

*CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION*

***TWO HUNDRED AND SIXTY-THIRD MEETING***

HELD AT CAPE COD NATIONAL SEASHORE, Marconi Station  
Area, Park Headquarters, South Wellfleet, Massachusetts,

on Tuesday, December 11, 2007, commencing at 1:04 p.m.

SITTING:

Brenda J. Boleyn, Vice Chairman  
Richard W. Philbrick  
Edward C. Sabin  
Peter Watts  
William Hammatt  
Mary-Jo Avellar  
William Clark  
Edgar W. Francis III  
Dr. Howard S. Irwin  
Larry Spaulding, alternate

Donald Nuendal, alternate

Also present:

George Price, Superintendent  
Sue Moynihan, Chief of Interpretation and Cultural  
Resources  
Lauren McKean, Management Assistant  
Scottee Nista, Assistant to the Superintendent  
John Portnoy, Research Biologist  
Kyle Hinkle, Executive Director of the Highlands Center, Inc.  
Steve Prokop, Chief Ranger (partially present)

Audience members

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**INDEX**

	<b><u>Page</u></b>
Adoption of Agenda . . . . .	5
Approval of Minutes of Previous Meeting (09/24/07) .	5
Reports of Officers . . . . .	6
Reports of Subcommittees . . . . .	7
Improved Properties/Town Bylaws . . . . .	7
Wind Turbines/Cell Towers . . . . .	38
Superintendent's Report . . . . .	50
Herring River Restoration Update . . . . .	50
Update on Dune Shacks and Report . . . . .	55
Highlands Center Update . . . . .	58
Atlantic Research Center Update . . . . .	60
ORV/Piping Plover Update . . . . .	61
Hunting EIS . . . . .	61
Overwash at South Beach . . . . .	63
Centennial Challenge . . . . .	65
White House Christmas Tree . . . . .	67
Alternate Transportation Funding . . . . .	68
Old Business . . . . .	72
New Business . . . . .	74
Date and Agenda for Next Meeting . . . . .	74
Public Comment . . . . .	77
Adjournment. . . . .	87
Reporter's Certificate . . . . .	88

## **PROCEEDINGS**

MS. BOLEYN: Good afternoon, everyone. Nice to see so many people here on a beautiful day.

Our chairman is unable to be here today, so yours truly will sit in and do the best I can. I haven't had any words of wisdom from him, so we'll see how we can do with this.

I'd like to let you know that there is going to be some filming here, and Peter's going to explain to us a little bit about that project.

MR. WATTS: Shall I do that now?

MS. BOLEYN: Sure.

MR. WATTS: This is Malachi Connolly.

AUDIENCE MEMBER (MALACHI CONNOLLY): Hi.

MR. WATTS: He's a practicing architect, and he has a house off Ocean View Drive in Wellfleet. He's worked on Ground Zero in New York City. And his cameraman, award-winning photographer, Octavio. And they're going to be here interested in land management issues today, and then they'll be at the roundtable tomorrow.

They're doing a documentary. They're both graduates of City College in New York and are doing this documentary on land use and architecture in the National Seashore.

MS. BOLEYN: Thank you.

Welcome.

AUDIENCE MEMBER (MR. CONNOLLY): Thanks for having us.

AUDIENCE MEMBER (OCTAVIO) Thank you.

MS. BOLEYN: You're welcome.

And we have a new alternate member to introduce to the Advisory Commission from Eastham. And I'm going to ask Ed Sabin to do that.

MR. SABIN: Actually, I've not had an alternate for the twelve years I've been here because I don't miss many meetings, so it will probably be a very boring job for anyone to have. But Don Nuendal, sitting right over there, is my alternate, properly appointed by the Secretary of the Interior. But one characteristic that we might keep in mind is we lost Keith Bergman who was very good on the guitar when we had a happy birthday time to sing. We lost Keith, but Don is pretty good on the guitar, so if we need a happy birthday guitar, we've got Don.

MR. NUENDAL: Thanks, Ed. It's my pleasure to be here.

MS. BOLEYN: And I'd like to report that a few of us had a very fine visit to the Old Harbor Lighthouse Station in Provincetown this morning. So we're back and getting warmed up. And it's a little warmer in this room than it was out at the life-saving station.

MR. SABIN: Much warmer. Much warmer.

MS. BOLEYN: But it was an excellent visit.

### **ADOPTION OF THE AGENDA**

MS. BOLEYN: So I'd like to ask for a motion for adoption of the agenda that you have before you.

DR. IRWIN: So moved.

MS. BOLEYN: Let's vote it through.

All in favor?

BOARD MEMBERS: Aye.

**APPROVAL OF MINUTES OF PREVIOUS MEETING (9/24/07)**

MS. BOLEYN: And approval of the minutes of the September meeting. There is an errata sheet for those minutes, and George can tell you a little bit about that, I think.

MR. PRICE: Right. I've been playing tagteam with the famous Scottee Nista over here, who all of you know. And typically what we do when we get the material from the stenographer is that we basically take a look at it for spelling and misunderstanding of what was actually said at the meeting, and those get corrected as part of our edit. So we never edit substance, but spelling, names, and that sort of thing we usually get. And unfortunately, because of our schedule, so we weren't able to get it back to the stenographer in time for a completed piece. So what I asked Scottee to do was to just do the errata sheet. As you'll see, it's very focused on just name spellings and that sort of thing. So my recommendation would be that you accept that, and then if you had any additional substantive changes on top of that, that would be a different story.

MS. BOLEYN: May I have a motion for approval of the minutes?

MR. FRANCIS: I'll make that.

MS. BOLEYN: Second?

MR. WATTS: Second.

MS. BOLEYN: All in favor?

BOARD MEMBERS: Aye.

MS. BOLEYN: Opposed? Abstentions?

(No response.)

### **REPORTS OF OFFICERS**

MS. BOLEYN: Do any of the officers have any reports?

(No response.)

MS. BOLEYN: No? Thank you.

That brings us then to the reports of the subcommittees.

### **REPORTS OF SUBCOMMITTEES**

MS. BOLEYN: And we're turning to Peter, and Lauren will have a couple of reports for us. So I'll turn it over to Peter first.

### **IMPROVED PROPERTIES/TOWN BYLAWS**

MR. WATTS: I'd like to start off by sort of a continuation of what happened in our last meeting, and to handle that, I'm going to ask Superintendent George Price to explain exactly what did happen, and that will lead into these development issues that we have.

MR. PRICE: If you all will recall, last meeting we had quite a hot discussion about Mr. Richard Lavin's property that he had been seeking approval for from the Town of Truro. And you heard a very passionate presentation from them. And the presentation was really twofold. One was about our objection to begin with, and then the second piece was our ability to make an objection. At least that's the way I have addressed it. And as I said

to you all at that time, is that on the advice of counsel, with this particular case, with these particular set of facts, we were pursuing an objection through the Town of Truro Zoning Board of Appeals. And there was some discussion and dialogue here about the appropriateness of us doing it and all that sort of thing. As I've learned in the legal channels, it's all about this particular case at any one time and the facts related to that.

So if you will recall, that was on a Monday. By that Friday, I had had a conference call with both the National Park Service solicitors and the attorneys that were assisting us who were more familiar with Massachusetts zoning laws, and after additional review of the facts of the case, we had a number of discussions and decided that we no longer have the strong case we thought we had for an objection. It wasn't that we believed that it was now a satisfactory process to go through, but we felt we no longer had the substance to really make an objection. And what it was going to turn into was a civics comment to the Town of Truro about how their zoning and their building permits and everything are exercised, which was not my intent at all. I was trying to file real objections, have an impact on that particular property.

And just very quickly. What changed? Well, what changed was a combination of things with us basically learning more about the property and about the project. For instance, one of the objections would have been that it was an undersized lot, that we weren't exactly sure it was, in fact, three acres anymore. Well, upon further review, if it was under three acres, it could have

been because of erosion since the original disposition of property, which I could technically pursue, but I would think that that's way too bureaucratic and picky in my opinion to have really been a substantive argument. If it was under three acres because of the original survey, well, it was the Park Service that actually purchased the other seven acres from the original ten-acre parcel, and therefore, it would have been partially our own survey, contractor back in the '70s or whenever it was we actually did that particular job. Then it came down to semantics over frontage. Obviously the property originally had frontage, and it was our attorney's advice that even the access road, which we would have permitted because they would have been allowed that access road, could have been interpreted as frontage.

And then finally the actual mass of the house. Again, taking a look at what we believe was the mass versus what the actual construction was, was they were converting what had been previous garage and storage space underneath the living space. So that was an increase in the mass of the living space in a dramatic fashion as opposed to an increase in the physical mass of the structure besides the deck work.

So what I ended up with was a preponderance of discussion by basically three attorneys, who several months before had thought that it was appropriate for at least asking the question and bring us before the town planning committee, which never got a hearing, and then bring it before the town zoning board of appeals, which never got a hearing. And then by the time we were ready to file the appeal itself, we felt that the government's case

was not as strong as we thought it should be in order to pursue it. So it was on that basis that I made the decision to withdraw our appeal, and I called them, the chair of the ZBA, because a special meeting still had to go forward for them to hold a meeting and dispense with the case, to apologize for that. And if we had known all those elements a lot sooner, then I wouldn't have gone that far. However, I think the bottom line issue is the overall development within the Park and the adherence to what we could and couldn't do is still very serious. In that particular instance, that parcel was already deemed a parcel that would not have received a certificate of suspension of condemnation. So typically if we have an issue with a development project, even this development project previously, for example, that would have been our leverage, that we would have been able to withdraw the CSC. This property never had a CSC, and therefore, that wasn't an action that we would have been able to execute.

So that basically sums up what happened. I know there are a number of people that are reading a lot more into it. We did not address and we do not agree with the second part of their argument that we have no standing to even make such an argument before a town board. But it was on the merits of that particular case that originally the way we understood it we thought it was worth challenging, and then after we learned more about it, had more to digest, we decided to withdraw.

MR. WATTS: Thank you, George.

