat. Identified in the Town's 2000 Local Comprehensive Plan as a critical habitat area in need of special protection, it is the Town's most important habitat for the water-willow stem borer moth (*Papaipema sulphurata*), the few-fruited sedge (*Carex oligiosperma*), and may be the only site in SE Massachusetts and the largest in Massachusetts for the bog twayblade orchid (*Liparis loeselii*). (See cover photo.)

A intermingling of blueberry shrub swamp, red maple swamp and freshwater marsh surrounds Jimmy's Pond. Water willow shrub is found along the pond edge and can host the rare stem borer moth. Stormwater runoff from Route 6 and Harry Kemp Way are major influences on the quantity and quality of the water in the pond. Other parts of the marsh also have open water areas. (See Exhibit E.)

No faunal inventory has been conducted, but the typical Cape Cod assemblage of upland mammals (rabbit, squirrel, fox, coyote, raccoon, skunk, etc.) can be expected to inhabit the area. Nicky's Park lies within the Estimated Habitats for Rare Wildlife and Vernal Pools (WH6) and within a Priority Site of Rare Species Habitats and Exemplary Natural Communities (S.USMAHP117), according to maps of the Massachusetts Natural Heritage and Endangered Species Program. According to Birding Cape Cod, by the Cape Cod Bird Club and the Massachusetts Audubon Society (1994),

"On a day-to-day basis, no other town on Cape Cod offers the birding potential of Provincetown, and the visiting birder would do well to allow at least a day for exploring... In the spring, migrating songbirds and hawks are funneled northward along the Outer Cape and, reluctant to cross the water, become concentrated in Provincetown, often in large numbers."

The wooded dunes inland from Bradford Street are the southern margin of the Provincelands dune system of the National Seashore. Provincetown has more incidences of rare species, primarily associated with the dune system, than almost any other town in Massachusetts. The Eastern box



turtle, a Species of Special Concern, has been found (professionally) in Foss Woods and Shank Painter Pond forest, very similar in composition to Nicky's Park. Broom crowberry, a Species of Special Concern in Massachusetts, has been found on the opposite side of Harry Kemp Way, but not specifically on Nicky's Park upland to date.

D. ENVIRONMENTAL SIGNIFICANCE

The Town of Provincetown Open Space and Recreation Plan, completed under the auspices of the ad hoc Open Space and Recreation Planning Committee in 1995, (updated 2006) identified several conservation goals, which are furthered by the protection of Nicky's Park:

- Protect and enhance Provincetown's fragile environmental resources and unique habitats:
- * Protect and preserve the value of identified lands for wildlife habitat, rare plants and animals, uncommon woodlands (such as beech forest or cedar swamp), and historic resources.
- *Evaluate town-owned open space to dedicate portions to conservation use and develop management plans which ensure maximum natural resource protection, while enhancing recreational access for purposes such as hiking, fishing, and small-craft boating.
- Meet residents' and visitors' needs by providing a balanced, year-round recreational program with adequate facilities, while protecting sensitive natural resources and keeping maintenance costs within a limited budget.

Nicky's Park's importance is based on the following characteristics: wildlife habitat, open space linkage, forest significance, wetlands, scenic beauty and enhancement of existing open space properties. Management and use of the Nicky's Park Conservation Area should be designed to be compatible with the protection of these values.

1) Wildlife Habitat The diversity of habitat types on the property promotes use by many different animal species. The mix of hardwoods and softwoods, upland and wetland areas, and steep slopes and flat areas provides varying niche habitat characteristics for many species.

This area is habitat for six State-listed rare species, one Endangered, two Threatened, and three Species of Special Concern.¹

2) Forest significance Nicky's Park is in the center of an almost unbroken woodland area that straddles Route 6 and continues into the National Seashore...[Wood]land is at a premium in Provincetown with so much of the land area being unforested sand dune. The biodiversity of Provincetown depends very much on areas such as Nicky's Park. Furthermore, Nicky's Park continues a wooded dispersal corridor for migratory wildlife that stretches across town to the Clapps Pond and Shank Painter Pond wetland/woodland system. The protection of Nicky's Park and the larger wooded area (to the east and west) are essential to the many wildlife species that utilize this area as a refuge from the "heat" and openness of the dunes and the built up environment along Commercial Street.

3) Wetlands Protection Nicky's Park includes, along its western northern and eastern edges, small ponds, fresh marsh, shrub swamp and deciduous wooded swamp. This extensive wetland, formed in a blowout depression in the old dunes, has saturated soil, owing to its intersection of the water table. The wetland provides important habitat diversity, a water source for wildlife, and absorbs stormwater runoff. Rare plants have been documented along the pond shores. The steep ridge is well vegetated



and is not experiencing erosion. No vernal pools, habitat for breeding amphibians, have been documented in this wetland, but one certified vernal pool exists in the isolated wetland just to the west of this site, north of Harry Kemp Way.

4) Scenic Value Nicky's Park provides a natural wooded greenbelt along 450 feet of the public road called Harry Kemp Way, a major local thoroughfare. A large residential neighborhood can be expected to use this informal trail and enjoy the solace of the woods and glimpse the pond.

5) Expansion of Existing Public Open Space Nicky's Park's four acres adjoins the 4.5-acre state-owned highway shoulder, and abuts PCT land, and connects to, across the highway, the Cape Cod National Seashore. This assemblage of adjoining properties increases the significance of each by enlarging the habitat and recreational potential of the area.

1 (Specific list and location of rare species found in the vicinity is on file with the Conservation Commission; specific species are not published for a general audience, owing to state concerns of harvesting, etc.)

E. HISTORICAL and EXISTING USES

Nicky's Park itself is presently lightly used owing to poor access (the only way in is via the pull-off from Harry Kemp Way), lack of facilities (especially long distance trails), vegetation (dense undergrowth), and topography (steep ridges.) Some visitors walk through the woods in an informal fashion.

In the early part of the 1900s, a cartpath ran northwest from Howland Street to the railroad, ending directly opposite what is now Nicky's Park. That cartpath has since been subsumed by the development of Oak Drive. Interestingly, there is a faint but discernable cartpath still existing running northwest through Nicky's Park (see Exhibit G) which may have been a continuation of that aforementioned cartpath. It seems likely that villagers would have wanted access to the large Jimmy's Pond wetland, perhaps for berrypicking in the broad blueberry swamp, perhaps for ice-cutting. While there is no information about whether or not this swamp might have been cultivated as a cranberry bog, there are two small borrow pits, or manmade excavations (labeled Points E and I on the trail plan in Exhibit G) in the banks of the ridge. They have the shape of sand-mining areas used to generate winter coatings of the bog, though they seem small. Perhaps the sand was used for other purposes or perhaps there are many other small borrow pits surrounding the wetland that supported any cranberry cultivation. Both of these borrow pits are well-vegetated, indicating long-ago abandonment.

Atop the 30-foot high ridgeline there are three small manmade depressions (labeled Point K on the trail plan in Exhibit G). Did children playing at fort-making make them? Were they used by hunters shooting over the wetland before the trees grew up to block their line of site? Were they made to support informal camping? Did "pot-hunters" make them looking for relics of the Nauset tribe? It is unclear but interesting to ruminate over.

F. LEGAL PROTECTIONS AGAINST CONVERSION OR DISPOSAL OF PARCEL

Nicky's Park was acquired for conservation, open space and passive recreational uses only. It is protected from conversion to other uses by a combination of conservation restriction, statutory provisions (G.L. c. 40, s. 8C and the Land Bank Act) and the Constitution of the Commonwealth (Article 97). The Town cannot simply decide to put Nicky's Park to other uses, such as housing,



schools or cemeteries, or dispose of or sell the property. Some of the obstacles to conversion or development are noted below:

The Nicky's Park parcel is owned by the Town of Provincetown, but managed by the Conservation Commission under M.G.L. c. 40, s. 8C, the Conservation Commission Act.

(See vote of Provincetown Town Meetings, April 2004 & April 2006. See Exhibit M1 & M.2)

Conversion to uses other than conservation and passive recreation would require:

- a) a majority vote of the Conservation Commission that Nicky's Park was no longer needed for conservation; and,
- b) a two-thirds vote of Provincetown Town Meeting; and,
- c) review under the Massachusetts Environmental Policy Act and approval by the Secretary of Environmental Affairs; and,
- d) a two-thirds roll call vote of the Massachusetts General Court (state legislature) and signature by the Governor;² and,
- e) restitution under the Self Help Project Agreement. (See Exhibit M.2.a).

Finally, and as a separate matter, the two conservation restrictions held by the Provincetown Conservation Trust on the two separate 2-acre parcels comprising 4-acre Nicky's Park proper (see Exhibit N) would have to be terminated, using steps outlined in paragraphs a) through d) above, plus a recorded vote of the majority of the then-sitting trustees of the Provincetown Conservation Trust, agreeing to a release of the restriction.

G. THREATS TO SITE FEATURES

The natural and cultural features that provide the environmental significance of the Nicky's Park Conservation Area are described in Section C. Management of the area is intended to protect and, where appropriate, enhance those characteristics. The Management Recommendations proposed in Section H are based on an overall goal of providing limited passive recreation that will not disturb significant features and avoid or minimize the threats listed below:

- 1) Wildlife Habitat Threats to plants and wildlife include vehicle use, trampling, human overuse, collecting, and disease/infestation. Trail proliferation is not recommended; use of existing foot trails as much as possible should be explored.

In 1972 the General Court added a provision to the state Constitution, Amendment Article 97, which specifically forbids the sale or conversion of all lands owned by the state or towns for conservation purposes, unless there has been a two-thirds roll call vote of the state legislature. This provision would apply to all of the conservation property owned by the Town.

Hunting is explicitly prohibited at the site owing to the small size of the parcel and proximity to dwellings and roadways. Hardly any of the Management Area is greater than 500 feet from a dwelling or 150 feet from a roadway, setback distances prescribed by the state Division of Fisheries and Wildlife, which regulates hunting. Plenty of in-season hunting opportunities are available in the nearby National Seashore.



2) Forest significance Threats to the woodland include cutting, disease, and filling. There is no evidence now of brown-tip moth or other infestation affecting the pitch pines as they do elsewhere, particularly in North Truro nearby. No unauthorized cutting has taken place to date.

3) Wetlands protection Threats to wetlands include dumping, filling, erosion, changes in water quantity and quality. Vernal pool documentation should be a high priority in Jimmy's Pond's wetlands. Road runoff into the wetland from Harry Kemp Road and Route 6 needs mitigation, via leaching catch basins rather than direct chutes and discharge pipes.

4) Scenic Values Threats to the visual quality of Nicky's Park are the erection of permanent structures, erosion, cutting and litter. No structures are to be built except perhaps simple resting benches along the trails. Litter along the road frontage, particularly over the guardrail on Harry Kemp Way, should be cleaned regularly and large items (sofa, etc.) removed where occasional dumping has occurred in the past (Point X on trail plan in Exhibit G.)

5) Adjacent Protected Open Space The Town owns a parcel for general municipal purposes in the western edge of the swamp (#62 Harry Kemp Way), which is not protected open space. The State and Provincetown Conservation Trust should work in collaboration with the Town to provide consistent management approaches to their respective shares of the wetland here.

H. MANAGEMENT ISSUES & RECOMENDATIONS

1) Parking Area There is very little discretion in locating the placement of a parking area for Nicky's Park. It must be located at the present entrance driveway (which led to the now-removed storage shed) owing to the street guardrail and the steep ridgeline bracketing the entrance drive. (See Exhibit F and Photos #2, 3 & 4 in Exhibit H.) It would be difficult at best to widen the driveway beyond its existing one-vehicle width, so it is probably best to have cars park single file in the 40-foot long entrance. There is no safe road shoulder parking on Harry Kemp Way, owing to the same guardrail and ridgeline issue. While this parking arrangement is not ideal, it is more likely that frequent visitors to Nicky's Park will reside within walking distance and not need a vehicle anyway. Furthermore, if, in rare instances, two or three vehicles were all stacked up at the parking area, blocking each other's egress from the site, it is likely that the visitors would have passed each other on the short trails and figured it out amongst themselves.

Another consideration is that vehicles backing out of the parking area onto Harry Kemp Way will have poor sight lines and vehicles tend to move swiftly along the Way, creating the potential for broadside accidents. It is important to ensure that no sign is located so as to further hamper the view of exiting vehicle drivers. (See Point A on trail plan in Exhibit G.) Providing a designated space for handicapped drivers in this tiny parking area seems irrelevant and perhaps counterproductive for safety purposes.

2) Trail Plan (See Exhibit G and Exhibit P.) The two acres of upland at Nicky's Park already have unauthorized segments of foot trails that can be linked and enhance to create a simple, effective loop trail for visitors to enjoy in a quiet manner. (See details in Exhibit G.) The most prominent existing trail traverses the 30-foot high ridgeline (Points M-L-K-H). While there is not much to see from this high point, owing to view-blocking trees, it is interesting to sense the dramatic drop-off along the "knife's edge" to either side and realize that this is simply a wind-sculpted dune like those in the Provincelands, but one that evolved into a more sheltered, forested condition. If use levels determine that the steep



cross-contour trail to the top (Point M on trail plan) is too steep or begins to erode, then that segment can be abandoned and a gentler switch-back trail installed to the west (Point N).

A sideloop trail (Points I & J) off the ridgeline trail can be constructed to add a different experience walking along the edge of the shrub swamp, but there is not much to see here and it is inappropriate to enter the marsh here. It is recommended not to build this side loop unless or until there is evidence of public demand for it.

The trail should wend through the delightful little pitch pine grove (Point F) and terminate at the edge of Jimmy's Pond where a gap in the vegetated shoreline already exists. Hand-trimming the shrubs bracketing this access point will widen the view of the pond for the visitor. Skating on the pond in the winter can be accommodated by this access but other entry into the pond should not be encouraged, owing to the fragile habitat of the pondshore. A bench installed at the widened gap would make an attractive contemplative destination spot.

Most walkers prefer not to trudge over the same ground on a return to the trailhead and so one side loop (Points F-E-D-C) on the southwest side of the ridgeline should be created soon. This side trail intersects the ridge trail at the pitch pine grove and descends into a borrow pit (Point E) beneath the landmark black oak tree known as a wolf oak, owing to its spreading form and domination of any other competitors. This side trail also can accommodate less-abled walkers (those who tire easily, for instance) as noted in the section below.

The trail plan suggests several places for resting or viewing benches. These should be very simple in composition and size, perhaps two feet high, three feet long, made of stumps or halved-logs supported on cedar or locust posts.

3) Handicapped Access The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 1994 evaluation by the Provincetown Disability Committee found that Provincetown's unique, steep dune topography renders many public lands unsuitable for full accessibility,³ a feature shared by Nicky's Park. In general, the experiences that an able person could enjoy at Nicky's Park should be made available to the disabled.

In the proposed trail plan (Exhibit G), it should be possible to design one leg of the new trail (Points B-C-D-E-F-G) to better accommodate less-abled persons, given the relatively gentle grades of this trail leading from the parking area to the pond edge. The only design problem would be leading over the short bank at Point E; perhaps a timber tie step could facilitate walking here. No surfacing or hardening of the trail is recommended. The ridgeline trail (Points B-M-L-K-H) is too steep at its southern end to accommodate handicapped access.

4) Property Integration Nicky's Park has an environmental integrity of its own, but there are opportunities to augment its value by increasing the size of the conservation area. The Town owns, in addition to Nicky's Park proper, #62 Harry Kemp Way, a 0.63-acre vacant parcel, acquired as a throw-in from the New York New Haven Railroad in 1967 when the railroad bed was abandoned. This parcel consists solely of wetland and the steep western bank to the wetland near Jimmy's Pond. The Town Board of Selectmen manages this general municipal property owned by the Town. An article should be brought before Town Meeting to get a vote to dedicate this parcel to the Town Conservation Commission as conservation land, so that it can be managed in concert with Nicky's Park and



conservation area use rules applied consistently for the area. This transfer of custody should also be considered a high priority owing to the parcel's proximity to adjacent condo development. (See proposed article in Exhibit Q.)

5) Capital Costs and Funding The only improvements associated with this management plan are simple (trail benches, trailhead sign, short split rail fences). They can be performed using existing manpower and equipment from the Provincetown Public Works Department. Work

Open Space and Recreation Plan, Town of Provincetown MA, 1995, p. 75.

from this department is contingent upon operating budgets, available staff, season and scheduling. Alternatively, a few work days requisitioned from Americorps volunteers in Wellfleet, as supervised by the Conservation Agent, could also provide a free method of implementation.

Costs for signs, fencing and benches can be paid for with Land Bank revenues allocated for maintenance of Land Bank properties (up to 3% of the Land Bank Fund can be used for management.)

6) Property Regulations and Uses

All usual Conservation Commission rules and regulations pertaining to town conservation land shall apply to use of Nicky's Park. In particular, see below:

i) Allowed Uses:

On Nicky's Park proper: walking, birdwatching, cross-country skiing, leashed dog walking, nature study, non-commercial berrypicking, photography, sketching, and painting.

ii) Prohibited Uses

On Nicky's Park proper: hunting*, discharge or possession of firearms, bicycles, digging, motorized vehicles (including all-terrain vehicles), all fires, alcoholic beverages, all other uses not specifically allowed in section (i) above and (iii) below. *(hunting is prohibited due to proximity to habitable dwellings and roadways)

iii) Special Permits The following activities are allowed on Nicky's Park proper, subject to approval from the Conservation Commission:

- botanical or animal inventory
- archaeological survey
- geological or ground water investigations
- educational tours
- groups of ten or more people.

All approved researchers must submit written findings of their studies, on a regular basis, to the Conservation Commission.

7) Habitat Improvements Active manipulation of existing on-site habitats is not recommended at this time. Dead trees or "snags" should not be removed unless they are diseased, block the trails, or are likely to spread infestations to healthy trees. Dead wood is a primary source of food and shelter for many birds, such as woodpeckers.



I. PLAN IMPLEMENTATION

1) Property Management The Town Manager will serve as the contact person for all inquiries and management coordination. Plan design and management is vested in the Conservation Commission on behalf of the Town, in consultation with the Open Space Committee, Public Works Department and others, as needed. Actual implementation of many of these recommendations should be undertaken by staff of the Provincetown Public Works Department or the Conservation Agent as supervisor of Americorps-Cape Cod. The Provincetown Police Department will respond to criminal complaints. In the event of conflicting interpretations regarding implementation, the Town Manager should be consulted.

The Provincetown Conservation Trust will conduct an annual inspection of the Nicky's Park to determine Town compliance with the terms of the perpetual conservation restrictions granted to PCT by the Town in 2004 and 2007.

2) Property Security Neighborhood volunteer stewards should be recruited to report misuse or suggestions for improved use of the Nicky's Park Conservation Area. As the persons most directly affected (both positively and, potentially, negatively) by the establishment and development of a town park in the area, abutters should be encouraged to get involved with the care of the Area. Volunteers for litter patrol could be those neighbors who take their daily "constitutional" along the trail. Others could keep a daily tally of number of users, so the town can determine levels of use over the course of the season or year. These volunteers should be made official stewards reporting regularly to the Conservation Commission, so their investment in the project is recognized.

All breaches of the rules of the Conservation Area should be reported to the police and logged, so that conservation officials can determine the extent of documented abuse, rather than depend upon anecdotal information.

3) Fire Plan The goal of a fire plan is to ensure safe and adequate access for emergency vehicles to suppress fires at Nicky's Park, with particular aim to protecting surrounding homes. There is water hydrant service on Harry Kemp Way. The Fire Chief should designate staging areas and proposed firefighting access and methods and water availability. Given the topographical constraints of Nicky's Park (steep ridges, wetlands), the only access onto the property will be through the existing entrance drive parking area.

In consultation with abutters, the Conservation Commission should evaluate the amount of tree deadfall near its property's eastern perimeter to determine the neighbors' desired balance between continued assurances of wooded privacy versus fire hazard.

4) Update and Review The Provincetown Conservation Commission should review this management plan each year. In advance of an annual public meeting on this plan, the Commission should confer with other town departments to determine their concerns. The Commission should update the plan as necessary. The Commission should report to the Selectmen any problems in compliance with the management plan. New or modified components to the management plan can be adopted by the Commission at any time after a publicly-advertised public meeting.



Shank Painter Pond Wildlife Sanctuary Management Plan

A. INTRODUCTION AND AUTHORITY

This Management Plan is intended to provide guidelines for conservation and passive recreation uses at the Shankpainter Pond Wildlife Sanctuary in Provincetown, Massachusetts. The Conservation Area is composed of two lots totaling almost 30 acres. Lot 1, owned and managed by the Provincetown Conservation Trust (deed conveyed December 31, 1999), is approximately 22.05 acres comprising most of Shankpainter Pond's northern shoreline and its bordering wetland, a rare quaking bog. Quaking bogs are unique and host a number of rare species, making this parcel of particular significance. This parcel, donated to the Trust by Shankpainter Associates, Inc., will be protected in perpetuity exclusively for conservation purposes. Lot 2, purchased from Shankpainter Associates, Inc. in 1999 with land bank funds for \$1.6 million by the Town of Provincetown, is composed of both upland (6.81 Ac.) and wetland (.35 Ac.) totaling

7.52 acres. The entire lot is under the management authority of the Provincetown Conservation Commission. Taken together, Lots 1 and 2 comprise the Shankpainter Pond Wildlife Sanctuary.

This Management Plan, with its maps and appendices, is intended to comply with the goals and objectives of the Massachusetts Self Help Program, the 1995 Provincetown Open Space and Recreation Plan and the Cape Cod Commission's Development of Regional Impact Decision. Protection of this Sanctuary is also intended to be consistent with many of the goals and objectives outlined within the Outer Cape Capacity Study, the Massachusetts Watershed Initiative, and the Statewide Comprehensive Outdoor Recreation Plan.

Under Massachusetts statute, lands held by the Conservation Commission under M.G.L.

40 s. 8C (i.e.; lot 2) are to be used for conservation and passive recreation purposes. Lands held by the Provincetown Conservation Trust (i.e.; lot 1) are to be protected for the same purposes, according to the purposes of the Trust. This Management Plan is being produced by The Compact of Cape Cod Conservation Trusts, Inc. on behalf of the land's stewards, the Town of Provincetown and the Provincetown Conservation Trust (PCT), with private funding through the PCT. It is intended to reserve the Shankpainter Pond Wildlife Sanctuary for quiet public enjoyment at a level of use appropriate to sustain the significant natural resources identified on the property as described in Section E of this Plan.

BACKGROUND

By an overwhelming margin, in April 1999, the Town of Provincetown voted to appropriate up to \$1.6 million to purchase the 7.52-acre Lot 1 from Shankpainter Associates, Inc., thereby saving it from a pending five-lot residential development. The decision to purchase the Shankpainter land for conservation purposes was in order to protect its natural features and functions, including two small interior wetlands and its primary function as part of the buffer to the Shankpainter Pond/Quaking Bog. In a separate but related transaction, Shankpainter Associates, Inc. donated lot 1, 22.05 acres

of quaking bog and associated wetlands, to the Provincetown Conservation Trust. The total land protection project yielded 30 acres of critical conservation land.



The special value of the Shankpainter Pond area has been recognized for over 30 years, beginning in 1968, when the town's master plan recommended including the pond within the boundary of the Cape Cod National Seashore. In 1975, 1986, and later in 1995, the town's open space plan rated this area as the town's top priority for protection. In spite of these declarations, exorbitant land prices and public sentiment against eminent domain land takings kept its acquisition for conservation out of reach.

A brief history of efforts to protect Shankpainter Pond reflects the unique environmental significance of this area. Parts of the following chronology are borrowed from the 1995 Provincetown Open Space and Recreation Plan and other existing sources:

YEAR ACTION (SPP = Shankpainter Pond)

late 1950's National Park Service (Hal Hinds) conducts study indicating unique value of SPP 1961 Cape Cod National Seashore (CCNS) established with boundary excluding most of SPP due to local opposition 1963 Dragon's mouth orchid discovered in SPP bog (Hinds) 1966 State legislature enacts inland wetland protection act 1968 Provincetown Master Plan recommends adjusting CCNS boundary to include SPP 1973 11 acres of SPP wetland filled for campground, south side 1974 3 acres of SPP wetland filled, east side 1975 Provincetown Open Space Plan gives SPP highest priority for protection 1976-7 Provincetown Planning Board seeks land swap with CCNS to protect SPP 1979 0.5 acre of SPP wetland filled; dragon's mouth orchid site reconfirmed on bog 1979 Town Meeting article to buy 75 acres on southwest side of SPP for \$750,000 withdrawn due to lack of support; ACEC nomination suggested by state 1980 Provincetown Conservation Trust (PCT) founded as a voluntary, private means to

preserve SPP 1986 Provincetown Open Space Plan lists SPP as the top Significant Natural Resource Area 1987 Zoning Bylaw revised to prevent filling or building in inland wetlands 1991 Cape Cod Commission includes SPP in its proposed regional open space greenbelt 1992 PCT receives gift of 3.3 acres of shoreline on south side of SPP 1995 (Feb. 15) 19 lot subdivision for 50 acres along north rim of SPP submitted by Patrick family (Shankpainter Associates); reviewed by Cape Cod Commission as a Development of Regional Impact (DRI) 1995-97 Various versions of subdivision are submitted and reviewed; negotiations for conservation purchase continue with town, PCT, and state 1997 Cape Cod Commission, Provincetown Conservation Commission, and Provincetown Planning Board approve five lot subdivision plan for lot 2. 1998 (Nov.) Provincetown adopts Cape Cod Land Bank bill

1999 (April) Provincetown Town Meeting votes to appropriate up to \$1,600,000 to purchase lot 2 for conservation; Self-Help application submitted for reimbursement of Shankpainter purchase. 1999 Shankpainter Associates donates 22.05 acres (lot 1) of Shankpainter Pond/Quaking Bog to Provincetown Conservation Trust (PCT) 1999/2000 Town of Provincetown and PCT retain The Compact of Cape Cod Conservation Trusts to assist in creation of a management plan for both lots, totaling almost 30 acres and referred to as the Shankpainter Pond Wildlife Sanctuary.

In 1997, after a lengthy permitting process, the Cape Cod Commission, the Provincetown Planning Board, and the Provincetown Conservation Commission approved a five lot subdivision for the 7.52 acre Lot 2, then owned by Shankpainter Associates, Inc. Active marketing of these lots during the negotiation process with the town and trust, made the land's development imminent, and its swift protection essential.



With the passage of the Cape Cod Land Bank bill in 1998, significant funds for the purchase of open space became available for the first time and in April of 1999, Provincetown Town Meeting voted by greater than a 2/3 majority to borrow up to \$1,600,000 to acquire the 7.52 acre lot. To help offset the cost of this acquisition, the town sought and received grant reimbursement funds from the state's Self-Help program See chart below. In addition, the town obtained funds previously allocated for this project (in 1996) from the Massachusetts Highway Department Transportation Enhancement program. The PCT also holds a perpetual conservation restriction on this lot to provide an additional layer of protection.

In a separate but related transaction, Shankpainter Associates donated the abutting Lot 1, a 22.05-acre wetland lot, to the Provincetown Conservation Trust. This wetland comprises approximately half of the shoreline of Shankpainter Pond and its buffering wetlands and, as part of a rare quaking bog habitat, is very significant. The bog has been identified as the largest quaking bog on a barrier beach/coastal dune system found anywhere in the world. This, along with its status as one of the largest unfragmented forested properties in Provincetown, makes it vitally important for the sake of both regional and planetary biodiversity.

Along with ownership of this special land comes the responsibility to manage it wisely. This management plan is an essential step in the continued protection and sustainable public use of this area. The 30-year long effort to preserve this land from development would be lost without a plan for its future. "Provincetown's jewel", as it has been called, must be wisely cared for in order to maintain its shine.

C. SITE HISTORY

Prior to and during this century's efforts at preservation, the Shankpainter Pond area experienced extensive human use. Remnants of an ice mining operation from the 19th Century remain in the pond and approximately 85 acres of the bordering wetland have

been filled in during this century for residential and commercial purposes. To the east, the area is commercially zoned and several businesses exist, including a laundromat. On the south shore of the pond is a 15 acre, 114 site campground which has been built on an 11-acre fill zone. This campground was cited for violations including one in 1976 for seepage from a comfort station into the pond and in 1979 for illegal fills.

Historically, Shankpainter Pond and its immediate surrounds have been part of the Provincelands, which have been under public ownership since 1654. In 1893, however, when the Commonwealth established Provincetown's current municipal boundary and permitted private land ownership for the first time, most of the pond, and all of the bog, became part of the town's holdings. When the Cape Cod National Seashore was established in 1961, the National Park Service considered a boundary change that would have included the pond, but this proposal failed when it encountered local resistance to the eminent domain property taking (only the extreme western end of the pond lies within the Seashore boundary). Further efforts to merge the pond into the Park also failed, most likely due to continuing conflicts over eminent domain and Town resistance to further federal control.

In the winter of 1979, the Outer Cape Environmental Association (OCEA) began to look more closely at the Pond's protection. With assistance from The Nature Conservancy, the state Division of Conservation Services, and the local Conservation Commission, an article to purchase about 75 acres



on the south shore for the price of \$750,000 (including a portion of the quaking bog) was submitted to Town Meeting. This effort also failed and OCEA turned to the state Department of Environmental Management (DEM) for help. Cleverly, they proposed that because Shankpainter Pond is a Great Pond (i.e.; greater than 10 acres in size), and as such is owned by the Commonwealth, then the bog, which literally floats on its waters, is also part of the pond and is owned by the State (state ownership could provide the level of protection they were seeking). This didn't work either, however, since only exposed surface water is included in a Great Pond's boundary designation.

A brief flirtation with designation as an Area of Critical Environmental Concern proved insubstantial since its designation would not have provided any actual regulatory protection. It was decided that the limited value of an ACEC designation would not have warranted the time and effort put in to the proposal. Although the pond and bog is afforded some protection under the Wetlands Protection Act, even that has proven unable to adequately protect it. A case in point occurred in 1974, when the Department of Natural Resources (now DEP) overruled two Provincetown Conservation Commission decisions, which would have prohibited fillings in the bog. The result? Three and a half acres adjacent to the bog were filled in spite of the documented presence of rare species and the risk of flooding. In reaction to the failure of these efforts, the Provincetown Conservation Trust was formed in January 1980 in order to preserve the pond and other local habitats.

In the mid 1980's, and again in the mid 1990's, when development pressure reached peak levels, the urgency of protecting this area intensified. This pressure, along with new

funds made available by the passage of the land bank bill, has finally made possible partial protection of this jewel of Provincetown, Shankpainter Pond and Bog. Through the perseverance of the Town, PCT, the Cape Cod Commission, The Compact, the State, and numerous groups and individuals, the preservation of this large and important piece of the Shankpainter Pond watershed has become a reality.

D. SITE DESCRIPTION

The 30-acre Shankpainter Pond Wildlife Sanctuary is composed of two distinct habitats: quaking bog wetland Lot 1 and the wooded upland Lot 2. Lot 1 is almost entirely wetland, characterized by the presence of a rare quaking bog and its associated rare species. Lot 2 consists of a wooded dune sloping steeply to Shankpainter Pond/Bog, serving as the upland buffer to Lot 1. This lot also has two interior inland wetlands located in its northern corner. Taken together, lots 1 and 2 comprise almost 30 acres and are part of a larger system of interconnected dune ponds which grace this area of Provincetown. Lot 2 contains the upland area which was most threatened by residential development pressure. Devegetated, erosional areas remain as byproducts of excavation and grading work performed during development preparations.

Non wetland soils on site are old, post glacial Holocene dune deposits which have succeeded to a pitch pine woodland. The thin thatch layer of leaves and pine needles covers soils composed of fine Aeolian sand identified by the Soil Conservation Service (now, NRCS) as Hooksan sand, hilly and rolling (HoC; HoD). Several areas of the site have been eroded by unauthorized off-road vehicle use and clearing operations with subsequent migration of the sand down steep slopes toward the shrub swamp and bog edges.



Two small shrub swamp isolated wetlands exist in the northeast corner of Lot 2. These are due to the presence of hydric poorly drained soils, with water at or near the surface for most of the growing season. SCS identifies this as a Berryland mucky, loamy coarse sand (BmA). These two wetlands comprise only 1.36 acres of the 7.52 acre Lot 2. Wetland flora include red maple (*Acer rubrum*), black alder (*Ilex verticillata*), water willow (*Decodon verticillatus*), swamp azalea (*Rhododendron viscosum*), large cranberry (*Vaccinium macrocarpon*), wool sedge (*Scirpus cyperinus*), cotton sedge (*Eriophorum virginicum*), hardhack (*Spiraea tomentosa*), and sphagnum moss (*Sphagnum* spp.) Though no state-listed plant species was recorded, a colony of rock polypody fern (*Polypodium virginianum*), a rare plant in sandy coastal areas, was found overlooking the southside of the large wetland on adjacent lot 4 (DiGregorio) within the area under conservation restriction by the PCT. Shankpainter Bog (Lot 1) soils are primarily wetland in nature with SCS classification as Freetown mucky peat.

The site ranges in elevation from a low of 4 feet above sea level near the pond wetlands to a high of nearly 50 feet above sea level. The area's hilltops provide great views to the pond and depressions offer refuge from brisk ocean winds. Mixed treecover provide pockets of sunlight and shade, openness and more intimate protected areas.

Entrance to the land from the north is provided via a curb cut and entry road from Route 6 and from the east by Ship's Way (private). The sand entry road from Route 6, cut for development purposes, is excessively wide and unfinished. Nonetheless it offers clear and direct access to the interior of the site. This is the nearest vehicular access point. Access from Ship's Way is provided within the deed for pedestrians, non-motorized bicycle, horseback, and emergency and municipal vehicles only (see Appendix A). This is the easiest access point for pedestrians from the downtown area and surrounding residential areas.

