

KENT'S POINT CONSERVATION AREA MANAGEMENT PLAN

TOWN OF ORLEANS,
BARNSTABLE COUNTY,
COMMONWEALTH OF MASSACHUSETTS



View from Lonnie's River Overlook, Kent's Point

JUNE 1995

Prepared for:
Town of Orleans Conservation Commission

Prepared by:
The Compact of Cape Cod Conservation Trusts, Inc.
with funding from The Friends of Pleasant Bay

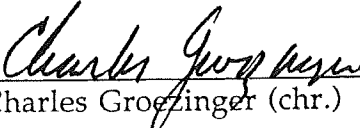




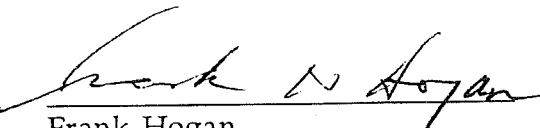
Town of Orleans Conservation Commission

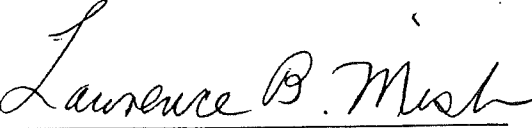
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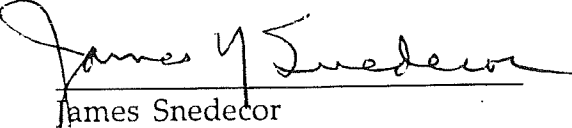
VOTE: At a legally-advertised meeting of the Orleans Conservation Commission, held on July 11, 1995, the Kent's Point Conservation Area Management Plan, dated June 19, 1995, was approved by unanimous vote. The Commission held a public hearing on this Plan on March 28, 1995 and comments received at that hearing were incorporated into the Plan.

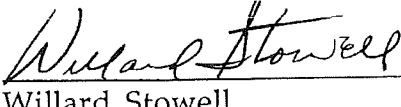

Charles Groezinger (chr.)

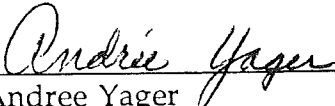

George Christie


Frank Hogan


Lawrence Mish


James Snedecor


Willard Stowell


Andree Yager

ATTESTED:

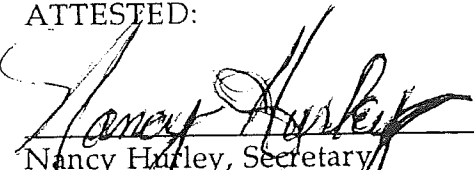

Nancy Hurley, Secretary
Orleans Conservation Commission



TABLE OF CONTENTS

TABLE OF CONTENTS	ii
EXECUTIVE SUMMARY	iii
A. INTRODUCTION & AUTHORITY	1
B. BACKGROUND	1
C. SITE HISTORY	2
D. SITE DESCRIPTION	3
E. ENVIRONMENTAL SIGNIFICANCE	6
1) Archæology	7
2) Rare Species and Wildlife Habitat	8
3) Coastal Resources	8
4) Scenic Value	8
F. EXISTING USES	8
G. LEGAL PROTECTIONS AGAINST CONVERSION OR DISPOSAL	9
H. THREATS TO NATURAL RESOURCES	10
1) Archæology	10
2) Wildlife Habitat and Rare Species	10
3) Coastal Resources	11
4) Scenic Value	11
I. MANAGEMENT RECOMMENDATIONS	11
1) Property Access	11
2) Boating Facilities	15
3) Phase II / Lease Area	16
4) Shellfish Laboratory	18
5) Handicapped Access	19
6) Capital Costs and Funding	20
7) Property Integration	21
8) Access for Passive Recreation	22
9) Property Regulations and Uses	27
10) Habitat Improvements	28
J. PLAN IMPLEMENTATION	29
1) Property Management	29
2) Property Security	29
3) Fire Plan	29
4) Update and Review	30

LIST OF FIGURES

FIGURE	LOCATION
1	Town Locus Map following page 2
2	Topographic Locus Map following page 2
3	Assessors' Locus Map following page 5
4	1984 Aerial Photograph following page 5
5	ACEC Locus Map following page 6
6	1988 Conceptual Subdivision following page 8
6A	1994 Frost Fish Lane Sketch following page 11
6B	Handicapped Access Design following page 19
7	Recreation/Sensitive Resources following page 22
8	Lease Area following page 15
9	Current Boundaries following page 21
10	Trail Design following page 23
11	Main Parking Lot Layout following page 24

LIST OF PHOTOGRAPHS

PHOTO #	Page
cover	Lonnies River cover
1	Fringing marsh 3
2	Beach access 4
3	Frost Fish Cove 5
4	Bay view 9
5	Kent home 17
6	Viewing deck 26
7	Viewing deck 26
8	Resting bench 27

APPENDICES

Appendix A	Relevant Excerpts of 1994 Town Open Space Plan
Appendix B	Relevant Deeds and Kent Lease
Appendix C	Relevant Survey Plans
Appendix D	1988 (Schall) IEP, Inc., Environmental Assessment
Appendix E	1988 (Dunford) Archæological Reconnaissance Survey
Appendix F	1994 Conservation Commission Regulations
Appendix G	1994 Firefighting Plan, Orleans Fire Department
Appendix H	1994 Frost Fish Lane Drainage Study- Preliminary Results
Appendix I	1995 Capital Cost Estimates - Orleans Park Department
Appendix J	Selected Letters of Review and Comment