I think this is just the tip of the iceberg to the problems we're

confronting today. And I'm going to ask Lauren McKean to give some background on zoning in the National Seashore, and then I'll follow up after that.

MS. McKEAN: Well, back when the legislation was finalized in 1961, there were some specific guidelines about -- maybe I shouldn't use the word "guidelines" because that gets confusing later -- but some specific guidance about the improved properties that were within the Park and how town zoning processes would kind of come out of the legislative process. Six hundred improved properties more or less were located within the Park, private properties that can always stay in private property hands. There's a lot of confusion about whether these things would revert to the government at sometime. Even though they are private properties, they can be bought, sold, willed, et cetera.

In the legislation, it established basically the minimum parameters for property within the Park, but it also asked that the Park Service go out and develop a federal regulation for zoning standards. And in 1962, right following the legislation, the zoning standard regulation was put in place, and it provided the minimum standards for town zoning. The towns participated in that process. And first off Truro was the first town to -- I think in 1963 -- develop zoning that was in accordance with the regulation. Both the legislation and the zoning standards regulation are in our general management plan and can be referred to for reference when you want. They're still in place basically.

So the regulation basically asks that the towns go out and try to address things like setback requirements and minimum lot size, height of structures, what kind of uses were appropriate, what kind of residential uses were appropriate within the Park. And so each of the towns did enact zoning.

One of the reasons that they had the impetus to do so is that if you had a private property in the Park and you had town zoning in place, those **properites** that met that town zoning and continue to meet that town zoning were eligible for the certificate of suspension from condemnation. And that means basically the government will not take the property as long as they're meeting zoning and a few other standards.

The Commission reviews the certificates for commercial properties on an every five-year basis, so you're familiar with those certificates for commercial properties. And we'll be seeing those next year actually, 2008, because they'll be up for review then. Things were, I think, moving along for -- were moving along for about a good 15 years until about 1976 in some of the records from the Advisory Commission. It looks like the Commission and the Seashore were starting to think that all was not going perfectly well with how zoning was being administered. They were starting to see the larger houses being built, the tear-downs and the reconstruction, and that -- there was a whole wave of interest that resulted in the 1980 use guidelines within the Seashore. And those were just guidelines, and that's where we get into that confusion about what's law, what's regulation, what's guidelines. But

those guidelines included like a 50 percent formula, which you've all probably heard about, and they were basically put forward in the Land Protection Plan in 1980, again in 1985, and the Park did use them to review as they reviewed projects that came before the zoning board of appeals, for instance, or as property owners came in to determine what they might do to their property. And then in the '90s, again during the general management planning process, people felt that there was something a little broken with the zoning, the zoning process, and they were starting to see again a new wave of development and some concerns. In the general management plan, basically there was a discussion that we needed to clarify zoning and come to some kind of agreement and just make it so that people knew they had one-stop shopping downtown with the zoning enforcement entities. So in about 2001 we had a series of public meetings where we were talking about revising that zoning standard regulation from 1962.

As we were examining that, some legal issues were uncovered, and that was if the Park Service was interested in and the towns collectively were interested in five changes of the zoning standards regulations, a town would have to go along with all five of those actions or they would subject all the properties in their town to condemnation again. So we said, "That's way too big a stick. Let's draw back, and let's work individually with the towns to work on zoning with the towns."

Over the last couple of years, we've just basically been having discussions. Now and then issues have come forward, and there have been

no real zoning changes that have addressed all of those issues, but we have -- for instance, in Eastham and Truro in the last couple of years, a site plan review bylaw has been put into place that affects the residential properties within the National Seashore. So there are little steps.

Several years ago we formed the Lower Cape Planning and Development Roundtable at that Endless Summer Conference, and we've been addressing -- we've been talking about these issues for some time. And I think that now after about two years of having that roundtable we're really getting to the point where the cross-colonies that we were hoping for across the towns is really starting to take hold. And we've been working most closely with Truro since the spring. Board members were invited to the Truro Planning Board meeting, and we were invited to really look at their zoning with them. And so we've been working with the assistant town administrator/planner, Charleen Greenhalgh, on some zoning improvements, and we're meeting in a few work sessions with the Truro Planning Board. So now the rest of the roundtable is keenly interested in what we've come up with. It's kind of not ready for prime time yet because the board really has to make the decision, the Truro Planning Board, do they want to move forward with any of these ideas.

Tomorrow we have a meeting of the roundtable, and we'll see -- we're basically working with Wellfleet and Truro and Eastham to figure out what are some of the best improvements that we can make to zoning. So with that I think alternatives are really in perspective too.

Pete?

MR. WATTS: Thank you, Lauren.

I want to start out by saying that I'm probably the sole surviving founder of -- the others are all dead --

(Laughter.)

MR. WATTS: -- of the Wellfleet National Seashore Taxpayers Association. We were formed in the late '70s as a taxpayers' association because the Wellfleet selectmen decided that properties in the Park were more valuable in the town in general, and therefore, they wanted to up the tax rate of the people living in the Park. And we thought this was unfair. And what happened eventually, the state just computerized the whole thing, and it worked out to be values of neighboring houses, and that established value. That took care of all that. We've changed our name to now Wellfleet National Seashore Property Owners Association, but we still have an organization. And Truro would like to be part of it, but we said town by town is a better idea.

So I've been living in the Park. In the '60s I had a house in South Truro, and then in 1970 I was married and moved up to Wellfleet. And so I've been living in the Park all that time. And from 1970 on I'm full time here in Wellfleet.

There have always been zoning problems, and one of them to begin with was communication, a lot of misunderstanding about zoning in the Park. And the first question really is, why is the Park three-acre zoning when the

town started out to be half-acre zoning and later in the 1980s went to three-quarter-acre zoning? The Park is three acres now, has been always. And it's a good question, and I think I know the answer. I think it's land acquisition. I own ten acres of oceanfront property in South Truro, and I sold it to the Park. And they said, "Go outside, find out what a piece of land is worth, a building lot." That's the way they put it, a building lot. "Find out what a building lot is worth outside the Park on the ocean." Well, a building lot was a half acre, and if that was worth \$50,000, they paid me \$50,000 for three acres. And that's the way the land acquisition works.

And so we objected to a lot of things. The organization was concerned about our taxes going up, but there are a lot of other things. We objected to the guidelines when they were established too. The guideline said you can expand 50 percent of what was there in 1959. Now, if you had 1,000 square feet, you could add 500 square feet. If you had 3,000 square feet in '59, you could add 1,500 square feet. Because you had a big house, you could make a big addition. It just doesn't seem right, and I think the Park finally agreed that it wasn't right. But those guidelines do give a standard of what the Park felt was right for the expansion in the Park, and I think they're still valuable today. And Eastham uses them as a standard. And I think it's a good idea. Maybe you could -- maybe when we get down to making a new zoning bylaw, we can say maybe 3,000 square feet is a large enough house for the National Seashore District.

There are a lot of ways of going at this, and we're trying to work it out

at the roundtable. And we'll see tomorrow what we come up with, and hopefully, if Truro would accept that and try and push it through town meeting, we in Wellfleet and Eastham could do the same thing. It would be nice if we had some sort of universal standard for the developed properties on the Outer Cape. So we'll see what happens tomorrow.

There are a lot of other issues, interesting issues that -- well, I guess it's not really -- sort of has to do with zoning. It has to do with what was in the paper today. Wellfleet is very interested in putting a value on property that they own within the National Seashore. We own 650 acres, the Town of Wellfleet, in the National Seashore, and we want to know what we can do with that property. The town meeting last week voted \$55,000 for legal help in establishing value and right of way to that property, and once we have that, we'll proceed from there.

There are a lot of problems in front of us. I just want to touch on Wellfleet. There is now a plan for a house at "The Gut," which we used to call the "Billboard House," and people were upset by it. It's a perfectly square, rectangular solid that sits up there in plain sight. And when it was built, people were upset. It's not an overly large house at all, and it could be moved back from the bluff where it's getting way too close and be put up further back, but the people who have bought that property -- it's only two acres, so it's a nonconforming lot. The people who have bought that property want to put up a 5,000-square-foot house. There are plans in front of the building inspector in Wellfleet for a house on Bound Brook Island, 10,000 square feet.

So when I say the tip of the iceberg, people are -- including Mr. Lavin, are seeing how far they can go under the present laws, which are inadequate.

MS. BOLEYN: Well, certainly your community is doing some very important work, and we have to be thankful of that.

Larry?

MR. SPAULDING: The problem that you have is even though the towns can improve their zoning, there are various state statutes that override the towns. So you can't totally control the situation. And for individuals who have a great deal of wealth so they don't care if they have a certificate of suspension of condemnation because they don't need to get a mortgage, they know that there's no teeth in that because the government doesn't have the money to take the land. The best thing that you could do to solve the problem would be to somehow get an appropriation so that you have a reserve account so in situations where you, in fact, would have the funds available to take the land and the individual would know that, they wouldn't proceed because it would be a waste of time on their part. Now they say, "Well, if I put the house up, they don't have the money to take the land. I don't need the certificate of suspension of condemnation, so I'm going to go ahead and do it. I can afford to do it. And if, in fact, they ever do take it some day, I'll get paid for it." I think if you have funds in reserve available to do that, you would limit a great deal more individuals that would try and construct these very large houses on parcels.

MR. WATTS: I don't know if that's possible.

MR. PRICE: I think one of the things that's happened to us both for places like the Seashore and communities such as the communities on the Outer Cape -- and this is not unique to this particular place. Fire Island and some of the other National Park areas that were set aside years ago are facing similar pressures from the various communities, and that is, people are coming to these communities with a tremendous amount of financial backing, and unlike most of us who grew up needing mortgages, a lot of these people don't need the mortgages. And you're absolutely right. The CSC doesn't mean anything to them. Somebody was quoted in the paper saying, "I bought this property for a million dollars. They can buy it from me now, or I can build my structure for five million dollars, and they can buy it from me then." And that's just an incredible amount of money in the world of the Park Service. You all know my number one priority is the North of Highlands Campground, and that's a \$6 million purchase for 58 acres. And that's because of a willing seller and the cooperative nature of that family and what they want to see the future of their legacy to be and then some of the other deals that would be related to that, to the continuing operation. So those are mind-boggling numbers today.