Several large unvegetated areas (see Figures 5 and 13) have resulted from prior development preparations including the sand roadway, cul-de-sac, and other cut/fill areas. Section I of this plan provides revegetation recommendations.

E. ENVIRONMENTAL SIGNIFICANCE

1. Plant and Wildlife Habitat

The entire site lies within and estimated habitat for rare and endangered species and, according to the Massachusetts Natural Heritage and Endangered Species Program, Shankpainter's Bog harbors five state-listed rare animal species and six state-listed plants. Rare and threatened plant species include dragon's mouth orchid, rose pagonia, golden club, adder's tongue fern, bogbean, few-flowered sedge, threadleaved sundew, pitcher plant, bladderwort, grass pink, and nodding ladies' tresses. Rare animals found there include the Eastern spadefoot toad, spotted turtle, Eastern box turtle, Water-Willow stem borer moth, Chain Fern borer moth, and the bog turtle (per Sabatia). The bog contains the only known Cape Cod population of the *Arethusa* orchid (*Arethusa bulbosa*). Rare in Massachusetts and declining in New England, it has been discovered in only six places state-wide. Both overcollection and loss of habitat have contributed to this decline (Ibid). Overall habitat value for mammals, reptiles, and amphibians is deemed high (Ibid.) In addition, upland woodlands within the Sanctuary provide good habitat for more common flora and fauna.

Sabatia, The Compact, and others have noted the diversity of upland and wetland vegetative covers, a factor which enhances wildlife abundance, diversity, and survival. Evidence of both large and small



mammalian use of the land was present including skeletal remains, tracks, scat, and burrows. The small size of trees limited the number of habitable cavity nests, though some were present, particularly near the interior wetlands. Avifauna is typical of a pitch pine woodland, with local breeders such as blue jays, black capped chickadees, tufted titmice, downy woodpeckers, and common crow. Winter migrants included red breasted nuthatch and yellow rumped warbler (Sabatia).

Sabatia also found one male eastern box turtle with an estimated age of ten years on adjacent Lot 4. Box turtles are omnivores, feeding on a variety of insects, fish, toads, berries, fruits, and fungi. Its home range usually averages between 150 and 750 feet. The Eastern Box Turtle is decreasing in numbers throughout its range in Massachusetts and is a Species of Special Concern in the state (Digregorio). Its major threat is the destruction of woodland habitat by residential and roadway construction.

Wetland wildlife predictions were conducted by Sabatia using the Wetland Habitat Index for Non-game Species (WETHings), a computer based data bank created by experts at the University of Massachusetts. WETHings produces lists of wetland dependent fauna for a particular study site. Considering the presence of five vegetative cover types (three wetland and two upland), a hypothetical list of predicted mammals, reptiles, and amphibians was produced by Sabatia for the Shankpainter area.

Additional notable observations include the discovery of a regionally rare plant species (rock polypody) by Sabatia. Although a thorough vernal pool investigation has not been conducted, Sabatia presents the possibility that the larger isolated wetland southwest of the warehouse could provide such habitat due to its capacity to hold standing water for two consecutive months in the spring and its lack of fish (Sabatia; see appendices). Gilbert and Hinds have also observed a ribbon snake, common here but seldom seen on the outer Cape.

2. Forests

Woodland is at a premium in Provincetown with so much of the land being unwooded sand dune. The Shankpainter Pond area is part of a wooded dispersal corridor that includes Foss Woods, and the Duck Pond/Clapps Pond area. The protection of this forested habitat provides a lasting refuge from the openness of the dunes and developed areas.

The predominant vegetative cover type in the upland area is Pitch Pine-Oak-Sassafras woodland with a shrub layer composed primarily of ericaceous species including black huckleberry (*Gaylussacia baccata*), low-bush blueberry (*Vaccinium angustifolium*), sheep laurel (*Kalmia angustifolia*) and maleberry (*Lyonia lioguistrina*). Other shrubs include inkberry (*Ilex glabra*), poison ivy (*Toxicodendron radicans*), black cherry (*Prunus serotina*), dwarf sumac (*Rhus copallinum*), northern bayberry (*Myrica pennsylvanica*), and shadbush (*Amelanchier canadense*). The canopy coverage averages 50%-60% in this area with only 45-50 foot heights, due to the dwarfing influence of salt laden winds. The predominant shrub layer averages about two to three feet with occasional taller shrubs up to eight feet. Beneath the trees, in the more shady areas, checkerberry (*Gaultheria procumbens*), Pennsylvania sedge (*Carex pennsylvanica*), and striped pipsissewa (*Chimaphila maculata*) dominate. In the more open areas, wooly heather (*Hudsonia tomentosa*), bearberry (*Arctostaphylos uva-ursi*) and American beach grass (*Ammophila breviguilata*) are predominant.



This land represents one of the largest unfragmented forested areas in Provincetown. It provides excellent habitat for numerous wildlife species with ample cover, nesting opportunities, escape routes, and food. Woodlands here also act to slow and filter water runoff before it reaches the adjacent wetlands.

3. Wetlands

The wetlands on this site represent the area's most significant feature. Lot 1 is almost entirely composed of the Shankpainter Bog, the largest quaking bog known to exist in a barrier beach/coastal dune ecosystem worldwide (LeBlond) and the only bog known in Massachusetts to exist in a coastal dune system (DFW).

Quaking bogs develop in ponds where a lack of fresh water interchange causes the accumulation of dead plant matter. This plant matter releases acids which prevent, or significantly slow, bacterial decomposition, thereby causing a characteristically thick mat of plant matter to form atop the water. These floating bogs are called "quaking" because they quiver beneath a walker's feet. Debris that does sink to the bottom of the pond forms peat beds.

The acidic nature of the bog and subsequent lack of organic breakdown deprives the environment of nutrients and makes for difficult living conditions. Only species which have adapted to the unique environment of the quaking bog can survive here. Many of these are rare, including some carnivorous plants, which have adapted to a lack of organic nutrients by "learning" to extract needed nourishment from insects. Shankpainter Bog contains at least five species of carnivorous plant including: Pitcher plant (*sarracenia purpurea*), Round-leaved sundew (*Drosera rotundifolia*), Spatulate-leaved sundew (*D. intermedia*), and at least two bladderworts (*Utricularia* spp.) - (LeBlond). There are also three different kinds of native orchids found growing here: Snake's mouth (very common), *Arethusa* (very rare) and the Grass Pink.

The dominant flora of the quaking bog is the ubiquitous sphagnum moss, which grows in thick, spongy layers forming hummocks and hollows which bend to the weight of the traveler but yet are strong enough to support diverse plant communities above. Within the rich bounty of the bog, acid and water tolerant shrubs exist such as highbush blueberry, swamp azalea, and bayberry. Somewhat less tolerant though adventurous native trees existing in the Shankpainter Bog are Pitch Pine, Red Maple, and Black Cherry trees. Other plants include dwarf cranberry, early-blooming bogbean, and a close relative of the jack-in-the-pulpit, *Arrum Arum* (Gilbert and Hinds).

4. Scenic Value

Scenic value is very high at Shankpainter Pond. This property has several topographic high points from which wonderful views of the pond can be enjoyed (see Site Photos-Fig. 8). The proposed trail (Figure 12) follows existing paths which access these high points. Benches which take advantage of these views will be appropriately situated. Generally speaking, the varied topography and well developed woodlands provide wonderful interior views of the property. The only eyesores are areas which have been denuded by previous clearing operations, occasional construction debris, and some litter.

5. Enhancement of Existing Open Space



Shankpainter Pond Wildlife Sanctuary enjoys a direct connection to the National Seashore both to the north and to the south. To the north, it abuts 500-foot wide Route 6 highway layout (mostly wooded at this location), which connects to the Duck Pond and Clapps Pond areas which extend into the park. To the southwest, the wetlands and water bodies which comprise the Shankpainter Pond area extend across the park's boundary. With the protection of these lots, almost the entire northern boundary of Shankpainter Pond is protected. Connections to downtown Provincetown via Ship's Way and Shankpainter Road is also possible. Proposed improvements will enhance and promote these connections.

F. EXISTING USES

The Shankpainter Pond Wildlife Sanctuary is open to the public for passive recreational use. As stated within Self-Help funding regulations, "any property acquired with self-help assistance is open to all citizens of the Commonwealth, and that no major alteration of this property, or changes in the proposed uses can take place without the prior approval of the Secretary of the Executive Office of Environmental Affairs, and possibly the general court."

Existing uses are primarily pedestrian. People come to enjoy wildlife and scenery, walk dogs, or simply to sit and relax quietly. Some mountain bikes use the area but do not adversely affect the site and foot trails are in excellent shape. Parking currently takes place near Route 6, at the boundary of the property, and does not infringe on natural resources (see Figure 15 for proposed parking layout). The use of motor bikes has caused devegetation and erosion of some areas.

G. LEGAL PROTECTIONS AGAINST CONVERSIONS OR DISPOSAL

Shankpainter Pond Wildlife Sanctuary was acquired for conservation, open space, and passive recreational uses only. It is protected from conversion to other uses by a combination of conservation restrictions, statutory provisions, the Constitution of the Commonwealth, and the charter of the Provincetown Conservation Trust. The town, which owns Lot 2, cannot simply decide to put Shankpainter land to other uses, such as housing, schools, or cemeteries, or dispose of or sell the property. The strongest protection against this possibility is the existence of a conservation restriction (CR), held by the PCT over the Town on the entire 7.52 acre Lot 2 (Appendix C - to be completed). The CR provides permanent legal protection of the site's conservation values. Without such protection, changes in the use of the property by the Town would be possible, though difficult. Such changes would require:

1. a majority vote of the Conservation Commission that Shankpainter Pond was no longer needed for conservation
2. a two-thirds vote of Provincetown Town Meeting; and,
3. review under the Massachusetts Environmental Policy Act and approval by the Secretary of Environmental Affairs; and,
4. a two-thirds roll call vote of the Massachusetts General Court (state legislature) and signature by the Governor; and,



6. restitution of State Self-Help funding by dedicating a property of similar utility and value, as approved by the Secretary of Environmental Affairs, to the general public for conservation and recreational purposes.

In addition, with the CR recorded on the property, in order for the above conditions to take effect, the CR would also have to be terminated, using steps outlined above, plus a recorded vote of the majority of the then-sitting trustees of the PCT agreeing to release the restriction. Additionally, any site which receives Self-Help grant assistance must remain as permanently protected conservation and/or recreation land (Commonwealth of Massachusetts DCS).

Lot 1, being composed almost entirely of wetland and being owned by the Provincetown Conservation Trust, is afforded protection under the Massachusetts Wetland Protection act and the charter of the PCT.

H. THREATS TO NATURAL RESOURCES

The natural features which provide the environmental significance of the Shankpainter Pond Wildlife Sanctuary are described in Sections D and E. Management of the area is intended to protect and, where appropriate, enhance those characteristics. The Management Recommendations proposed in Section I are based on an overall goal of providing limited passive recreation that will not disturb significant natural features or minimize the threats listed below:

1. Plant and Wildlife Habitat

Threats to plants and wildlife include vehicle use, trampling, human overuse, collecting, dogs, and disease/infestation. Existing walking trails are in excellent condition though some are located on steep slopes and would become unstable and erosive if pedestrian traffic were to substantially increase. The proposed trail layout (Figure 13) designates only a portion of the existing trails to the new trail system in order to prevent this. Other trails will be left unmarked, to be discovered by adventurous travelers. The use of some trails may be discouraged or prohibited.

The use of ORV's, including trucks and all-terrain vehicles (ATV's), has left significant scars here in the form of denuded roads and clearings. Though development activities

have halted, these open areas leave the land more susceptible to erosion and wildlife disruption. Also, open areas invite motorized vehicle use in a way that wooded areas do not. Section I includes revegetation recommendations.

Hunting should be explicitly prohibited at the site due to the proximity of dwellings (Figure 11) and roadways, and use by pedestrians. Also, disturbance from gunshots would adversely affect wildlife not only within the site's boundary, but on the extensive surrounding waters and wetlands. Plenty of in-season hunting opportunities exist within the nearby National Seashore.

2. Forests

Threats to the woodland include cutting, disease, filling, ORV use, and flooding. There has been extensive recent cutting, filling, and ORV use associated with prior efforts to develop this land. Several broad areas of barren sand have been left behind in the wake of these activities. The main entrance to the land is along a 30-40 foot wide sand road which has been cut through the trees and rough graded leaving unvegetated slopes and sand piles. If left unvegetated, these areas will continue to erode,



threatening the adjacent native vegetation and wetlands. Drainage patterns have also been altered and may affect the structure and viability of some stands (and possibly the isolated wetlands) due either to drought or flooding.

A slower but certain threat to woody vegetation is the progression of migrating sand dunes on the north and east sides of the property which has clearly begun to bury some trees on their lee side. As these dunes migrate inland towards the south and west, both forest and wetland will gradually become buried.

There is no apparent evidence of brown tip moth or other infestation affecting the pitch pines. The use of off-road vehicles (ORV's) is apparently confined to the existing roads except near the edge of Route 6 where several unbounded areas have been used by vehicles. ATV's and motorbikes have reportedly been a problem. The success of revegetation efforts will require vehicular restrictions.

3. Wetlands

Threats to wetlands include dumping, filling, erosion, and changes in water quantity and quality. Wetlands in the area are threatened mostly by erosion of sandy unvegetated areas (see Figures 5 and 12) Along the entry road, steeply graded banks spill sand towards the two isolated wetlands to the north. To the south, sand is beginning to slide towards the bog from recently denuded areas. One of the highest priority Management Recommendations is to revegetate these areas to prevent further erosion.

Due to the clearing and grading performed here, large uneven areas of sand have been left. Cutting of the road has altered natural drainage patterns though it is not yet clear if

this has any adverse effects. In order to prevent any impact to the adjacent wetlands, these areas should be feathered into the natural topography as closely as possible and care should be taken to provide drainage routes which mimic the natural topography.

4. Scenic Value

Threats to the visual quality of Shankpainter Pond Wildlife Sanctuary include the erection of permanent structures, existing and potential erosive areas, cutting, natural vegetative succession, and litter. Structures such as benches and viewing platforms proposed as part of the trail plan will be situated in areas that provide, rather than obstruct, views. Existing bare areas are the most present eyesore on site. Figure 13 illustrates revegetation plans for these areas. The proposed trail plan avoids erosive slopes and cutting does not appear to be a problem. The natural growth of woody plants on the slopes near the bog may eventually obscure some of the remarkable views currently existing from the ridges and hilltops; however, the dwarfing influence of winds will probably keep the height of these trees to a minimum. It will be important when revegetating slopes to plant lower growing species. Some construction debris and assorted litter remain on the site though in general the area is clean and cleanup and removal can be accomplished within one day.

5. Adjacent Open Space

The proximity of Shankpainter Pond Wildlife Sanctuary to the Duck Pond and Clapps Pond areas and to the National Seashore makes this area of Provincetown very attractive for passive recreational use. Dedication of this land to conservation purposes should not increase pedestrian use to harmful levels



since this land was already being used unofficially for similar purposes. Formalizing connections to adjacent conservation properties will help to expand the perceivable area of the Sanctuary. This purchase should also spur the protection of remaining unprotected land within the Shankpainter Pond watershed. The undetermined fate of the state highway layout is a future concern.

I. MANAGEMENT ISSUES AND RECOMMENDATIONS

1. Habitat Improvements

a) Revegetation

The major habitat improvements at the site will be the revegetation of denuded areas. The total area in need of restoration is approximately 20,000 square feet. The majority of this area (12,000 sq. ft.) is within the subdivision road layout, with the remainder scattered throughout the site in smaller plots. In general, the restoration work will include grading the land to meet existing contours, placement of topsoil and seeding with a mixture of grasses, shrubs and trees native to the site. In steeply sloping area, some erosion control and/or slope stabilization measures may also be necessary.

Additional restoration work may be undertaken off-site, along a 200 foot stretch of the subdivision road where it connects to Route 6. This section is on state highway property and is a logical extension of the trail connection to CCNS. Since the Massachusetts Highway Department provided a \$246,628 grant to the town in support of the acquisition of the property, we are anticipating their cooperation in restoring this portion of the trail.

The specific site restoration tasks will be based upon the recommendations of the USDA Natural Resources Conservation Service, Cape Cod District. NRCS recommends seed mix No. 1, composed of Little Bluestem and Switchgrass. Exact seeding rates are included in Figure 14. Suggested shrubs include bayberry, beach plum, and rugosa rose. Some American beach grass may be warranted in sandier areas. Imported topsoil or other improvements may also be necessary. A complete planting plan with specific quantities, costs, and locations should be conducted prior to any site work. District staff has already viewed the site and are expected to work cooperatively with the town and Cape Cod National Seashore on this project. The Trust is exploring the use of volunteers provided through Americorps-Cape Cod to complete the bulk of the work. The Compact has signed on to be a Community Service Site for the program to bring this type of support to the land trusts on Cape Cod. Americorps volunteers are available to government and non-profit organizations on Cape Cod through August 25, 2000 under a cooperative arrangement between Barnstable County and The Job Training and Employment Corporation.

Because dead wood and snags are a primary source of food and shelter for many animals, they should only be removed where they block trails, represent a safety hazard to pedestrians, or pose disease threat to healthy trees. Invasion by foreign species is not a problem. Vista pruning is not necessary at this time though in the future it may be warranted near dedicated viewing areas. Proper permits will be required if and when this becomes a possibility.

2) Access

a) Vehicular Though there will be no direct vehicular access into the site, a conceptual parking layout (Figure 15) accommodating 5-6 vehicles is planned near the Route 6 entrance to the property within the state right-of-way. This area is already part of the subdivision curb cut and road layout. The



parking design will include a turning area, bench, trash receptacle, suggested planting, gate, and sign. The main entry gate will prohibit vehicular entry and will direct pedestrian access in concert with a sign listing allowed and prohibited uses. This will be the main pedestrian access point.

The only vehicular access will be for emergency and maintenance vehicles via Ship's Way, which is recommended for improvement to accommodate this use as well as use by bicyclists and handicapped individuals.

b) Pedestrian

Pedestrian access will occur from the Route 6 parking area and Ship's Way. Parts of the existing trail system will be dedicated as public walking routes. Other areas will be discouraged from use with signs or barrier planting. The trail should take advantage of existing views and access to natural resources for both scenic and educational purposes. Benches and signage should be placed appropriately. Figure 13 shows the trail layout and associated amenities. Bicycle racks should be provided near both entry points.

Because of the sensitive ecological nature of the site, the trail will need to be designed around certain natural features. Steep slopes, wetland areas, nesting sites and rare species habitat are examples of areas to be avoided during trail design and layout. The main trail will follow the existing cart path through the site for much of its distance. As mentioned above, some of this coincides with the area cleared for the proposed subdivision road and will need to be restored. Short loops off the main trail are planned to provide views of the pond and bog, as well as distant views of Cape Cod Bay to the southeast.

The total length of the trail through the site is expected to be no more than 2,000 linear feet or slightly under one-half mile. Connections to downtown (via Ships Way Road) and the Cape Cod National Seashore (across Rt. 6) will add approximately one mile to the overall trail system.

The finished trail will vary in width depending upon its location. The existing cart path is almost ten feet wide in some places. In undisturbed areas, the trail has gentle side slopes sparsely vegetated with native grasses and herbaceous ground cover. The overhanging tree canopy provides partial shading of the trail. The trail bed itself is moderately compacted to unconsolidated sand covered by a thin layer of pine and oak leaf litter. This is the general condition which should be replicated through restoration efforts.

New trail sections, including the bog loop will be designed and laid out to minimize erosion of slopes and provide a sufficient buffer to sensitive wetlands and state-listed species locations. This work should be done in cooperation with the Massachusetts Natural Heritage and Endangered Species Program.

c) Handicapped

The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 1994 evaluation by the Provincetown Disability Committee found that Provincetown's unique, steep dune topography render many public lands unsuitable for full accessibility (Open Space and Recreation Plan, 1995), a feature shared by Shankpainter Pond Wildlife Sanctuary. As part of the proposed trail plan the extension of Ship's Way where it enters the property as a utility/access easement will be hardened with blue stone



dust and gravel to accommodate both bikes and handicapped individuals. This path should be continued south to the hill overlooking the pond where a viewing platform is proposed. The entire handicapped accessible pathway traverses flat to gently sloping terrain. It can be accessed via Ship's Way from Shankpainter Road and downtown Provincetown and constructed at minimal expense. Benches will be provided at appropriate intervals. A

section of the trail could be marked with guide ropes and braille signs to serve blind visitors. Asphalt paving is not recommended as it would disturb the natural setting.

3. Property Integration

Directly north of the conservation area lies the Route 6 right of way. About 200 feet of undeveloped Massachusetts Highway Department (MHD) land exists between the conservation area and the paved roadway. MHD could be approached for a commitment of part of the right of way to conservation purposes or outright deed to the town for conservation.

To the northeast of the Sanctuary, the Provincetown Conservation Trust holds about two acres in conservation restriction including and surrounding the wetlands there.

To the east are several house lots of one acre or less bordering the pond. These owners could be approached for conservation restrictions on the undeveloped portions of their properties in an effort to increase the vegetated buffer zone along the pond.

To the west lie Shankpainter Pond and its wetlands. Further efforts to preserve unprotected lots along the pond edge should be made.

4. Capital Costs and Funding

The major expense associated with this Management Plan is the cost of revegetation in denuded areas. Large areas need to be revegetated including some labor intensive tasks. On behalf of the Town of Provincetown, the Compact of Cape Cod Conservation Trusts received a \$5,000 unrestricted grant from the Fields Pond Foundation, Inc. for design and layout of a foot trail to be integrated with Cape Cod Pathways, and the restoration of disturbed areas through replanting and regrading work. The Compact's estimated budget for the project follows:

Estimated Project Budget

1. Site Restoration/Improvements Restoration Plan \$1,500.00 Site Re-grading along trail \$2,000.00
 Restoration Planting (Americorps in-kind) \$ NA Materials (fill, topsoil, plantings) \$5,000.00 Layout &
 Construction of Parking Area \$ 300.00 Supervision of Site Work \$1,000.00

Subtotal: \$ 9,800.00

2. Trail Planning and Construction Trail Design and Plan Preparation \$250.00 Trail Layout \$125.00
 Trail Construction (Americorps in-kind) \$ NA

Construction and installation of benches (2) \$300.00

Subtotal: \$775.00

Total Grant Request: \$10,575.00



In-Kind Contributions Americorps Volunteers - labor for restoration and trail work \$2,400.00
 Provincetown Conservation Trust \$ 200.00 Preliminary planning by The Compact \$ 400.00

Total In-Kind: \$3,000.00

Total Project: \$13,575.00

In-Kind contributions from groups including Americorps, the Provincetown Conservation Trust, The Compact and others are estimated at \$3,000.00. Some of the proposed work may also be performed by the Provincetown Public Works Department. Private donations of plant materials can be solicited by the town and/or land trust to help offset the costs. The Town's Capital Outlay Plan includes monies for improving town lands and facilities, but none has been dedicated or assigned yet to Shankpainter Pond Wildlife Sanctuary. Any work performed by the Department of Public Works is contingent upon operating budgets, available staff, season, and scheduling.

5. Property Regulations and Uses

Property regulations are governed by the Massachusetts Wetlands Protection Act (Lot 1), the charter of the Provincetown Conservation Trust (Lot1), conservation restriction document language (Lot 2), and the Cape Cod Commission's Development of Regional Impact decision dated 9/23/97 (Appendix E). All of the above documents prohibit development of the Shankpainter Pond Wildlife Sanctuary. Acceptable minor improvements include walking trails, observation decks, gates, signs, and small parking areas, all subject to review by the Provincetown Conservation Commission, Open Space Committee, and Provincetown Conservation Trust. Of particular import in the DRI decision was the sanctity of the wetlands, their buffers, and the ridge line. Only a proposed observation deck, sign, bench, and two small sections of trail occur within the wetland buffer zone. All other activities lie outside it. The ridge line is skirted by the main trail but not threatened by it. None of the proposed activities or structures will threaten the integrity of the natural resources on site. If in the future any uses cause damage to any of the natural resources on site, they should be revisited to ameliorate these problems.

Hunting should be strictly prohibited within the Sanctuary. Motorized vehicle use will be prohibited. The possibility of unauthorized use should be discouraged by signs, barriers,

and regular monitoring. Bicycles will be encouraged to access the site and bicycle racks will be provided but no on-site use of mountain bikes will be allowed.

The following activities will be allowed in the conservation area within the above-mentioned guidelines: walking, picnicking, birdwatching, jogging, horseback riding, cross-country skiing, dog walking, nature study, photography, sketching, painting, and other passive recreation. Prohibited activities are: hunting, discharge or possession of firearms, motorized vehicle use (including dirt bikes and ATV's), all fires, alcoholic beverages, parking (except in designated area(s), and all other uses not specifically allowed.

The following activities are allowed subject to special approval and receipt of a special permit from the Conservation Commission: · botanical or animal inventory · archaeological study · geological or groundwater investigation · educational tours · groups of ten or more people Both allowed and prohibited uses should be posted on signs at both entries and within all publications associated with the site.



J. PLAN AND IMPLEMENTATION

1. Property Management

The sitting Chairperson of the Provincetown Open Space Committee will serve as the contact person for all inquiries and management coordination. Final plan design and management will be conducted by the Conservation Commission on behalf of the town, in consultation with the Recreation Committee, Public Works Department, and others as needed. Actual implementation of many of the management recommendations within this plan should be conducted by the Provincetown Public Works Department. The Police Department will respond to criminal complaints. In the event of conflicting interpretations regarding implementation, the Town Manager should be consulted in consultation with the Open Space Committee, the Conservation Commission, and the Provincetown Conservation Trust. The PCT will conduct an annual investigation of lands under their control to determine compliance and general environmental conditions. Any transgressions of boundary lines or allowable uses will be addressed accordingly.

2. Property Security

A volunteer stewardship committee should be appointed to report misuse and to suggest improvements at the Shankpainter Pond Wildlife Sanctuary. It should be appointed by the Open Space Committee and composed of neighborhood residents, Land Trust members and Trustees, Open Space Committee members, and other interested parties. Potential tasks include litter patrol, boundary patrol, and trail maintenance. This

Stewardship Committee should report regularly to the Open Space Committee and Conservation Commission.

A temporary gate has been erected near the Route 6 entrance to the site. This should be replaced with a more permanent gate constructed of steel or heavy wood to prevent entry by motorized vehicles. There is also a 10-12 foot wide swing gate on Ship's Way which was open during site visits conducted in January 2000. This gate should also be made more permanent, with access allowed for emergency and maintenance purposes only. Keys to these gates should be held by the appropriate groups including the Fire Department and the Conservation Commission. Both gates should be accompanied by a sign listing both allowable uses and prohibitions. In the event that abuse of the no-vehicle rule is documented, other avenues of security (such as police patrols) should be instituted. All breaches of conduct should be reported to the police and logged to determine the extent of misconduct and an appropriate response.

3. Fire Plan

The goal of a fire plan is to ensure safe and adequate emergency vehicle access to suppress fires at Shankpainter Pond Wildlife Sanctuary, with particular aim to protect surrounding homes. The Fire Chief should submit a plan designating staging areas and proposed firefighting access and methods of water availability. There is a hydrant on site. In consultation with the abutters, the Conservation Commission should evaluate the amount of deadwood near its property's perimeter to achieve a balance between privacy and protection against fire.



4. Update and Review

This management plan should be reviewed every year by the Provincetown Open Space Committee and Conservation Commission. In advance of an annual public review of this plan, the Commission should confer with other town departments to determine their concerns. The Commission should update the plan as necessary and report to the Selectmen any problems regarding compliance. New or modified components to the management plan can be adopted by the Commission at any time after a publicly advertised public meeting.

End of Plan



WHISTLE PATH WOODS MANAGEMENT PLAN EXECUTIVE SUMMARY

A. INTRODUCTION & AUTHORITY

This Management Plan is intended to provide guidelines for conservation and passive recreation uses at the Whistle Path Woods Conservation Area in Provincetown, Massachusetts. This Conservation Area consists of 7.05 acres, including 0.14 acre of wetland. The parcel is under the direct management authority of the Town of Provincetown Conservation Commission. The Whistle Path Woods parcel abuts the town-owned railroad right of way (8,700 feet long, 24.44 acres), of which about 17 acres (extending from Howland Lane to the easterly sideline of Whistle Path Woods) was dedicated to park, recreation and conservation use, under the control of the Selectmen, in 1996. This Management Plan, with its maps and appendices, is intended to comply with goals and objectives of the 1995 Provincetown Open Space and Recreation Plan and the "Land Use and Management Plan Guidelines" of the Massachusetts Division of Conservation Services.

Under Massachusetts statute, lands held by the Conservation Commission under M.G.L. 40, s. 8C are to be used for conservation and passive recreation purposes. This Management Plan is intended to reserve the Whistle Path Woods Conservation Area for quiet public enjoyment at a level of use appropriate to sustain the significant natural resources identified on the property as described in Section E of this Plan.

BACKGROUND

The Town of Provincetown acquired title to Whistle Path Woods in May 2001 after two years of planning and acting to reserve the property for conservation and passive recreation purposes by the community. By over a two-thirds majority vote at a special Town Meeting held on 3 April 2000 (see Appendix A.1), Provincetowners decided to purchase a parcel of land, Whistle Path Woods, to be set aside as protected open space for enjoyment by the townspeople. The property, purchased from the Locke Family Trust, becomes the second parcel purchased under the Cape Cod Open Space Acquisition Program (aka Cape Cod Land Bank), approved by the voters at a general election in November 1998. The land bank provides a 3 percent surcharge on property taxes to acquire land for open space purposes through the year 2020. The Town previously purchased a 7.5-acre property at Shank Painter Pond with Land Bank funds for \$1.6 million in 1999.

The vote to purchase the Locke property for was contingent upon receiving partial reimbursement from the state Division of Conservation Services' access to Federal Land and Water Conservation Fund and/or private fundraising. Town Meeting approved no more than \$752,000 net could be spent from the Land Bank. The Provincetown Conservation Trust agreed to conduct fundraising to bridge the gap between the \$752,000 net approved from town funds and the eventually negotiated \$1.48 million purchase price. The Provincetown Conservation Commission made a Self Help application in June 2000 and in October 2000, the state awarded \$250,000 in reimbursement from its stewardship of the Federal Land and Water Conservation Fund, which will be forthcoming after submittal of the project contract and the management plan contained herein. The final cost to local taxpayers out of the Land Bank for the 7.05 acres was \$752,000. Grants from the International Fund for Animal Welfare (\$50,000) and the Sheehan Family Foundation (\$180,000) to the Provincetown Conservation Trust (PCT), and significant funds raised from the East End neighborhood enabled the Trust to complete the funding.



A conceptual subdivision plan prepared for the Lockes, showing as many as 18 house lots, might have moved forward if the town had not preserved the land. A discretionary referral as a Development of Regional Impact by the Town in 2000 was accepted by the Cape Cod Commission; it was rendered moot by the town purchase for open space in 2001.

The Compact of Cape Cod Conservation Trusts, Inc., acting on behalf of the PCT provided valuable support for the purchase. With PCT funding, The Compact prepared this Management Plan in 1996. The Compact also drafted the perpetual conservation restriction to be held by PCT over the Town on Whistle Path Woods, to further guarantee that the land will be preserved for conservation and passive recreation uses.

C. SITE HISTORY

The seven acres proposed to be acquired for conservation consists of rolling, wooded dunes and two small isolated wetlands. There is a distinct dune ridge running southeast-northwest through the property (generally, parallel to the property sidelines), which is clearly visible on a federal 1836 chart of Provincetown. This same chart indicates that this area was undeveloped then, and it is likely that this woodland has been that way up to today. The 1836 chart suggests that the wetland on the adjacent McCabe parcel may be the remnant of the head of the tidal inlet known as Junky's Harbor, which was presumably buried by accretion, then filled for Snail Road and its neighborhood. Snail Road was the major access way in the 1800s from downtown to the Life Saving Station at Peaked Hills on the Atlantic shore. The footpath now winding through the northwest portion of the Locke property is also sufficiently historic locally to deserve a name, "Whistle Path," so-called because its heavy use by cranberry pickers traveling from town to the dune bogs in the late 1800s required the trains to blow their whistles at the path crossing.

The Lockes, through their grandfather Max Bohm and heirs have owned the locus since 1919 and have left it as woodland. It was part of an 80-acre tract that stretched from Cape Cod Bay to the Atlantic Ocean. Most of the acreage was taken previously for the Old Colony Railroad, US Route 6, and the Cape Cod National Seashore. Max Bohm was a renowned artist of the romantic impressionist school, whose large oil painting of the Pilgrims landing in Provincetown hangs in Town Hall. He settled in the East End after returning from studying in France through World War I. He died in Bronxville NY in 1923, leaving the property to his widow and eventually their daughters (Elizabeth Schwarz and Esther Bohm Locke). Ms. Schwarz died in 1999, leaving her half of the property to Roger Locke, who, with his siblings, proposed the 18-lot subdivision in 1999.

The Town Open Space Committee, designated as the recommending body to Town Meeting on Land Bank purchases, ranked the Locke property as its top priority for conservation in 1999. The ranking was based primarily on the tract being the largest (7 acres) remaining undeveloped upland parcel in single ownership in the town. The Committee also noted the property's significance as a greenway along the rail bed, wildlife habitat and corridor, forest cover, wetlands, and potential for walking trails. The land was considered important as abutting rare white cedar swamps and the water resource overlay district.

The Open Space Committee considers the Locke property to have values equivalent to the Foss Woods on the other side of Snail Road, which the Town purchased in 1995 as its first town conservation area, using Self Help funds in part. It is the intention of the Town to identify and mark a walking trail through these properties which could connect downtown with the Cape Cod National



Seashore and could be incorporated in the Cape Cod Pathways walking trail network. The Town could explore a integrated parking area for Foss Woods and the Locke property at Snail Road.