One of the other tensions since I've gotten more of an education in zoning than I ever thought I would -- but taking a look at the early years of the Park, the concept is that this was intended right from the beginning to be a partnership park with the towns that had properties in the Seashore. I mean, there was a specific intention to not have the federal government purchase all

the lands. Unlike Provincetown, specifically Truro, Wellfleet, and Eastham have a lot of properties that were within the boundary that were still private properties, couldn't be developed. The towns wanted to keep them on the tax rolls, and there was this -- the deal between the people that helped write the legislation of the town, the leaders at the time agreed that there was this mutual concern of what the future of the town would look like. So I think there was an understanding in those days that the town wanted zoning that would actually work.

Going to other things, Peter mentioned what's in the headlines today, and I've heard this for a while now. And this has to do with specifically the 46-acre so-called landing strip that's out here in the Marconi area. And it does come down to a matter of perspective. I was just telling some folks my first summer here I was invited to two meetings back to back in Wellfleet. The first meeting was the conservation commission, and they were celebrating the fact that they had raised several million dollars to buy two house lots to be put into open space. That was Saturday. The same meeting room in the library on that next Sunday, the very next day, was the taxpayer association, and the town was talking about looking at the 46 acres that's within the National Seashore for development opportunities. And I had whiplash because the day before they were celebrating two house lots. The next day it was land that had already been set aside and by all accounts would have been seen as open space and protected is now seen as available for development.

So I think it definitely is a shift in perspective in the folks that were here

and wanted some protection for their community back in the day compared to the pressures that we have today. In the meantime, I think the Park in a lot of cases has been responsive to a lot of these pressures, especially as it relates to some of the municipalities. I mean, it goes everything from the firehouse out here at the end of the driveway to the senior center in Wellfleet and, it's my understanding, even the early deal for the Nauset High School, the regional high school, that's on Cable Road. So there has been willingness of the Park Service to try to work within municipalities on some of these issues. Some of them were hard fought. Certainly the transfer station in Provincetown, for instance. It predates me, but I know there was a lot -- that wasn't an easy transfer at all. So it goes back and forth as to how we do it.

So, Larry, going to your -- you know, people have said to me, "Why can't the Park Service just do this? I mean, you had all this money in the '70s -- you had all the money in the '70s in order to develop the Park." But likewise, on the federal side, things have changed both with how we deal with towns and communities and what we spend our money on.

MS. AVELLAR: You don't have the money.

MR. PRICE: Well, there are reasons why we don't have the money, because the Congress and the President are directing the funds elsewhere.

MS. AVELLAR: I mean, you were here at the last meeting when the presentation was made, and I guess I was one of the people that felt that the town should be making decisions about zoning matters as regards this

particular development. When I saw a picture of that house in the newspaper, I mean, I thought what a dump. I mean, it was just this little box. You know, it wasn't a very big house, and it didn't seem to me that what Mr. Lavin wanted to do, he only wanted to put 10 percent more on the property. He wasn't asking to have a 5,000-square-foot house. You know, I personally thought that what the superintendent was doing was perhaps starting a precedent that we find ourselves engaged in zoning battles with the towns, not particularly my town because we don't have these issues but that it was a precedent that I felt was quite dangerous. So I was glad for whatever reason that it got resolved the way it did, but I mean, this was not one of these 10,000-square-foot kind of homes. This place was a dump. What a dump. I mean, that was what I thought when I saw a picture of it in the paper, a little 2,000-square-foot thing like this. You know, so I was kind of concerned that as a matter of precedent that it was a dangerous precedent that we might be engaging in. I don't have any problem with the Seashore involving itself in existing communities and developing zoning guidelines to prevent these kinds of things from happening, especially, you know, these major developments. I don't know what percentage of the towns around here are owned by people that are second homeowners. I know in my town it's higher. I mean, more people own second homes in Provincetown now than own -- than live there year round. It's kind of breathtaking when the guy across the street from me on Bradford Street is going to have a swimming pool, for God's sake. I mean, a swimming pool right on Bradford Street, in downtown. It's amazing. And

that's his third home. So that was my concern, that we shouldn't be engaging in challenging the zoning board. I mean, I have kind of confidence that local zoning boards in this day and age are really quite mindful of these kinds of things, and I was wondering where we got the money to engage in these sort of legal battles locally.

MR. WATTS: I would like to sort of play the devil's advocate and give you the argument for large houses in the Park. And this was what I was asked: "What do you have against large houses? These people pay a lot of taxes. They employ local carpenters, plumbers, electricians. They don't put our services -- they don't stress our services. They usually don't have kids in the school. They may show up two to four weeks in the summertime. They pay maintenance people to take care of those houses, and from the town's point of view, they're cash cows."

That's the argument.

MR. PRICE: Well, going back to I guess the dramatic change in architecture, if you take a look at the legislative language both that's in the bill and all the discussion that happened with the communities prior to that, it was all about preserving community character. And that was defined by landscape and by the look of things, and that was at a time when they assumed long-term Truro families that live in Cape Cod houses would still want to be there. So it wasn't assumed that they'd want to change things.

And, Mary-Jo, just to reflect back on the Lavin issue -- I know Larry wasn't here -- but from my perspective this was setting a precedent of a tear-

down and a rebuild of a larger structure. That was what was different from previous allowances by the Park. If Mr. Lavin had asked to move the structure back, add 50 percent and remodel the house, that's what's been approved in the past, so that would have been allowed. And the issue here was the tear-down and the rebuild of a much larger structure. Remember, I said there was misunderstanding of the square footage, of the mass. So I thought -- we thought it was going to be a tear-down and a rebuild of twice the mass. That was the flashpoint.

So I agree with you that that was a very simple, modest, I'm sure in somebody's eyes, attractive cottage at one time, and the Park has gone through all kinds of iterations. Peter told me that when you redid your house, you had to keep a lot of the structural material; for instance, the original house that was there. So the definition of what's been allowed has been changed. The tear-down and the rebuild I think were substantial. If we go to the -- truly the McMansion of the neighborhoods, of the environs of the towns, is that what both the towns want and is that what people that want to come to a national protected seashore want to see? Is that the character that we want to see in the future 40 years from now, for example?

MS. BOLEYN: And that's a key question.

MR. PRICE: And that's, I think, a very important question. And the Park legislation said that the question will be decided in consultation with the towns, not unilaterally by the federal government.

MS. BOLEYN: Ed?

MR. FRANCIS: A couple of things. First of all, I want to correct Mary-Jo. I don't believe that the superintendent was challenging the planning board when he was --

MS. AVELLAR: No, the zoning board.

MR. FRANCIS: -- the zoning board when he was filing this appeal. What he was doing, as I understood it, was appealing the decision of the building inspector.

MR. PRICE: Yes.

MR. FRANCIS: Which is something that anyone -- any abutter can do.

MS. AVELLAR: But it was unprecedented in this case.

MR. FRANCIS: It was unprecedented because the National Park had not done it before. It doesn't mean that the National Park does not have that right as an entity to appeal a decision that someone has made.

MR. SABIN: As an abutter.

MR. FRANCIS: As an abutter.

MS. AVELLAR: But that was the first time I think that --

MR. SABIN: But every abutter has the opportunity.

MS. AVELLAR: But it's the first time that I think that it's ever been done, and that was the issue: Did we want to start to engage in that kind of behavior? That was my issue. Did we want to start engaging in that kind of behavior when it hasn't been done in the past and there might have been other remedies? And also the question of cost because then we could find ourselves with challenges in the local courts, you know, over these kinds of

zoning things. I don't like seeing these megastructures going up. I certainly find them objectionable.

Butch, you remember when we were kids when the Murchison Castle burnt down and the Gropius house was built across from the Provincetown Inn, people went berserk because it was this modern house. Everybody was horrified. Now, of course, it's a Gropius, and, you know, it's a -- it's an antique, it's marvelous, and it's this and it's that, but, you know, what had been on that hill had been a castle, which certainly isn't a Cape Cod kind of building, but it literally was a castle. And so I was just worried whether we were getting involved in subjective kinds of decision-making that was going to have a set precedent where we started going to court with local zoning boards, and that was the kind of thing that I was concerned about.

MR. FRANCIS: Well, what came out of this was as the Park got more information and realized that, as you say, it just was not the proper thing to do in this particular situation, they pulled back, but that doesn't mean that they don't have the right to do it in the future.

MS. AVELLAR: Well, I thought the discussion we were going to have was: Did we want -- did we want to do that kind of stuff, or were we going to talk about it before we do it? I thought that that was what was going to be -- what we were going to discuss on the agenda today, this is the precedent that we want to be involved in in the future.

MR. FRANCIS: Okay, that was one thing. The second thing that we've got to remember, and we seem to kind of pass it along or skip over it, is

that basically zoning is a town function. The National Park Service can suggest to the town what they would like to see within the boundaries of the National Park Service but cannot really force the town to take it, you know, and to accept those particular regulations. And it's got to go to the voters, and if you don't sell it to the voters, it's not going to happen. And Truro tends to have a very negative -- the general voting public tends to have a very negative attitude toward new zoning regulations. It's very hard to put zoning regulations through in Truro.

MR. PRICE: The only clarification to that was that, remember when the Park legislation was created -- and it's been described in the literature as the deal -- the deal between the legislators who wrote the legislation and the town officials at the time was that there was going to be a common agreement to the zoning that the town was going to enforce. So the federal government wasn't inflicting itself or telling them what the zoning would be, but there was going to be a mutual agreement and approval.

And I'll give you an example. The definition of alteration being a tear-down and rebuild was never a definition that was agreed to by the Park Service. Alteration, fine. But how did that get -- when and how did that get described as a tear-down and a rebuild of a larger structure? So you're right in that my job is to tell people what zoning is, but at least in the Seashore districts of the town -- again, in order to keep that under private property, keep it on the tax rolls, keep it managed by the town, there still was going to be an agreement of what that district was going to look like through zoning after it's

then enforced by the towns.

MR. WATTS: I think the tear-down was zoning by evolution. Things evolved. And land management -- Jim Killian, who was in charge of land management back then, made agreements with people like myself; you can tear down a house, but you use the same materials to build a new house. And that was a tear-down and rebuild. But we used the same -- the old materials, and that's a real stretch.

MS. BOLEYN: Yes.

Yes, Ed?

MR. FRANCIS: The other thing, going back to the original zoning bylaws, when the National Park came in, there were no zoning bylaws in Truro, and I think it was the same thing in Wellfleet and Eastham. The Park basically came to the various towns and suggested these are what we think the bylaws should be, three-acre zoning and so on and so forth, and the towns basically just accepted them as they were presented. Unfortunately, as Peter says, there's been evolution in the zoning process, and those particular bylaws really aren't cutting the mustard is the bottom line.

MR. PRICE: Well, for what it's worth, Lauren reported that we've expended -- we've been having workshops with a couple of the planning boards now, which are very positive. And Lauren has a background in town planning, and certainly Charleen has a lot of expertise. So what we're trying to do is what's mutually acceptable as a definition, and what is it then that someone in my position will be able to understand, "Oh, yeah, this is what

you're going towards."

Peter's absolutely right. It's obvious to me there's been a lack of clarity and a lot of confusion over the years, and if we can come to a mutual understanding in this round, I think it would be beneficial to everybody.

MS. BOLEYN: Important conversations.

MR. WATTS: I just want to say that the 46 acres that's sitting right out here a quarter of a mile away, I don't think the Town of Wellfleet is interested in developing that land at all. It's going to be open space. It will always be open space. I think we're interested in developing a value of that land so that we can trade it with the Park for land adjacent to the senior center so that we could put in assisted living for elderly people. We don't have anything like that in Wellfleet. We don't have any place to put it in Wellfleet. We could put in low-cost housing for -- workers from this, from the National Seashore Park, could live in affordable housing in that space. Rescue workers could live there. Teachers could live there. People that are underpaid now and have a hard time moving here and working for the towns.

MS. BOLEYN: Thank you. That's a really important distinction.

Larry? And then I think we should move to the next topic.

MR. SPAULDING: If you don't have a situation that's just totally egregious to the mission of the Seashore and you have a general situation, it seems to me that it's not a good precedent for the Seashore to be filing appeals and that the zoning ought to be left to the towns, but I think it is a good precedent for the Seashore to comment in terms of their own feelings as

to how it affects the Seashore as well as their interpretation of the bylaws when these things come up through the various boards.

MR. PRICE: The problem in this instance, it's (inaudible) boards.

MR. SPAULDING: We've had the opportunity to address the building inspector, and he can -- I don't know if you want us --

MR. PRICE: Well, that was an individual. That wasn't a board.

MR. SPAULDING: I don't know if you want to see a situation -- I'm not talking about an egregious situation -- where on regular building permit kind of things we find that the Seashore is continually going into towns that want to manage their own zoning and starting to file appeals.

MR. PRICE: I would agree with you. It would have to be pretty -- and we believed, we thought that this was such a case, but normally the normal procedure is dialogue. We receive -- I'm surprised -- I am very surprised at the workload that that entails because typically when someone has a question about a parcel within the Seashore, between Lauren and Scottee and Chelsea, they probably get six calls about the same parcel because it's the owner; it's the Realtor; it's the developer; it's this, that. So that is a workload that we do on a regular basis. And normal procedure is just commenting.

MS. BOLEYN: Thank you.

Yes, Bill, one quick comment?

MR. CLARK: Yes. What is our role in this discussion? What is the advisory board's role? Are we ultimately going to vote on something, or are we going --

MS. BOLEYN: Right now this is information.

MR. CLARK: Just informational?

MS. BOLEYN: An education for us. It reminds people of the history of the zoning and this very important question.

MR. PHILBRICK: I would like to second the idea that Ed Francis brings up, that the opportunity for the Park to challenge a development as an abutter or some equivalent standing is something -- is important, although it didn't bear any particular fruit here other than education. I think it's important, and I would fight to keep it.

MS. BOLEYN: Thank you.

MR. SPAULDING: I think some day our role is to give the superintendent advice as to how we feel about the situation, which we may not be doing today.

MS. BOLEYN: Exactly, yes, yes.

MR. WATTS: I believe we did give some, you know, consensus vote, seven to three, last meeting.

MS. BOLEYN: That's true. That's true. And most of what transpires is dialogue across the table. We don't take very many votes, and when a question does come down to a final thing, we usually try to work by consensus. But background information.

MR. FRANCIS: And the work that Peter has done with this roundtable and getting in touch with the various towns and so forth is an outgrowth of the Commission.

MS. BOLEYN: Could we turn next to the next subject, which are wind turbines and cell towers.

WIND TURBINES/CELL TOWERS

MR. WATTS: I want to say that we've met three different times with the roundtable on a viewshed problem with the wind turbines, and the three towns were asked to -- actually, Provincetown was asked, and they didn't show up --

MS. AVELLAR: Really?

MR. WATTS: Yeah.

MS. AVELLAR: When?

MR. WATTS: This has been in the last year and a half.

-- to this roundtable. And we're talking about viewsheds. We're talking about if and when wind generation comes to the Outer Cape, where should they be put, what are the sites that we want to protect, what are the possibilities. The towns sat down individually and mapped out a series of viewsheds, and I believe we do have that map.

Lauren?

MS. McKEAN: Yes. Do you want to go ahead with that, or do you want to have George --

MR. PRICE: If I could just give a quick background, Peter.

MR. WATTS: Yeah, sure.

MR. PRICE: Yes, I'm the one that has talked about viewsheds now. Coming back from my Boston Harbor Islands experiences and walking into

this job where I heard wind turbines being discussed in all six towns and trying to figure out a way to take a look at it in a concerted area, it was my understanding that you all had gone through the process with the Cape Cod Commission on placement of cell towers -- that's why the cell towers were listed in the title here -- and that if each town unilaterally just went ahead and did their own wind turbines, we could potentially have wind turbines all over the place, and is that the best idea?

So in talking to numerous groups about viewsheds, I think there are some places that are the common money shots, and it isn't as if this would be the force of law per se, but this would have been a concerted effort where people that have lived here for a long time and people that are concerned about Park resources would have at least had the opportunity to go through a process and dialogue and say, "This viewshed is worth protecting no matter what. It's not that these other areas aren't that important, but this is really the most priority."

So if there was a town committee or a private developer that was looking at the thing, they ought to at least know that there was a group that got together in Wellfleet, Truro, and other places that said, "Please don't consider this, but these other areas might be available." Because my perspective isn't a case of if, but where, and everybody seemed to agree with it.

So when I brought this up to the Commission when I first got here, you all basically delegated Peter and the roundtable group to follow up on it. So

this is basically a report out at this point.

MS. McKEAN: Yeah, so as George says, what we tried to do was try to look ahead. And I can tell you what this map is and isn't. (Inaudible) land-based wind energy placement considerations for the Outer -- for the Lower Cape.

What we decided to screen out were small residential scale land-based turbines. So what we were really interested was, you know, the scale of turbines that could be considered for town land, commercial land, or industrial land within -- actually, we pretty much -- we focused on Eastham, Wellfleet, and Truro. The roundtable members have been historically those three towns when Keith was transitioning out, and so we didn't really make a connection yet with Provincetown on this.

But what we said we'd try to do is figure out, again, where those money shots are, where are those points of interest that we're really not as interested in seeing have a wind turbine, and it's really -- again, this is a subjective exercise, but what we did do was at least -- and I'll get into the legend a little bit -- was pretty much think of a stoplight, and we've got red light areas, some locations that towns were not interested in seeing a turbine right at their beach landings, for instance. In some cases, there's a little bit of a red area, but you'll see that more with the green. So then there are some green sites and some green zones. Basically what was highlighted was the commercial/ industrial land in the various towns, and so you'll see a little bit more of the color coding where it gets to those zones.

So we did basically several breakout sessions. We met. We started this concept last September, and we're working through how we might approach it. I think May and June is really when we have our work sessions out at the Wellfleet Senior Center, and tomorrow our meeting is at 2 o'clock to talk about this map. We got together in September, basically said, "Okay, here's the map that came out of this." The Cape Cod Commission GIS staff very kindly worked up the map for us, and now what we've done is we've taken it to the various communities, each planning board member or whoever on our roundtable committee that was responsible for sort of shopping around and getting some input from various town boards. So you'll see, say, for instance, in Eastham there's a bit of green there along in their commercial districts, some of their larger town parcels, and the regional high school, et cetera. And some -- basically at the various beach facilities, there are some red lights. The viewsheds, you know, were not something that were drawn with incredible accuracy. It was just more of a feeling of where the viewsheds from the various sites extended from, and, you know, site-by-site analysis will really take place, but just to give us a bit of an idea of, you know, is this an area where we would be concerned or not concerned, higher concern or lower concern. And so it wasn't meant to be hard and fast, you know, unnecessarily a no answer.

In Wellfleet the input was very interesting. There it was basically everything on the west side of Route 6 should not be considered for wind turbines. The view of the harbor, et cetera was first and foremost in that, so

you'll see red on this whole side of town. So the commercial area was on this side (indicates). It was deemed inappropriate. If it was on the east side of Route 6, it was deemed appropriate.

And then in Truro there was a specific site visit out to Marconi site view for a viewshed from there. In Truro, for Bearberry Hill. Basically Truro felt they had some major viewsheds. Pamet Harbor, Bearberry Hill, and then their various beaches. They gave a green light at the Highlands Center, and when we get to the Highlands Center news, there is something to say about that further.

So basically tomorrow at 2 p.m. at the Wellfleet Senior Center each of the towns and the Seashore will be reporting back on the input that we've received. And I can leave this here throughout the meeting, if you want to take a look at it.

MR. WATTS: Wellfleet did have a tower, a test tower, at White Crest Beach, which brings up a very interesting subject because this is town-owned land in the National Seashore, and the question really is, is this a business? And if this is a business, it's not allowed in the Seashore. And it seemed like the ideal place because it was close to the power lines, and it receives the most -- more wind than anyplace else, and it's something that we have to deal with.