D. SITE DESCRIPTION

Whistle Path Woods Conservation Area consists of about 7.05 acres, of which only 0.14 acre is freshwater wetland; the remainder is upland derived of dune deposits. Whistle Path Woods, like the rest of Provincetown, is composed of sands eroded off the Truro cliffs and reshaped by wind and waves over the past 5,000 years. The dunes closest to the Harbor, including the ridges on the Whistle Path Woods property, are older than the dunes closer to the Atlantic. The dunes rise in dramatic steep ridges along the eastern perimeter of Whistle Path Woods.

The parcel is located between Snail Road (town way) on the east and State Route 6A on the south, and the town-owned railroad bed on the north. A residential subdivision (Thistlemore Road) forms the western boundary of the parcel. The

7-acre parcel abuts the 80-foot wide layout for the defunct Old Colony Railroad, property acquired by the Town of Provincetown 30 years ago. In 1995 Town Meeting voted to dedicate this mile-long segment of the rail bed to park, recreation and conservation land,

pursuant to Article 97 of the state Constitution (Nov. 6, Spec. TM, Art. 1). The railroad bed is directly contiguous along its northern boundary with the 300-foot wide layout for US Route 6, property owned by the Commonwealth of Massachusetts (MassHighway). Route 6's northern boundary is directly contiguous with the Cape Cod National Seashore, property owned by the US Department of the Interior. The Locke property is 1,000 feet to the west of the 15-acre Foss Woods Town Conservation Area, purchased in part with state Self Help reimbursement funds in 1995, and is directly connected to it by the town railroad bed. In addition, a 12-foot wide strip running parallel to the Lockes' is owners unknown and could be acquired by the Town. Along Snail Road are two lots which are proposed to be donated to the Provincetown Conservation Trust. The town purchase of the Locke parcel, therefore, anchors the western side of this contiguous assemblage of protected open space parcels.

Only 12 percent of Provincetown (including the National Seashore) is forested and the Locke parcel represented the largest remaining unprotected forest area in town. While no specific habitat assessment has been conducted as yet, the forest composition is very similar to Foss Woods Conservation Area nearby. Rather than the typical immature pitch pine forest found elsewhere in town, deciduous trees are predominant. Oak, beech, sassafras, birch, tupelo and red maple are the primary trees found, with an understory of highbush blueberry, swamp azalea, shadbush, beach plum, bayberry, and huckleberry. There are no exposed boulders nor would they be expected on a dune deposit.

Local naturalists have found bunchberry (*Cornus canadensis*), an uncommon flower, growing on the property. A member of the dogwood family, bunchberry is noted only in Mashpee and Provincetown on Cape Cod, according to Swenson and Pyle's *The Flora of Cape Cod* (1979). Mario DiGregorio, a botanist hired by the Lockes, reports that Broom crowberry (*Corema conradii*), a Species of Special Concern, is found on the proposed subdivision road layout near Route 6A, but not on the town-acquired part of the Locke property.

According to *Birding Cape Cod*, by the Cape Cod Bird Club and the Massachusetts Audubon Society (1994), "On a day-to-day basis, no other town on Cape Cod offers the birding potential of



Provincetown, and the visiting birder would do well to allow at least a day for exploring... In the spring, migrating songbirds and hawks are funneled northward along the Outer Cape and, reluctant to cross the water, become concentrated in Provincetown, often in large numbers."

Local naturalists have confirmed the presence of the state-listed (Threatened) northern parula warbler (*Parula americana*) in the cedar swamps along the railroad bed across from the Locke property. Birding Cape Cod calls the parula "a rather rare and local breeder, a common spring migrant and an uncommon fall migrant. The only nesting parulas in the state are found on Cape Cod and the Elizabeth Islands." Given the proximity of the Locke property to the cedar swamp, it is reasonable to conclude that the parula uses this woodland at least for feeding, if not nesting.

No faunal inventory has been conducted, but the typical Cape Cod assemblage of upland mammals (rabbit, squirrel, fox, coyote, raccoon, skunk, etc.) can be expected to inhabit the area. The Locke property lies within the Estimated Habitats for Rare Wildlife and Vernal Pools (WH6) and within a Priority Site of Rare Species Habitats and Exemplary Natural Communities (S.USMAHP117), according to maps of the Massachusetts Natural Heritage and Endangered Species Program.

The wooded dunes inland from Bradford Street are the southern margin of the Provincelands dune system of the National Seashore. Provincetown has more incidences of rare species, primarily associated with the dune system, than almost any other town in Massachusetts. The Eastern box turtle, a Species of Special Concern, has been found (professionally) in Foss Woods and Shank Painter Pond forest, very similar in composition to the Locke property.

The Whistle Path Woods Conservation Area is located in a developed residential neighborhood on Route 6A (also known as the east end of Commercial Street at this location). Most lots are oversized (half-acre) relative to present minimum lot size (8,000 square feet) and are used primarily as year-round residences. Two motels are the only commercial uses in the neighborhood.

E. ENVIRONMENTAL SIGNIFICANCE

The Town of Provincetown Open Space and Recreation Plan, completed under the auspices of the ad hoc Open Space and Recreation Planning Committee in 1995, identified several conservation goals, which are furthered by the protection of Whistle Path Woods:

- Protect and enhance Provincetown's fragile environmental resources and unique habitats:
- Protect and preserve the value of identified lands for wildlife habitat, rare plants and animals, uncommon woodlands (such as beech forest or cedar swamp), and historic resources.
- Evaluate town-owned open space to dedicate portions to conservation use and develop management plans which ensure maximum natural resource protection, while enhancing recreational access for purposes such as hiking, fishing, and small-craft boating.
- Meet residents' and visitors' needs by providing a balanced, year-round recreational program with adequate facilities, while protecting sensitive natural resources and keeping maintenance costs within a limited budget.

Whistle Path Woods' importance is based on the following characteristics: wildlife habitat, open space linkage, forest significance, wetlands, scenic beauty and enhancement of existing open space properties. Management and use of the Whistle Path Woods Conservation Area should be designed to be compatible with the protection of these values.

1) Wildlife Habitat



The diversity of habitat types on the property promotes use by many different animal species. The mix of hardwoods and softwoods, upland and wetland areas, and steep slopes and flat areas provides varying niche habitat characteristics for many species.

2) Forest significance

Whistle Path Woods is the beginning of an almost unbroken woodland area that straddles Route 6 and continues into the National Seashore...[Wood]land is at a premium in Provincetown with so much of the land area being unwooded sand dune. The biodiversity of Provincetown depends very much on areas such as Whistle Path Woods...Furthermore the Whistle Path Woods begins a wooded dispersal corridor for migratory wildlife that stretches across town to the Clapps Pond and Shank Painter Pond wetland/woodland system. The protection of Whistle Path Woods and the larger wooded area (to the west) are essential to the many wildlife species that utilize this area as a refuge from the "heat" and openness of the dunes and the built up environment along Commercial Street.

3) Wetlands Protection

Whistle Path Woods includes, along its western edge, half of an one-half acre red maple/tupelo swamp. This wetland, formed in a blowout depression in the old dunes, has saturated soil owing to its intersection of the water table. The wetland provides important habitat diversity, a water source for wildlife, and absorbs stormwater runoff. The steep banks are well vegetated and are not experiencing erosion. A possible vernal pool, habitat for breeding amphibians, may exist in a smaller wetland in the interior of the site, but it has not yet been documented.

4) Scenic Value

Whistle Path Woods provides a natural wooded greenbelt along 342 feet of the public recreational corridor known as the old railroad bed. Many hikers, bikers and cross country skiers use this informal trail and enjoy the solace of the woods bordering either side of the corridor.

5) Expansion of Existing Public Open Space

Whistle Path Woods' 7 acres adjoins the 24-acre town-owned railroad bed, is within 1,000 feet of the 14-acre Foss Woods Conservation Area, adjoins the 800-foot wide Route 6 highway layout (mostly wooded at this location), and connect to, across the highway, the Cape Cod National Seashore. This assemblage of adjoining properties increases the significance of each by enlarging the habitat and recreational potential of the area.

F. EXISTING USES

Whistle Path Woods itself is presently lightly used owing to poor access (primarily reached by walking along the railroad bed), lack of facilities (especially internal trails), vegetation (dense undergrowth, and topography (steep ridges.) Some visitors walk through the woods in an informal fashion, most unknowingly using the historic Whistle Path itself from Thistlemore Road.

The railroad bed is heavily used as a loose-surfaced recreational corridor for walkers, joggers, mountain bikers, horseback riders, and cross country skiers. Efforts to develop the old railroad bed into a formal paved bike trail have not been successful to date.

G. LEGAL PROTECTIONS AGAINST CONVERSION OR DISPOSAL OF PARCEL



The Whistle Path Woods Conservation Area was acquired for conservation, open space and passive recreational uses only. It is protected from conversion to other uses by a combination of conservation restriction, statutory provisions (G.L. c. 40, s. 8C and the Land Bank Act) and the Constitution of the Commonwealth (Article 97). The Town cannot simply decide to put Whistle Path Woods to other uses, such as housing, schools or cemeteries, or dispose of or sell the property. Some of the obstacles to conversion or development are noted below:

The Whistle Path Woods parcel is owned by the Town of Provincetown, but managed by the Conservation Commission under M.G.L. c. 40, s. 8C, the Conservation Commission Act. (See vote of Provincetown Special Town Meeting, April 3, 2000.) Conversion to uses other than conservation and passive recreation would require:

- a) a majority vote of the Conservation Commission that Whistle Path Woods was no longer needed for conservation; and,
- b) a two-thirds vote of Provincetown Town Meeting; and,
- c) review under the Massachusetts Environmental Policy Act and approval by the Secretary of Environmental Affairs; and,
- d) a two-thirds roll call vote of the Massachusetts General Court (state legislature) and signature by the Governor; and,
- e) restitution under the Federal Land and Water Conservation Fund.

In addition, though its uses are not limited to passive recreation, similar protection is afforded to the 17 acres of the town-owned railroad bed that Provincetown Town Meeting dedicated to "park, recreation and conservation land" on 6 November 1995. Steps a) through d) listed above would have to be followed for any use conversion or disposal of this segment of railroad bed.

Finally, and as a separate matter, the conservation restriction held by the Provincetown Conservation Trust on the 7-acre Whistle Path Woods proper (to be recorded; see Appendix D) would have to be terminated, using steps outlined in paragraphs a) through d) above, plus a recorded vote of the majority of the then-sitting trustees of the Provincetown Conservation Trust agreeing to a release of the restriction.

H. THREATS TO SITE FEATURES

The natural and cultural features that provide the environmental significance of the Whistle Path Woods Conservation Area are described in Section D. Management of the area is intended to protect and, where appropriate, enhance those characteristics. The Management Recommendations proposed in Section H are based on an overall goal of providing limited passive recreation that will not disturb significant features and avoid or minimize the threats listed below:

1) Wildlife Habitat

Threats to plants and wildlife include vehicle use, trampling, human overuse, collecting, and disease/infestation. No walking trails beyond the current internal ones are recommended at this time on the property in an effort to minimize wildlife disturbance, particularly to deer, which are known to use the woods regularly.

Hunting is explicitly prohibited at the site due to proximity to dwellings and roadways. Hardly any of the Management Area is greater than 500 feet from a dwelling or 150 feet from a roadway, setback distances prescribed by the state Division of Fisheries and Wildlife, which regulates hunting. It should



be banned from the railroad bed as well owing to heavy use by other recreationalists. Plenty of in-season hunting opportunities are available in the nearby National Seashore.

2) Forest significance

Threats to the woodland include cutting, disease, and filling. There is no evidence now of brown-tip moth or other infestation affecting the pitch pines as they do elsewhere, particularly in North Truro nearby. No unauthorized cutting has taken place to date.

3) Wetlands protection

Threats to wetlands include dumping, filling, erosion, changes in water quantity and quality. A vernal pool suspected in the wetland needs documentation to prevent its displacement in the future.

4) Scenic Values

Threats to the visual quality of Whistle Path Woods are the erection of permanent structures, erosion, cutting and litter. No structures are to be built except perhaps a bench along the trails. Litter along the existing railroad bed is minimal, except in areas near Snail Road, where occasional dumping has occurred in the past.

5) Adjacent Protected Open Space

The dedication of much of the railroad bed to park, conservation and recreation purposes will prevent the disruption of the Whistle Path Woods parcel by inappropriate development of this corridor. The undetermined fate of the wide state highway layout is a future concern.

I. MANAGEMENT ISSUES

1) Handicapped Access

The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 1994 evaluation by the Provincetown Disability Committee found that Provincetown's unique, steep dune topography renders many public lands unsuitable for full accessibility, a feature shared by Whistle Path Woods. In general, the experiences that an able person could enjoy at Whistle Path Woods should be made available to the disabled. Because no provisions for maintained foot trails are recommended for Whistle Path Woods at this time, neither able-bodied nor disabled persons will be invited to tour the property. The experience of Whistle Path Woods is likely to be enjoyed primarily as it has been, by passing near it and looking into it from the 342 feet of public railroad bed along the perimeter of Whistle Path Woods.

The railroad bed lends itself better to handicapped-access considerations than the woodland. The rail bed is flat, ideal for all persons. Simple wooden benches could be placed at intervals along the path's border to enable strollers to catch their breath in the loose sand. Of greater concern than the slope of the trail for accessibility is its surfacing. The surface of the path could be hardened slightly (perhaps with bluestone dust or clay). The cost of the latter might prove prohibitive for such a long trail (1,600 feet). Wheelchairs can use hardened natural surfaces, but only 5% of the disabled are wheelchair bound. Asphalt paving could cost as much as \$40 per foot and would disturb the natural setting.

2) Property Integration



Whistle Path Woods has an environmental integrity of its own, but there are opportunities to augment its value by increasing the size of the conservation area. Undeveloped properties to the west, north and east should be evaluated for acquisition or other means of protection from full development. The Route 6 right of way layout, owned by the Massachusetts Highway Department (MHD), is excessively wide at this location. There is approximately 500 feet from the road surface of the westbound lane to the railroad bed. The MHD could be approached for a commitment of part of the right of way to conservation purposes or outright deed to the town for conservation.

Lot 1-19 on map 18 is a 12-foot wide strip running adjacent and parallel to the Whistle Path Woods. It is considered owners unknown, though some research indicates it may have been in the Foss Estate. Though the Town has been reluctant in the past to acquire such property, it has little use otherwise and would provide the town with a walking access to Whistle Path Woods from Route 6A directly. PCT expects to receive the 3-acre Lot 1/21 on Map 18 as a bequest.

3) Capital Costs and Funding

The only improvements associated with this management plan are simple (trail benches and, potentially, hardening of the railroad bed). They can be performed using existing manpower and equipment from the Provincetown Public Works Department. Work from this department is contingent upon operating budgets, available staff, season and scheduling.

The Town's Capital Outlay Plan includes monies for improving town lands and facilities, but none has been dedicated or assigned as yet to Whistle Path Woods.

Outside sources of funding for Whistle Path Woods improvements could be explored, through Urban Self Help reimbursement for recreational development (trail surfacing) or private fundraising.

4) Property Regulations and Uses

i) Allowed Uses:

On the railroad bed: walking, picnicking, bicycling, birdwatching, jogging, horseback riding, cross-country skiing, dog walking, nature study, photography, sketching, painting and other passive recreation.

On Whistle Path Woods proper: walking, birdwatching, horseback riding, cross-country skiing, dog walking, nature study, photography, sketching, and painting.

ii) Prohibited Uses

On the railroad bed: hunting#, discharge or possession of firearms, motorized vehicles (including all-terrain vehicles), all fires, alcoholic beverages, parking (except at Snail Road entrance), all other uses not specifically allowed in section (i) above.

On Whistle Path Woods proper: hunting#, discharge or possession of firearms, , bicycles, motorized vehicles (including all-terrain vehicles), all fires, alcoholic beverages, parking, all other uses not specifically allowed in section (i) above and (iii) below. #(hunting is prohibited due to proximity to habitable dwellings and roadways)

iii) Special Permits



The following activities are allowed on Whistle Path Woods proper, subject to approval from the Conservation Commission:

- botanical or animal inventory
- archaeological survey
- geological or ground water investigations
- educational tours
- groups of ten or more people.

All approved researchers must submit written findings of their studies, on a regular basis, to the Conservation Commission.

5) Habitat Improvements

Active manipulation of existing on-site habitats is not recommended at this time. Dead trees or "snags" should not be removed unless they are diseased, block the railroad bed, or are likely to spread infestations to healthy trees. Dead wood is a primary source of food and shelter for many birds, such as woodpeckers.

J. PLAN IMPLEMENTATION

1) Property Management

The Town Manager will serve as the contact person for all inquiries and management coordination. Plan design and management is vested in the Conservation Commission on behalf of the Town, in consultation with the Recreation Committee, Public Works Department and others, such as the Open Space Committee, as needed. Actual implementation of many of these recommendations for should be undertaken by staff of the Provincetown Public Works Department or as supervisor of Americorps-Cape Cod. The Provincetown Police Department will respond to criminal complaints. In the event

of conflicting interpretations regarding implementation, the Town Manager should be consulted.

The Provincetown Conservation Trust will conduct an annual inspection of the Whistle Path Woods Conservation Area to determine Town compliance with the terms of the perpetual conservation restriction granted to PCT by the Town in 2001.

2) Property Security

Neighborhood volunteer stewards should be appointed to report misuse or suggestions for improved use of the Whistle Path Woods Conservation Area. As the persons most directly affected (both positively and, potentially, negatively) by the establishment and development of a town park in the area, abutters should be encouraged to get involved with the care of the Area. Volunteers for litter patrol could be those neighbors who take their daily "constitutional" along the railroad trail. Others could keep a daily tally of number of users, so the town can determine levels of use over the course of the season or year. These volunteers should be made official stewards reporting regularly to the Conservation Commission, so their investment in the project is recognized.

Parking can be made available at the Snail Road entrance, or, farther a field, at the Howland Road entrance to the railroad bed. In the event that abuse of the no-vehicle rule is documented, other



avenues of security (such as police patrols) should be instituted. All breaches of the rules of the Conservation Area should be reported to the police and logged, so that conservation officials can determine the extent of documented abuse, rather than depend upon anecdotal information.

3) Fire Plan

The goal of a fire plan is to ensure safe and adequate access for emergency vehicles to suppress fires at Whistle Path Woods, with particular aim to protecting surrounding homes. The Fire Chief should submit a plan designating staging areas and proposed firefighting access and methods and water availability. In consultation with abutters, the Conservation Commission should evaluate the amount of tree deadfall near its property's perimeter to determine the neighbors' desired balance between the continued assurances of wooded privacy versus fire hazard.

4) Update and Review

This management plan should be reviewed every year by the Provincetown Conservation Commission. In advance of an annual public meeting on this plan, the Commission should confer with other town departments to determine their concerns. The Commission should update the plan as necessary. The Commission should report to the Selectmen any problems in compliance with the management plan. New or modified components to the management plan can be adopted by the Commission at any time after a publicly-advertised public meeting.



Browne Street Community Garden and Conservation Park

Land Management Plan July 27, 2009





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 - 3. Fire Plan.....
 - 4. Update and Review.....



A. INTRODUCTION AND AUTHORITY

This Management Plan is intended to provide guidelines for community agriculture, conservation and passive recreation uses at the Browne Street Community Garden and Conservation Park in Provincetown, Massachusetts. The Conservation Area is composed of three lots totaling almost 2.29 acres. Parcel 1 consists of mostly uplands, Parcel 2 is completely shrub swamp and Parcel 3 is part deep marsh and part upland. All three parcels together are part of the greater Shank Painter Pond wetlands, which consists of open water, unconsolidated bottom, flooded, persistent emergent marsh, seasonally flooded scrub-shrub swamp, and seasonally flooded mixed forest swamp. Parcels 1 and 3 are not in the recharge zone to Shank Painter Pond while part of Parcel 2 is within the recharge zone. These Parcels combined make up 2.29 acres of land. The community agriculture area is located and operated solely on the upland portion of the property.

This Management Plan, with its maps and appendices, is intended to comply with the goals and objectives of the Massachusetts Local Acquisitions for Natural Diversity (LAND) grant program (MGL 132A, Sect 11) and the 2007 Provincetown Open Space and Recreation Plan. Protection of this conservation land for open space and recreational purposes is also intended to be consistent with the goals and objectives outlined within the Statewide Comprehensive Outdoor Recreation Plan (SCORP). Legal protections are held by the Conservation Commission MGL 40, Sect. 8c, LAND program regulations 301 CMR 5.00, Article 97 of the state constitution.

B. BACKGROUND

By an overwhelming margin, in April 2009, the Town of Provincetown voted to appropriate up to \$180,000 to purchase the 2.29 acres utilizing available LAND Bank funds. To help offset the cost of this acquisition, the town sought and received grant reimbursement funds in the amount of \$93,600 from the State's Local Acquisitions for Natural Diversity (LAND) grant program. The Provincetown Conservation Trust (PTC) also holds a perpetual conservation restriction on the entire 2.29 acres to provide an additional layer of protection.

Along with ownership of this special land comes the responsibility to manage it wisely. This management plan is an essential step in the continued protection and sustainable public use of this area for community agriculture and open space. The community has expressed a need to have access to lands where agriculture can be conducted. The Browne Street Community Agriculture and Conservation Park has fulfilled this need by providing public access to open space lands where a portion of the land will be maintained and managed as a community garden.

C. SITE HISTORY

Historically, the site of the Browne Street Community Garden and Conservation Park has had many uses. Over 50 years ago the majority of the land was wetlands. During a time when there was no wetlands protection legislation or the state wetlands





protection act a large portion of the land, which is now the upland area, was filled in and for several decades was used to store lobster pots during the winter months. The open water area of the land has historically been an area of recreation where towns people would come and ice skate during the winter months. The wetland system connects hydro-logically to the Shark Painter Pond ecosystem and has long provided sanctuary to many animal and plant species.

D. SITE DESCRIPTION

The 2.29 acre Browne Street Community Garden and Conservation Park is composed of several habitat characteristics: Open water; unconsolidated bottom; flooded, persistent emergent marsh; seasonally flooded scrub-shrub swamp; saturated, seasonally flooded mixed forested swamp. The area is also considered to be habitat for the four-toed salamander habitat. (See appendix A)

Entrance to the land is from the southeast over an easement from Browne Street a public way. The easement established for access at this site is for pedestrian and vehicular access by the public. (See appendix B)

E. ENVIRONMENTAL SIGNIFICANCE

1. Wetland Habitat

The entire site lies within and estimated habitat for rare and endangered species according to the Massachusetts Natural Heritage and Endangered Species Program. The site also lies in the BioMap Core Habitat area and has connectivity to surrounding wetland bodies such as bordering vegetated wetlands, ponds, marshes and swamps. The site is also connected to other protected land parcels owned and managed by the Provincetown Conservation Trust and the Provincetown Conservation Commission.

Notable observations include animals such as; muskrat, wood ducks, black ducks, river otter and white winged cross bills. A study of the Shark Painter Pond wetland area by Sterns and Wheeler, LLC determined that the area is a possible habitat for the four-toed salamander and should be considered a, "very valuable coastal plain pond ecosystem." The four-toed salamander is ranked as a, "vulnerable species," at moderate risk for extirpation due to restricted range, relatively few populations, recent and widespread declines.

2. Scenic Value

An open water pond is located on the land which allows for great viewing of wildlife. As part of the development of the conservation park and as determined by the conservation restriction there will be walking trails constructed to allow access along the pond and into the areas of the resource to enhance opportunity for viewing wildlife. In addition, several benches will be installed to aid less abled individuals as they use the trails and to provide visitors with a place to rest and observe the area.



3. Enhancement of Existing Open Space

Browne Street Community Garden and Conservation Park enjoys a direct connection to the densely populated residential neighborhood. The site allows for the perpetual existence of open space in this area of town and will serve to bring relief and recreational enjoyment to an area of town that previously did not have access or opportunity to utilize a town park. An examination of existing open space and conservation lands is underway and efforts are being made to construct connected pathways between existing and proposed open space lands. This site has the great potential of being connected via foot path to some close by Provincetown Conservation Trust lands to the west and Provincetown Conservation Commission lands to the north.

F. EXISTING USES

The Browne Street Community Garden and Conservation Park is open to the public for passive recreational use. As stated within LAND funding regulations, "any property acquired with LAND assistance is open to all citizens of the Commonwealth, and that no major alteration of this property, or changes in the proposed uses can take place without the prior approval of the Secretary of the Executive Office of Environmental Affairs, and possibly the general court."

Existing uses are primarily pedestrian. People come to enjoy wildlife and scenery, walk dogs (dogs must be leashed), or simply to sit and relax quietly. Parking currently takes place on the upland portion of the site, at the boundary of the property along an established access easement to Browne Street a public roadway, and does not infringe on natural resources. Future development as guided by the conservation restriction for this site allows for the establishment of parking spaces for public use to access the community agricultural components of the site and the conservation park recreational uses.

G. LEGAL PROTECTIONS AGAINST CONVERSIONS OR DISPOSAL

Browne Street Community Garden and Conservation Park was acquired for community agriculture, conservation, open space, and passive recreational uses only. It is protected from conversion to other uses by a combination of conservation restrictions, statutory provisions, the Constitution of the Commonwealth, and the charter of the Provincetown Conservation Trust. The strongest protection against this possibility is the existence of a conservation restriction (CR), held by the PCT over the Town on the entire 1.29 acres. The CR provides permanent legal protection of the site's conservation values. Without such protection, changes in the use of the property by the Town would be possible, though difficult.

Such changes would require:

1. a majority vote of the Conservation Commission that the site was no longer needed for conservation;
2. a two-thirds vote of Provincetown Town Meeting; and,
3. review under the Massachusetts Environmental Policy Act and approval by the Secretary of Environmental Affairs; and,
4. a two-thirds roll call vote of the Massachusetts General Court (state legislature) and signature by the Governor; and,



6. restitution of State funding by dedicating a property of similar utility and value, as approved by the Secretary of Environmental Affairs, to the general public for conservation and recreational purposes. In addition, with the CR recorded on the property, in order for the above conditions to take effect, the CR would also have to be terminated, using steps outlined above, plus a recorded vote of the majority of the then-sitting trustees of the PCT agreeing to release the restriction. Additionally, any site which receives LAND grant assistance must remain as permanently protected conservation and/or recreation land (Commonwealth of Massachusetts DCS).

The site being composed almost entirely of wetland and being protected by the Provincetown Conservation Trust, is afforded protection under the Massachusetts Wetland Protection act, local Conservation Commission regulations under Town General Bylaw Chapter 12 and the charter of the PCT.

H. THREATS TO NATURAL RESOURCES

Management of the area is intended to protect and, where appropriate, enhance characteristics of associated to wetland resources areas as defined by the State Wetlands Protection Act. The Management Recommendations proposed are based on an overall goal of providing limited passive recreation for community agriculture and those recreational uses that will not disturb significant natural features or minimize the threats listed below:

I. Plant and Wildlife Habitat

Threats to plants and wildlife include vehicle use, trampling, human overuse, collecting, dogs, and disease/infestation. Proposed walking trails will be established according to the CR and using methods that reduce impact to the natural resources of the area.

Use of ORV's, including trucks and all-terrain vehicles (ATV's) is prohibited at this site, have left significant scars here in the form of deruded roads and clearings. Revegetation activities are proposed for portions of the buffer zone to the open water area with beach grass. Also, the removal of Japanese knot weed is will occur over the first two years of site development.

Hunting should be explicitly prohibited at the site due to the proximity of dwellings and roadways, and use by pedestrians. Also, disturbance from gunshots would adversely effect wildlife not only within the site's boundary, but on the extensive surrounding waters and wetlands. Plenty of in-season hunting opportunities exist within the nearby National Seashore.





2. Wetlands

Threats to wetlands include dumping, filling, erosion, and changes in water quantity and quality. Wetlands in the area are threatened mostly by erosion of sandy unvegetated areas. One of the highest priority Management Recommendations is to revegetate the buffer zone area to the open water to prevent erosion.

3. Scenic Value

Threats to the visual quality of Browne Street Community Garden and Conservation Park include the erection of permanent structures, existing and potential erosive areas, cutting, natural vegetative succession, and litter. Structures such as benches and viewing platforms proposed as part of the trail plan will be situated in areas that provide, rather than obstruct, views. Existing bare areas are the most present eyesore on site. Some construction debris and assorted litter remain on the site though in general the area is clean and cleanup and removal can be accomplished within one day.

4. Adjacent Open Space

The proximity of Browne Street Community Garden and Conservation Park to the Shank Painter Pond Wildlife Sanctuary and to Provincetown Conservation Trust lands on Shank Painter Pond make this area of Provincetown very attractive for passive recreational use. Dedication of this land to community agriculture and conservation, open space purposes should not increase pedestrian use to harmful levels since this land was already being used unofficially for similar purposes. Formalizing connections to adjacent conservation properties, in the future, will help to expand the perceivable area of the Sanctuary. This purchase should also spur the protection of remaining unprotected land within the Shank Painter Pond watershed.

I. MANAGEMENT ISSUES AND RECOMMENDATIONS

I. Habitat Improvements

a) *Revegetation*

The major habitat improvements at the site will be the revegetation of buffer zone areas with native species. These restoration and invasive species removal efforts will be paid for through Barnstable County Land Management grants and through labor provided for by AmeriCorps Cape Cod.

The specific site restoration tasks will be based upon the recommendations of the USDA Natural Resources Conservation Service, Cape Cod District. American beach grass may be warranted in sandier areas. Imported topsoil or other improvements may also be necessary. A complete planting plan with specific quantities, costs, and locations should be conducted prior to any site work.



Because dead wood and snags are a primary source of food and shelter for many animals, they should only be removed where they block trails, represent a safety hazard to pedestrians, or pose disease threat to healthy trees. Vista pruning is not necessary at this time though in the future it may be warranted near dedicated viewing areas. Proper permits will be required if and when this becomes a possibility.

2) Access

a) Vehicular

Vehicular access is granted over an easement from Browne Street onto the site. A conceptual parking layout has been approved by the local Conservation Commission and has been integrated into the CR for this site. The parking is proposed to accommodate 4-5 vehicles is planned near the entrance to the property from Browne Street. The parking design will include a turning area, bench, trash receptacle, suggested planting, and sign. This will be the main pedestrian access point as well.

b) Pedestrian

Pedestrian access will occur from Browne Street. Parts of the existing trail system will be dedicated as public walking routes. Other areas will be discouraged from use with signs or barrier planting. The trail should take advantage of existing views and access to natural resources for both scenic and educational purposes. Benches and signage should be placed appropriately. Bicycle racks should be provided near the entry point.

Because of the sensitive ecological nature of the site, the trail will need to be designed around certain natural features. Steep slopes, wetland areas, nesting sites and rare species habitat are examples of areas to be avoided during trail design and layout. The main trail will follow the existing contour of the open water area and the wetland boundary. Short loops off the main trail are planned to provide views of the small pond and bog, as well as distant views of Shank Painter Pond to the northwest.

This work should be done in cooperation with the Massachusetts Natural Heritage and Endangered Species Program.

3) Handicapped

The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 2007 evaluation by the Provincetown Disability Committee found that Provincetown's unique, steep dune topography render many public lands unsuitable for full accessibility (Open Space and Recreation Plan, 2007). The Browne Street Community Garden and Conservation Park does not have a steep topography and with some minor development of the site along the easement and public access point, accessibility for less able persons can be enhanced.





4. Property Integration

Directly south of the conservation area lies Browne Street a public roadway which connects to Shank-painter Road and major public roadway connecting the highway (Route 6) to the interior of town at Bradford Street.

To the northwest of the site, the Provincetown Conservation Trust holds about two acres in conserva-tion restriction including and surrounding the wetlands there.

To the east are several house lots of one acre or less bordering the pond. These owners could be ap-proached for conservation restrictions on the undeveloped portions of their properties in an effort to increase the vegetated buffer zone along the pond.

To the west lies additional residential lots with structures. These property owners could be approached for conservation restrictions to expand the buffer zone abutting the wetland resources.

4. Capital Costs and Funding

The major expense associated with this Management Plan is the cost of revegetation and the develop-ment of the community garden infrastructure.

Estimated Project Budget

1. Site Restoration/Improvements

Restoration Plan	\$1,500.00
Restoration Planting (AmeriCorps in-kind)	\$ NA
Materials (fill, topsoil, plantings)	\$5,000.00
Layout & Construction of Parking Area	\$ 300.00
Supervision of Site Work	\$1,000.00

Subtotal: \$ 7,300.00

2. Trail Planning and Construction

Trail Design and Plan Preparation	\$250.00
Trail Layout	\$125.00
Trail Construction (AmeriCorps in-kind)	\$ NA
Construction and installation of benches (AmeriCorps in-kind)	\$ NA

Subtotal: \$375.00

Total Grant Request: \$9,675.00

In-Kind Contributions

AmeriCorps Volunteers - labor for restoration and trail work \$4,400.00





Provincetown Conservation Trust \$200.00
 Preliminary planning by The Compact \$400.00

Total In-Kind: \$5,000.00

Total Project: \$13,575.00



In-Kind contributions from groups including Americorps, the Provincetown Conservation Trust, The Compact and others is estimated at \$5,000.00. Some of the proposed work may also be performed by the Provincetown Public Works Department. Private donations of plant materials can be solicited by the town and/or land trust to help offset the costs. The Town's Land Bank Fund includes monies for improving town lands and facilities, and can be accessed for use at the Browne Street Community Garden and Conservation Park. Any work performed by the Department of Public Works is contingent upon operating budgets, available staff, season, and scheduling.