MS. BOLEYN: Yes.

MR. PRICE: A couple of things. One is Peter is absolutely right. Remember -- and, of course, my experience was totally stilted at the Harbor

Islands because I was dealing with Hull. Hull has its own municipality power and light company. So they didn't go in the 1930s with the big utilities. Therefore, they have that ability under Mass. state laws to generate their own power. And in working with the Town of Hull when I was there, they put up Hull 1, and they've since put up Hull 2. And that started us thinking about this whole viewshed piece because there are certainly viewsheds that have more of an industrial background in the harbor, and then there are some that are, again, like the money shot looking out at Boston Light, and a lot of people -- not everybody -- would believe that that would be a shame to put obstructions there no matter what the obstruction is.

So that's where kind of the concept came from. Because none of the municipalities on the Cape have that ability, what you would be doing is leasing the property to a commercial energy producer. So that's the total income the town gets. I mean, philosophically you're supporting the development of green energy, but it's not as if you're at Hull where Hull 1 by itself produced all the electricity, all the lights for the Town of Hull. And Hull 2 does similar things, and they're ultimately trying to get enough power to do a D cell plant because, like Provincetown, they don't have their own water source.

So they're in a very different place, and that is a municipal power company. According to the legislation, no additional commercial entities are going to be allowed within the boundary of the Park other than the ones that are grandfathered in as we speak. There are restaurants, there are gas

stations, there are campgrounds, et cetera. So that is a different level. This exercise does not skunk everything else having to do with either the legislation or in compliance issues, but this is I think a pretty concerted exercise of a group of people from each of these three towns collectively making this determination both with the Park resources and the town resources to say, "You know what? We ought to keep these areas off the table. These other areas could be potentially considered." So that's as far as this got. We were actually at the Truro town planning board when this was presented by a member, and somebody said, "Well, these were kind of subjective lines."

"You're right because viewsheds are subjective," but it was a concerted subjective opinion of a number of Truro townspeople at that workshop in conjunction with the Park staff where we have our own opinion, Bearberry Hill and some of these other places as well.

So that's where this emanated from, and it's not as if a proponent still wouldn't have to go through MEPA and still wouldn't have to go through town permitting and everything else, but I was hoping that this would at least be -- it would give people a road map of where it would be potentially a nonstarter and why.

Don't forget. This was also happening at the same time that Eastham was coming up with their proposal. They were on the fast track, and I was being asked as the superintendent of the Park what was the Park's opinion. Well, I felt my opinion ought to be vetted through a process with others and

not just -- because, remember, that wasn't on Park property. That was outside the boundary. So what was our opinion, and then what would be my justification for expressing that opinion? And in my opinion this -- my desire was that this would help me justify those things.

MS. BOLEYN: Peter?

MR. WATTS: I listened to Mary-Jo, and she certainly sees Provincetown changing, and I certainly see Wellfleet changing. And we have examples of the Park changing and Park working in partnership with the towns. I would bring up the restoration of the Herring River and buying that campground in Truro. I think that there are real changes that are taking place, and the towns have to change, and the Park has to change.

MS. BOLEYN: Thank you. Good concluding remark. Thank you very much.

Anything else from the members on that subject?

MR. PHILBRICK: Minor point. This keeps getting referred to as the cell tower/wind tower subject. All I've heard today is wind tower.

MR. PRICE: Yes, the reason that cell tower is on the title, Dick, was because that was my association with what the Cape Cod Commission had done with the towns in the planning process. So there are no new cell tower proposals that I was trying to liken this to.

MR. PHILBRICK: What's new is all wind tower?

MR. PRICE: Yes.

MS. AVELLAR: Oh, we're talking cell tower in Provincetown. You

haven't heard about that yet?

MR. PRICE: No, I haven't. That kind of was grandfathered in from the previous discussion.

MS. AVELLAR: Well, we're talking about -- we've been talking about the fact that there isn't any cell phone service in the Seashore if people are at the beach, for example, or if they're at the airport. So we -- gosh, guess you're the last to know, but anyway, we voted --

MR. PRICE: Unless it's on a different place than where Sharon --

MS. AVELLAR: We voted last night to talk about maybe siting a cell tower at the wastewater treatment facility.

MR. PRICE: Is that where the AT&T --

MS. AVELLAR: Yeah, but I think that they're gone. AT&T pooped out, so I think we've put another RFP out.

MR. PRICE: No, I was aware of that.

MS. AVELLAR: You knew about that one? Okay.

MR. PRICE: I wasn't aware of how you re-upped it, but when I spoke with Sharon, that was what I understood had been on the books and just hadn't been exercised yet.

MS. AVELLAR: So we voted to issue an RFP last night. We've been getting a lot of complaints from people, especially when they're at the airport, that they're unable to use their cell phones. Personally, I don't like my cell phone at the beach. I think it's annoying to have people at the beach with cell

phones, but people in town are complaining, so...

MS. BOLEYN: Thank you.

MR. PHILBRICK: I understand there are federal provisions to prevent too much control over communication towers.

MS. BOLEYN: Yes?

MR. PRICE: Yes, I believe -- yes, there was actually -- I forget the exact stipulations, but I think it was partly why Maria, the previous superintendent, worked with the Cape Cod Commission on trying to figure out how to do the cell tower discussion because we have executive orders that look towards the Park Service to helping facilitate communication and cell towers.

MS. BOLEYN: Yes, and as I understand it, no town can vote to deny outright cell towers.

Okay, thank you.

I'd like to move on to the Superintendent's Report, if we may.

MR. PRICE: Sure.

### **SUPERINTENDENT'S REPORT**

#### **HERRING RIVER RESTORATION UPDATE**

MR. PRICE: First out of the box is the Herring River Restoration Update. I'd like to introduce Dr. John Portnoy.

DR. PORTNOY: Yes, as Peter mentioned, it appears that we on the Outer Cape could achieve some consensus on the restoration of Herring River in Wellfleet.

Back in August of 2005, the Seashore and the Town of Wellfleet signed an initial memorandum of understanding establishing a committee that was appointed by the Wellfleet selectmen to study whether it was feasible and in the public interest to restore tidal exchange to 1,100-acre Herring River floodplain, 80 percent of which is within our national park. A committee was formed under the able leadership of Gordon Peabody, with representation of the various Wellfleet boards and committees, and the Seashore obviously was represented. The state Coastal Zone Management Office, the National Oceanic and Atmospheric Administration, Fish and Wildlife Service, and Natural Resource Conservation Service were also represented.

And we met dutifully for the last two years at least monthly. Our meetings ranged from three to six hours each, and our goal was to reduce a couple of things. One is a, at least conceptual level, restoration plan for the Herring River, how would we go about it at a conceptual level. And that has been completed as of last month, and I brought a few copies of the conceptual restoration plan and just will leave them on the table if people are interested. Also, this plan is on the Seashore Web site, and there are also links from both Truro and Wellfleet Web sites to the plan.

The other product of the Herring River Technical Committee that was established under this initial memorandum of understanding was another memorandum of understanding that establishes another committee with the Herring River Technical Committee retiring. The new committee is charged with the production of a much more detailed restoration plan getting us closer

to implementation. The conceptual restoration plan, one of the most important points that came out of our many meetings is the recommendation to undertake restoration in small increments with continual monitoring of system response, both effects on the ecosystem and also the effects on structures and other social activities around the floodplain.

I have copies of the new memorandum of understanding that was just signed a month ago by the Town of Wellfleet and, again, the Cape Cod National Seashore but also including now the Town of Truro because it became obvious that the Herring River does extend into Truro and there are private and public interests within that town that would be affected perhaps negatively but also positively through tidal restoration of the river. I have about ten copies of the MOU. Maybe you can pass it around and see if that's enough.

The new MOU establishes, as I said, a new committee. The signing of the MOU also signifies that both Truro, Wellfleet and also the National Seashore accept the recommendations of the conceptual restoration plan put on the table and that the three entities agree to cooperate on the development of a detailed restoration plan. The new committee, the Herring River Restoration Committee, that's formed under this MOU will include the towns of Wellfleet -- representatives of the towns of Wellfleet and Truro; Cape Cod National Seashore; again, the other federal agencies that were involved in the preparation of the conceptual plan, which are the Fish and Wildlife Service, the National Resource Conservation Service, NOAA, and the state

Coastal Zone Management Office. So there are actually seven primary members, principal members of this restoration committee.

The committee will guide the restoration planning to both the state and federal Environmental Policy Act processes, apply for permits, and seek additional funding to make the restoration happen.

So that's pretty much where we are right now.

Any questions?

MS. BOLEYN: Yes, Peter?

MR. WATTS: Gordon Peabody was such a strong chairman. I wonder if you can find a chairman that's strong to take his place.

DR. PORTNOY: We're still looking.

MR. PRICE: This is really quite a landmark effort.

MS. BOLEYN: It really is.

MR. PRICE: And this whole project has been talked about for so many years, and there have been so many issues. But I think Gordon and John and the members of the committee and the goodwill from the towns has really allowed us to proceed on a common front. We really want to thank John and Gordon especially for providing the minutiae.

MS. BOLEYN: I thought Gordon was a genius at orchestrating these committee members. There were fifteen subcommittees for this overall committee that John's talking about, and bringing people together and respecting the concerns of all the people involved, he was just -- he was very good at that. And with John and the two of them working together made it

possible to produce this, which is really an extraordinary document. And so we have to hope now that at this juncture people who participate on the next committee will be able to carry it forward to the next step.

Thanks, John.

MR. PORTNOY: Thank you.

#### UPDATE ON DUNE SHACKS AND REPORT

MR. PRICE: The next topic was dune shacks, and basically on the face of it, our report this meeting is not much different than the previous one.

If you recall, at our September meeting, I was reporting on the fact that Rich Delaney had withdrawn as the chair of the subcommittee that had been set up to work on the project with the National Park, with stakeholders, and certainly with a number of long-term residents. As of that September meeting, Ron Kaufman, the chair, and I have been having numerous discussions to come up with a Plan B, C, and D.