5. Property Regulations and Uses

Property regulations are governed by the Massachusetts Wetlands Protection Act, local Conservation regulations, the charter of the Provincetown Conservation Trust, and conservation restriction document language. All of the above documents prohibit development of the Browne Street Community Garden and Conservation Park. Acceptable minor improvements include community agricultural items (i.e. shed, garden beds, compost site), walking trails, signs, and small parking areas, all subject to review by the Provincetown Conservation Commission, Open Space Committee, and Provincetown Conservation Trust. None of the proposed activities or structures will threaten the integrity of the natural resources on site. If in the future any uses cause damage to any of the natural resources on site, they should be revisited to ameliorate these problems.

Hunting should be strictly prohibited within the site. Motorized vehicle use will be prohibited except for access and parking. The possibility of unauthorized use should be discouraged by signs, barriers, and regular monitoring. Bicycles will be encouraged to access the site and bicycle racks will be provided but no on-site.

The following activities will be allowed in the conservation area within the above-mentioned guidelines: walking, picnicking, birdwatching, jogging, cross-country skiing, dog walking (dogs must be on leash), nature study, photography, sketching, painting, and other passive recreation. Prohibited activities are: hunting and discharge of firearms, motorized vehicle use (including dirt bikes and ATV's), all fires, alcoholic beverages, parking (except in designated area(s)), and all other uses not specifically allowed.





The following activities are allowed subject to special approval and receipt of a special permit from the Conservation Commission:

- botanical or animal inventory
- archaeological study
- geological or groundwater investigation
- educational tours

Both allowed and prohibited uses should be posted on signs at both entries and within all publications associated with the site.

J. PLAN AND IMPLEMENTATION

I. Property Management

The Provincetown Conservation Commission is the manager of this property. The sitting Chairperson of the Provincetown Conservation Commission will serve as the contact person for all inquiries and management coordination. Final plan design and management will be conducted by the Conservation Commission on behalf of the town, in consultation with the Open Space Committee, Recreation Committee, Public Works Department, and others as needed. Actual implementation of many of the management recommendations within this plan should be conducted by the Conservation Commission their Agent and any Advisory Group created to oversee the land management and activities at the site. The Police Department will respond to criminal complaints. In the event of conflicting interpretations regarding implementation, the Town Manager should be consulted in consultation with the Conservation Commission, Open Space Committee and the Provincetown Conservation Trust. The Provincetown Conservation Trust as the holder of the conservation restriction will conduct an annual investigation of lands under their control and make a report to the Conservation Commission to determine compliance and general environmental conditions. Any transgressions of boundary lines or allowable uses will be addressed accordingly.

2. Property Security

A volunteer advisory committee should be appointed to report misuse and to suggest improvements at the Browne Street Community Garden and Conservation Park. It should be appointed by the Conservation Commission and composed of neighborhood residents, Land Trust members and Trustees, Open Space Committee members, and other interested parties. Potential tasks include litter patrol, boundary patrol, and trail maintenance. This advisory committee shall report regularly to the Open Space Committee and Conservation Commission and help with implementation of the land management plan.







3. Fire Plan

The goal of a fire plan is to ensure safe and adequate emergency vehicle access to suppress fires at Browne Street Community Garden and Conservation Park, with particular aim to protect surrounding homes. The Fire Chief should submit a plan designating staging areas and proposed firefighting access and methods of water availability. In consultation with the abutters, the Conservation Commission should evaluate the amount of deadwood near its property's perimeter to achieve a balance between privacy and protection against fire.

4. Update and Review

This management plan should be reviewed every year by the Provincetown Conservation Commission in consultation with the Open Space Committee. In advance of an annual public review of this plan, the Commission should confer with other town departments to determine their concerns. The Conservation Commission should update the plan as necessary and report to the Town Manager any problems regarding compliance. New or modified components to the management plan can be adopted by the Conservation Commission at any time after a publicly advertised public meeting.

End of Plan



Hawthorne Wildlife Sanctuary Land Management Plan- 2011

**BASELINE DOCUMENTATION REPORT
and
LAND MANAGEMENT PLAN
Massachusetts Executive Office of Energy and Environmental Affairs
Local Acquisitions for Natural Diversity (LAND) Grant Program**

Property name: Hawthorne Wildlife Sanctuary

Municipality: Provincetown

Acquisition date:

Registry: Barnstable Land Court Registry District

Certificate:

LAND #: 7

Date of report: June 28, 2011

Property location: 15 Aunt Sukey's Way, Provincetown, MA

Size: 3.03 acres

Interest held by city/town: Fee Title

Other interest holders: Provincetown Conservation Trust—holds CR

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Section I:
Property Information

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

I.1 Property description

The **Hawthorne Wildlife Sanctuary** property, located at 15 Aunt Sukey's Way, Provincetown, MA, Assessors' Map 13-1 Lot 25, is owned by the **Town of Provincetown**, under care and control of the Conservation Commission, for the purposes of conservation and passive recreation, in perpetuity. It was recorded on June 28, 2011 as Land Court Certificate #194602 in the Barnstable County Land Court Registry District.

At the April 5, 2010 Annual Town Meeting, Provincetown voters approved the purchase of the 3-acre Hawthorne Wildlife Sanctuary, a strategically critical parcel within the Jimmy's Pond ecosystem area, for conservation and passive recreation purposes, using a combination of Community Preservation Act and Land Bank funds. This wetland ecosystem is considered a Critical Habitat Area in Need of Protection by the Town and has been designated a Significant Natural Resource Area and a Resource Protection Area by the Cape Cod Commission.

The 3-acre Hawthorne property consists of a variety of habitats, from dense woods, to more open shrubby areas in close proximity to a state-certified vernal pool and shrub freshwater swamp, to open dunes. Like the rest of Provincetown, the property is composed of sands eroded off the Truro cliffs and reshaped by wind and waves over the past 5,000 years. The dune rises in a dramatic steep ridge along the northeastern perimeter of the property overlooking Route 6 and Jimmy's Pond. It is surrounded by open space owned and protected by the Provincetown Conservation Trust, the Town of Provincetown and Mass Wildlife. It is the last vacant private landholding within this area, and extends the Greenway visuals coming into town. Residential development forms the other side of the area.

The Hawthorne property is situated in the heart of an almost unbroken woodland conservation area that straddles Route 6 and continues into the Cape Cod National Seashore. It adjoins and connects with the 7.5-acre portion of the Route 6 highway layout transferred to Mass Wildlife, 2.4 acres of land owned and protected by the Provincetown Land Trust, the 4-acre Nicky's Park Town Conservation Area and, across the highway, the National Seashore. The acquisition of these 3 acres by the Town links together this chain of open space parcels in and surrounding the sensitive Jimmy's Pond ecosystem, completing the protection of over 17 acres of contiguous open space in an important natural resource area, increasing the significance of each property by enlarging the habitat and recreational potential of the area.

Only 12 percent of Provincetown (including the National Seashore) is forested, and the Hawthorne property represents a large unprotected forest area in town. While no specific habitat assessment has been conducted as yet, the forest composition is very similar to other upland in the Greenway – pitch pine predominates, but other canopy species include mixed tupelo, and pussy willow. Scrub oak and scrub pine occur in the dune area, with bearberry found along the ground. The wetland along the eastern boundary is a continuation of the freshwater marsh on the adjoining Town and Trust land abutting Jimmy's Pond.

I.2 Local Acquisitions for Natural Diversity (LAND) grant program regulations

This property is permanently protected open space, for conservation and passive recreation only. It is subject to the standards and guidelines in 301 CMR 5.00: Self-Help and Urban Self-Help Programs, of the Division of Conservation Services, Executive Office of Energy and Environmental Affairs (EEA). Excerpted here are some of the major points:

- 5.06(4): Under the care and control of the **Town of Provincetown** Conservation Commission
- 5.09(1): The property must be used at all times for open space conservation and passive recreation purposes only, in accordance with MGL Ch. 132A, Sec. 11
- 5.09(1): The property is permanently protected under Article 97 of the Massachusetts Constitution, and may not be converted to other uses. Municipalities must pursue all feasible alternatives to conversion of grant-funded land. If conversion is finally determined to be the only possible choice, *all* of the following must occur: municipal approval of the conversion; a two-thirds majority vote of both houses of the state legislature; replacement of the land with new conservation land that is of equal or greater fair market value at the time of conversion, and of equal or greater acreage, ecological value, and usefulness, to be approved or disapproved by the Secretary of EEA.
- 5.09(2): If this property ceases to be used in whole or in part for conservation and/or passive recreation purposes, all interest in the property shall revert to the Commonwealth, unless the Secretary demands specific performance of the grant contract. The **Town of Provincetown** Conservation Commission must notify the Secretary of EEA of a change or potential change to an inconsistent use, or, the Secretary of EEA may notify the Conservation Commission that an inconsistent change in use has occurred. The Conservation Commission has 90 days to rectify the use to the satisfaction of the Secretary, or it will revert to the Commonwealth.
- 5.08 (2) and (3): Open to use by all members of the public without discrimination
- 5.08(1): In accordance with the LAND program regulations, the **Town of Provincetown** Conservation Commission may impose reasonable limits on the type and extent of use of this area and facilities acquired, as necessary for maintenance or preservation.
- 5.06(1): Off-street parking may be required
- No private enterprise may occur on properties for which the fee simple or encumbered fee is owned by the municipality, except that which contributes to and does not conflict with appropriate public use and benefit.
- Structures are prohibited on properties for which the fee interest is owned by the municipality, except those that further conservation or public passive recreational use of the property.

I.3. Legal protection

Through receipt of funding through the LAND grant program, this property is permanently protected under Article 97 of the Constitution of the Commonwealth of Massachusetts.

- **Ch. 132A, §11** – *Act establishing the Self-Help (now LAND) grant program*
- **Ch. 40, §8c** – *Authority of conservation commissions to hold land for conservation purposes*

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

- **Article 97** – *Prohibits conversion of the property from conservation and recreational use*
- **LAND Project Agreement** – *Prohibits conversion of the property from conservation and recreational uses. Requires mitigation in the event of conversion. Requires appropriate public access. Recorded with deed.*

I.4 Contact Information

Provide contact information for property monitor or manager, landowner (if CR), and any other people or organizations involved in the property.

Name (person or organization)	Title (eg. property monitor)	Mailing address	Phone
Provincetown Conservation Commission	Brian Carlson, Health & Environmental Affairs Manager	260 Commercial St. Provincetown, MA 02657	508-487-7020
Provincetown Conservation Trust	CR holder	P.O. Box 307, Provincetown, MA 02657	

I.5. Conservation Restriction and Land Management Plan

5(a) If the Property is a CR: insert a copy of the recorded Restriction here and fill out the Management Plan section below.

5(b) If the Property is owned in fee: fill out the Management Plan section below.

Land Management Plan:

A copy of the Conservation Restriction conveyed by the Town to the Provincetown Conservation Trust (Land Court Document #1168729) is attached.

Purpose:

The Town's acquisition of the Hawthorne property, which has long been at the top of the Open Space Committee's list of desirable properties, protects existing rare species habitat; enhances an important wildlife corridor known as the Provincetown Greenway, a wooded stretch running parallel to Route 6; provides additional protection and upland buffer to a state-certified vernal pool on the adjoining property; preserves the ability to provide a future pathway connection to the Nicky's Park Town Conservation Area; adds to the mosaic of already-preserved open space; provides public access to the property and its informal trails for passive recreation uses; contributes to the preservation of Provincetown's unique visual character; and enhances the public and non-profit investment in the area in and surrounding Jimmy's Pond.

Wildlife Habitat: The Hawthorne property is included within an NHESP Priority Habitat for Rare Species. NHESP has documented habitat of five rare species, including Eastern Spadefoot, Broom Crowberry, and Eastern Box Turtle, on or near the property, which also is mapped in the Statewide Land Conservation Plan and is partially within a BioMap Core Habitat (2002) area. The Hawthorne property contains valuable wildlife habitat consisting of wooded upland, open dune and freshwater wetlands, and is an integral part of the Jimmy's Pond ecosystem, a Town of Provincetown-designated resource area in critical need of protection. With its flat to rolling topography, and a mix of dense wooded upland, open dune and freshwater wetlands, the Hawthorne property presents habitat diversity in miniature. The shape and unfragmented size of this property enables it, in and of itself, to provide refuge to a variety of species. Moreover, its woodlands provide critical upland buffer to the state-certified vernal pool on the adjoining property. Vernal pools are crucial breeding grounds for woodland amphibians, and the Hawthorne property's close proximity to this wetland habitat is well within the range of amphibian migration. In addition to its significance for animals, reptiles and amphibians, Provincetown is an integral part of protecting the east coast migration pattern of birds.

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Water Resources: A portion of the Hawthorne property is comprised of freshwater wetlands. As stated above, a state-certified vernal pool adjoins the property. The Jimmy's Pond wetlands--pond, cranberry bog, quaking bog, marsh, meadow and shrub and tree swamp habitats-- are a critical natural resource of the Town of Provincetown. This system is the Town's most important habitat for the water-willow stem borer moth (*Papaipema sulphurata*), the few-flowered sedge (*Carex oligiosperma*) and may be the only site in SE Massachusetts for the bog twayblade orchard (*Liparis loeselii*). Broom crowberry (*Corema conradii*) has been found nearby. With its connecting wetlands, and bordering upland, the Hawthorne property is a strategically important parcel to help preserve the integrity of this ecosystem area.

Landscape Conservaton: The Hawthorne property abuts 14 acres of conservation lands owned by the Town, the Provincetown Conservation Trust and MassWildlife. Part of a state-designated Noteworthy Scenic Landscape and positioned along Provincetown's Route 6 Greenway Corridor, a scenic and wildlife corridor in Provincetown, the Hawthorne property is situated in the heart of an almost unbroken woodland conservation area that straddles Route 6 and continues into the Cape Cod National Seashore (CCNS). It adjoins 7.5 acres of the Route 6 highway layout transferred to MassWildlife in 2003, abuts 2.4 acres of land owned and protected by the Provincetown Land Trust, connects with the 4-acre Nicky's Park Town Conservation Area and, across the highway, the CCNS. The Hawthorne property is identified in the Town's Open Space Plan as one of the "largest and/or significant parcels of developable, unprotected land remaining in Provincetown." Its acquisition by the Town links together this chain of open space parcels in and surrounding the sensitive Jimmy's Pond ecosystem, completing the protection of over 17 acres of contiguous open space in an important natural resource area, increasing the significance of each property by enlarging the habitat and recreational potential of the area.

Recreational Opportunities: The Hawthorne property provides passive recreation opportunities in the form of walking trails and scenic overlooks, consistent with a nature preserve. This wooded tract will provide a complementary passive recreation component to the existing conservation area. The property's relatively central location in town and its frontage on Aunt Sukey's Way make it very accessible. The Hawthorne property encompasses a scenic backdrop for travelers along heavily traveled Route 6, and visitors to the site will have the opportunity to enjoy trail-based activities, wildlife viewing, and scenic views of the Jimmy's Pond wetland system.

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Property Uses:

Note: These should be posted at the property entrance(s).

Conservation and passive recreation.

Permitted Uses:

Passive recreational purposes, such as walking, jogging, cross-country skiing, bird watching, hiking, wildlife observation, nature study, photography, sketching and painting, and other similar activities by the general public as permitted by law and regulation. Walking-only trails. Creation of a pervious parking area at the entrance to the property near Aunt Sukey's Way for the parking of motor vehicles, placement of a bicycle rack, and pedestrian access to the property.

Prohibited Uses:

Motorized or mechanized vehicles (except motorized wheelchairs); dumping; equipment storage; commercial, residential, agricultural or industrial use; camping; fires; activities that result in soil erosion; alterations to the natural topography; animal paddocking or grazing areas; removal of vegetation; planting of non-native species; activities detrimental to wildlife and wildlife habitats; hunting; and any municipal use not related to conservation and passive recreation. Horseback riding, bicycling and other non-pedestrian access are not permitted, owing to the presence of sensitive wetlands, steep slopes and erosion concerns.

Structures:

There are no structures on the property. A small, pervious parking area is contemplated inside the entrance to the conservation area on Aunt Sukey's Way. To encourage use of the property, a bike rack can be placed within the parking area; however, bikes will not otherwise be permitted on the property. The Town will place a sign at the entrance to provide information required by the LAND Grant Program. No bathroom facilities, picnic tables, trash barrels or other amenities are expected to be provided or needed as the property is small, the trails through the conservation area are short, and most of the public use will be minimal and self-selective. No structures are to be built except perhaps simple resting/viewing benches, one possibly near the entrance and another at the overlook to Jimmy's Pond.

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Known stewardship issues:

The main stewardship issues on this Property are neighborhood encroachment, littering, and dumping. There also had been evidence indicating the past presence of individuals who might have used the property as a temporary residence.

Stewardship plans:

Enhancement of existing informal trails and the possible placement of a simple sitting bench at the overlook to Jimmy's Pond are contemplated for the Property, which can be performed using Town manpower and equipment. It is anticipated that trail enhancement can be accomplished with minimal impact to existing vegetation. Only simple improvements are needed, such as dragging brush or deadfall to mark the trail, possibly installing trail markers along the trail, and limbing and pruning a few trees along the trail(s). Since residential properties border a portion of Sanctuary, the Town should consider placing signs, permanent boundary markers and/or short sections of split rail fencing in appropriate locations to deter and prevent future encroachment. This would serve the dual purpose of preventing inadvertent trespass by the walking public onto private land. Neighborhood volunteers should be encouraged to report misuse or suggestions for improved use of the Property. As the persons most directly affected (both positively and, potentially, negatively) by the establishment and development of a town conservation park in the area, abutters should be encouraged to get involved with the care of the area. For example, volunteers for litter patrol could be those neighbors who take their daily "constitutional" along the trail. A trailhead sign could be placed to urge visitors to remove any trash, especially their own. Litter near the road frontage and along trails should be cleaned regularly and large items removed where occasional dumping has occurred in the past.

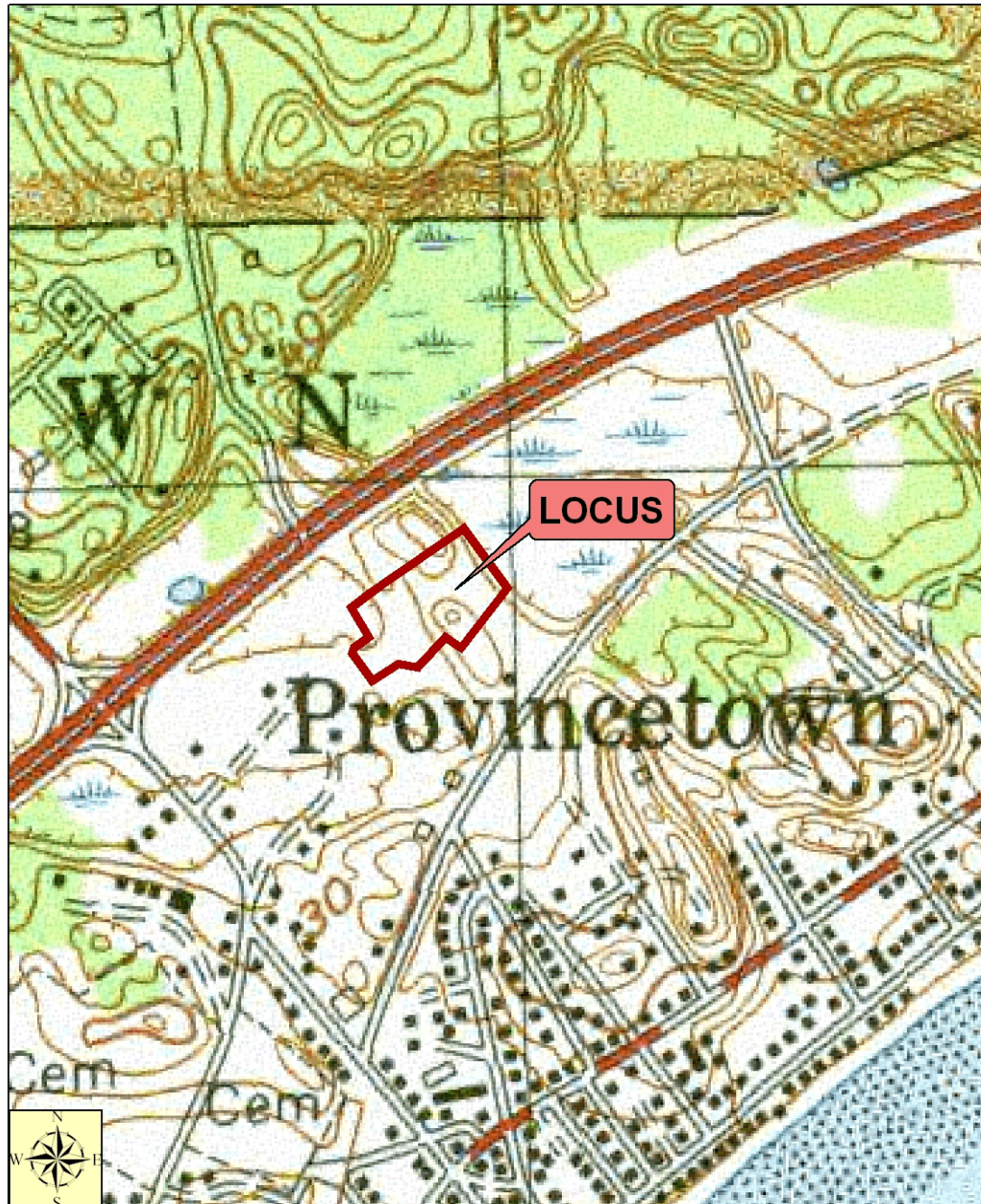
Active Management Plans:

Not applicable. No active timber harvesting is planned.

Section II:
Maps

II.1. Locus maps

USGS TOPOGRAPHIC MAP



0 250 500 1,000 Feet

PROVINCETOWN QUADRANGLE

Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

PROTECTED OPEN SPACE IN VICINITY



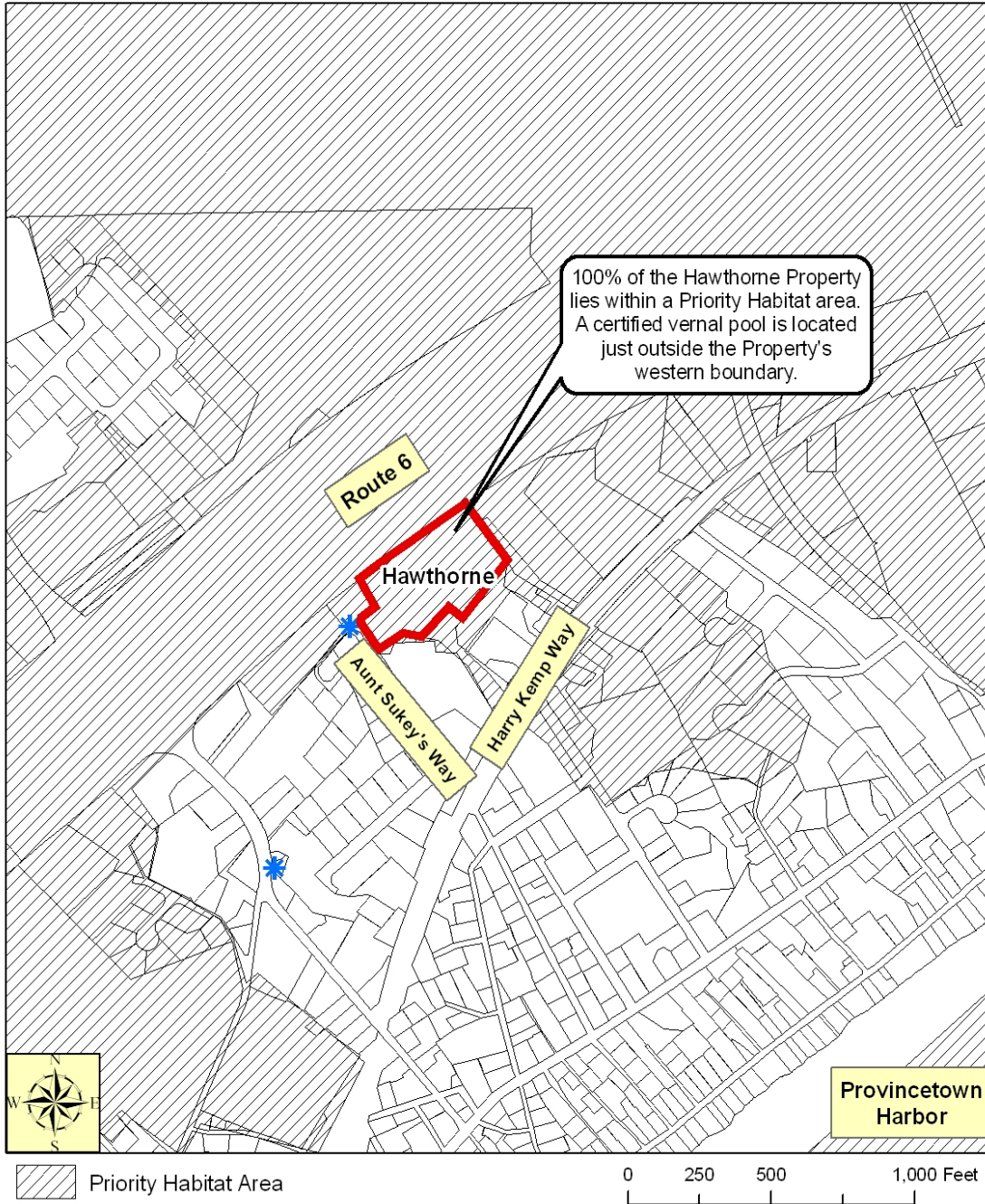
0 250 500 1,000 Feet


Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

II.2. Resource maps

**MNHESP PRIORITY HABITAT AREA
& CERTIFIED VERNAL POOLS**



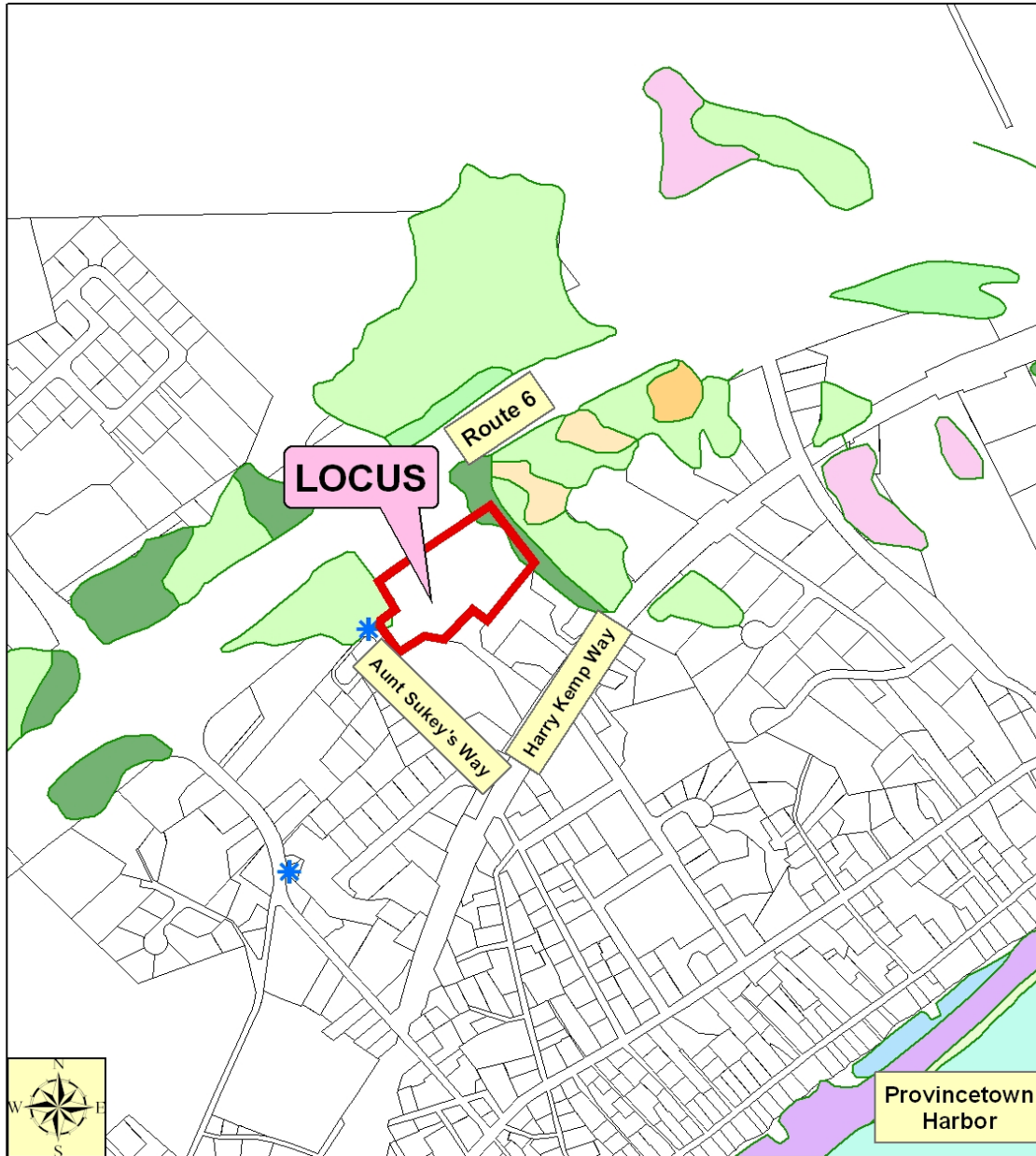
 Priority Habitat Area

 Certified Vernal Pool

*Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission*

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

DEP WATER RESOURCES & MNHESP CERTIFIED VERNAL POOLS MAP

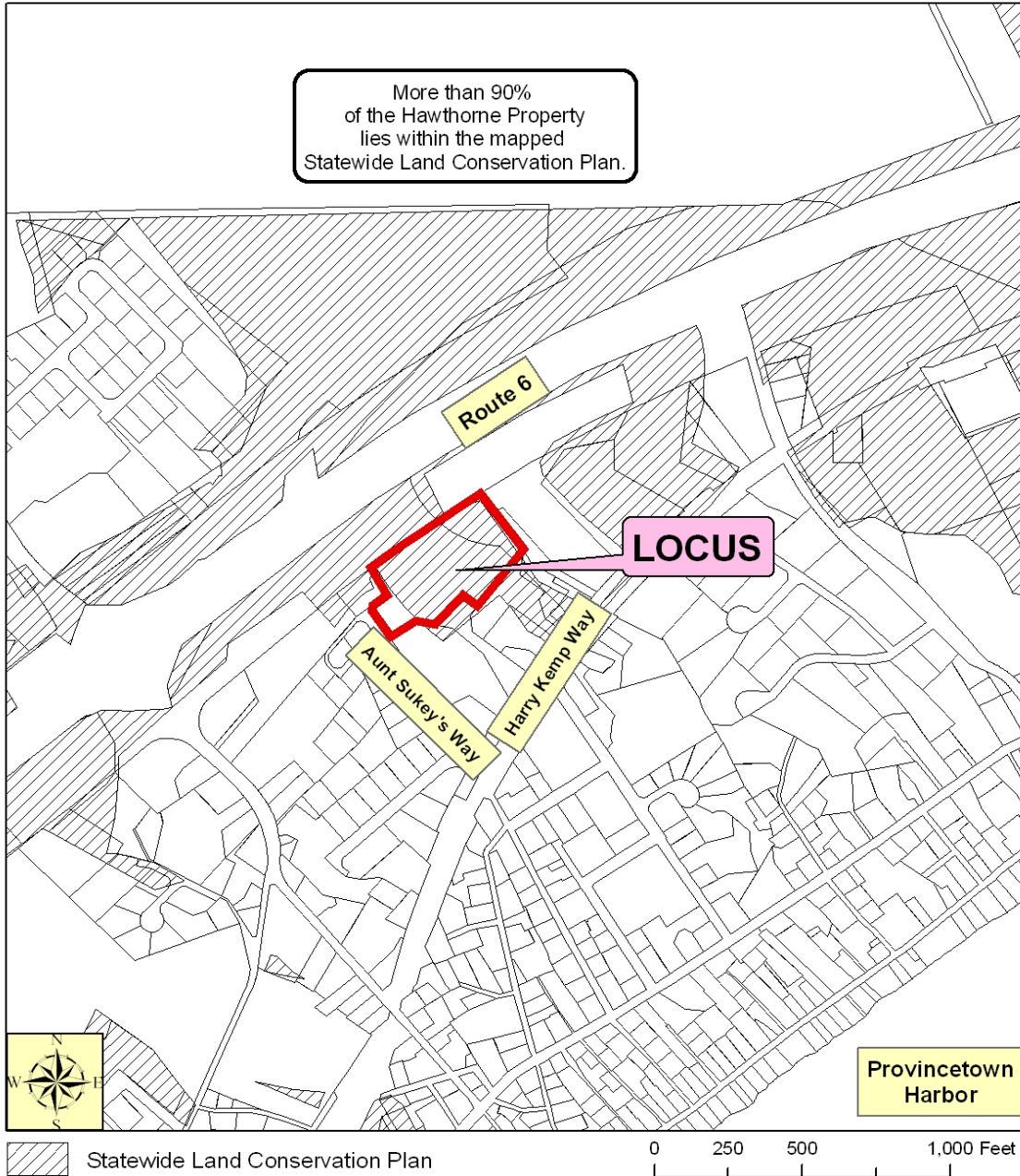


shrub swamp
 wooded swamp, deciduous
 0 250 500 1,000 Feet
 shallow marsh meadow or fen
 deep marsh
* Certified Vernal Pool

*Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
 Data provided by MassGIS; Parcel layer provided by Cape Cod Commission*

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

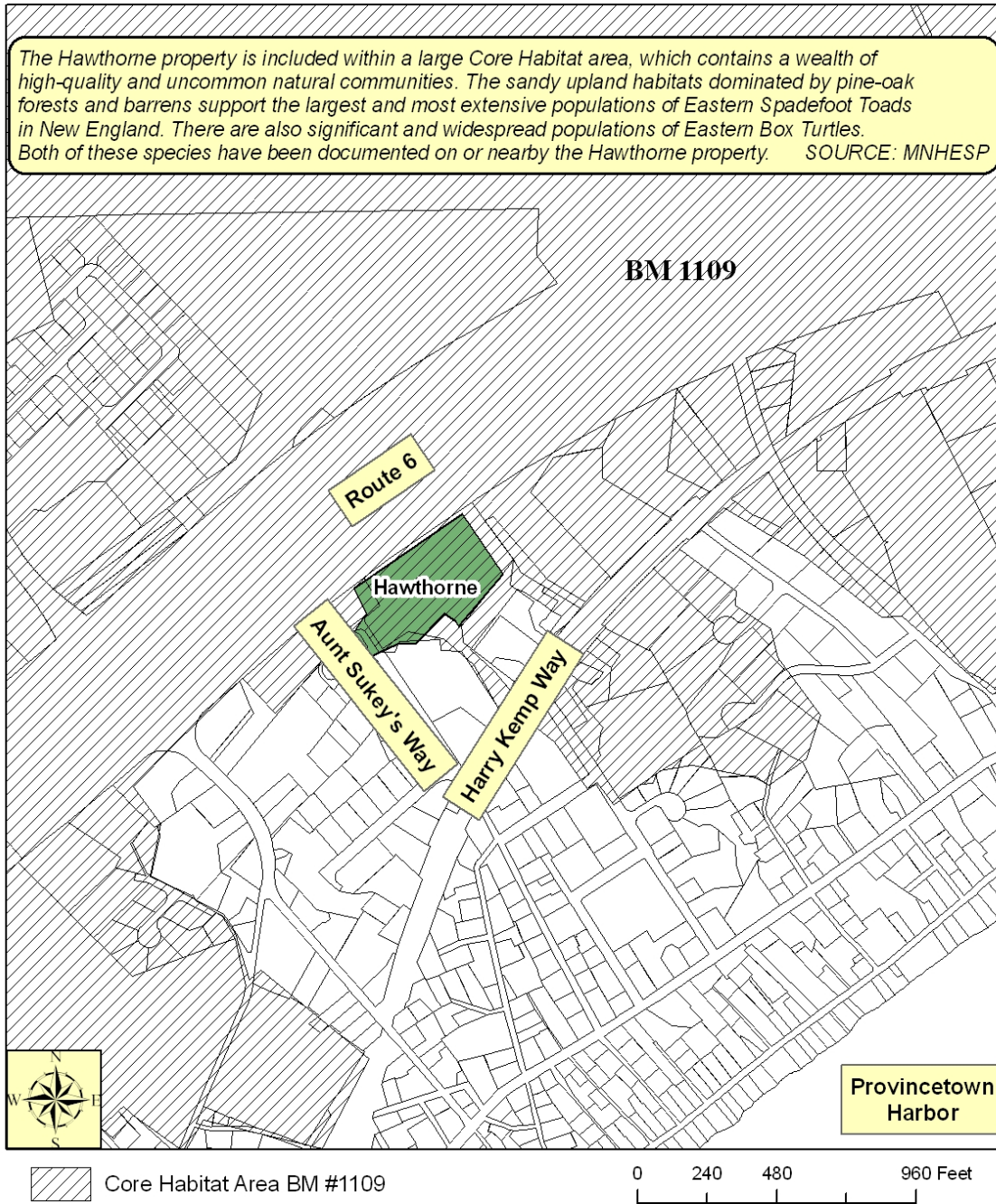
STATEWIDE LAND CONSERVATION PLAN MAP



Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

MNHESP BIO MAP 2

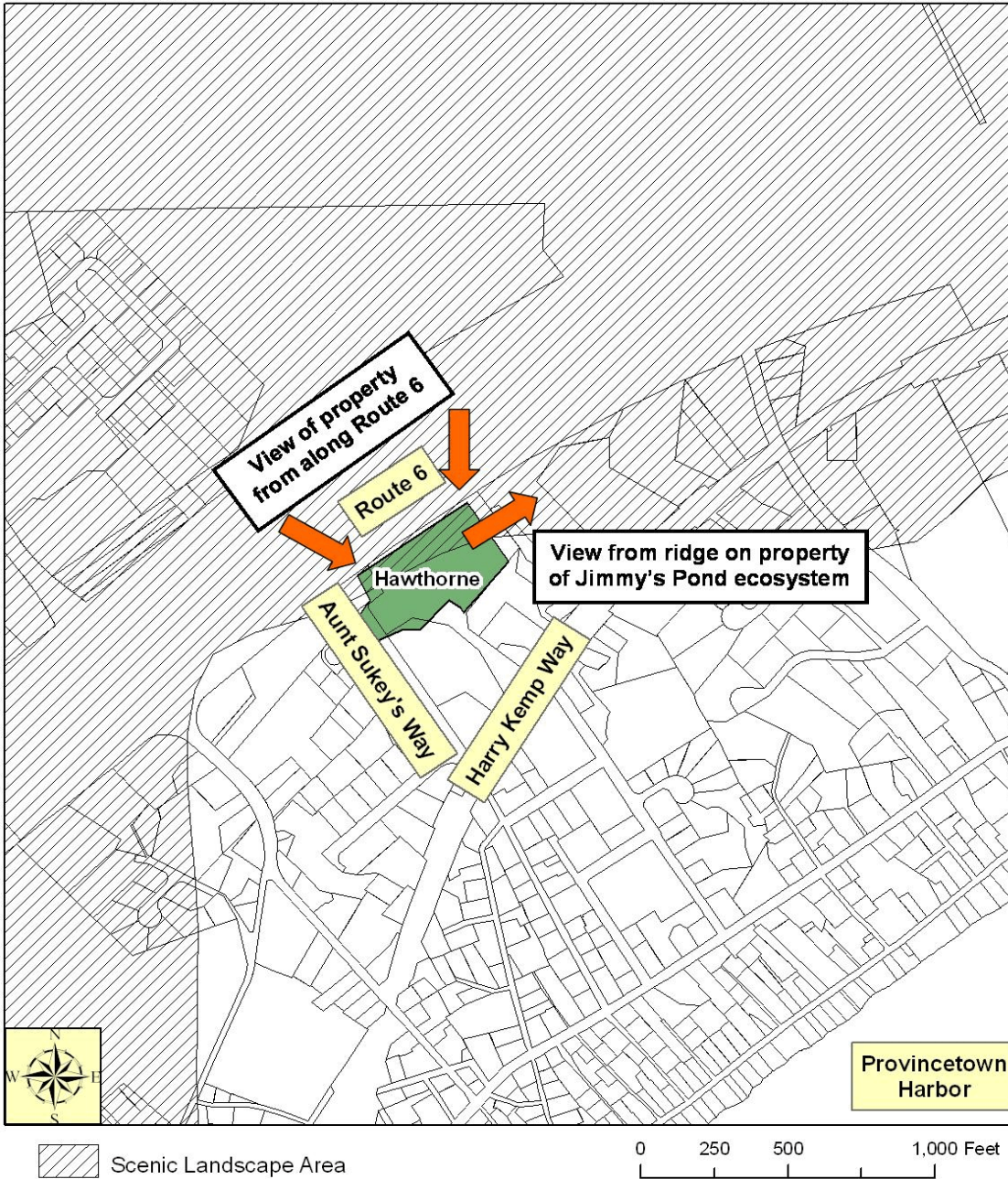


Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Scenic View Locations Map

DEM Scenic Landscape Map



Map prepared by The Compact of Cape Cod Conservation Trusts, Inc. Feb. 2011
Data provided by MassGIS; Parcel layer provided by Cape Cod Commission

II.6. Monitoring map

Section III:
Site Visit Report

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

III.1. General information

Date of inspection: May 1, 2011

Time spent on property: 1.75 hours

Who was present on the site visit? What is their association with the property?

Paula S. Pariseau, Senior Land Protection Specialist, The Compact of Cape Cod Conservation Trusts, Inc. The Compact has been contracted by the Town of Provincetown to prepare this land Management Plan.

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

III.2. Current property conditions

Note: This section may summarize some provisions of the CR or Management Plan. The entire CR document must be read in order to understand its terms.

A. Conditions of the property relevant to the purposes of the CR or Management Plan:

B.

Purpose	Condition	Photo
Rare species protection	The entire property, along with the adjoining State, Town and non-profit land trust land, is located within an NHESP Priority Habitat for Rare Species (<i>see Map in Sec. II.2</i>). NHESP has documented habitat of <u>five</u> rare species, including Eastern Spadefoot Toad, Broom Crowberry, and Eastern Box Turtle, on or near the property. By minimizing disturbance on the property, i.e., limiting human uses within and around the vicinity of the trails, overlook, and parking area only and not throughout the property, and by adding and connecting to 14 acres of existing protected areas (<i>see Map in Sec. II.1</i>), habitat fragmentation will be minimized, thus helping to bolster wildlife survival.	Ex: #5, 9, 13, 14
Water resources protection	When a wetland plant community occurs adjacent to woodlands, the wildlife value of both the open and wooded areas is greatly enhanced for many species. The woodlands on the Hawthorne Wildlife Sanctuary provide a critical, upland buffer in close proximity to the ecologically sensitive state-certified vernal pool located on the adjoining Provincetown Conservation Trust property (<i>see Map in Sec. II.2</i>). Most biologists prefer to see a 1,000-foot upland wooded upland zone protected surrounding a vernal pool, so the protection of this property adds to that. The Eastern spadefoot toad breeds in vernal pools, and the Eastern box turtle prefers woodlands with access to water; both species are found on or near this property.	#3, 5
Landscape conservation and scenic view preservation	The Property is a strategic addition to the Greenway along Route 6 (<i>see Map in Sec. II.2</i>), and will provide travelers along that road meaningful views, as well as provide visitors with a quality outdoor experience, observing wildlife and enjoying the views of the Jimmy’s Pond ecosystem from within the property.	#12, 25,26

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Purpose	Condition	Photo
Passive recreational opportunities	<p>This acquisition will expand an existing conservation area. Maintaining the several traversed “informal” footpaths through the Sanctuary (<i>see Map in Sec. II.2</i>), including a scenic overlook to Jimmy’s Pond, responds to the “green tourism” campaign. Maintained foot trails are recommended; however, the relatively steep topography of the upland renders the land unsuitable for full accessibility. Disabled access needs to fit the site; the site should not be forced to fit the needs. Accommodations for disabilities can mean many things other than making a trail useful for wheelchairs. Statistically, only 5% of the disabled are wheelchair bound; that means that simple accommodations, such as a resting bench at the higher elevation overlook, would enhance accessibility for the other 95% of disabled persons. The more level terrain located near the entrance to the site on Aunt Sukey’s Way also is a suitable place for a sitting bench. The Conservation Area is not expected to receive heavy use by people in general, or disabled individuals in particular, so designing the site to be disabled-accessible does not seem cost effective. Nor is total accessibility the goal of federal design criteria. The upland already has informal foot trails that can be linked and enhanced to create a simple, effective loop trail for visitors to enjoy in a quiet manner.</p>	#1, 4 6, 7, 10,12, 24

B. Conditions of the property relevant to Permitted and Prohibited Uses:

Activity	Condition	Date built/ changed	Photo
Permitted			
Walking, bird watching, nature study, sketching, painting and photography	The entrance area along Aunt Sukey’s Way, which is relatively flat, and along the informal trails, accommodates these activities.		#1, 4, 5-7, 9, 10
Wildlife observation.	Sitting benches are proposed, but not as yet placed.	<i>future</i>	
Prohibited			
Dumping			#8
Fires/Camping			

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

C. List of prohibited uses for which there were no relevant observed conditions:

No evidence of the following activities was observed:

Motorized vehicles; equipment storage; unauthorized entry; activities that result in soil erosion; alterations to the topography; animal grazing areas; vegetation removal; planting of non-native species; or any other activities or uses not related to conservation and passive recreation.

D. Additional remarks regarding the present condition of the property:

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

III.3. Boundary Conditions

- A. Do the boundaries on the ground clearly correlate to the legal description found in the CR document or property deed (i.e. can you follow the boundary after reading the description)? If not, how did you locate the property boundary?

The legal description of the property is Lot 25 on Land Court Plan 39970-G. Most, but not all, of the property corners shown on the plan as staked or marked were located on the property (see Section IV, Photographs). Other property boundaries were approximately located using a combination of the markers/stakes, topography and wetland delineation maps, assessor maps, pacing-off from known points, and compass.

- B. (If CR): Are portions of the property which are excluded from the Restriction marked or otherwise evident on the ground?

Not applicable.

- C. Describe the condition of the boundary markings at all other points (i.e. stone wall, flagged, signed, unmarked):

See A. above.

- D. Describe the use of abutting properties, focusing on uses close to the boundary line:

With the exception of the Maushope housing complex and the condominiums along portions of the southern boundary of the property, the abutting properties are vegetated and wooded vacant, open space or conservation land.

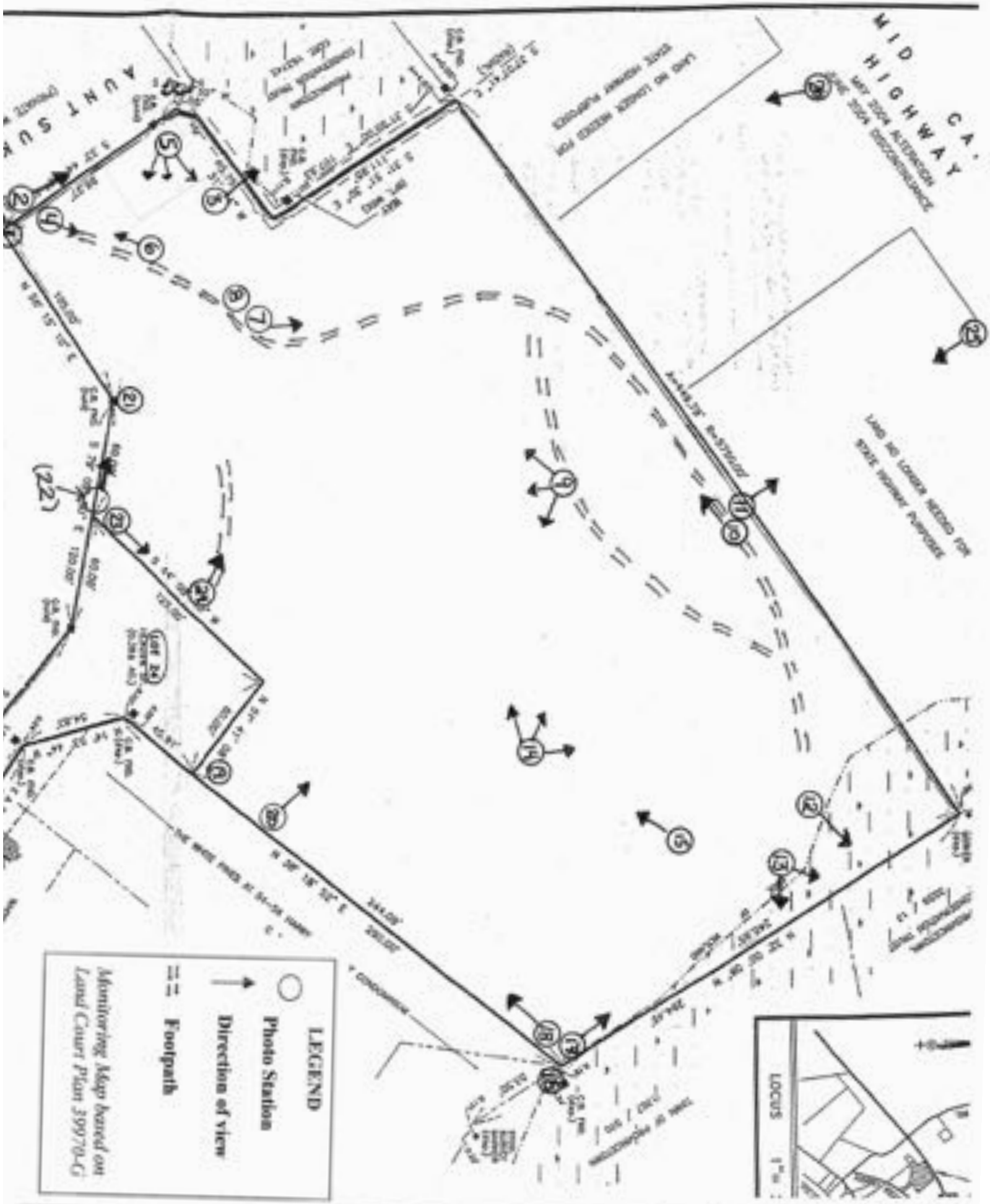
- E. Any other comments on boundaries?

There appears to be some “spillover” of backyard use onto the property from Maushope (see Section IV, Photographs).

Section IV:
Photographs

IV.1. Photo location map

*The **photo location map** shows the location from which documentary photographs were taken.*



LEGEND

○ Photo Station

→ Direction of view

--- Footpath

Monitoring Map based on Land Court Plan 39970-G

LOCUS

1" = 100'

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

IV.2. List of documentary photographs

Photographer(s): Paula S. Pariseau

All photographs were taken on May 1, 2011

Date	Photo #	Location description (where the photographer was standing)	Cardinal direction	Description of photo subject
	1	Aunt Sukey's Way		Flagged boundary marker & SW area of property; Pole #129/4 is circled in red
	2	Aunt Sukey's Way	NW	Roadscape of property boundary along Aunt Sukey's Way
	3	Near boundary with PCT property	NW	View from property of vernal pool on PCT's adjoining property
	4	Near Aunt Sukey's Way	NE	Trail entrance, unauthorized platform in tree
	5	Aunt Sukey's Way	NE to SE	Western area of property bordered by road and PCT property
	6	On trail in southeastern area of property	SW	Section of trail
	7	On trail near dumping	N	Section of trail
	8	On trail		Unauthorized dumping
	9	On trail	SE to SW	Interior of property showing pines in foreground and mixed oak and other deciduous vegetation in background
	10	On trail	SW	Northern boundary of property
	11	Northern boundary	NW	Looking down across Town/State properties to Route 6
	12	Top of ridge at edge of upland near eastern boundary	NE	Long view looking down at Jimmy's Pond
	13	Top of ridge near eastern boundary	NE to E	Looking downslope at wetland vegetation just below the ridge, with Jimmy's Pond in background
	14	Southern edge of dune	N to W	Panoramic view of dune
	15	Eastern edge of dune	SW	Dune area, with groundcover of bearberry, scrub oak in foreground, scrub pines at edge of dune, and view of Pilgrim Monument in background
	16	SE corner		FELCO stake (disp.)
	17	FELCO stake	NW	Along top of ridge
	18	FELCO stake	SW	Southern boundary along eastern portion of property
	19	Corner abutting Lot 24		Stake in the sand (almost flush with ground)
	20	Southern boundary along eastern portion of property	NW	Looking downslope
	21	Corner abutting Maushope		Cement boundary marker

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

Date	Photo #	Location description (where the photographer was standing)	Cardinal direction	Description of photo subject
	22	(approx) at corner 60' SE of #20	NW	“Spillover” use from Maushope housing complex. Dashed line shows approximate boundary line between the properties.
	23	(approx) at corner 60' SE of #20	NE	Southern boundary abutting Lot 24. Dashed line shows location of path (see #24)
	24	Southern boundary abutting Lot 24	N/NW	Footpath from Maushope property
	25	Route 6	SE	Greenway--looking up from road, across Town/State properties, to Hawthorne property at top of ridge
	26	Route 6	S	Greenway--looking up from road, across Town/State properties, to Hawthorne property at top of ridge, with Pilgrim Monument in background

IV.3. Documentary Photographs

Hawthorne Wildlife Sanctuary Land Management Plan
IV.3 Documentary Photographs



Photo #1



Photo #2



Photo #3



Photo #4



Photo #5

Hawthorne Wildlife Sanctuary Land Management Plan
IV.3 Documentary Photographs



Photo #6



Photo #7



Photo #8



Photo #9



Photo #10

Hawthorne Wildlife Sanctuary Land Management Plan
IV.3 Documentary Photographs



Photo #11



Photo #12



Photo #13



Photo #14

**Hawthorne Wildlife Sanctuary Land Management Plan
IV.3 Documentary Photographs**



Photo #15



Photo #16



Photo #17



Photo #18



Photo #19



Photo #20

Hawthorne Wildlife Sanctuary Land Management Plan
IV.3 Documentary Photographs



Photo #21



Photo #22



Photo #23



Photo #24



Photo #25



Photo #26

Section V:
Amendments

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

V. 1. How to amend this document

This property is permanently protected as open space for conservation and passive recreational use only. Forever is a long time, and it is difficult to anticipate all potential changes to the property that may occur, due to natural events, that may make it more or less appropriate for specific activities or uses. It is also difficult to know in the present the specific passive recreational uses future visitors to the site may want. For these reasons, it may become necessary in the future for portions of the Land Management Plan to be revised.

The following sections of this document may be changed:

I.4. Contact information

I.5. Land Management Plan sections:

Permitted uses/activities

Prohibited uses/activities

Structures

Stewardship plans

Active management plans

Any changes to these sections must still adhere to the LAND grant program regulations, Project Agreement, Article 97 requirements, and any other pertinent regulations. All changes must adhere to the terms of the Conservation Restriction, if applicable.

Procedure for amending this document:

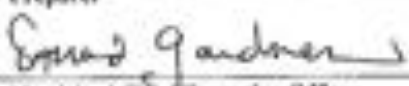
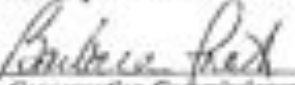
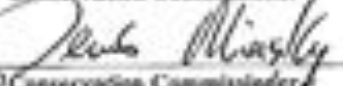
The Provincetown Conservation Commission should review this management plan each year. In advance of an annual public meeting on this plan, the Commission should confer with other town departments to determine their concerns. The Commission should also solicit input from the Provincetown Conservation Trust, to ensure that any proposed changes comply with the terms of the conservation restriction held by the Trust. The Commission should update the plan as necessary. The Commission should report to the Selectmen any problems in compliance with the management plan. New or modified components to the management plan can be adopted by the Commission at any time after a publicly-advertised public meeting.

Section VI:
Signatures

Hawthorne Wildlife Sanctuary Land Management Plan- 2011

I certify that the above Baseline Documentation Report and Land Management Plan is accurate and complete.

I understand that this property is permanently protected open space under Article 97 of the Massachusetts Constitution, for conservation and passive recreation uses, under the care and control of the Conservation Commission. I understand that the property may not be sold, subdivided, altered, or used for any other purposes, except by all of the following: approval of the Conservation Commission; approval of the municipality by town meeting/city council vote; vote of approval by both houses of the Massachusetts State Legislature; approval by the Governor of Massachusetts; mitigation by replacement with an unprotected property of equal or greater size, value at the time of disposition, ecological value, and passive recreational value, subject to approval by the Secretary of Energy and Environmental Affairs. Any change in use must also adhere to all relevant environmental laws and regulations, including but not limited to the Massachusetts Environmental Protection Act and Endangered Species Protection Act, the Wetlands Protection Act, the Rivers Protection Act, and Global Warming Solutions Act.

Preparer	Print name
 Municipal Chief Executive Officer	DAVID GARDNER Print name
 Conservation Commissioner	BARBARA PRATO Print name
 Conservation Commissioner	HENRY JANUSZKY Print name
 Conservation Commissioner	David Hale Print name
 Conservation Commissioner	Dennis Minsky Print name
 Conservation Commissioner	LYNNE MARTIN Print name
Princeton Conservation Trust	Print name
	Print name
	Print name

Date



Provincetown Harbor Plan

Update

2012

Provincetown Harbor Committee

Gerard Inner, Chairman

Susan Avellar

Roger Chauvette

Mel Cote

Philip Scholl

Christopher Brooke

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Introduction

"Provincetown Harbor is an attractive focus of activity for the entire community that surrounds it. The Harbor area is a complex place that requires public attention to ensure appropriate use and a clean environment. The Provincetown Harbor Plan establishes practical steps to meet these goals. This Plan values the present character and activities within the Harbor area. Rather than seeking dramatic changes, the objective of the Plan is to enhance the Harbor through better management and by accomplishing a list of coordinated improvements. The Plan envisions a future Provincetown Harbor with substantially greater access and a more pleasant character along the waterfront for all of its users."

The introduction to the Provincetown Harbor Plan quoted above speaks to its use as a planning tool to consolidate the variety of interests and needs of private property owners, public recreational and commercial uses with regulatory and planning agencies and is as valid today as when the original Harbor Planning Committee completed it in November of 1958. Its effect as a planning tool should not be underestimated. The Plan allows the Town access to grant funds for improvements and protection of the harbor, provides guidance to the Massachusetts Department of Environmental Protection with respect to Chapter 91 licensing of waterfront properties and coordinates multiple committees and departments to the recommendations of the Plan.

The Provincetown Harbor Plan is comprised of a series of both general and specific planning recommendations. The recommendations reflect the strengths of the planning alternatives studied and respond to current conditions at Provincetown Harbor as well as the directions of the town's citizens as expressed in public meetings and through the Harbor Planning Committee. The recommendations address issues of Land Use, such as use patterns, environmental impacts of various land uses, and the Harbor beaches. Under a general heading of Water Use, the recommendations discuss different kinds of fishing, boating and navigation, as well as water quality. A discussion of Public Facilities focuses on the publicly owned land and facilities, such as MacMillan Wharf. An entire section is also devoted to recommendations concerning M.G.L. Chapter 91 and its regulations.

The original Plan was approved on May 4, 1999 and had a five-year effective period before a required amendment process. Prior to expiration of the Plan in 2004, the Harbor Committee requested a one-year extension to continue their work on amendments. While thorough, the original Plan was difficult for laymen to use and had a number of contentious issues, primarily around Chapter 91.

Throughout the two year review process, the Harbor Committee has endeavored to find consensus with the affected parties and to create a workbook or manual that could be used by our citizens, Town volunteers and Provincetown Administrators as a guide to the resource protections, planning and development embodied in Provincetown Harbor Plan.

Sections I-IV of the original Harbor Plan were illustrative of the process used to create Section

V- *Planning Recommendations* and have been removed from this package. The original Plan will still be available to people interested in the process, planning maps and the background

information it contained. The original Plan and amended Plan are available at the Town Clerks office, the Harbormasters Office on MacMillan Pier or on-line at www.provincetown-ma.gov

Section V of the original Plan contained the *Planning Recommendations* and that section along with the appendices is updated in this package. The appendices immediately follow the Chapter 91 section that relates to them. Also included is a matrix of progress Provincetown has made in relation to the recommendations in the Plan. The Amended Plan follows the layout of the original section V and the sections are summarized below.

Land Use

Land Use Patterns

In general, the Provincetown Harbor Plan accepts the existing land use patterns along the water's edge as appropriate for the future of the community. The Plan acknowledges that the mixture of retail, commercial, residential and civic uses that fill most of the waterfront properties should be retained as a vital and appropriate mix. The Plan seeks to protect and extend the role of water-dependent uses along the waterfront and enhance views and access to the waterfront where possible.

Because the pattern and density of development of the downtown was established prior to current zoning regulations, much of the waterfront area is legally non-conforming in terms of the dimensional and, to a lesser extent, the use requirements of the Zoning By-Law. Under Massachusetts statutes and the municipal by-law, non-conforming structures and uses can be maintained and, under certain circumstances, expanded, altered, and changed either by right or by special permit of the Board of Appeals. As a result, there is a strong interest on the part of property owners to retain the existing improvements and to modify them incrementally, often resorting to variances or special permits to allow expansion or reconfiguration of improvements. These modifications lead to a steady expansion of development towards the water's edge, building within zoning setback limits and other small but gradual changes that often are not in keeping with the spirit of the underlying zoning regulations, nor with the goals and objectives of this Plan.

To reinforce the underlying goals of the existing zoning and the conclusions of this Plan, its goals, objectives, and recommendations should be incorporated into the criteria for special permit applications and be stringently applied along the waterfront. This should improve consistency of regulatory decisions and simplify the development approval process.

The Provincetown Harbor Plan has several recommendations in regard to water-dependent uses. The first is to protect and maintain existing water-dependent uses. This objective is a primary concern in the area of the waterfront that retains the greatest concentration of water-dependent uses, in an area that has been designated as "Chapter 91 Region B" as discussed below. The second recommendation is to ensure that new non water-dependent development does not impede or interfere with the operations or viability of water-dependent uses. Likewise, this Plan seeks to balance the needs of commercial and recreational boaters with the rights of bathers and strollers to enjoy clean beaches and clean water. The third is to encourage new water-dependent facilities whenever appropriate in response to expressed need. The fourth recommendation is to

increase public access to the waterfront wherever possible. The final recommendation is to assist the maintenance and revitalization of water dependent commercial properties. This Plan supports the use of substitutions and offsets to help keep existing water dependent commercial properties in good condition and financially viable.

This Plan includes a detailed local approach to the review and licensing of properties within Chapter 91 jurisdiction. This is an important land use tool, and has been described in detail in a separate discussion below. In addition, the Plan includes detailed recommendations for direct public improvements through investments, enhancements, and expenditures through the Harbor Access Gift Fund, a dedicated fund for water access improvements that is also detailed below. The town may wish to pursue additional proactive measures regarding water-dependent uses along the waterfront.

- Keep the existing zoning but include criteria to protect and promote water-dependent uses from new development, changes of uses, or modification of uses.
- Prevent interference with existing water-dependent uses. An example of interference would be a use that diminishes public and working access to the beach. In another case, the development of certain types of non water-dependent uses, such as a new residence on an adjacent property, might create a conflict with a boat repair facility. The zoning regulations could include a provision recognizing such a potential incompatibility and prohibit a particular type of use from being established near existing water-dependent uses.
- Prevent reduction of waterfront capacity to accommodate present and future water-dependent uses. Long-term impacts of new development on water-dependent uses should be considered when reviewing permit applications.
- Increase public access whenever appropriate. The local by-laws should reflect the objectives for the waterfront articulated in this Harbor Plan.
- Explore the potential of economic development areas utilizing special tax and other advantages, in part by utilizing mechanisms and potential resources from state programs.

FEMA Velocity Zones

As noted in the existing conditions evaluation, there are numerous properties along the Provincetown waterfront that include improvements within "velocity zones" as designated by the Federal Emergency Management Administration. These improvements are at risk in the event of extreme storm conditions. This affects the ability to insure properties, including the availability and the cost of insurance.

It is recommended that the town seek funds from FEMA and/or its Massachusetts equivalent (MEMA) to undertake a study of measures to reduce storm damage risks to existing improvements in FEMA velocity zones. This study should be administered by the Harbor Committee, and should investigate the potential for:

- Providing an information program and potential loan or grant programs that would assist property owners in undertaking improvements to their sites or buildings to decrease the chance for damage.
- Providing engineered improvements such as beach extensions associated with dredging program, sacrificial dunes, or other measures to remove the velocity zone designation from affected properties.

Environmental Impacts of Land Use and Storm water Management in Provincetown Harbor

With the new sewer system now in place, a significant source of land based pollutants in the harbor has been reduced. As of the date of this Amended plan not all waterfront properties have connected to the sewer. A goal is to have all waterfront properties connected. The problem of storm water still needs to be addressed. There needs to be a scheduled ongoing program of testing and monitoring harbor water quality, using multiple indicators of the overall health of the water. Funding for these projects also needs to be on a continual basis. A 1996 application for a state grant to investigate the character and impact of storm water was turned down. Our first priority should be to re-assess and re-submit this application, as well as investigate other sources of grants and/or funding. There are 25 outfalls along the waterfront and the town, at DEP request, is committed to their elimination. Three have been completed to date. As a result of the installation of the public sewer system, Commercial Street needs to be repaved. It is suggested that it be repaved with porous paving material to allow storm water to percolate through and reduce runoff into the harbor. The town did receive a grant to install a storm drain filter system at the West Vine St. Landing, but neither the state nor the town made any provision for the funding of maintenance.

A program should be established to eliminate storm sewer out-falls from the harbor, and the planning effort should include representatives from the Harbor Committee (see below). Limiting the flow from out-fall pipes is a complex and costly issue. However, cleaning and installing a filter on the catch basin system would be a cost-effective strategy to reduce the flow of debris from out-fall pipes on the short run. However, before a catch-basin filter system can be recommended, selected, or installed, more data is required to resolve the types and the sources of pollution into the harbor. Groundwater, out-fall pipes and their receiving waters need to be tested for bacteria, nutrients, residual trace metals, and petroleum products from automobiles. Such a sampling regime would enable the town to determine the most significant source of pollution and to make the most appropriate and cost-effective pollution abatement decisions.

A significant conclusion of the Stearns and Wheeler 1997 Assessment Report is the determination that "minimal positive effects to stormwater quality can be expected from a wastewater management plan that removes subsurface disposal systems from the waterfront." The report found that wastewater and stormwater are mutually exclusive sources of pollution, and that the high concentrations of fecal coliform measured in the storm sewer system likely emanate from sources other than septic system leachate.

Stearns and Wheeler (1997) recommend sampling of storm sewer systems using the same suite of indicators as Normandeau (1988) a sampling regime referred to as 'water quality pollutant

constituent monitoring.' In addition, they recommend using inorganic leachate indicators to indicate the presence of septic tank effluent (i.e., groundwater intrusion).

Water quality constituent monitoring is only one type of water quality indicator which, in turn, is only one type of indicator of environmental health—there are many others. Other water quality indicators that should be included in a stormwater management plan include toxicity testing, non point source loadings, exceedence frequency monitoring, (which is sometimes done in Provincetown), sediment contamination, and human health criteria. Similarly, other types of environmental indicators that should be considered in the design of Provincetown's stormwater management program include physical and hydrological indicators (e.g., physical habitat monitoring), biological indicators (e.g., marine phytoplankton and macro-invertebrate monitoring), social indicators (e.g., public attitude surveys), programmatic indicators (e.g., number of best management practices in use), and site indicators (e.g., growth and development of the drainage area).