I reported last time that we're basically still in a discussion mode. From my perspective, you need to know that the resources that Rich Delaney would have brought to that project were really extraordinary. Because of his previous background with the Harbor Institute out of UMass-Boston and his other experiences, this was the type of work that he does and has done and has been very successful at. Typically in the Park Service, we would hire a firm to do a lot of this type of work, and you might recall that the Park has had in queue a proposal to come up with a significant amount of money to do just that.

Last year at this time in talking to Rich and talking to Ron, Rich had agreed that he would be able to do a lot of this groundwork. Unfortunately, by the time we actually started to get the members identified for the committee, Rich was on to another assignment and, therefore, never had the time for this. It wasn't until thinking about it with Ron that I realized how much I was putting on Rich's shoulders to actually carry this through.

So specifically since our last meeting, I've been having a lot of discussions with my own internal Park Service folks, and the reason that is, I'd like you to understand, the EA, an environmental assessment, is what we have to do for these kinds of products under the National Environmental Protection Act. Likewise, because of subcommittee involvement, it also has to meet FACA. You all are here under the Federal Advisory Commission Act. So I can't arbitrarily as a superintendent bring in five people off the street and have them sit down and advise the Park on management decisions. So those are not insignificant in my mind, and then I have to figure out now without Rich's expertise how can we bring some other expertise to the table.

So I literally have had meetings, including up to last week with the associate director for planning for our region, who is particularly interested in all things Cape Cod anyway, and have come up with some good dialogue where at least I feel like I can head to a direction so that we can finally get the subcommittee acclimated and get some thinking on the table.

In the meantime, as I said last time and continue to say, we're continuing our exact same management activity that we have all along. So,

for instance, all the folks who are on special use permits in the dune shacks have been sent out their opportunity to re-up for another year on the special use permit, which is what we've done all along and we're committed to doing during this planning time. So those are all out. I don't know that we've received them back yet, but they have a period of time to get it back to us.

And so I feel a little bit -- I wish I had more to report. Let's put it that way. But I do want you to know that there has been activity mostly behind the scenes on this, and I know that I owe another general report out to, as I said, the interested parties, who I haven't communicated with since Rich's withdrawal.

MS. BOLEYN: Thank you very much.

On to the Highlands Center.

MR. PRICE: Well, I just wanted to mention the Trust for Public Lands has been the lead agency on working with the property owner and with the congressional delegation on trying to secure funds, and they're still very optimistic. That isn't a dead topic even though we haven't had press releases about that specifically, but I was encouraged the last time I spoke with them.

#### HIGHLANDS CENTER UPDATE

MR. PRICE: The next topic was just general Highlands Center updates. Kyle Hinkle is here, the executive director of HCI. I'd like to ask her to say a few things.

MS. HINKLE: Sure. Thank you.

And I just think it's important to let you know that we're kind of

wrapping up this year. Our year ends December 31. We're working very closely with Lauren on putting together a really good marketing plan, and we'll be getting the word out here very quickly in the new year about Highlands Center and the successes that have occurred up there. It's very, very exciting, the work that's being done. Probably the newest and most exciting is in climate change, and of course, everyone is so very concerned about that. So we'll be getting that together and getting that launched in the new year.

And I know Lauren has an update too.

MS. McKEAN: Yeah, I have an update.

We did just recently hear from the Mass. Technology Collaborative that we had been awarded a \$40,000 grant to look at wind feasibility at the Highlands Center site. As you probably remember, we had a MET tower, a wind meteorological tower, that was taken down in the spring. So we have some important data. So it's now taking that data and basically taking it into the next level of analysis of technical feasibility out there as well as some economic feasibility and environmental impact assessment work. It obviously won't pay full freight of what we need to do out there to do all of that analysis, but that's a major work element that we'll be doing over the course of the winter and spring. And actually, that will be a longer term process.

And then a number of the other things that we're doing over the winter is sort of like planning for the next year, figuring out the sign and entry improvements that we can do at the site and things of that nature.

So that's all going on now.

MS. BOLEYN: I'm sorry. My mind lapsed. Could you just quickly -- what's the next step?

MS. McKEAN: The wind feasibility assessment where we basically asked for funds to look at wind turbine feasibility to generate power at the site for the site.

MS. BOLEYN: Thanks.

I wanted to ask Kyle a question. Anything new on the kiln?

MS. HINKLE: We're still in engineering approval. Let's put it that way. But John is -- we're ready to launch. As soon as we have those approvals, we'll be ready to break ground.

MS. BOLEYN: Thank you.

MS. HINKLE: You're welcome.

MS. BOLEYN: Thank you very much.

#### ATLANTIC RESEARCH CENTER UPDATE

MR. PRICE: Up at the Highlands Center, we have the Atlantic Research Center, and this has been a continuing item on the agenda. I don't know that it has to continue to be, but what I would say is we actually had a field trip a number of meetings ago when we were just about coming to closure of that facility -- excuse me -- closure to that construction and actually opening it. And I would invite any of the commissioners who hadn't had a chance to get up there -- if you'd like to do it, I would be glad to take you up and take you around. Basically it's three buildings. We have the one building

that's the lab, the other building that's basically the classroom, and then where the labs had been pulled out are now researcher and office space.

#### ORV/PIPING PLOVER UPDATE

MR. PRICE: We had still the ORV and piping plover. We feel that the result of the environmental assessment last winter allowed us to have a lot more flexibility in allowing other access points. We were only closed for about 14 days for the whole ORV season. We were actually completely closed three to four days, but there was so little space available that we didn't put that out in press releases, but some of the folks that we work with very closely were aware. And we also received some positive comments about our ongoing communication with the folks, although there was still a few complaints for sure. However, there was still a significant drop-off in the number of folks that pulled the ORV permits. It would be interesting to see if after a couple of seasons now without a full closure for a month and a half, which is unfortunately what happened the year before last, to see if that stabilizes and comes back or not.

#### HUNTING EIS

MR. PRICE: The hunting EIS, as you all know, I reported at the last meeting was finally signed. We're well into the hunting season at this point. The state proceeded with the release of pheasants. If you recall, even though it didn't make a lot of common sense, the result of the EIS was that we allow the state -- working with the state on release of pheasants to be phased out over a number of years, and we also included the rest of the hunting program,

and we'll be working to actually secure a turkey season as well. So we're successfully working with the state on that, successfully working with the different hunting groups on that, and surprisingly, at least to date, have received no input from any of the folks that originally filed the lawsuits that required the EIS to begin with six years ago. We've received one inquiry and that was about it.

I've also received positive comments from groups when they learned about the heathland restoration project which is going to be out here in the Marconi area, initially about 250 acres up to 500 to 700 acres over a period of time. That's a cultural landscape restoration project to let folks know what the heathland area actually looked like out here back when it was Camp Wellfleet, and that will also allow for a lot more diversity of bird life and other types of critters out here that have that type of landscape that they need to survive as opposed to the shrub pines that we have today. I don't know if there are any other questions on that.

MR. WATTS: George, that could include the airspace.

MR. PRICE: Great. With housing and windmills on it?

(Laughter.)

MR. WATTS: With nothing on it. Just birds.

MR. PRICE: Nothing on it works for me, Peter.

#### OVERWASH AT SOUTH BEACH

MR. PRICE: I put on here the overwash on South Beach. Obviously that received a lot of press. If you recall, the original overwash went all the

way back to April. Almost all the overwash at that time was confined to the National Park-owned property, and obviously it expanded. The nature of barrier beaches is that they change, they morph, and they grow or they withdraw. Basically where that particular cut is today is where the harbor to Chatham was in the 1870s, so it's kind of a -- very much of a cyclic type of thing. And if you listen to Graham Geise, he's predicted that for a long time, that that's the kind of (inaudible) that would actually happen there.

There was a lot of concern in the town. I've attended numerous meetings personally. The most recent was the Orleans Citizens Forum that a number of us went to, although basically I think almost everybody in the audience was either interested in talking to the state or the federal Fish & Wildlife people. Between the both of them, they basically handled all of the questions, but it was a very interesting dialogue.

And then obviously the most recent storm there were two structures that were washed over. And on one hand, as a civilian, you could look at it and say, "Well, these people have been there 60 years. How could something like this happen?" When you talk to a Graham Geise or a John Portnoy, our time lines when it deals with geographic changes is a much longer time line. So barrier beaches come and go, and 60 years is not even a blip in that kind of time. So it's the type of thing that we can expect being where we are today.

MR. SPAULDING: George?

MR. PRICE: Yes?

MR. SPAULDING: What's your position on if a house gets moved or whatever, reconstructing it or rebuilding it? Not bigger but in the same -- you know, on the beach?

MR. PRICE: We have to take a look at it as a case-by-case basis, but again, as I said about the Lavin property, that particular house had already been moved under the auspices of the Park. So relocating a structure within a parcel we'd go through the normal permits and process of the town, and we'd have a comment. And mostly on a barrier beach and a habitat area, we would be concerned, Fish and Wildlife -- and the state Fish and Wildlife would be concerned were you impacting bird habitat or not. And then the town natural resource people would have a concern as to where it's being placed as to how it may or may not affect the movement of the sand. So we're not opposed to it unilaterally.

MR. SPAULDING: That was really my question.

MR. PRICE: Yeah, yeah.

#### CENTENNIAL CHALLENGE

MR. PRICE: Centennial Challenge. For those of you that were able to participate on the field trip this morning -- we went out to Old Harbor, and this has received a lot of press. So we expect -- and I had expected by now -- that we'd have a budget passed. So as I reported before, remember, we put three projects forward on the National Centennial Challenge initiative the President is sponsoring; the restoration of Herring River, the Highlands Center project, and then the restoration of Old Harbor. None of those

projects qualified at this early juncture because we had to have a partner that had 50 percent of the funds on the table, and we had to be able to identify a ribbon cutting date. So we were not ready for those projects. However, the Old Harbor project and some other land disturbance projects we are ready for, and they went through a different process.