A comprehensive storm water management program should include multiple indicators, as listed above, selected on the basis that they can (1) provide a realistic assessment of the overall health of the aquatic system, (2) track general improvements or deteriorations in overall aquatic health, (3) assess and evaluate which components of the program work and which do not, and (4) assess the overall success—or failure—of management efforts. Moreover, the storm water program has to be based on what is realistically achievable for Provincetown Harbor, as well as for its underlying aquifer.

Harbor Beaches

The beach along Provincetown Harbor has a greater recreational potential than is currently being enjoyed. This Public stretch of sand, with its protected swimming and boating, along with the views to be enjoyed from its shores, offers both residents and visitors all the pleasures of the seaside along the entire length of the main street. Currently 13 of our Town Landings have new signs indicating Public Access. There are more town owned and public rights-of-ways still to be reclaimed. This is a tremendous asset. All that needs to be done to create the most unique and friendly Harbor of any Town on the Cape is to make these many public paths to the shore more inviting, more welcoming and more interesting. Access points are generally limited and ill defined, supporting facilities and amenities are lacking, and a significant amount of debris and dog feces is allowed to accumulate which detracts from its attractiveness and utility as a recreational beach.

One of the harbor issues identified during the planning process is the concern regarding beach stability and erosion patterns. These factors are relevant to the Harbor Plan and its recommendations in several ways: the siting of potential future dredge material disposal for beach nourishment, degree of threat to structures and property from coastal storm erosion, and the effect on public access.

Beach Nourishment

Studies show that the shoreline of Provincetown Harbor has been relatively stable for over 150 years. Historical shoreline changes in Provincetown Harbor are primarily the result of:

(1) The direct placement of dredged material on the beach and (2) alteration of wave induced erosion caused by the construction of seawalls along the shore and the U.S. Army Corps of Engineers breakwater off shore. Beach nourishment guidelines have been developed which include standards for judging suitability and compatibility of source material for various site-specific uses. Since beach nourishment is a highly sensitive area, the Harbor Committee recommends that all such projects be well researched and that public input be taken into consideration.

One final issue connected with the placement of fill or dredged material along the shoreline is that of ownership and control of the land thus created. The Corps of Engineers and the Commonwealth of Massachusetts hold that the placement of material in areas where there are public rights, i.e., areas below the existing or historic high tide line, in no way restricts or extinguishes those public rights. Licenses issued by the MDEP to conduct such activity contain a provision that specifically conditions approval on that basis. The Corps of Engineers expects similar assurances. In the recent maintenance dredging of Provincetown Harbor in which the dredged material was placed on the beach, waivers were obtained from affected property owners acknowledging that any extension of beach would be public and open to all on an equal basis.

General Strategy for Beach Maintenance

The following strategies are proposed as part of the Harbor Plan to address the problems of beach maintenance. In 1994, the Provincetown Marine Debris Task Force thoroughly studied the issue of marine debris in Provincetown Harbor and issued the report *Strategies to Reduce Marine Debris in Provincetown, Massachusetts*. That report contains numerous recommendations that should be implemented as part of this Harbor Plan.

The general strategy for improving the conditions of the beaches is to decrease the sources of debris and increase its removal from the beach. The major sources of debris are land-generated debris, marine debris and out-fall pipes. Land-generated debris is caused by improper disposal of garbage on the beach or by the action of the wind blowing trash onto the beach. Marine debris originating in Provincetown Harbor comes from MacMillan Pier, restaurants and bars located adjacent to the beach and the boat berthing areas; tide and current move the debris onto the beach. After heavy rain or storm a quantity of debris is carried with the flow from outfall pipes and ends up on the beach. Seaweed is another issue that needs to be addressed. It is also likely that significant debris originates outside of the harbor. Such sources should be studied as part of an ongoing maintenance program.

Removal of beach debris should be accomplished through a variety or combination of approaches such as increasing the municipal commitment of public works staff and resources, organizing citizens to take on the responsibilities on a voluntary basis, and utilizing Sheriff's Department and or AmeriCorps workers.

Decreasing Input from Sources

The major sources of land-generated debris are humans. In addition to a public awareness campaign and providing more trash barrels with automatically closing lids, the beautification of

our Town Landings and the availability of various amenities will do a great deal to encourage people to pick up after themselves.

Large accumulations of seaweed left to decompose on the beach can be unattractive, have an unpleasant smell, and otherwise limit recreational uses. On the other hand, some people find none of the above to be the case and seaweed does play a role in beach and dune stabilization. Most beach maintenance programs do, however, include periodic removal of seaweed from the beach. This committee strongly suggests the DPW acquire and use a beach cleaning machine. Public education directed at visitors to, and users of the harbor and beachfront areas is a key element in making these strategies work.

Summary of Land Use Actions

- Incorporate Harbor Plan recommendations into all applicable special permits, variances, and similar town permits and licenses, to encourage the protection of water dependent uses and the goals stated in this Plan, consistent with the Chapter 91 guidelines.
- Provide for representation of the Harbor Committee and other relevant harbor interests in the sewer out fall removal program.
- Provide for continuation and improvement of the water quality monitoring program.
- Enhance the removal of beach debris by providing additional assignment of maintenance responsibility and funding to the DPW and additional trash receptacles.
- Dog poop post and bags must be provided and maintained year round.
- Enhance the removal of beach debris by increasing volunteer activities and increasing public awareness.

Town Landings

The following goals form the basis for the public access and landing recommendations and actions proposed in the Provincetown Harbor Plan:

- The term "Public Access" should be understood as referring to: The free access from the street to the shoreline for pedestrians and for water-dependent vehicles where appropriate. Public Access also refers to pedestrian passage along the length of the shoreline as it currently exists, or should exist according to Public Record. Public Access also refers to the visual access of what are called "historic view corridors".
- One of the most unique and charming assets of Provincetown is the view of the harbor that can be continually glimpsed between each building on Commercial Street. These view corridors are being compromised by individual property owners; much to the detriment of the town.
- To reclaim, maintain and protect all Town Landings and Public Access Ways as well as protect the public's foot passage and water dependent vehicle access from obstructions

and construction from Commercial Street to the shore line including pedestrian passage along the length of the shoreline to the maximum extent possible.

- To encourage the public to safely enjoy our waterfront by providing attractive and well marked "Public Access" signs. By creating and maintaining an inviting approach to our shoreline at Town Landings. By using more of the town owned areas outside of the portion for vehicular access, a series of "Pocket Parks" should be created. Amenities to be provided as appropriate should include: Bicycle Racks, Benches, Picnic Tables, Fishing Piers, Rest Rooms, and Educational Tools and Displays.
- To take legal steps to perforate the barrier between Commercial Street and the waterfront by reducing visual obstructions and to request the Historical Committee's approval for all new "landscaping", fencing, and other sight-line obstructions, thus improving and increasing access between the two. This goal reflects a concern expressed by the Provincetown Historical Commission over the loss of view corridors to the harbor.
- To increase substantially the dry sand area of the beach dedicated to public use by removing undue encroachments that exist as accessories to non water-dependent uses.
- To make the beach more attractive and suitable for all water-dependent uses.

The Harbor Plan includes a list of projects and improvements that will serve to upgrade the public access areas to the waterfront. The list of proposed improvements is included on the following pages:

Steps to improve and restore views must be made; including the immediate enforcement of building/zoning/Chapter 91 rules in the harbor area by a coordinated effort of all involved Boards and Committees or Commissions that pass on or issue permits for all waterfront construction including "repairs and replacements". As part of this process, the historic and existing town rights to waterfront access ways needs to be confirmed in some cases. There are instances where historic rights-of-way may be useful to establish potential restoration of access. In other cases, private development has intruded significantly onto the public landings. As a result, this Plan recommends that after preliminary research of Town Landings by the Harbor Committee, a lawyer and surveyor could be hired to legally re-establish true boundary lines. This could be paid for (if determined) out of the existing Harbor Access Gift Fund monies already collected. Without proof of Town ownership or rights, we stand little chance of reclaiming town owned properties.

For all Public Landings and publicly owned lands, the current signage system should be properly installed and maintained in a place that indicates public access and amenities on both the beach, as well as Commercial Street.

Trash receptacles and dog poop-bags and posts should be placed at all town landings and town-owned access points, and maintained on a year round basis. Bike racks and benches should be located wherever feasible. Paved portions of town landings should be maintained. Sand portions of public access ways should be refreshed each spring as needed.

Funding for improvements and maintenance of our Public Landings can be financed primarily through the Harbor Access Gift Fund, a dedicated fund used solely to directly benefit the

Provincetown harbor-front, as well as from other sources, such as grants, etc.

Recommendations for Public Landings and Publicly Owned Lands

Location #1 Kendall Lane

- This area serves anchorages in the harbor, and dinghy storage is required. This is the only usable Public Landing in the East End. The addition of a small area of fill to the environs of the landing to create a larger area above high tide that does not restrict the public landing, and a simple post created to facilitate tie-ups.
- A bicycle rack should be provided in this location.
- A search of Town and Registry of Deeds records should be done to establish the extent of public ownership and public rights to this land.

Location #2 Washington Avenue

- View corridor should be improved.
- The extent of public ownership and public rights to the land should be confirmed. There have been many incursions into the town landing by private development.
- Benches, dog poop bags & post, and trash receptacles should be provided.
- Simple post improvement to allow for dinghy tie-ups should be provided.

Location #3 Pearl Street (also known as Town Landing #1)

- The storm drain cover should be used as a location for a small deck with benches and other improvements such as a bicycle rack.
- Private parking and landscaping by abutters in this area should be regulated so as to not interfere with public access to the waterfront.
- Dog poop bags & post should be provided.
- Simple post improvement to allow for dinghy tie-ups should be provided.

Location #4 Johnson Street

- This location is no longer considered a viable area for a boat ramp.
- A bicycle rack should be provided in this location.
- Simple post improvement to allow for dinghy tie-ups should be provided.
- Access to beach provided for tractor and beach rake.

Location #5 Freeman Street (also known as Town Landing #2)

- Encroachment onto Public Lands here needs to be investigated. Discrepancies should be resolved in a manner that restores original Town ownership and removes all obstacles to Public Access. Adjoining properties should be in compliance with Chapter 91.
- Special paving that is attractive for pedestrians and supports heavy vehicles should be provided for the paved areas of the landing connecting to Commercial Street.
- Landscaping and benches should be provided in areas not required for vehicle access or other uses.
- Simple post improvement to allow for dinghy tie-ups should be provided.
- This area requires the attention of the Police Dept. due to numerous private vehicles parked and stored along Town owned lands as well as directly on the beach.

Location #6 Municipal Parking Lot

- Continue Public access and open space improvements should be undertaken as listed in the Provincetown Transportation Center Plan that has been adopted by the town. The improvements already undertaken are additional walkways along the entire perimeter of the pier, landscape improvements, and increased and inviting open space along the water's edge. The waterfront park will need additional lighting along the boardwalk.
- Additional expansion of the courtesy float.

Location #7 Goswold Street (also known as Town Landing #3)

- There appears to be room for many amenities at this location.
- Dog poop bags & post should be provided
- A bicycle rack should be provided in this location.
- Simple post improvement to allow for dinghy tie-ups should be provided.
- Picnic Tables and benches should be provided.

Location #8 Court Street (also known as Town Landing #4)

- The Court Street landing should continue to serve as a landing and have paved access for trucks and vehicles requiring access to boats and equipment.
- The remaining area at Court Street not required for water-dependent access should be converted to a park with landscaping, paving, benches, bike racks and other amenities.
- Simple post improvement to allow for dinghy tie-ups should be provided.

Location #9 Atlantic Avenue (also known as Town Landing #5)

- Special paving that is attractive for pedestrians and supports vehicle access should be provided for the paved areas of the landing connecting to Commercial Street.
- The legality of a large fence extending out on to the beach should be investigated.

- The legal boundaries of this Public Landing should be restored. Adjoining properties should be in compliance with Chapter 91 conditions.
- Dog poop bags & post should be provided

Location #10 Good Templar Place (also known as Town Landing #6)

- This access way is very uninviting. Paving that is attractive for pedestrians and supports vehicle access should be provided for the paved areas of the landing connecting to Commercial Street. The area for boat launching needs to be graded to correct a dangerous drop-off.
- The existence of a marine business adjoining this Town Landing should not prevent the town from improving and maintaining this Public Access.

Location #11 Franklin Street (also known as Town Landing #7)

- This area serves anchorages in the harbor, and dinghy storage is required. The Coast Guard sea-wall appears to impinge on an area that may have served as dinghy storage before the building of the Coast Guard Station. Subject to negotiation and approval by the Coast Guard, a small area of fill should be added to the environs of the landing on land controlled by the Coast Guard seaward of the existing bulkhead to create a larger area above high tide that does not restrict the public landing and a simple post improvement created to facilitate dinghy tie-up.

Location #12 West Vine Street (also known as Town Landing #8)

- This wide landing adjoins the historic Captain Jack's Wharf, the last "authentic" looking fishing wharf on Provincetown Harbor.
- Appropriate gravel that is attractive for pedestrians and supports vehicle access should be provided for the paved areas of the landing connecting to Commercial Street. Heavy rains and storm tides wash out this landing. This problem needs to be addressed.
- The storm drain needs to be maintained properly, most of the time it is buried in the sand. The two filters installed are also buried and need to be restored and cleaned on a regular schedule.
- Dog poop bags & post should be provided
- A bicycle rack should be provided in this location.

Location #13 West End Boat Ramp

- The boat ramp needs to be enlarged to accommodate two (2) boats at any given time. During times of pending bad weather, numerous boat owners are attempting to remove their vessels at the same time.

- Floats should be added to assist arriving and departing boaters. Limited expansion of the parking lot seaward including some fill and re-grading of the beach in this area should be studied, and if feasible, implemented to accommodate increased trailer parking.
- The area for parking boat trailers should be metered like the rest of the parking spaces to prevent those limited spaces from being used as long term storage.
- Unregistered and abandoned dinghies need to be removed.
- This area has a serious need for Public Rest Room facilities.
- Sidewalk improvements for the sake of safety should be considered to connect the waterfront to Commercial Street without losing any existing parking spaces.
- A bicycle rack should be provided in this location.
- A banister on one side of the stairs going to the beach is needed here to prevent potential slip & fall accidents.

This list of 13 Town Landings is not all-inclusive. Other landings apparently exist, as well as rights of way and cart roads. These original grants and their legal boundaries need to be researched and reclaimed. Some of the Provincetown East End accesses are: sand road next to 749 Commercial St., Mermaid Avenue, Dewey Ave, Winston Ave., and Cleveland St. Further research into these potential access ways and others will be necessary.

Town Landing Goals

The Harbor Committee recommends the following priorities:

1. Mitigate storm water run-off damage and pollution at all Town Landings. Work is to be done by the Provincetown D.P.W. in concert with Coastal Zone Management (C.Z.M.) grants with partial funding from the Harbor Access Fund. The D.P.W. will prioritize the work.
2. Provide for public amenities at appropriate Town Landings to include: trash barrels, dog poop bags and posts. Also, where possible to include: benches, bicycle racks, and lighting, in that order.
3. Work with Town and State to mitigate encroachment and to remove obstacles from abutting private properties.
4. The non-paved portion of access from Commercial Street of all Town Landings should get clean sand and gravel where indicated.
5. Request that owners of abutting properties remove any obstacles that limit or inhibit free Public Access to areas beyond their legal property lines.

Water Use

The future use of the harbor should be accommodated through a planned process that reduces existing or potential conflicts and protects economic, ecological, and scenic value. The Plan recognizes areas of the harbor that have different physical characteristics, attributes, and natural resources that present opportunities and constraints for uses. Among the relevant characteristics are water depth, (including tidal variation), water quality, exposure (degree of protection from severe winds and waves), benthic resources (such as crustaceans, bivalve mollusks and eelgrass), distances from shore and to navigable waters, obstructions, and holding ground. In addition, the use and character of upland adjacent to the harbor waters influence the possible and appropriate uses of the water area.

As discussed earlier in the Plan, the water area of Provincetown Harbor accommodates a number of activities and uses. These include piers and wharves, berthing and moorage space for commercial and recreational boats, navigation channels and fairways for vessels, lobstering, recreational shell fishing, shellfish aquaculture, sport fishing, swimming, jet skiing, and water skiing. Many of these uses can share the resource compatibly, but others are inherently exclusive or conflicting. Multiple use of the resource is possible because uses vary in terms of spatial and temporal requirements, that is, the degree to which they commit the resource (e.g., seasonal, temporary, intermittent, permanent).

The demand from a variety of uses and the importance of the harbor to the economy and life style of Provincetown justifies planning to manage and optimize the utility of the harbor (see Figure 8- Original Plan, Proposed Water Use Plan (2 pages). In general, there are relatively few conflicts in the use of the harbor by the existing users. These conflicts are generally already regulated, and simply require ongoing management and enforcement of the existing Harbor Regulations by the Harbor Master.

The following principles should guide the future use of the water area of the harbor:

- Mooring areas should be designated only in those areas where benthic resources will not be damaged.
- Areas requiring protection of water quality to protect plant (eelgrass) and animal (shellfish) resources should be off-limits for overnight transient anchorage and moorings.
- Anchorage areas should be designated more precisely so as to reduce conflicts with other uses in the harbor such as sailing, swimming, shellfishing and aquaculture.
- To the extent that these principles are not reflected in the Town's Harbor Regulations, appropriate amendments to those regulations should be adopted.

Benthic living resources such as eelgrass and areas of shellfish concentration should be protected through all available means. Maintaining harbor water quality is an important fundamental condition for the health of these resources. The three designated shellfishing areas, the two areas of private hard shell clam grants, and the oyster spat fall resource area should be adequately

marked and moorings and anchoring controlled in accordance with the recommendations of this Plan. Once eelgrass mapping is finalized, the extent of the resource should be assessed against the mooring plan and adjustments made as appropriate to protect the eelgrass.

It should be noted that the National Park Service has ownership and jurisdiction over land and waters immediately adjacent to the planning area. It is the recommendation of this Plan that no action be taken by the National Park Service that would reduce or alter the activities recommended by this Water Use Plan.

Commercial Fishing

The Plan reinforces the ongoing importance of commercial fishing in the economic and cultural life of Provincetown. In the short term, the finfish industry is experiencing substantial stress due to resource supplies and an emerging regulatory structure. As a result, there are shifts in the requirements for both waterside and shore-side facilities. In the longer term, requirements remain difficult to predict. As a result, the Plan recommends that commercial fishing facilities be maintained and supported when economically feasible. In support of small boat commercial fishing, the original Harbor Plan called for an off-loading dock designed and dedicated for use by small-boat fishermen. The dock has been constructed to remain in the water year-round and has electricity, water, winch, lights as well as ice (for a fee).

As part of the operation of MacMillan Pier, the Harbor Plan supports the creation of support facilities for fishermen and other visitors that would provide fresh water, restroom facilities, staging area, small lift for off-loading catch and for the exchange of equipment and supplies.

Aquaculture

Aquaculture of types that will not harm the ecology of the harbor should be one of the priority uses of the harbor, reflecting both its considerable potential and role in sustaining and revitalizing the commercial fishing industry. Aquaculture will be supported by and benefit from the improved small boat support facilities as shell fisher/farmers need access to storage floats and the ability to offload their product.

Specific recommended actions include:

- Encourage studies and programs to grow other types of shellfish such as steamers, oysters, mussels, or sea urchins, as well as one or more species of finfish if ecologically safe.
- Continue to cooperate with the Massachusetts Division of Marine Fisheries, Woods Hole Oceanographic Institute and others to investigate and solve the QPX problem. Investigate the possibility of a different species of quahog that may not be genetically susceptible to the parasite.
- Identify and mark areas of the harbor naturally suited for shellfish and reserve areas and control use of the areas for boat mooring and anchorage.

- Coordinate funding for investments made in improving waterfront facilities with the needs of the shellfishers and the shellfish aquaculture program.
- Continue to investigate the potential utility of the natural oyster spat fall area offshore of the Johnson Street parking lot. Actions should be considered that better mark the perimeter; manage/prohibit incompatible competing uses (e.g., mooring in the area), maximize yield of the area and create a program for grant holders to transplant oyster to habitat suitable for grow-out.
- Monitor water quality closely for different types of pollution such as differentiation between human and animal fecal matter and coliform bacteria, and implement programs to ensure clean harbor water.

In general, sufficient financial resources should be directed at shellfish propagation (seed and equipment) for recreational shell fishing. At the same time, the seeding program of the public shellfish areas should be continued.

Other Commercial Boating

Other commercial boating in Provincetown Harbor consists of cruise ship and passenger boat operations and the operation of excursion boats, including the whale watch fleet, party fishing and sightseeing boat operations. The economic benefit of these activities to the town is positive and substantial attention and adequate resources should be dedicated to improvements. While it is possible that small-scale freight operations could be in demand in the future, accommodation of this use does not warrant current action.

As the waterways in the harbor become more congested, the Harbormaster will need additional resources to maintain order and safety. Adequate patrol boats and properly trained personnel should be a priority as the need occurs.

Recreational Boating

Provincetown should take advantage of the opportunity to increase the attractiveness, hospitality and safety of Provincetown Harbor for recreational boaters. This effort should particularly focus on increasing amenities and services that bring economic benefits with minimal impacts. Recommendations may include replacing bottom tackle and reorganization of moorage for vessels according to draft. The Harbor Committee would hold hearings on this subject.

Other measures are generally discussed in more detail as part of the proposed improvements to public facilities and include:

- Provision of appropriately located dinghy docks, showers, laundry facilities, lockers, and other facilities available to the transient boater.
- Provision of a boat ramp available at all tides and provision for parking within a reasonable distance of the ramp.

- Improvements to West End boat ramp including the provision of floats and widening while being sensitive to the environment.
- Provision of improved dinghy tie-ups at various town landings.
- Provision of marina facilities for transient and seasonal docking of recreational boats.

The Harbor Committee believes that marina facilities for recreational boating could be best located at Fishermen's Wharf, although other locations may become available in future. In the event that a redevelopment of Fishermen's Wharf is proposed, the Harbor Committee would seek to include services for recreational boaters including retail and public entertainment areas. The recommendation to provide adequate public landing facilities could necessitate both dredging and the construction of new ramps and float structures, as well as parking facilities. Based on current economic factors of cost and probable revenues, state or federal aid would be necessary for development. Funding for recreational facilities is often available through those sources.

Town Moorings

During the development of the original Harbor Plan, a study of the mooring system indicated that the layout of moorings was generally efficient because of both location and density. However, in the past seven years, because of the proliferation of moorings and the demand for new growth, it has become apparent that a newly organized mooring system covering the entire harbor must be established.

A goal of the Harbormaster over the next few years is to establish a uniform mooring and anchorage system that can be readily inspected and managed. Care will be taken to protect such elements as the sailing areas near the West End Sailing Club, shellfish and aquaculture areas, eelgrass meadows, fairways and navigation channels, swimming and fishing areas. Enforcement must be possible to insure the maximum use of the harbor resource without damaging the scenic or ecological environment.

A number of town moorings will be set aside for emergency and storm usage. The actual details of regulations will be developed through the usual process and will appear in then current Harbor Regulations.

Navigation and Dredging

Provincetown Harbor is a natural harbor that nevertheless is subject to shifting bottom conditions in certain areas that are necessary for navigation. The maintenance of the Federal Channel is a responsibility that is managed for access by the Coast Guard. However, a regular maintenance program should be established by the town for areas outside the Federal channel. Some dredging and beach improvement has been accomplished, however, a sustained program should be maintained as part of the responsibilities of the Harbor Committee and appropriate Town officers. The Town and State Coastal Zone Management will determine priorities and where dredged material is placed.

The dredging program should provide for regular studies of bottom conditions, seek outside funding to support the program, make recommendations concerning the creation of a dedicated local fund as a match for outside funding, schedule permitting, and generally provide advice and recommendations to the Board of Selectmen on a regular basis. A County dredge is available at a reasonable cost. The Harbormaster should be responsible for all dredge permit applications and coordination of harbor operations when dredging occurs.

The Plan also reinforces the responsibility of the Harbormaster to move or remove any bottom-held boat moorings that encroach into or allow encroachment by a vessel into the harbor navigation fairways and channels and the continued monitoring of placement of these moorings by the Harbormaster. In addition, wrecks and other hazards should be marked and removed if necessary to ensure the safety of divers and transient boaters wishing to anchor.

Water Quality

Water quality is an area of significant importance with regard to Provincetown Harbor. A key concern in this regard is the proper treatment and disposal of boat sewage. Consequently, the Harbor Plan calls for the continued maintenance and enforcement of the current pump out program.

Boat sewage contains water pollutants such as fecal coliform, alcohol, formaldehyde, zinc, ammonium salts, and chlorine. Boat sewage as well as chemicals used to deodorize and disinfect the sewage degrades water quality. Resource uses most likely to be affected by sewage dumping in Provincetown Harbor are shellfishing, aquaculture, and swimming as well as aesthetics.

Article 5 of the Provincetown Harbor Regulations makes it illegal to discharge sewage, gray water or holding tank wastes into Provincetown Harbor. The practice known as "bucket dumping" is illegal. The regulation may require the use of dye tablets in vessel MSDs to ensure compliance and encourages use of the boat pump-out facilities. Cape Cod Bay has been recently declared a no discharge zone.

Provincetown Harbor's pump-out facility consists of a 300-gallon pump-out boat that serves all moored boats in the harbor. The town received a Clean Vessel Act (CVA) grant from the state to purchase the boat and to subsidize the costs of operation and maintenance. Annual O & M funds have been provided by the state and will likely continue at some level as long as CVA funds are available. There is also a land-side pumpout station at the public courtesy float that is connected to the Town sewer system.

According to the State, the number of boats pumped and the volume of effluent removed are relatively high. The Harbormaster reports that compliance with the discharge regulations is high. An education effort that includes informational brochures distributed to boaters and a sign on a buoy advertising the free pump-out service contribute to this success. However, a modern solution to human waste in the harbor from all sorts of boats must be pursued. A connection on the pier to the town sewer system has been established with a pumpout system on the courtesy float. This system is capable of serving some commercial vessels as well. An expansion of the system is needed for the larger commercial vessels operating on tight time schedules, i.e. whale watch and ferries. This would be a major step forward for the health of the harbor.

In addition to overboard discharge, another serious source of harbor pollution is street and beach runoff from the oils and fuels of motor vehicles, dog and other animal feces, and building discharges such as paints, asbestos, cleaning compounds, etc. This problem can be addressed by specially designed street runoff water discharge systems.

An improved ongoing water quality testing system, starting with baseline studies, will be necessary to improve and maintain our harbor water quality. Action to implement this project is under way.

Summary of Water Use Actions

- Maintain an active program of ecologically sound aquaculture and shell-fishing improvements.
- Improve the Town mooring and anchorage system.
- Areas requiring protection for water quality, sailing, swimming, and shellfish resource protection should be marked as off-limits for moorage or anchorage. Anchorage areas should be designated, promoted and clearly marked to reduce conflicts with other uses in the harbor. Set aside a sufficient number of town-owned moorings for emergency and storm usage.
- Mark wrecks and other hazards to ensure safety. For example, use the Harbor Access Gift Funds to purchase "headstones" for the ends of existing beach groins.
- Continue the process to develop a plan for short-term and long-term maintenance dredging and beach nourishment.
- Expanded connection to the pier to the town sewer treatment plant for public facilities and boating effluent.
- Refine the safety regulations for personal watercraft and other vessels.
- Support the water-testing program for the harbor including monitoring storm drain and street runoff.
- Encourage facilities and services to meet the needs of recreational boaters including dinghy moorings, launch services and dockside amenities.
- Improve and widen the West End Ramp. Investigate the development of a new boat launching area in the cove at the west end of Commercial Street.
- Review the Harbor Regulations yearly and update if necessary.

- Communicate to the National Park Service the recommendation that no action be taken by the National Park Service that would reduce or alter the activities recommended by this Water Use portion of the Harbor Plan.
- Maintain commercial fishing facilities as economically feasible. Provide for improvements for other commercial boating as part of the MacMillan Pier operation.
- Maintain an off-loading dock designed and dedicated for use by small-boat fishermen with appropriate facilities including off-loading parking.
- Increase the number of skiff and dingy dock floats near several public landings.
- Public must be notified (via flags, signs or some other means) if any beach is closed due to high coliform bacteria count.

Public Facilities Recommendations

The Provincetown Harbor Plan recommendations for public facilities in large part address the reconstruction of MacMillan Pier. The redevelopment of MacMillan Pier continues as needs are addressed and funding becomes available.

The areas that still need attention on the pier are:

- There must be a permanent year round adequately protected slip provided for the Harbormaster patrol craft Search and Rescue (SAR), and seasonal sheltered slip for pump out boat.
- Continue expansion of the courtesy float to allow for longer tie-up time and more vessels.
- Improvements for commercial fishing need to be carefully planned and executed considering the changes to fishing permits and quotas being adopted by National Marine Fisheries. Their needs can be expected to change over the next five years as the regulations take effect. Enhanced electrical and water service is needed on the finger piers.
- The floating docks on the east end of the pier need to be redesigned and/or protected from adverse weather.

Additional amenities for public recreation and education should be added to MacMillan Pier where they will not interfere with traditional water dependent uses. Any buildings added to the pier should be open to the public and any income generated from these buildings should be dedicated to the continued maintenance of the pier. For example, an off-loading building serving the commercial fishing fleet could also contain offices, café, artist studios, chandlery or other rental space as long the business serves a public interest. The rent from these other spaces offsets the operating costs of the building and thereby helps to ensure the continuation of the water dependent uses.

Additional amenities for public recreation and education should be added to MacMillan Pier provided that such amenities do not interfere with traditional water-dependent uses. Any buildings added to MacMillan Pier should be open to the public and any rental income derived from these buildings should be dedicated to the continued maintenance of the buildings and MacMillan Pier. For example, an off-loading building serving the commercial fishing fleet could include offices for maritime businesses or non-profits, a café for the public, ship chandlery or other uses serving a public interest. New development of trap sheds and other uses should not unduly constrain public pedestrian access.

Other Piers and Wharves of Public Accommodation

- As discussed under water use- recreational boating, as presently used, Fishermen's Wharf is the predominate recreational facility in town. In the near-term, the Plan supports the continuation of public parking at this location but with a modification to the layout that allows for a 10' wide walkway along the western side of the Wharf that may be provided outside of the existing dock by use of cantilevered or pile supported public construction (see Appendix B, "Other Physical Improvements for Pedestrian Access and/or Water-Dependent Use"). In the future, this facility should be expanded to provide additional slips and services for the recreational boater such as fuel dock, chandlery, shower, laundry and restroom facilities. The pier should also be redeveloped to include attractions for the general public such as retail space and artist galleries as well as space for public events and entertainment that would reinforce the public connection to Commonwealth Tidelands, as long as existing water-dependent uses are not disrupted.
- For all commercial water dependent properties, the Plan encourages the development of nonwater dependent uses in conjunction with the continuation and expansion of water dependent uses, to the extent currently allowed by the waterways regulations. Among the reasons for promoting such mixed use are the following: providing financial support for long-term maintenance of piers, wharves and water front open spaces with other public uses; increasing general public use of commonwealth tidelands; presenting educational or artistic performances; or supportive of emerging water dependent uses. To restate, this is not meant to be an exhaustive or exclusive list. The goal is to provide facilities of public accommodation that can provide real value and real access to the community and Commonwealth far into the future. To encourage such public uses, the Plan prohibits the inclusion of residential uses and other facilities of private tenancy in a mixed use project. A further requirement is that non water-dependent uses shall be displaced on a commercial water dependent property as a result of developing non-water dependent uses over Commonwealth tidelands.
- Other Public Facilities in Provincetown
- Other improvements to public facilities throughout the town should be considered. A small gangway and pile held float should be provided at the West End Boat Ramp or any other boat ramp under consideration.
- Should Water Taxis be considered as alternative transportation, they will need landing sites. Potential locations include; Snail Road on the east end, Ice House Condominium at

Howland Street, Freeman Street landing (Lands End Marine Hardware), Atlantic Street Town Landing (The Boatlip), West End Boat Ramp and Commercial Street Rotary (Provincetown Inn). These small floats would also serve as additional dinghy dock tie-ups. A public-private effort could be used to facilitate construction as the businesses and residents near these floats will gain from their use.

- The West End Ramp should be widened slightly with a centerline curb installed to facilitate simultaneous launch or recovery of two vessels on trailers. This is needed not only to reduce congestion during busy times but also to aid in removal of vessels when severe weather threatens.
- This Plan encourages the use of innovative technologies for clean energy.

Regulatory Framework for Waterways Licensing

Background

Massachusetts's principal tool for protection and promotion of water-dependent uses of its tideland and other waterways is M.G.L. Chapter 91 (Public Waterways Act, 1866). Chapter 91 and the Waterways Regulations (310 CMR 9.00) are administered by the Waterways Regulation Program of the Massachusetts Department of Environmental Protection (DEP).

The Chapter 91 statute was amended in 1984 with new substantive and procedural requirements to ensure that tidelands—both presently flowed and previously filled—are utilized only for water-dependent uses or otherwise serve a proper public purpose that provides greater public benefit than detriment to the rights of the public in tidelands. Projects involving non-water-dependent use also are required by the statute to be consistent with CZM Policies.

Major revisions of the waterways regulations followed in October 1990. Key provisions of the new regulations are designed to promote water-dependent use of the shoreline; preserve and promote public access; and encourage local involvement in Chapter 91 licensing decisions through municipal harbor plans, which provide harbor-specific guidance to the regulatory decisions of DEP under Chapter 91. A companion set of regulations (301 CMR 23.00) governing the development and approval of municipal harbor plans was also adopted that same year.

The Chapter 91 regulations stipulate that where a State-approved harbor plan exists, projects requiring a DEP license or permit and subject to the current regulations must conform to the plan (310 CMR 9.34(2)). The Municipal Harbor Plan is used by DEP for guidance which amplifies upon discretionary requirements of the waterways regulations. The regulations also provide that the municipal harbor plan may contain substitute standards for certain use limitations or numerical standards specified in the waterways regulations for non-water dependent uses. The alternatives established by the plan must achieve the objectives of Chapter 91 and the waterways regulations as effectively as the standards they replace.

There are two different Chapter 91 licensing scenarios in Massachusetts under the waterways regulations of 1990 (as further amended in 1996). There is licensing of certain existing structures and uses under the amnesty provisions (310 CMR 9.28), which apply standards from the

regulations in effect prior to 1990. All other projects are governed by a new set of requirements that are more explicit and extensive than the previous version (although based on the same general objectives and regulatory principles).

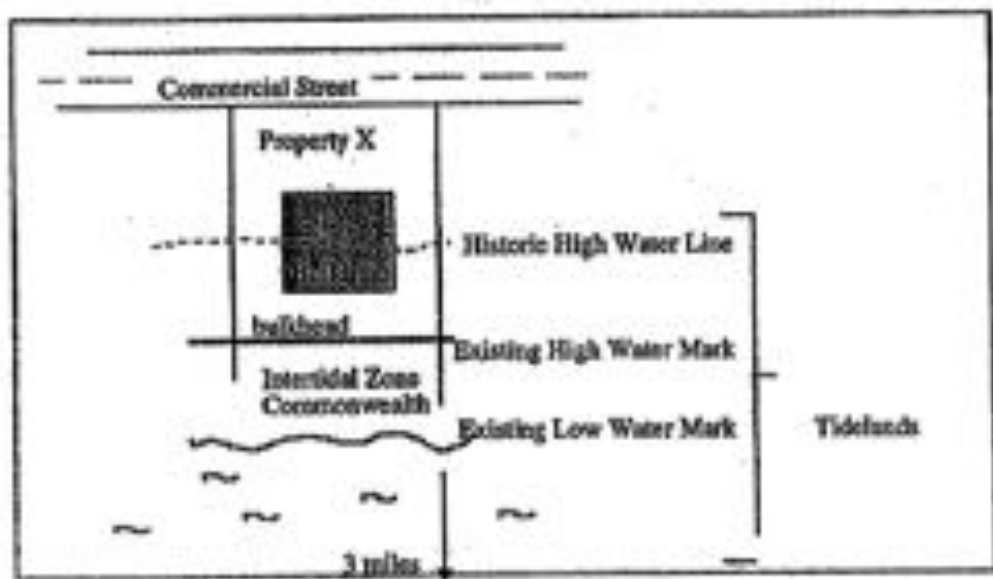
Regardless of whether DEP applies the new licensing requirements or the previous standards, the Chapter 91 licensing process on Massachusetts tidelands can be summarized in three steps. First, DEP determines on a case-by-case basis which properties need a license and whether they qualify for amnesty (assuming the property owner applied for amnesty). Second, DEP reviews the license application and considers community recommendations obtained during the public comment period, in order to determine whether all applicable requirements and standards have been met and the license should be granted. Third, DEP normally issues the license with a series of conditions, which usually require on-site public improvements to compensate the public for the private use of Commonwealth tidelands. The license also specifies a period of time during which the property owner must complete the project and meet the conditions stipulated in the license.

Properties Within (Presumptive) Chapter 91 Jurisdiction

Chapter 91 applies in tidelands, great ponds, and along certain rivers and streams. Tidelands refer to all land presently or formerly beneath the waters of the ocean, including lands that are always submerged as well as those in the intertidal area, i.e., between the mean high and low water marks. These areas are governed by a concept in property law known as the public trust doctrine, which establishes that all rights in tidelands and the water are held by the state "in trust" for the benefit of the public.

There are two types of tidelands: (1) Commonwealth tidelands which are, for most of the Massachusetts coastline, all lands below the historic low water mark extending out three miles to the limit of state jurisdiction. This area is owned by the Commonwealth or held by private persons in accordance with the trust for the benefit of the public. (2) Private tidelands are those areas between historic high and historic low water, which are usually privately owned but on which the Commonwealth reserves and protects public rights of fishing, fowling and navigation (and the natural derivatives thereof). The historic high water marks are the farthest landward tide lines which existed "prior to human alteration" by filling, dredging, impoundment or other means (310 CMR 9.02) (see Figure V-1). Thus, Chapter 91 applies to filled as well as flowed tidelands, so that any filled areas, moving inland to the point of the historic high tide line, are subject to jurisdiction.

Figure V-1. Example of property schematic illustrating location of Commonwealth tidelands on Province Lands.



In Provincetown, the distinction between private and Commonwealth tidelands is somewhat different than in other communities. The area of Provincetown east of Howland Street was formerly part of Truro. As in other coastal towns in Massachusetts, the colonial government of Truro granted owners of upland property ownership rights to the intertidal area adjacent to their property area (the private tidelands), subject to easements guaranteeing the public rights of fishing, fowling and navigation. The area to the west of Howland Street was known as the Province Lands. The Provincetown charter of 1727 did not provide the new town with authority to grant land to its settlers. St. 1893, s. 470 (presently found in M.G.L. c. 91, s.25) divided the Province Lands into two parts. The "town" is the coast west of Howland Street and the "wild lands" is the area to the northeast of Howland Street. On the "town" side of the former Province Lands, private ownership of property is limited to the area landward of the historic mean high water mark. So, west of Howland Street, land seaward of the historic mean high water mark is Commonwealth tidelands.

If a property owner's parcel of land occupies all or a portion of Commonwealth tidelands, then the owner is, in fact, occupying land in which the public has rights to use for "fishing, fowling, navigation...and all other lawful activities, including swimming, strolling, and other recreational activities". §9.35(3)(b). In particular, if this land is used for any buildings, decks, piers, bulkheads, yards, or any other type of enclosed areas that are off-limits to the public, then the property owner is effectively privatizing trust lands that would otherwise be available for public use and enjoyment.

Chapter 91 authorization is generally required for any fill, structure or use not previously authorized in areas identified above, including any changes of use and structural alterations. Types of structures include: piers, wharves, floats, retaining walls, revetments, pilings, bridges, dams, and waterfront buildings (if on filled lands or over the water). In Provincetown, there are a number of properties where structures and uses occupy filled Commonwealth tidelands without

complete and proper authorization. Moreover, most of these properties are being used for non-water dependent purposes. Owners of such properties are required by Massachusetts's law to obtain licenses to ensure that their non-water dependent structures and uses of Commonwealth tidelands meet the requirements of Chapter 91.

To inform both the planning and regulatory processes, the location of the historic high water mark as of 1848, (revised 1857) has been delineated on a map prepared under contract to the Department of Environmental Protection (see footnote ¹). The map was presented at a public information meeting in Provincetown on September 4, 1996. Six aerial photos are available electronically at www.provincetown-ma.gov (click on Harbor & Beaches, then click on Historic Mean High Water. Click on each photo to enlarge. DEP has adopted the 1848 line, (revised 1857) as the presumptive line of jurisdiction in its determinations of which structures and uses along the shoreline of Provincetown Harbor require Chapter 91 licensing. Using this map resource, the Plan identifies the existing structures and uses that appear to be located on filled Commonwealth tidelands and other tidelands lying seaward of the historic high water mark. (See Appendix A). It should be noted, however, that the 1848 line, (revised 1857) is not necessarily dispositive of jurisdiction on a site-specific basis, because the DEP presumption can be overcome upon presentation of evidence that a different historic high water mark should be established in accordance with the applicable definition provided in 310 CMR 9.02.

Adjustments have occurred on a few individual properties where the qualifying high water mark mapped in 1939 extended jurisdiction farther in the landward direction than did the 1848 line, (revised 1857). Thus, consultation with the waterways program is advised for purposes of accurately delineating the extent of tidelands jurisdiction in a license application.

The revised Plan, it should be noted, includes a recommendation that Appendix A be reviewed and updated accordingly in concert with issuance of individual licenses, due to inaccuracies and omissions that need correcting in the original Plan. When complete Appendix A will contain a complete listing of all properties on the Provincetown waterfront with listings for size and type of buildings, square footage of property on Commonwealth tidelands and formulas used to calculate payments. Until the listing can be completed with up-to-date license specifications, the original Appendix A should be considered an approximation of conditions existing on the properties.

Licensing of Amnesty Projects Under Pre-1990 Waterway Standards

With the intent of bringing properties on tidelands into compliance with Chapter 91, the 1990 revisions of the waterways regulations included an amnesty provision (310 CMR 9.28) applicable to unlicensed structures or fill in existence and in use since January 1, 1984 (and without any unauthorized substantial structural alteration or change in use since that date). Amnesty license applications are subject to substantive requirements that were in effect prior to October 4, 1990 (the effective date of the 1990 revisions), which included less specific standards, lesser fees, and (for water-dependent projects) longer license terms than those now in effect. The period during which an amnesty license application could be submitted to DEP expired

¹ "Map of Present and Historic Mean High Water Lines, Provincetown Harbor" and accompanying report prepared under contract to DEP by Schofield Brothers of New England, Inc. (April 12, 1996).

October 4, 1996.

There is a significant amount of existing nonwater-dependent development along Provincetown Harbor that requires Chapter 91 licensing. It is expected that much of this licensing will be done under the amnesty provisions of the waterways regulations. Prior to the close of the amnesty period, DEP had received 196 amnesty applications, 87 of which were for properties between the Provincetown Inn and Howland Street (the zone of Commonwealth tidelands).

In order to achieve fully the goals of the Provincetown Harbor Plan regarding public use of Commonwealth tidelands, this Plan strongly encourages DEP to notify all property owners who appear to have unauthorized structures or uses on tidelands, but have not filed amnesty applications. The number of such property owners appears to be approximately 82, and the parcels in question are identified (preliminarily) in Appendix A. It should be noted that on several of these parcels the primary structures lie landward of the historic high water mark, and the filled tidelands thus are devoted to exterior uses only (e.g., private recreational activities accessory to a residential dwelling). Since many of these exterior accessory uses take place on the beach itself, it is particularly important for DEP to license such uses to ensure conformance with the public benefit recommendations of the Plan.

The Plan also calls on DEP to give priority attention to compliance and enforcement matters, in close cooperation with the Harbor Committee and other relevant town officials (harbormaster, building inspector, conservation agent, etc.). In particular, arrangements should be made (including appropriate training) to enable town personnel to effectively carry-out a monitoring and reporting function. The ongoing participation of these officials will help to ensure full compliance with applicable conditions of existing licenses and to identify new changes of use and structural alterations (including minor project modifications) that should be brought to the attention of DEP.

Applications for amnesty licenses are reviewed for compliance with the waterways standards in effect prior to 1990, which included (among other things) a basic requirement that a project... "does not interfere with or abridge any rights of the public...or the Commonwealth in tidelands [and] has public benefit which outweighs public detriment if the project is located on or over the Commonwealth tidelands." (§9.07(2)) footnote ². The special emphasis on protecting the public interest in Commonwealth tidelands was further articulated in the following provision of the regulations (310 CMR 9.22(4) dated 12/31/86):

"The Department shall protect the Commonwealth tidelands, and any project that is harmful to the public ownership of the Commonwealth tidelands or that would significantly impair the value of those tidelands to the public shall not be allowed."

In applying this standard, the regulations stipulated that the Department should consider such factors as "the extent to which the project blocks the public view of the coast and the oceans...[and] the degree to which it affects public access to the water from the shore or from the water to the shore" (§9.22(5)). Also worthy of note is the related provision stating that "the

² The citations in this section refer to provisions of the Waterways Regulations in effect between September 15, 1978 and October 3, 1990.

Department shall not license any project in or over Commonwealth tidelands if it would have a significant adverse effect on a public recreational facility" (§9.22(6)).

A review of license decisions for non-water dependent projects in Provincetown issued by DEP between 1984 and 1990 revealed that the agency interpreted these provisions in a consistent manner, and in accordance with the basic goals expressed by the legislature in the 1984 amendments to the statute. In these licensing decisions in Provincetown, as elsewhere, DEP sought continuous public access along the shoreline, physical access improvements, inclusion of some water-based amenity, and a financial contribution if it was not possible to adequately fulfill Chapter 91 goals through on-site improvements. So, DEP's decisions on non-water dependent use applications prior to 1990 were, in practice, quite similar to the review DEP now conducts on these uses under the current regulations.

Licensing of Non-Amnesty Projects Under Standards of the 1990 (Current) Waterways Regulations

Projects subject to the 1990 standards include (1) projects involving structural alteration or change of use and (2) existing development that does not qualify for amnesty either because (a) there have been substantial unauthorized changes in use or structural alterations on the site since 1984 or (b) the applicant did not file an application during the amnesty period, which closed October 4, 1996. In some cases, projects falling into the latter category may be eligible for a variance from certain dimensional restrictions and other standards that are intended primarily to govern new development. Such authorization is granted only in rare and unusual circumstances and in strict accordance with several criteria as set forth in the waterways regulations at 310 CMR 9.21. Among other things, this variance provision requires the project to include "mitigation measures to minimize interference with the public interests in waterways and...measures designed to compensate the public for any remaining detriment to such interests..."

The waterways regulations contain several core provisions that are essential to the control of non-water dependent uses of Commonwealth tidelands in Provincetown Harbor. These are:

The project shall preserve any rights held by the Commonwealth in trust for the public to use tidelands...for lawful purposes...[Specifically], the project shall not significantly interfere with public rights of navigation...public rights of free passage over and through the water...public rights associated with a common landing, public easement, or other historic legal form of public access from the land to the water that may exist on or adjacent to the project site...public rights of fishing and fowling which exist in tidelands, and the natural derivatives thereof...[and on Commonwealth tidelands] all other lawful activities including swimming, strolling, and other recreational activities... (§9.35)

A non-water dependent use project that includes fill or structures on any tidelands shall not unreasonably diminish the capacity of such lands to accommodate water-dependent use. (§9.51)

A non-water dependent use project that includes fill or structures on any tidelands shall devote a reasonable portion of such lands to water-dependent use including public access

in the exercise of public rights in such lands. (§9.52)

A non-water dependent use project that includes fill or structures on Commonwealth tidelands... must promote public use and enjoyment of such lands to a degree that is fully commensurate with the proprietary rights of the Commonwealth therein, and which ensures that private advantages of use are not primary, but merely incidental to the achievement of public purposes. (§9.53).

All non-water dependent use projects consisting of infrastructure facilities on tidelands...shall take reasonable measures to provide open spaces for active or passive recreation at or near the water's edge, wherever appropriate. (§9.55)

Associated with each of these core provisions are a number of discretionary requirements, several of which are of primary relevance to Provincetown and are thus amplified upon by the recommendations of this plan. The specific discretionary requirements on which the Plan provides guidance for DEP application are listed below:

§9.35(2)(c) Access to Town Landings. "The project shall not significantly interfere with public rights associated with a common landing, public easement, or other historic legal form of public access from the land to the water that may exist on or adjacent to the project site."

§9.35(5) Management of Areas Accessible to the Public.

(b) "Any project required to provide public access facilities...shall encourage public patronage of such facilities by placing and maintaining adequate signage at all entryways and at other appropriate locations on the project site..."

(c) "No gates, fences, or other structures may be placed on any areas open to public access in a manner that would impede or discourage the free flow of pedestrian movement..."

§9.52(1)(a) Utilization of Shoreline for Water-Dependent Purposes. "In the event that the project site includes a water-dependent use zone, the project shall include...facilities that generate water-dependent activity..."

§9.52(1)(b) Utilization of Shoreline for Water-Dependent Purposes.

(1) "In the event that the project site includes a water-dependent use zone, the project shall include...walkways and related facilities along the entire length of the water-dependent use zone..."

(2) "In the event that the project site includes a water-dependent use zone, the project shall include...appropriate connecting walkways that allow pedestrians to approach the shoreline walkways from public ways or other public access facilities to which any

tidelands on the project site are adjacent.

§9.53(2) Activation of Commonwealth Tidelands for Public Use.

(a) "...[the project shall include] at least one facility [that] promotes water-based public activity...

(b) "...the project shall include exterior open spaces for active or passive public recreation...[which] shall be located at or near the water to the maximum reasonable extent [and shall include] related pedestrian amenities such as lighting and seating facilities, restrooms and trash receptacles..."

(d) "...the project shall include a management plan for all on-site facilities offering water-related benefits to the public..."

(e) "...in the event that water-related public benefits which can reasonably be provided onsite are not appropriate or sufficient, the Department may consider measures funded or otherwise taken by the applicant to provide such benefits elsewhere in the harbor or otherwise in the vicinity of the project site."

§9.55 Standards for Non-Water Dependent Infrastructure Facilities.

(1) "[Infrastructure facilities] shall include mitigation and/or compensation measures as deemed appropriate by the Department to ensure that all feasible measures are taken to avoid or minimize detriments to the water-related interests of the public."

(2) "[Infrastructure facilities] shall take reasonable measures to provide open spaces for active or passive recreation at or near the water's edge, wherever appropriate."

It should be noted that the Harbor Planning Committee has determined, with two relatively minor exceptions, that there is no need to recommend substitutions for the standards of the waterways regulations. A parcel-by-parcel assessment, based on extensive field work to evaluate existing conditions, indicates that in almost all cases the provisions of the Harbor Plan will not be less restrictive than the corresponding provisions of the waterways regulations. The Plan recognizes that there may be isolated cases where compliance with the applicable use limitations (e.g., ground floor facility of public accommodation requirement) of the 1990 regulations would create a substantial hardship for the continuation of a use or structure existing as of January 1, 1984. In such situations, the variance procedure set forth at 310 CMR §9.21 is considered by this plan to be an adequate forum to address the hardship issue.

Effect of Plan on Pending and Future License Applications

The following sections and the accompanying Appendices (B & C) provide specific guidance to DEP in amplification of the above referenced Chapter 91 licensing standards to achieve the goals and objectives of the Provincetown Harbor Plan. Specifically, the Plan provides guidance to DEP in applying both the pre-1990 waterway standards applicable to projects eligible for an amnesty license as well as the 1990 standards governing all other projects requiring Chapter 91 authorization from DEP. In both cases, it is the understanding of the Harbor Committee-the

municipal body with lead responsibility for plan implementation- that DEP will adhere to the greatest reasonable extent to the guidance specified in the Plan, which amplifies the discretionary requirements identified in the preceding sections. It is the further understanding of the Committee that, in accordance with 310 CMR 9.34(2), DEP will require conformance with all applicable recommendations of the approved Harbor Plan in the case of all waterways license applications submitted subsequent to May 4, 1999 (the effective date of state approval of the original harbor plan) as well as to pending applications for which the public comment period had not expired prior to that effective date.

Guidance to DEP for Chapter 91 Licensing in Provincetown Harbor

Current Objectives

A long and fruitful relationship between Provincetown's inhabitants and their harbor produced the special character of the Provincetown waterfront. Historically, Provincetown Harbor was a thriving fishing village containing numerous wharves. The natural tides were much higher than they are now, coming up to and underneath the buildings that were built on pilings. As the fishing industry dwindled, tourism took its place in the town's economy. The coast was filled with dredged sand creating artificial beaches in front of and underneath the buildings that line this harbor. Most of these buildings have since become non-water dependent.

There currently exist only a few areas devoted primarily to water-dependent use. It is important that we support the protection of these water dependent uses and promote new water dependent projects as need arises, while ensuring compatibility within their environ. This Harbor Plan honors and retains the unique historical and cultural features, which make this seaside village so attractive a tourist destination; even after time has changed the way the town uses the foreshore and the harbor. This Plan seeks to be consistent with the goals and aspirations the Provincetown community expressed in its Local Comprehensive Plan and its historic bylaws.

This revised Harbor Plan recommends how the DEP licensing program can best serve the people of Provincetown. It stands on the shoulders of previous consultations with CZM and DEP staff, and has been carefully crafted to reflect the principles and standards used consistently by DEP in licensing projects on tidelands. Its recommendations reflect the town's goals and objectives for the waterfront and comprise a comprehensive and cohesive plan for the proper and optimum use of Provincetown Harbor.

The objectives of the present Harbor Plan as it relates to Chapter 91 licensing are:

- New license Applications (including Water Dependent Use License Applicants) and amenities are to be carefully reviewed. Where there is a demonstrated need and suitable location for new license amenities, the Harbor Plan should seek to accommodate that need, where justified and provided it does not adversely impact the scenic and historic character of the shoreline and that said use will be compatible with existing uses of the impacted area. In keeping with the importance and tradition of the Provincetown Fishing Fleet, the Harbor Plan recognizes the need to preserve and protect this valuable asset that has helped to define and enrich our town for so many years. The Plan also recognizes the needs of the recreational boating community and must protect those needs while ensuring

that the harbor upon which they are used will be preserved and protected for the enjoyment and use of all. Marine related services that benefit the needs of both the Commercial and Recreational boating communities are of significant importance, thus the Harbor Plan must seek to protect and preserve these critical resources.

- Preservation and continued use of historic structures that are established features of the harbor shoreline.
- Maintenance of natural features of the shoreline such as coastal dunes, beach grass, and the natural changing contour of the beach with Conservation Commission approval.
- Enhancing public access to and along the shoreline of Provincetown Harbor by improvement of town landings and establishing perpendicular access to the beach as close as possible to the beginning and end of any section of beach that is submerged at current mean high water.
- Eliminating undue encroachments by abutters on the dry sand beach and on town landings, and minimizing visual obstructions.
- Offering property owners incentives to permit public passage to the waterfront through their property.
- Providing passage past the seaward perimeter of existing hard surface structures, when appropriate.
- Clean up of dirty, debris-ridden beaches and maintenance of high water quality, especially during the summer months.
- Encouraging the Harbor Committee to develop standards for evaluation of on-site improvements and Harbor Access Gift Fund contributions for off-site harbor improvements.

Chapter 91 General Licensing Guidelines

- In accordance with the objectives stated above, the Plan offers the following general recommendations for on-site benefits, as appropriate to the property in question (not all will apply to an individual property):
- Provide a perpendicular access-way from Commercial Street to the beach
- Provide signage on both Commercial St. and beach indicating coastal public access route
- Provide signage that indicates public use is permitted
- Improve and maintain existing access-way
- Remove "no beach access," "no trespassing" or "private property" signs

- Remove or lower fence when appropriate
- Plant beach grass and/or remove beach grass when appropriate after Conservation Commission approval.
- Survey property in disputed claims of public right of way versus private property rights
- Allow for dinghy storage along waterfront
- Increase and improve visual access when possible and appropriate
- Recognition of historically significant structures as a cultural, aesthetic contribution
- Remove septic tanks, Title V systems and leaching fields on beach
- Remove foreign material from beach such as gravel, wood and soil from owners nearby building projects
- Replace dirty sand with clean beach sand

Improvement of Town Landings:

- Make more attractive by replacing dirty sand with clean sand, paving, providing fences and landscaping with low maintenance, indigenous species.
- Clean and maintain on a regular basis.
- Provide public amenities at each landing to include benches, lights, and waste receptacles, bike racks, poop bag posts.
- Designate area for dinghy, canoe and kayak tie-ups.
- Address water runoff damage.
- Eliminate and or improve storm water drains into harbor.
- Improve upon water quality testing. Lab tests need to differentiate between human and animal fecal coliform to better address sources of pollution.
- Create better beach access route around the Municipal Parking Lot.
- Add rocks to ends of underwater groins to aid in boat navigational safety during high tides (they should not be removed as they are considered an aesthetic contribution to the harbor).

- Maintain boat ramp at West End parking lot and widen to accommodate launch and retrieval of boats side by side.

Given the distinct regions of town, the following additional recommendations should be considered for each individual license in each region. Because Provincetown's waterfront is so densely developed there is not one set of recommendations that can be applied uniformly. For this reason, the waterfront was divided into seven distinct regions for the Amended Plan.

Region A: Provincetown Inn to 111 Commercial Street

This region consists mostly of residential properties and a few Inns. This beachfront is particularly picturesque due to the close proximity of historic structures to the water and the old wharves and jetties that dot its coast. Beaches are clean and inviting for strollers and bathers although perpendicular and lateral access is difficult or impossible in some areas.

Recommendations are for property owners with wharves that jut into tidal zones at high tides to keep clear passage beneath them and for property owners who have blocked legal perpendicular access to reopen those access routes. Perpendicular access is especially needed in this area when appropriate. The West End Boat Ramp and the Franklin Street Landing are both used extensively by small boat fishermen and recreational boaters. Beach cleaning upkeep in the West End Boat Ramp area is needed. This area is also frequented by large groups of children who swim and play on these beaches. Other general improvements recommended in this region include increased visual access from Commercial Street to the beach whenever possible and appropriate.

Region B: Coast Guard Station to Flyers Boatyard

This region is devoted almost entirely to water-dependent use for boaters. As a result, the beach is inhospitable for swimming and difficult for strolling. The beach area is not clean, full of obstacles, and the water quality is poor. Recommendations for this area include cleaning of debris on the beaches, better monitoring of water quality, more dinghy tie up facilities and increased visual access from Commercial Street to the beach whenever possible and appropriate.

Region C: 135 Commercial Street to Atlantic Ave Landing

This region consists mostly of historical, residential properties bordering a small area of beachfront. It is extremely inviting for strollers and bathers, due to its picturesque nature, yet perpendicular access to and from the street is very limited. Recommendations are for property owners who have blocked legal perpendicular access to re-open access routes and general increased visual access from Commercial Street to the beach wherever possible and appropriate.

Region D: Atlantic Ave Landing to Gosnold Street Landing

This region is comprised primarily of commercial buildings; commercial inns, hotels, restaurants and retail businesses. The beachfront remains a popular stretch for swimming and strolling. Many of the large businesses decks and parking lots extend into the tidal zone. Large parking lots in this area should be asked to provide lateral access for beachgoers. The beachfront just to

the west of Gosnold Street is wide and as a result, very dirty. Regular cleaning of this area is needed. Increased visual access from Commercial Street to the beach wherever possible and appropriate.

Region E: Gosnold Street Landing to 343 Commercial Street (Lands End Marine)

This area is characterized by primarily water-dependent usage – which, combined with region B comprise Provincetown's working waterfront. As a result of its congested boating activity – the water quality in this region make it inhospitable for swimming. Its overall congestion creates a particularly debris-ridden beachfront unpleasant to stroll. As it is one of the most widely seen beachfront areas due to MacMillan Pier and Fisherman's Wharf, it is essential that this area be made a prime target of a major and ongoing clean-up effort. Due to the high congestion of boats in this area the water quality is particularly poor. Better monitoring of boat-related pollution is warranted. The Municipal Parking Lot adjoining MacMillan Pier is a particular eyesore and major obstruction to beach-goers. An effort needs to be made to create a waterside access so that one can continue to walk the beach without having to walk from the waters edge to the entrances on the two sides of the large parking lot. Beach nourishment, which has become trapped by the bulkhead of the Municipal Parking Lot, has kept an uncharacteristically large beach on both the east and west sides that are hard to traverse and especially prone to debris due to size and usage.

Region F: 345 Commercial Street to Howland Street

A mix of residential and commercial structures, many of which are historical, characterizes this region. A small, but ample and picturesque beach, this is a very popular stretch for beachgoers to enjoy due to its easy access from the street (although the area closer to Howland Street has need for more perpendicular access) and its relatively clean water and beach. The beach is wide enough to accommodate dinghies and kayaks and is a popular mooring area for smaller boats. The upper portions of the beaches, which the tides rarely clean, are in need of regular beach cleaning and designated areas for dinghy and kayak tie-up need improvement.

In order to improve perpendicular access in the easterly portion of this region (as noted above), an unusual opportunity exists to create a public walkway from Commercial Street to the beach across the property of an historic structure located at 463 Commercial Street, the seaward portion of which is located on Commonwealth tidelands within the jurisdiction of c. 91 and subject to a license issued in 1939. At that time, the structure was used for commercial purposes. For many years, the property was the site of the Flagship Restaurant, but the restaurant use was discontinued in 2005 and the licensed structure was subsequently converted to a private residence occupied by the current property owner. This conversion occurred without further c. 91 authorization, which is now required; however, the general rule under current waterways regulations [at 310 CMR 9.32(1)(a), 9.51(3)(b), 9.52(1)(a), and 9.53(2)] is that nonwater-dependent use of existing pile-supported structures is allowed only for facilities of public accommodation, such as restaurants, shops, passenger vessel operations, and other commercial establishments. New residential use is thus generally prohibited over the waters of Provincetown Harbor, unless the prohibition is waived in favor of "substitute" requirements set forth in an approved municipal harbor plan that mitigate, compensate, or otherwise offset the adverse effects on water-related public interests.

The Harbor Committee supports such a waiver in the case of 463 Commercial Street and proposes for offset purposes that the following two access-related conditions, above and beyond what would ordinarily be applied to the subject property, be stipulated in further appropriate detail in a new and/or amended c. 91 license for the existing use of the premises.

1. Public Access Easement: The licensee shall provide a perpetual easement for 24-hour public access, 3.5 feet wide and running from Commercial Street to the beach along the westerly boundary line of 463 Commercial Street as shown on plan entitled "Site Plan of Land in Provincetown Made for Peter J. Petas Showing Proposed Pedestrian Easements" dated October 22, 2010 made by Slade Associates, Inc. Within said easement area the licensee shall construct a pathway at least 3.5 feet wide running from Commercial Street to the beach, together with stairs to access the beach. Such pathway shall be constructed at the property owner's sole expense, using grades and materials sufficient to provide safe, year round, pedestrian access at all times and for all lawful purposes. The property owner and his successors and assigns shall be permanently responsible for walkway maintenance, repair and reconstruction as needed.
2. Payment to Harbor Access Gift Fund: A payment of approximately \$68,000 (to be confirmed with more exact calculation during c.91 licensing) shall be made to the Harbor Fund prior to the issuance of the new license, which payment may be made over a ten year period. This amount has been recommended by DEP based on a methodology analogous to that applicable to amnesty-eligible projects in Harbor Plan Appendix C, as modified for purposes of estimating the heightened level of compensation that would be required if the non-compliant use were to be authorized through the issuance of a waterways variance under current regulations.
3. Limitation on Residential Uses: No residential use other than a single-family residence shall be authorized in the property's new or amended license.

The planning rationale underlying the request for waiver and stipulation of offsetting measures is basically twofold: the Harbor Committee generally does not support an increase in commercial activity in this heavily residential segment of the harbor planning area, whereas it strongly supports expanded public access to the beach from the back-lying neighborhood. Each consideration is described more fully below.

First, the property is located generally within the so-called "East End" of the Provincetown waterfront -- running from Dyer Street to the Truro line and encompassing half of Region F and all of Region G -- where the prevailing land use character is almost entirely residential. According to data presented in Appendices A & B of the original Harbor Plan and associated planning reports, it appears that fewer than 10% of the approximately 142 waterfront properties in the East End are classified as commercial, and the percentage is lower still on the landward side of Commercial Street. This strong residential character is reflected in the Zoning By-Law as adopted by the Town in 1978, which included 463 Commercial Street in Residence Zone 3. Restaurant/bar use is not permitted as of right in this district and can be "grandfathered" only under narrow circumstances. Only a selected few commercial establishments can be allowed by Special Permit issued by the Zoning Board of Appeals, and only if the use was in existence as of October 1, 2006. This out-off date has eliminated the possibility of reopening a restaurant at 463

Commercial Street in the future, and in recognition of this local land use restriction the current owner has already transferred the sewer capacity assigned to the previous restaurant use to the nearby Provincetown Art Association & Museum. Thus, necessary infrastructure is no longer available for renewed commercial use of 463 Commercial Street.

Second, as indicated above, the environs of the subject property are not well served by pedestrian facilities providing public access to the waterfront. In fact, the entire East End contains only one town landing (at Kendall Lane), despite the fact that it spans nearly two miles of shoreline. Although 463 Commercial Street is located in the segment of the East End closest to the central commercial district, there is no public access to the beach within its immediate vicinity. To the west the nearest town landing is at Washington Street, at least 1000' away; and to the east the nearest (and only) town landing is at Kendall Lane, some 2000' away. Clearly, the provision of a safe public walkway to the beach, open year-round and at all times, will provide an important community benefit at this location. Amplifying the value of this benefit is the fact that the new accessway will begin near the foot of a cross-street (Bang Street) that extends inland for a considerable distance and thus provides a strong connection to the densely populated surrounding neighborhood. Finally, the Harbor Committee is mindful of the fact that there will be limited opportunities to obtain additional on-site public access benefits elsewhere in the East End, where there is very little filled tideland subject to c.91 jurisdiction.

For these reasons, the Harbor Committee supports the approval of a waiver of the regulatory prohibition on facilities of private tenancy over flowed tidelands, in order to allow authorization in a new and/or amended license of the existing residential use throughout the entire structure at 463 Commercial Street, subject to the alternative requirements stated above.

Region G: Howland Street to Truro Town Line

This region is private property to mean low water mark, subject to the public rights of fishing, fowling and navigation.

Other General Guidance to Amplify Selected Waterways Requirements

The following amplifications are applicable to all properties, including those that fall under the amnesty program.

§9.16(2)(c) Tidewater Displacement Fee. "Except as provided in 310 CMR 9.16(4), prior to issuance of a license for any fill or structure that will displace tidewaters below the high water mark, the applicant, or his/her heirs or assignees responsible for such displacement, shall, at the discretion of [DEP]...[consider] a contribution to a special fund or other program managed by a public agency or non-profit organization in order to directly provide public harbor improvements."

The Provincetown Harbor Plan requires that tidewater displacement fees levied by DEP be paid directly to the Provincetown Harbor Access Fund, as described in Appendix C of this Plan.

§9.22(1) **Maintenance and Repair of Fill and Structures.** "No application for license or license amendment shall be required for [maintenance and repair] activity. Maintenance and repair include...restoration to the original license specifications of licensed fill or structures that have been damaged by catastrophic events, provided that no change in use occurs and that...in the case of flood-related damage, the cost of such restoration does not exceed 50 percent of the cost of total replacement according to the original license specifications..."