So if we get a budget this year, then we will get the funds and be able to move on those. We're still in what's called the continuing resolution, which means we can't spend any more than we could this time last year. That continuing resolution goes to December 15. Whether the Congress and President will simply do another continuing resolution or there will be some sort of an omnibus bill which would allow us to have a budget for this year, we'll see. One of my problems is the further we go into the year, the less time I'll have to actually execute those funds because it's only one year running. So it's a Catch-22 type of thing, but we certainly hope we'll be able to do it. Certainly that important facility deserves that.

And then I think I also mentioned that we will get a boon in dollars towards funding our lifeguards as well as some extra positions in maintenance, law enforcement, and interpretation, which specifically are targeting at providing visitor services. So hopefully that's a pretty good boon because you're right -- I know Mary-Jo says every time she talks to the Park Service we're talking about a budget cut. Well, this would actually be a boost for us, a permanent increase, not just a one-year increase. So that would be certainly beneficial.

### WHITE HOUSE CHRISTMAS TREE

MR. PRICE: And then finally, although it's not on the agenda, one of the items I just want to make an announcement about is that there was an interesting proposal actually put forward by the First Lady, and this was to help decorate the White House Christmas tree. So they contacted all the units of the National Park Service. Without fanfare we were to try to find an artist within the community that could actually paint a Christmas ball and send that down to the White House.

So in talking to our staff and our resources, what we did was we worked -- Mark Adams, who is on our staff, works very closely with the Provincetown High School on a number of different projects, and he asked them to select a student artist. We really thought that that was the route that we wanted to go to really reflect the youth, not just go to a working artist who has a professional life already but really reach out to the youth.

So they chose Brandi Weber, who's actually a Truro resident but who attends Provincetown High. And she designed a scene of the bay, sand, lighthouse, dunes, and boats, and her ornament was hung on the tree along with the 346 other Park units by Mrs. Bush. And they had a big reception and a lot of press the other day. We've invited Brandi and her family down here tomorrow afternoon at around 2:30. We've invited some press.

(To audience member) I hope you can attend.

And we'll just have a little reception. I think we have a photo of the ornaments and really thank Brandi for her presentation. I think it was really a

nice thing for her to do, and she knows that she has something to do with the White House.

MS. BOLEYN: That's wonderful. What a nice story. That's great. Thank you.

MR. PRICE: Thank you.

MS. BOLEYN: There was one other thing on the list, Alternate Transportation Funding.

MR. PRICE: Oh, okay, sorry. Yes.

#### ALTERNATE TRANSPORTATION FUNDING

MR. PRICE: The alternate transportation funding, we have in the past received funds which have gone towards basically funding the flex portion and the Provincetown shuttle portion of the bus system out here. I think since last meeting you might have seen that we received an additional \$2.3 million to go towards that. So that means a total of \$8.3 million that have come through the Park Service from the Department of Transportation to fund alternate transportation projects. So this 2.3 is targeted, first of all, to replace the rolling stock up in Provincetown. That is equipment that was all purchased at the same time, and this would actually be replacing a lot of that equipment.

It also would then go towards some other planning initiatives. When we talk about coastal erosion, for instance, we have issues now with the towns from Orleans up through Truro and Wellfleet where all the town beaches are being affected by accelerated erosion, and then we have our own erosion issues, for instance, at Nauset Light Beach specifically. So we'll

be working with the Volpe Center and with the various towns about a planning exercise to really try to look down the road on what are the options that we would have and how could alternate transportation be part of that solution. So that's what part of those monies will be used for, so we're very thrilled to get it.

So you ought to know that, number one, we've been one of the parks -- we and Acadia and a couple of other places that have really benefitted from this exercise, and in our case, I definitely have to thank Congressman Delahunt and his staff for helping to push this through with the avenues in order for us to actually get this money.

MS. BOLEYN: Thank you. That's great.

Yes, Ed?

MR. FRANCIS: Yes, I wonder if George could comment. He and I were discussing the work that's going on at the Race Point Coast Guard Station.

MR. PRICE: Sure. We have a number of projects that have happened mostly in-house recently. Some of you, I was talking in the van, saw the press about the famous Larry French, who's retiring. That was a Saturday a couple of weeks ago. The Cape Cod Times did a profile of him. He was working on the Coast Guard Station down at Eastham. That's been a long-term project we've been doing in-house. We've also fixed up a couple of the maintenance facilities. In fact, there was a field trip with the Advisory Commission over to the Marconi yard I think last year or so.

What we embarked on this year is the Race Point Ranger Station, which is a former Coast Guard facility which is in really rough shape. It wasn't an exaggeration to say we had buckets like this (indicates) catching the rain and everything else in there. So it was really in pretty deplorable condition for us to be using it as an office facility. So we secured some funds, and we made the decision to use our in-house talent. This year both with our permanent staff and with our temporary staff -- we have a lot of people that represent a lot of the trades who are really accomplished, and we made the decision to actually do this as an in-house project as opposed to contract it all out.

So if you go up to the Race Point area now right next to the off-road sand vehicle office, you'll see the work they're doing up there, and it's really gutting it. It's a soup to nuts type of thing, new utilities and everything. So that's where we house our rangers for the northern part of the Park. Our interpretive supervisor for the northern part of the Park and our fee collection offices are all in that particular facility.

MS. BOLEYN: Thank you.

We saw just from the outside, and it really looks like a really terrific renovation. New windows. It's going to be great.

MR. PRICE: We're going to have to do an open house.

MS. BOLEYN: There you go.

MR. PRICE: Chance for a party.

MS. BOLEYN: Yes. Thank you.

**OLD BUSINESS**

MS. BOLEYN: I think that brings us to Old Business. Is there any old business?

DR. IRWIN: Yeah, I have a bit of old business.

At the east end of North Pamet Road where it comes out on Ballston Beach, fencing is needed at the top of the dune. The fencing fell a couple of storms ago, and it hasn't been replaced. The post is still there, but the fencing that has helped build up the dune is missing, and now the dune is beginning to decline.

MS. BOLEYN: Fencing needs to be replaced.

DR. IRWIN: Yeah.

MR. PRICE: Could you, Scottee, make sure you identify exactly where Howard's talking about so we can pass that on to Ben?

MS. NISTA: Shall we just try and determine if that's town property or it's ours?

MR. PRICE: Okay.

MR. WATTS: It might be Mr. Lavin's.

MR. PRICE: Well, we're good buds now, so...

(Laughter.)

DR. IRWIN: We'll pass this to you then.

MS. BOLEYN: Anything else under Old Business?

I think I would just like to comment that I heard on the van -- maybe you're going to --

MR. SABIN: Well, I made the same comment. I think Dick brought up at the last meeting a concern about Fort Hill, and I have to tell you that I received a note addressed to both Dick and I during the intervening time that they had done some serious mowing at Fort Hill and maybe we should drop over there and take a look at it. And I did do that a month or so ago. Probably 90 percent of it had been mowed, and it looked really nice. A mower was broken down and still there in the field, and as of yesterday, the mower has been repaired and mowing has been completed. I haven't seen Fort Hill look as good as it does right now in the last eight or ten years. It looks like a pasture, which is what it's supposed to look like. It looks great.

MR. PHILBRICK: I agree.

MR. PRICE: Well, we appreciate the compliments. The staff has really done an amazing job. And as you recall from presentations here from Dave Crary on the fire crew, the effort there is an alternating mow and burn scenario in order to have the grass come back. And Don St. Louis and our grounds crew really took on the effort of making sure that that got cut this season. So I agree with you. It looks spectacular. And for those of you that haven't seen Fort Hill in a while -- I mean, I've been quoted in the press as saying it's my favorite place in the world. That's no exaggeration, but I would encourage you to take a look. It really is inspirational right now.

MS. BOLEYN: Thank you.

Anything else under Old Business?

(No response.)

**NEW BUSINESS**

MS. BOLEYN: New Business. Is there any new business to come before the Commission this afternoon? (No response.)

MS. BOLEYN: Seeing none, that brings us then to date for the next meeting and suggested agenda items.

**DATE AND AGENDA FOR NEXT MEETING**

MS. BOLEYN: I have a suggested date here of February 25, which is a Monday. Today's a Tuesday. I noticed it worked pretty well.

Of course, this suggests that you have your 2008 calendar at the ready.

MR. SABIN: February?

MS. BOLEYN: It's Monday, February 25, is suggested. MR.

PRICE: I do believe Ron would be available on that date.

MS. BOLEYN: Okay, that was going to be my question. Chairman Kaufman would be available that date.

MR. PRICE: Of course, the reason it's a Tuesday today is because he was supposed to be available today.

(Laughter.)

MS. BOLEYN: Well, you never can be quite sure.

MS. AVELLAR: (Inaudible) in Iowa (inaudible).

MR. PRICE: Could be.

(Laughter.)

MS. BOLEYN: Could be. That's true.

Does that seem like it works for most people who are here today?

MR. SABIN: That far ahead looks good.

MS. BOLEYN: Yes, uh-huh. All right, let's go for that. We'll go for Monday, February 25.

MS. BOLEYN: Agenda items?

MS. AVELLAR: Can we keep up with the dune shack? Another one on that?

MR. PRICE: Yeah.

MS. BOLEYN: Yeah.

MR. PRICE: Other than the ones that are previously listed or there's elaboration requested on any of them, you can let me know even now or in the intervening times. MS. BOLEYN: Yes, there is always time to add to the superintendent's report. The only constraint is to get the agenda into the Federal Register straight away so that there's no glitch with that.

MR. PRICE: Right. And I'll certainly give you an update on where we are with our ongoing dialogue both with the wind turbines with the roundtable and the zoning issues as well, if there's anything particular.

And also, are there any suggestions for a field trip? I'm trying to keep you all engaged with ongoing projects as we are working on them. Of course, February 25 can be pretty chilly and there may be snow.

MR. PHILBRICK: Leave it for April.

MS. BOLEYN: Yes, maybe we'd pass on that one and wait for the next.

MR. PRICE: Sounds good.

MS. BOLEYN: Unless some great opportunity pops up.

MR. SABIN: So an indoor trip.

MS. BOLEYN: An indoor trip.

**PUBLIC COMMENT**

MS. BOLEYN: All right, that brings us to Public Comment.