The Provincetown Harbor Plan calls for a strict enforcement of this requirement and for close coordination between DEP and the Provincetown Building Inspector, to determine when further licensing is required for structures that have been damaged beyond the 50% replacement cost limit.

Particular Guidance for Licensing of Existing Development

For the foreseeable future it is anticipated that the bulk of MGL Chapter 91 licensing activity will entail applications to "legalize" existing development, defined as the continuation only of previously unauthorized structures and uses in place as of the effective date of the 1990 regulations, with no significant changes of use or structural alterations proposed. This includes projects that can be licensed under the amnesty program as well as projects that are not amnesty-eligible for various reasons and may require a variance from certain dimensional restrictions or other standards of the 1990 regulations. For this particular class of projects, the revised Plan carries forward both the generic and site-specific recommendations of the original (1999) Plan. Those recommendations were customized to ensure that the process of issuing after-the-fact licenses for prior, unauthorized development is not only effective in meeting state and local regulatory objectives, but is also equitable in requiring benefits from the myriad of properties involved. With the achievement of such equity having been a primary motivation of the original Plan, and with the guidance developed toward that end having been applied in a sizable number of licensing decisions over the last decade, it is vital for consistency purposes for that substantive guidance to remain essentially unchanged for the remaining projects involving existing development only.

These recommendations parallel the conventional DEP approach to licensing existing development, whether under the amnesty program or otherwise, which gives first priority to on-site public benefits and considers off-site public benefits only where on-site improvements are insufficient or not feasible. Accordingly, Appendix B of the Plan identifies both general and specific on-site benefits to be provided on individual properties presumed to lie within jurisdiction (as listed in Appendix A). Then, Appendix C presents a method for determining the extent to which compensation to the public should take the form of monetary payment to a Town fund to be used for access-related improvements elsewhere in the Harbor. This methodology is a somewhat modified version of that appearing in the 1999 Plan, reflecting DEP experience over the past decade in making adjustments to the payment formula in consultation with the Harbor Committee.

Matrix of Completed or In Progress Harbor Plan Recommendations

The following matrix summarizes key actions required to implement the Harbor Plan recommendations, identifies those with responsibility in implementing the recommendations, and identifies a time frame within which implementation should be initiated.

Categories and Recommendations	Required Actions	Responsibilities (Primary in bold)	5 th year progress report
Land Use Recommendations			
1. Incorporate Harbor Plan recommendations into special permit, variance, and similar reviews	Zoning ordinance amendment	Town Meeting; Harbor Committee to draft refined regulations; Planning Board review	Ongoing as needed with LCP and Planning Board
2. Establish a working committee to consider proactive measures for protecting and enhancing water-dependent uses	Establish committee charge and time-frame	Board of Selectman Planning Board Harbor Committee	
3. Seek funds and establish process to study measures to protect properties in the FEMA velocity zones	Seek funding sources and initiate studies	Harbor Committee Town Manager	See dredging
4. Establish a stormwater mitigation program	Direction from the Board of Selectmen	DPW Board of Selectman Harbor Committee	Conducted comprehensive WQ testing at all stormwater outfalls under assessment program; installed 4 new stormwater mitigation systems around MacMillan Pier; ongoing project with CZM assistance, including a Town wide assessment of prioritized needs and several other storm drains done to date.
5. Request county aid to supplement a harbor water quality monitoring program	No change from existing policy and practice	DPW Harbor Committee	DCD and DPW continue working toward a comprehensive water quality-

Categories and Recommendations	Required Actions	Responsibilities (Primary in bold)	5 th year progress report
6. Construction of a site specific sewer system	Financing, Engineering Construction	Town Manager DPW Water & Sewer Board Board of Selectmen	testing program. Partnered with Center for Coastal Studies. Now in third year of DEP 604b funded comprehensive water testing program.
7. Removal of beach debris: Provide additional assignment of maintenance responsibility and funding to the DPW, additional trash receptacles	Work assignments and additional funding	DPW Board of Selectmen Conservation Commission	Work done as needed. Harbor Comm. working to acquire a mechanized beach rake.
8. Removal of beach debris: Increase volunteer activities and increase awareness	Sponsor larger program	Harbor Committee	HC annually in spring partners with AmeriCorps volunteers and DPW for a town wide beach cleanup. Several problem areas have been addressed with additional AmeriCorps/DPW support (corv area, abandoned boats)
9. Removal of beach debris: Permitting and licensing criteria	Include as a condition on various permits,	Harbor Committee, Zoning Board of Appeals, Planning Board	

<i>Categories and Recommendations</i>	<i>Required Actions</i>	<i>Responsibilities (Primary in bold)</i>	<i>5th year progress report</i>
Water Use Recommendations	approvals	Conservation Commission	
1. Initiate and maintain program of aquaculture improvements	Establish priorities and implement recommendations	Shellfish Constable Board of Selectmen Harbor Committee Shellfish Committee	Upwellers for shellfish seed stock grow out have been installed on MacMillan Pier. Shellfish Constable partners with CCNS to produce GIS-based mapping of aquaculture grants.
2. Undertake new town mooring system including allocation of five spaces for emergency and storm-related use	Establish mooring technology, contract for mooring layout plan, establish fee structure and implementation timetable	Harbormaster Board of Selectmen Harbor Committee	5 moorings are reserved for Harbormaster use. Mooring field work ongoing. Harbormaster has added a mooring barge to fleet.
3. Initiate process for short-term and long-term maintenance dredging	Fund engineering studies, seek resources, implement the plan	Harbor Committee Board of Selectmen Barnstable County Dredge Committee representative State Agencies	Initial dredging for reconstructed MacMillan Pier provided for beach nourishment in FEMA velocity zone on east side of town. Ongoing maintenance dredging addressed by Marine Superintendent participation on County Board.

Categories and Recommendations	Required Actions	Responsibilities (Primary in bold)	5 th year progress report
4. Protect water quality and shellfish resource from anchorage and mooring, and mark wrecks	Mark as off-limits for moorage or anchorage areas requiring protection	Harbormaster	Updated mooring field maps completed summer 2004. Shellfish constable pursuing habitat restoration projects.
5. Reduce conflicts between anchorages and other uses in the harbor	Anchorage areas should be designated more precisely	Harbormaster	Plan moving through public process to coincide with mooring field map update above.
6. Communicate to the National Park Service the recommendation that no action be taken to reduce or alter the activities recommended by this Water Use Plan	Forward plan with letter	Board of Selectmen. Town Manager	
7. Provide for interim improvements to the dinghy dock	Provide for year-round use and expansion	Harbormaster Board of Selectmen Town Manager Harbor Committee Pier Corp.	Interim improvements were provided during pier reconstruction. Dinghy docks expansion was part of MacMillan Pier reconstruction and is available year round. Floating docks have been successfully tested at West End ramp for dinghy and launching use. Pursuing permanent gangway and pile floating dock

<i>Categories and Recommendations</i>	<i>Required Actions</i>	<i>Responsibilities (Primary in bold)</i>	<i>5th year progress report</i>
			system.
Public Facility Recommendations			
1. Undertake the engineering analysis and design of the reconstruction of MacMillan Pier	Approve funding and initiate process	Commonwealth of Massachusetts, Town Meeting	Done
2. Undertake detailed study to implement new MacMillan Pier Management entity	Establish funding, participate in the planning process	Massachusetts Development and Finance Agency, Seaport Advisory Council, Harbor Committee	Done
3. Create new MacMillan Pier Management entity	Provide for incorporation or other procedural steps, approve mechanism through Town Meeting	Town Meeting Board of Selectmen	Done
4. Fund and Construct MacMillan Pier improvements	Provide for State bond source funds, local matching funds and financing mechanisms, other sources	Commonwealth of Massachusetts; Public Pier Corporation, Town Meeting, Others	Done.

<i>Categories and Recommendations</i>	<i>Required Actions</i>	<i>Responsibilities (Primary in bold)</i>	<i>5th year progress report</i>
5. Undertake planned program of public access and water-dependent capital improvements including small boat commercial facilities and other specific recommendations of this Plan	Create implementation framework as recommended in the Harbor Plan	Harbor Committee Board of Selection Town Manager Department of Public Works	40 floating dock slips and dinghy docks created with MacMillan Pier reconstruction primarily for the use of commercial fisheries. Jib cranes and dedicated loading zones provided for fisheries. Beach access signs have been installed on Commercial St and beach to improve identification of access points. Coordinated signs layouts with Chapter 91 license and Visitor Services signs. New expanded courtesy float has self-service pumpout station connected to municipal sewer system.
6. Establish Right-of-Way Committee	Create mission statement and establish structure	Board of Selection	Harbor Committee utilizing annual grant of assistance from AmeriCorps Cape Cod volunteers
7. Establish a planning process and pursue funding for this improvement.	Establish study as task for Harbor Committee.	Harbor Committee	
Regulatory Framework for Chapter 91			

Categories and Recommendations	Required Actions	Responsibilities (Primary in bold)	5 th year progress report
1. Establish Harbor Committee and delegate Planning Board responsibility for local license review	Finalize procedural requirements	Town Meeting	Done
2. Establish memorandum of understanding for specific implementation of the Chapter 91 recommendations if required in addition to the provisions of this Plan.	Finalize specific review procedures and criteria, if required	Massachusetts Office of Coastal Zone Management, Town of Provincetown Harbor Committee	
Long Term Plans			
1. Continue planning process regarding certain long term opportunities such as major breakwater and dredging programs	Establish this as a regular agenda item of the Harbor Committee	Town Meeting Board of Selectmen Harbor Committee	

Appendix A

Insert original appendix, including any corrections supplied by the Harbor Committee

Appendix B

In licensing existing development, the primary objective of the Plan is to enhance public use and enjoyment of the shoreline of Provincetown Harbor, in one or more of the following ways:

1. provide continuous public passage along the Provincetown Harbor shoreline, to the maximum extent practicable within normally dry areas immediately landward of the high water mark;
2. create more public open space on Provincetown Harbor by eliminating undue encroachments on the dry sand beach areas by shorefront property owners, and in some cases by providing public access to the seaward perimeter of existing hard surface structures;
3. make the Provincetown shoreline more approachable for the general public by eliminating undue encroachment on town landings, and by providing more pedestrian accessways and view corridors from Commercial Street to the waterfront; and
4. provide appropriate on-site access-related or water-dependent improvements and/or contributions to the Provincetown Harbor Access Gift Fund for off-site harbor improvements.

Each of these measures is described more fully below:

Public Open Space

A fundamental goal in the licensing of existing development is to preserve and enhance the amount of public open space³ at the immediate waterfront, to the maximum reasonable extent. To achieve this goal, waterfront property owners will be required at a minimum to dedicate as public open space all unobstructed dry sand areas lying 15 feet or more from the seaward sides of all existing buildings for non-water dependent use. "Unobstructed" means not occupied at the time of original plan approval (1999) by piers, decks, bulkheads, paved surfaces, or other permanent structures. These dedicated beach areas must be kept free of debris or other objects that would significantly detract from public use and enjoyment or would present a danger to public health and safety. In addition, mounded septic systems should be allowed on the beach only as a last resort (i.e., where sewer tie-in or other waste disposal alternatives are not technically feasible), and if authorized by DEP the space occupied by such structures should not be credited as public open space.

³ For purposes of this Plan the term "public open space" generally means exterior spaces (i.e., those not within the footprint of buildings or other structures) that are dedicated to active or passive public recreation, conservation of natural resources, or public water-dependent activity, and any accessory uses thereto.

As an additional incentive to provide public open spaces of particular utility in Provincetown, any space dedicated to commercial fishermen for parking or to public accessways from the shoreline to the street will be given extra credit as a public open space benefit. Also note that additional on-site open space not identified in this plan may be required on any property as determined by DEP on a case-by-case basis, in accordance with applicable standards of the waterways regulations.

Perpendicular Accessways

Another key goal of the Plan is to make the harbor significantly more approachable from the land side. To begin with, the Plan requires that applicants for licensing whose property abuts town landings or other historic public rights of way must submit evidence (e.g., title search, survey) as part of the application to ensure that the property is not encroaching on such public accessways. In some cases, these also would be appropriate locations for providing access amenities such as benches, trash receptacles, etc.

Further, Table B-1 identifies several properties where perpendicular accessways connecting Commercial Street to the waterfront will be established for general public use⁴. Many of these accessways are located outside the central commercial area, along portions of the harbor where town landings are widely spaced or non-existent. The site-specific position and configuration of these accessways is such that public passage will not be incompatible with existing private activities occurring on the respective properties. In fact, in some cases the accessways are presently open (via limited easements or informal permission) for foot traffic by occupants of landward homes and commercial establishments, and appropriate measures (such as landscaping buffers) have already been taken to minimize intrusions on the privacy of the waterfront property owner. Although the volume of activity on these accessways may be expected to increase somewhat when opened to the public-at-large, the number of accessways is large enough that no one property seems likely to experience a disproportionately high increase in pedestrian traffic.

To further lessen the possibility of user-owner conflict, the Plan recommends that any perpendicular accessway located on a property zoned for residential use be open to the public from dawn to dusk only. Moreover, licenses issued by DEP on these properties should specifically authorize the licensee to manage public use of the accessway by adopting reasonable rules (subject to prior review and written approval by DEP) as are necessary to protect public health and safety and private property, and to discourage trespass and other unlawful activity by users of the area intended for public passage. Finally, each license should contain a statement to the effect that the exercise of free public passage within these accessways shall be considered a permitted use to which the limited liability provisions of M.G.L. C.21 Sec.17c shall apply on behalf of the property owner in question.

⁴ In order to establish meaningful connections to the harbor, these accessways must be made available to the public across the full extent of any property owned or otherwise controlled by a license applicant between Commercial Street and the waterfront. Any accessway segment not located on filled tidelands should be credited directly to the project as an open space benefit, and should be given the same weight (for purposes of computing the project's contribution to the Harbor Access Fund in accordance with Appendix C) as is given to the segment that is located on the project site as defined by DEP.

It should be noted that perpendicular accessways in addition to those identified in Table B-1 may be required on a case-by-case basis, as deemed appropriate by DEP and/or at the recommendation of the Harbor Committee.

Beachwalk

In order to establish continuous lateral passage along the Provincetown Harbor shoreline above the high water mark, the Plan establishes a designated "beachwalk" defined as the ten (10) foot wide dry sand zone running adjacent to and immediately landward of the high water mark. In many cases, this area will be entirely free of structural encroachment; but in some locations there are existing structures (piers, seawalls, bulkheads, decks, etc...) within the beachwalk that impede or prevent lateral access, forcing pedestrian passage into the intertidal zone (or blocking it entirely when the tide is in).

To enhance public use and enjoyment of the beachwalk, the Plan requires that measures be taken to ensure that people walking along the shoreline will be able to get over, under, or around any structure that extends into the beachwalk area. Specifically, the Plan requires that wherever possible pedestrians should be able to pass UNDER such structures with at least five (5) foot vertical clearance at the high water mark or AROUND the seaward edge of the structure with at least five (5) feet of unobstructed dry sand width. If neither of these criteria can be met, passage must be provided either by stairs OVER the structure or, as a last resort, by UPLAND (i.e., off-beach) ACCESSWAYS located at the shortest reasonable distance landward of the high water mark.

To ensure ongoing preservation of access within the beachwalk in erosion circumstances, licenses for both new and existing structures for non-water dependent use on the beach should include a condition that triggers a reevaluation of the situation to determine if alternative access measures are needed, should the beachwalk area migrate landward (and become obstructed as a result) subsequent to the issuance of the license.

Other Physical Improvements for Pedestrian Access and/or Water-Dependent Use

In addition to perpendicular and lateral accessways, Table B-1 identifies properties where physical improvements for public access must be provided on the project site, e.g., stairs, benches, lighting and landscaping. The Table also identifies properties where fences, snow fences, walls, defunct septic systems, and other structures affect visual or physical access to or along the waterfront and requires that such structures be modified or eliminated. In addition, the Plan identifies properties where water-dependent physical improvements should be targeted. Examples of site-specific water-dependent improvements include: construction and maintenance of public dinghy docks and dinghy tie-up posts, and the dedication of space for dinghy storage and parking for small boat fishers.

Moreover, the Plan requires development of three specific areas along the central commercial waterfront, to enhance lateral connections and further facilitate public pedestrian movement onto the beach from Commercial Street. These areas will be created by establishing interconnected walkways along the perimeter of existing hard surface structures (i.e., bulkheads, parking lots

and decks) on specific abutting properties already used as facilities of public accommodation. Foremost among these areas is one that would be created through a 10' public walkway along the western side of Fisherman's Wharf. This walkway would connect to existing walkways along the adjoining municipal parking lot leading to both MacMillan Wharf and Commercial Street. An important mini-loop connects the perimeter of the Aquarium property, US Post Office, Seaman's Bank and Old Reliable Fish House. These connecting walkways are also specified as locations for providing access amenities such as benches, trash receptacles, etc.

With respect to Fishermen's Wharf, the Plan recognizes that creation of a public walkway for enhanced pedestrian and boater access requires a reconfiguration of existing uses and must be authorized by DEP in a c. 91 license. The 1990 standards of the waterways regulations stipulate (at 310 CMR 9.51 and 9.52, respectively) that perimeter walkways be sized at a minimum width of 10' and that the amount of open space for public pedestrian use be at least equal to the area devoted to public parking on sites containing Commonwealth tidelands. Application of these 1990 waterways standards to Fishermen's Wharf would permit only 113 parking spaces on this centrally-located tourism infrastructure facility, representing a substantial loss of vehicular capacity as compared to that proposed in the Plan. In the Town's judgment, the further reduction in parking that would be required for compliance with these regulations does not satisfy the Town's goals for this section of the Harbor. On the basis of such planning considerations, it is appropriate to give somewhat greater emphasis to public parking when determining the balance between pedestrian and vehicular activity on Fishermen's Wharf.

For the foregoing reasons, the Plan proposes a waiver of the applicable 1990 standards in favor of an alternative requirement, stipulating that only a 10' wide walkway on the western side of Fishermen's Wharf be provided as a condition of obtaining a waterways license. Furthermore, the Plan provides that in order to maximize the existing footprint of the Wharf for public parking, the 10' walkway may be provided outside of the existing dock by use of cantilevered or pile supported construction. Although, pursuant to 310 CMR 9.32(1) (a) 3, DEP typically requires pedestrian facilities over flowed tidelands to be located within the footprint of an existing structure, such requirement can be waived if it is not reasonable under the circumstances. In light of the significant benefit to the Town of maintaining the existing parking spaces on Fishermen's Wharf in support of the Town's tourism based economy and to support the water-dependent uses on site, the Plan recognizes that a strict application of this requirement would not be reasonable.

Acknowledging that this proposed substitution is less restrictive than the current standard in terms of providing public benefits related to open space, the Plan stipulates that a payment of \$205,500 be made to the Harbor Access Gift Fund as an "offset" to the adverse effects on water-related public interests, as required by the plan approval regulations at 301 CMR 23.05(2) (d). This amount has been recommended by DEP, using a formula the Waterways Regulation Program has developed to compute the level of compensation that is appropriate for authorizing the existing non-conforming use of the wharf through the MHP process. Under these circumstances, the Plan believes that its substitute provisions regarding Fishermen's Wharf will promote, with comparable or greater effectiveness, the state tidelands policy objectives pertaining to public open space, including the need to provide adequate parking facilities for users of both exterior and interior facilities of public accommodation at the waterfront.

In addition to specific improvements listed for a particular property, DEP should refer to the general types of improvements that are recommended in the body of this revised Plan on a region-by-region basis. These improvements are negotiable on a case-by-case basis, based on their merits and on their conformity to this Plan. In some cases the recommendations are unique to each region, and there are some recommendations that apply along the entire waterfront. For example, a universal problem is that points of access to the waterfront and the location of public access related facilities are difficult for residents and visitors to identify and locate in Provincetown because of inadequate signage. Accordingly, for every region the Plan proposes that the Town develop and employ a uniform signage system that clearly identifies all public access opportunities. In addition, all accessways from Commercial Street to the waterfront should be marked with adequate signage on both the landward and seaward sides of the accessway.

Off-site Public Benefit Requirements (Contributions to the Harbor Access Gift Fund)

Although the general premise for obtaining a Chapter 91 license is that a property owner will be expected to provide public open space and related physical improvements, in certain situations involving existing development the feasibility of providing such benefits on the project site is limited and may even be impossible. In such cases where the on-site public benefits are insufficient to compensate for the detriments to public rights on Commonwealth tidelands, DEP has traditionally sought alternative benefits in the form of monetary contributions to fund the provision of off-site benefits elsewhere in the harbor, preferably in a nearby location.

Since this situation is likely to occur in Provincetown, the Provincetown Board of Selectman established the Harbor Access Gift Fund on August 26, 1996. The purpose of the fund is "to receive Chapter 91 public benefit mitigation funds and other donations, the proceeds of which shall be used without further appropriation to enhance the public's access and use and enjoyment of the shoreline and waters of Provincetown Harbor, including but not limited to maintenance and improvements of town landings and other public properties for water dependent use. This includes, among other things, providing labor and machinery for regular cleaning of beaches and removal of debris during the summer months. It is important that the Harbor Access Gift Fund monies be limited to authorized improvements and not spent on commercial development- nor put into the Town's General Fund. The Harbor Access Gift Fund should report all contributions and disbursements to the public no less often than annually.

In order to determine whether a contribution to the Harbor Access Fund will be required as a condition of a license, DEP has adopted a revised version of the methodology included with the original (1999) Plan. See Appendix C for the methodology, which only applies to amnesty eligible, non-water dependent use projects.

DEP is responsible for determining the contribution in accordance with the Appendix C methodology and will require payment as a condition of licensing. The town is responsible for collecting the moneys and administering the Harbor Access Gift Fund, into which all collections will be deposited. As part of this collection program, the Town may create liens against the property for overdue accounts, so that title to the property cannot be passed until the lien is satisfied. Also, DEP's enforcement powers may be useful if the town has difficulty with overdue

payments. Licenses should include a condition stating that non-payment over a specified time period (maybe three (3) years) will be grounds for enforcement action (including penalties and possible license revocation).

APPENDIX C

Updated Calculation of Monetary Contributions to Harbor Access Fund (Applicable Only to Amnesty-Eligible, Nonwater-Dependent Use Projects)

The following methodology shall govern the determination of the extent to which monetary contributions will be required, in addition to any on-site public benefits determined necessary by DEP, to compensate for the public detriments associated with amnesty-eligible, nonwater-dependent structures and uses on Commonwealth tidelands. It is a relatively simple calculation that closely parallels the conventional DEP approach to obtaining public benefits, which typically include a mix of dedicated open space for public use together with on-site physical improvements. The basic idea is first to compute an overall "debit" to represent the minimum value that reasonably can be associated with the combination of public benefits customarily required by DEP; and then apply a "credit" to account for actual expenses that the licensee will incur for physical improvements to public spaces on the project site. A more detailed 3-step process for carrying-out the necessary computations is described below.

Step 1: Compute Physical Improvement Debit

In general, at a minimum DEP requires nonwater-dependent projects to provide a ten (10) foot wide constructed walkway along the seaward perimeter of property, except in situations where such a walkway is infeasible or inappropriate due to physical conditions or other special circumstances. Such circumstances exist in Provincetown, where the Town generally does not support the encroachment of boardwalks and other hard surface accessways on the existing sand beach lying along the seaward edge of most amnesty-eligible project sites. The Physical Improvement Debit represents the expenditures that would normally be incurred to comply with this requirement, by calculating the typical cost of providing a generic walkway facility across the entire width of the subject property, with the exception of properties containing one to three-family, owner occupied (i.e., primary) residences. This exception was deemed appropriate by the Harbor Planning Committee in 1999 as a means of avoiding any disproportionate financial impact on the smallest scale residential properties subject to Chapter 91 jurisdiction. This exception shall remain in effect upon renewal of the approved plan, but only for amnesty applications that DEP has determined to be complete, in accordance with 310 CMR 9.11(3)(c), within two years of the date of plan renewal.

The Physical Improvement Debit incorporates the cost of original construction as well as an annual maintenance factor, based on general engineering cost practices as well as prior licensing experience along the Provincetown waterfront. These combined costs were established in 1999 by DEP, in consultation with the Harbor Planning Committee, to be \$300 per linear foot for a 10' wide walkway [\$30 per square foot]. The 1999 Plan stated that this charge will have to be reviewed periodically by the Harbor Committee to ensure that it accurately reflects current construction and maintenance costs. In the intervening 11 years, construction costs have increased significantly and DEP has determined, in consultation with the Harbor Committee, that the per square foot charge should be increased accordingly, based on the overall rate of inflation (i.e. the charge will be the net present value of \$30 in 1999 dollars). At the same time,

experience has also shown that for most amnesty-eligible projects in Provincetown the as-built condition generally does not allow for the normal walkway width of ten feet, and that a four (4) foot wide walkway would be more appropriate. Thus, the revised Physical Improvement Debit for a given property is computed through the following equation:

$$\text{Physical Improvement Debit} = [\text{harbor frontage of parcel (ft)}] \times [\text{walkway width} - 4 \text{ ft}] \times \$30 \text{ (in 1999 dollars/sq ft)}$$

Step 2: Compute Public Use Debit

As a general rule, since the mid-1980s DEP has required nonwater-dependent projects on Commonwealth tidelands to dedicate at least 50% of such tidelands as public open space⁵, and to reserve much if not all of the ground floor of buildings for facilities of public accommodation⁶. In their as-built condition, amnesty projects typically cannot provide ground-level public space in such amounts, either within or outside existing buildings, without substantially displacing existing uses. Accordingly, the Public Use Debit reflects this shortfall by applying a fixed rate of compensation to the amount by which ground level spaces to be dedicated to public use on the project site (both interior and exterior) fall below the level normally required. The compensation rate was established in 1999 by the Harbor Planning Committee, in consultation with DEP, to be \$10 for every square foot of the combined deficit in spaces available for public use. DEP subsequently incorporated a "credit factor" into the computation to take into account varying degrees to which public open space is provided on the project site. Again adjusting this charge for the overall inflation rate since 1999, the Public Use Debit for a given property is computed through the following equation:

$$\text{Public Use Debit} = [\text{exterior space deficit}^* + \text{interior space deficit}^{**}] \times [\text{open space credit factor}^{***}] \times \$10 \text{ (in 1999 dollars)/SF}$$

* exterior space deficit (SF) = amount by which public open space will be less than 50% of tideland area on the property

** interior space deficit (SF) = amount of ground floor building space on tidelands but not devoted to facilities of public accommodation

*** open space credit factor = 1 minus fraction of Commonwealth tidelands devoted to public open space on project site

⁵ For purposes of this Plan, the term "public open space" generally means exterior spaces (i.e., those not within the footprint of buildings and other structures) that are dedicated to active or passive public recreation, conservation of natural resources, or public water-dependent activity, and any accessory uses thereto.

⁶ As described in 310 CMR 9.02, a facility of public accommodation "means a facility at which goods or services are made available to the transient public on a regular basis ... rather than restricted to a relatively limited group of specific individuals. Facilities of public accommodation may be either water-dependent, accessory to water-dependent, or nonwater-dependent."

It should be noted that the Public Use Debit (and therefore the overall monetary contribution) can be reduced by providing more space for public use on any portion of the property (either tidelands or uplands). As an additional incentive to provide exterior public spaces of particular utility, any space dedicated for fishermen for parking, or to public accessways from the shoreline to the street, will receive extra credit in the above calculation (on a 2:1 basis). For example, if 200 SF are dedicated on a property for fishermen to use as parking, or as a street to beach accessway, then this counts as a total deduction of 400 SF of exterior public space.

Step 3: Compute Required Monetary Contribution (if any)

The required monetary contribution is computed by adding the Physical Improvement and the Public Use debits, and then subtracting any new expenditures that will be made to provide on-site physical improvements (as stipulated in Appendix B and as otherwise may be required by DEP on a case-by-case basis). Thus the Monetary Contribution for a given property, in the form of a lump sum, is computed through the following equation:

$$\text{Monetary Contribution (lump sum)} = [\text{Physical Improvement Debit} + \text{Public Use Debit}] - [\text{Credit for actual improvement expense}]$$

From this equation it is evident that if the new on-site expenditures equal or exceed the sum of the applicable debits, no monetary contribution to the Harbor Access Fund will be required.

It is important to note that credit will not be given for capital costs incurred to overcome existing obstructions that impede lateral movement along the beachwalk and/or in the intertidal zone (e.g., providing ladders over piers, paving/signing of upland "detours", removing derelict structures, etc.), because such measures are not considered to be new improvements - rather they are necessary to eliminate detriments that arise from existing structural impediments to lateral pedestrian access.

In the event the applicant chooses to amortize the monetary contribution, the annual payment will be calculated by applying an interest rate of 4% over 5 years, resulting in an amortization factor of approximately \$220 for every \$1000. Thus the annual contribution is calculated using the following equation:

$$\text{Annual payment (dollars)} = \text{Lump Sum Monetary Contribution (dollars)} \times 0.22$$

Town of Provincetown

Sharon Lynn
Town Manager

slynn@provincetown-ma.gov



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The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

May 7, 2013

Dear Ms. Cryan,

It is a great pleasure to submit to you the final draft of the Town of Provincetown updated Open Space and Recreation Plan. You will find that this plan includes action items that extend the plan to cover seven years and also updates the following: population characteristics, landscape characteristics, vegetation, updates to Section 5 property descriptions, that the Action Plan was updated from 5 years to 7 years and letters of review from the Town Planning Board and the Regional Planning Agency have also been included. The Town's Disability Commission has conducted a site visit and review of the Open Space and Recreation properties and has submitted their letter of approval. Finally, several of the maps have been updated including the Regional Context, Environmental Justice, Inventory and Action Plan maps.

On behalf of the Town of Provincetown, I want to thank you for your continued support of our many Open Space and Recreation projects over the years. This important work has greatly enhanced our environment, community and quality of life and we look forward to continuing this good work in the future.

Sincerely,

Sharon Lynn
Town Manager



Town of Provincetown
Planning Board

Town Hall – 260 Commercial Street, Provincetown, MA 02657

508-487-7020

Fax: 508-487-0032

April 9, 2013

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
c/o Robert O'Connor, Director
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Planning Board Approval and Acceptance of Open Space and Recreation Plan Update

Dear Director O'Connor:

The Town of Provincetown Planning Board met on April 8, 2013 and voted to approve and accept the updated Open Space and Recreation Plan as prepared by the Town's Department of Community Development office. The plan includes the updates required by the Commonwealth and extends the action plan from 5 years to 7 years making this new updated plan valid until 2019.

Sincerely,

John Golden, Chairman
Provincetown Planning Board

A handwritten signature in black ink, appearing to read "John Golden", is written over the printed name and title.

cc: Brian Carlson, Health & Environmental Affairs Manager

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CAPE COD
COMMISSION

April 26, 2013

Melissa Cryan
Executive Office of Environmental Affairs
Division of Conservation Services
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Provincetown Open Space and Recreation Plan

Dear Ms. Cryan:

The Cape Cod Commission staff has reviewed Provincetown's Open Space and Recreation Plan and would like to recommend its approval by the Division of Conservation Services.

This plan provides both a comprehensive assessment of the town's open space and recreational needs and serves as an important framework for addressing the community's land protection goals. The plan includes an excellent inventory and discussion of significant natural and scenic resources, as well as a comprehensive inventory of lands of conservation interest.

Through goals and objectives addressing water supply protection, habitat preservation, and improved open space access, among others, the Provincetown plan promotes local goals consistent with the Regional Policy Plan (RPP). In addition, the Provincetown plan includes a pertinent list of action items which advance both local and regional policy plan interests.

We recommend your support and approval of this plan, and appreciate the opportunity to comment.

Sincerely,



Heather McElroy
Natural Resources Specialist

Cc: Austin Knight, Provincetown rep to the Cape Cod Commission





Disability Commission

Town Hall, 260 Commercial Street
Provincetown, Massachusetts 02657
Telephone (508) 487-7003
Facsimile (508) 487-9560

May 7, 2013

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Ms. Cryan,

I am writing to attest to the fact that Town I have surveyed all the Town's open space and recreation properties and approve the ADA worksheets as submitted.

Please do not hesitate to contact me with any questions.

Sincerely,

Michelle DeMarco
Chairman

Cc: Town Manager Sharon Lynn
Assistant Town Manager David Gardner
Disability Commission



EEO/AA POLICY STATEMENT

Policy: It is the policy of the Town of Provincetown to provide equal treatment for all who seek access to its services or opportunities for employment and advancement. No discrimination will be tolerated on the basis of race, creed, political affiliation, color, sex, national origin, age or handicap.

In an effort to promote equal opportunity, the Town of Provincetown will take appropriate steps to ensure equitable participation of all persons, in accordance with all applicable federal and state laws, including but not limited to: Massachusetts General Laws Chapter 151B; the Equal Pay Act of 1963; Title VI and Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Equal Employment Opportunity Act of 1972; the Civil Rights Act of 1992; Section 504 of the Rehabilitation Act of 1973; and the Americans With Disabilities Act of 1990; the Family and Medical Leave Act of 1993.

The Town has also adopted an EEO/Discrimination and Harassment Policy, further prohibiting discrimination and harassment, consistent with the Town's obligations under federal and state law.

The responsibility for implementing and monitoring this policy has been delegated to the Town Manager of the Town of Provincetown.

Furthermore, the Town of Provincetown prohibits that any employee or applicant be subjected to coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under this program. No portion of this Equal Employment Opportunity/Affirmative Action Policy shall be construed as conflicting with any existing or future judicial or legislative mandate where a construction consistent with that mandate is reasonable.

Sharon Lynn

Name of Chief Executive


Signature

Town Manager

Title of Chief Executive

09MAY13
Date