Do any of our guests in the room today have any comments they'd like to add? Mr. Clemons?

AUDIENCE MEMBER (PETER CLEMONS): Yes, I can't pass up this opportunity.

Just for the record, I'm here in part with Marianne to represent our little association called the Traditional Cultural Property of Great Beach -- the Peaked Hill Historic District TCP Association. And we've actually formed -- I think you know this, but over the summer and came up with a mission statement and are very interested in the subcommittee, which was used with a lot of the political entities. We're told that there would be a subcommittee. So they assured us as an association that that was happening, so I know there is the issue of Rich and how that fell apart, but it's not just a little cluster of people that are interested in this.

There are a lot of issues that haven't been dealt with. And the special use permit piece, I know that sounds good, but within the dune shacks there are at least five different designations. And the special use permit category really deals with nonprofits more than the dune dwellers per se, so I'd sort of

like to know who qualifies. The list I know of for special use is the Peaked Hill Trust.

MR. PRICE: Well, they have cooperative agreements.

AUDIENCE MEMBER (MR. CLEMONS): Well, it would be good to have a printout that defined -- there are five different categories. Dune dwellers have use and occupancy.

MR. PRICE: Susan, how many permits are we talking about here?

MS. MOYNIHAN: It's the Ofsevit shack, the Tasha/Kent shack, Thalassa, Euphoria, and the Braaten shack. Those are the five that are under annual special use permits.

AUDIENCE MEMBER (MR. CLEMONS): Well, it would be great to maybe have more of a policy other than just the special use. Freezing that category is one thing, but it really doesn't deal with the bigger picture.

MR. PRICE: That's correct. And I think the commitment was, Peter, just to assure you that that status was continuing, that there was going to be no impact on that status, which is the only thing that -- that's a year to year at this point.

AUDIENCE MEMBER (MR. CLEMONS): Obviously the TCP designation issue is very much on our minds and will be.

Off that subject a little bit, I noticed in the Globe Jeff McLaughlin died a couple of days ago, and he was a reporter who covered this issue over the years. And I went back into our files and looked at articles that had been written about the dune dwellers and about the shacks back to 1991.

So I would just encourage people who want to see how much or how little progress has been made to go back and look at what was in the press in the '90s. Jeff McLaughlin was a good writer and covered it very thoroughly. It was interesting to see 15 years ago how the subject was -- whether, in fact, to continue to bulldozing the shacks at that point. So there has been progress made in many ways, historic structures, but the use category really is still very much up in the air. And the last comment is the Atwood-Higgins complex, I find that to be -- like you have mentioned Fort Hill being one of your favorite places, I actually have come to love that little cluster of buildings, and it seems like there is a tiny little sign on Route 6, which probably is tiny for a good reason, but there are at least four or five buildings in that complex that are just disintegrating and falling apart, which I would like to point out I find those to be extraordinarily beautiful buildings that I would hope the Seashore could find some way of maintaining them. I think that's what dune dwellers do for the shacks, and I would love to think that the Seashore had some kind of apparatus to -- I mean, you have one very beautiful house that has had tons of work, but those sort of satellite buildings are extraordinarily appealing.

I don't know anybody who really knows anything about that whole little cluster of buildings. It seems like a private little world down there that nobody knows about. So I'd love to see more activity and more visibility. I'm sure the abutters don't want any big signage bringing people in, but given the amount of money that's being spent down there, I'd like to think that more people could enjoy that. It's a beautiful spot. And that's my comment.

MS. BOLEYN: Thank you.

AUDIENCE MEMBER (MR. CLEMONS): Thank you for always doing this function. You guys are great. Appreciate it.

MR. PRICE: If I could just respond, Peter, quickly on the Atwood-Higgins, I would agree with you both on the -- the lure of that spot draws me in as well, and it's one of our important historic structures. Unfortunately, like a lot of the structures in the Park, many of them have not been attended to, whether they be structures our staff has been utilizing, as we talked about at the Race Point Ranger Station, or even our historic structures and the Atwood-Higgins house being one of them. That actually in better weather I think would be an excellent field trip for this group just to see what's happened there and what our challenges are.

The actual structure itself -- and this is the house -- has had a lot of work from our national crew that has expertise in historic preservation. So they've been there, and they're putting in the fire suppression system soon, and they've been working on the structural integrity of the structure. And Peter's absolutely right. The other structures around the property are in pretty rough shape.

Do you know what our next steps are for that?

MS. MOYNIHAN: We're in the middle right now of creating a historic structures report for the outbuildings and a cultural landscape report for the outbuildings. What we would like to determine is what is significant about that property from a landscape and architecture standpoint with the idea that

potentially the property would be a potential lease arrangement with a nonprofit or with an individual who would serve as a caretaker and maintain the outbuildings. We also have another contract study under way with a public archeology lab out of Rhode Island. They're studying the National Register eligibility of the outbuildings. That has always been the question because those were built much later than the Atwood-Higgins house, which was built in the early 1700s. So we need to confirm the National Register eligibility of all of those other outbuildings in order for us to know really what our stewardship responsibility should be, and that contract just got under way this fall. So there's a lot of research being done.

AUDIENCE MEMBER (MR. CLEMONS): Good. Glad to hear it.

MR. PRICE: So it's a work in progress. Unfortunately, they've been allowed to deteriorate beyond what should have been allowed. There's no question about that.

As far as access is concerned, because of the location of that, the limited nature of parking, that isn't going to be a place that we're going to try to bring a lot of people to. And, in fact, what we've talked about in the past is, if we were going to be doing special tours, is there the possibility for satellite parking bringing people in for special events or for different things like that? Not only do we have to be sensitive to the neighbors but also, frankly, just our own property that we own, we can only put a handful of cars there at any one time. We have less concern at the Penniman House, which is right over your head here, because we do have a larger lot right next door to that, so when

they have open houses there and other events, at least we have more access to that location.

AUDIENCE MEMBER (MR. CLEMONS): I'm happy to hear that there's attention being given. It is an extraordinarily beautiful spot that hardly anyone would know.

MR. PRICE: And once the Herring River is restored, won't we see the water from there again?

MS. MOYNIHAN: You can barely see it from the hill.

MR. WATTS: Yes.

MR. PRICE: Because there are pictures of boats going out. I mean, it's just an incredibly different environment back in the historic day.

MS. BOLEYN: Ed?

MR. FRANCIS: I want to say in the '80s when we had the buses, we had a contract with the National Park to bus people in and out of there. I think it was once a week for an interpretive program that they had there. It was very interesting. I don't remember going into the building itself but explaining what a Cape Cod house was like and what its features and the outbuildings and what they did. It was a very popular tour. Evidently it's not going anymore.

MS. MOYNIHAN: It's still being offered late spring through early fall a couple of days a week. It's either an open house or a tour.

MR. WATTS: That is my road. That's where I live.

MR. PRICE: You want to be a parking lot?

MR. WATTS: No.

(Laughter.)

MR. WATTS: There is a fully stocked country store there.

MR. PRICE: There was.

MR. WATTS: There was. It's no longer.

MR. PRICE: It's not stocked. It's in a deteriorating condition, as Peter mentioned.

One quick aside. I can't resist. My first job in the National Park Service was at Morristown National Historic Park. A lot of the people that settled in Morristown were transplanted New Englanders, mostly from Connecticut. The Tempe Wick House, which is one of our historic properties, which actually was the headquarters for General St. Clair during the Revolutionary War, is an exact down to the dimensions practically of the Atwood-Higgins Cape Cod house. So every time I walk in there it's déjà vu because I was at Morristown during the bicentennial years, and that was often my duty station, and it's just uncanny how when you walk in there's the fireplace, there's the buttery, there's this, there's this bedroom and everything. So that model really served our country well for certainly many years.

MS. BOLEYN: Thank you. Anything else?

Yes, Mary-Jo?

MS. AVELLAR: I hate to bring it up, but when I saw him come in, I had to.

I think I raised the issue the last time that it was kind of rumored around town that rangers were stopping people in the Park. They were in there in the

evening or whatever. There was an incident of a woman, although she was drinking, who -- there are people there, Park Service personnel out in New Beach filming people in an unmarked car. We find that extremely objectionable in Provincetown. It's wintertime, for crying out loud. And I have no -- certainly no one has any objection when you patrol if somebody's drinking in their car or whatever to stop them, but the notion that people are in the Seashore and that rangers are actually filming them is really, I think, not a good policy at all.

MR. PRICE: And it's also untrue.

MS. AVELLAR: It's untrue?

MR. PRICE: It's untrue.

MS. AVELLAR: Okay. So one of the selectmen went over who happened to be out there because he gets his Banner and he goes out there and reads it when it comes out every Wednesday afternoon. And he went over, and he confronted the people, and they took off. But it was his understanding that they were Park Service personnel and that they were filming.

MR. PRICE: They were Park Service personnel. They were not filming. They were doing a contact with a woman who was drinking out of an open --

MS. AVELLAR: There were two cars, I think.

MR. PRICE: Yes, there were.

MS. AVELLAR: But he said he saw a camera, so I'm bringing it up now

just to say that the selectmen found it objectionable if that is going on. I'm happy to hear that it's not, and I'll report that back.

MS. BOLEYN: Thank you.

Anything else?

(No response.)

### **ADJOURNMENT**

MS. BOLEYN: May we adjourn. Thank you very much. Merry Christmas, everybody.

(Whereupon, at 2:53 p.m. the proceedings were adjourned.)

**REPORTER'S CERTIFICATE**

PLYMOUTH, SS

I, Linda M. Corcoran, a Court Reporter and Notary Public, in and for the Commonwealth of Massachusetts, do hereby certify that:

The foregoing 87 pages comprises a true, complete, and accurate transcript to the best of my knowledge, skill, and ability of the proceedings of the meeting of the Cape Cod National Seashore Advisory Commission at Marconi Station Area, Park Headquarters, South Wellfleet, Massachusetts, on Tuesday, December 11, 2007, commencing at 1:04 p.m.

I further certify that I am a disinterested person to these proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this 2nd day of January, 2008.

M. Corcoran - Court Reporter

My commission expires:  
September 13, 2013

Linda