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Appendix D	1988 (Schall) IEP, Inc., Environmental Assessment
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Appendix F	1994 Conservation Commission Regulations
Appendix G	1994 Firefighting Plan, Orleans Fire Department
Appendix H	1994 Frost Fish Lane Drainage Study- Preliminary Results
Appendix I	1995 Capital Cost Estimates - Orleans Park Department
Appendix J	Selected Letters of Review and Comment:
J.1	Orleans Recreation Commission, Letter to Orleans Conservation Commission re: Kent's Point Management Plan, Dec. 14, 1993
J.2	Town of Orleans Waterways Improvement and Shellfish Advisory Committee, Letter to Orleans Conservation Commission re: Proposed Shellfish Lab at Kent's Point, July 29, 1994.
J.3	Orleans Committee on Disability, Letter to Orleans Conservation Commission re: Kent's Point Conservation Area, Jan. 10, 1994.
J.4	Nancymarie Schwinn, Orleans Town Executive, Letter to Mr. Sherman Reed re: Town maintenance of access way to Kent's Point, June 9, 1995.
J.5	Miscellaneous newspaper clippings

KENT'S POINT CONSERVATION AREA MANAGEMENT PLAN

EXECUTIVE SUMMARY

PURPOSE:

This Management Plan is intended to provide guidelines for conservation and passive recreation uses at the Kent's Point Conservation Area in Orleans, Massachusetts. This Conservation Area consists of 27.7 acres and a single family cottage and outbuildings. This plan provides for a two-phase management design. Phase I includes recommended uses for the 24.1 acres currently open to public; Phase II includes a discussion of alternatives for the 3.6 acres of privately-leased area, including structures. The entire parcel is now under the direct management authority of the Town of Orleans Conservation Commission. The Commission's goal is to provide limited passive recreation that will not disturb significant natural features and avoid or minimize threats to the conservation values of the site. This management plan is the second in a series of plans for town-owned open space, following the adoption of the Paw Wah Point Management Plan in 1991.

BACKGROUND:

The Orleans Town Meeting acquired Kent's Point on 24 October 1988 after four years of planning and acting to reserve the property for conservation and passive recreation purposes by the community. Title to the \$1.8 million property was conveyed on 15 December 1988, subject to a lease retained by the seller, Miss Charlotte Kent, which expires in 1997.

Since 1988, town improvements to the site have been minimal. Three small turnouts were installed along the driveway and the Cove Trail was minimally brushed out. Signs were installed identifying the legal access to the Point and to protect Miss Kent's privacy. In 1993 the Friends of Pleasant Bay agreed to fund a comprehensive management plan for the property to inventory resources, identify existing and potential types and levels of use, and prepare recommendations for town approval. A dedicated town fund of \$50,000 is available to pay for capital costs associated with enabling the public to enjoy passive use of the property.

DECISIONS & RECOMMENDATIONS:

- Upgrade Frost Fish Lane to a passable condition, while retaining its country lane atmosphere; install drainage, signs, speed bumps; provide annual town maintenance; prevent unauthorized use of Keziah's Lane.
- Do not permit boat launching; encourage canoe landings from the water.
- Remove structures, except gazebo, after expiration of lease.
- There are no plans for a shellfish laboratory at this time.
- Provide handicapped access to picnic areas and shorefront.
- Enhance conservation value of site by protecting adjacent properties.
- Cut and maintain five segments of destination-oriented narrow footpaths; phase in over four year span, evaluating use of each added segment.
- Create a 20-car (maximum) unpaved parking area at entrance and two small handicapped parking spots in property's interior.
- Conduct limited habitat improvements to enhance wildlife value.
- Continue to work with neighborhood on issues of mutual concern.
- Review and update plan on an annual basis.

KENT'S POINT CONSERVATION AREA MANAGEMENT PLAN

Latitude 41° 46' 00"N
Longitude 69° 58' 00"W

A. INTRODUCTION & AUTHORITY

This Management Plan is intended to provide guidelines for conservation and passive recreation uses at the Kent's Point Conservation Area in Orleans, Massachusetts. This Conservation Area consists of 27.7 acres, including 0.6 acre of fringing salt marsh and 27.1 acres of buildable upland. At the eastern end of the Point, about 3.6 of the 27.7 acres is owned by the Town, but leased to Miss Charlotte Kent for her lifetime use. All of the existing structures on the site are within the lease area. This plan provides for a two-phase management design. Phase I includes recommended uses for the 24.1 acres currently open to public; Phase II includes a discussion of alternatives for the 3.6 acres of leased area, including structures. The entire parcel is now under the direct management authority of the Town of Orleans Conservation Commission. This Management Plan, with its maps and appendices, is intended to comply with goals and objectives of the 1994 Orleans Conservation, Recreation and Open Space Plan. (See Appendix A.)

Under Massachusetts statute, lands held by the Conservation Commission under M.G.L. c. 40, s. 8C are to be used for conservation and passive recreation purposes. According to Orleans Town Counsel, "It is clearly within the authority of the Conservation Commission to promote and develop, as well as conserve lands under their jurisdiction and control pursuant to the provisions of Chapter 40, Section 8C [the Conservation Commission act.]"¹ This Management Plan is intended to "develop and promote" the Kent's Point Conservation Area for quiet public enjoyment at a level of use appropriate to sustain the significant natural resources identified on the property as described in Section E of this Plan.

B. BACKGROUND

"Asked why she wants to sell the land to the town for much less than she could get from developers, Miss Kent replied, 'Because I do not want it developed. It has always been open country since my family has kept it and I do not want it to be developed into small pieces. I want it as open space for animals and flowers and other growing things. I think there is very little of that left in Orleans.' "

Miss Charlotte Kent, in The Cape Cod Times, 20 October 1988.

¹ Michael D. Ford, Esq., Orleans Town Counsel, "Letter to Peter G. Hirst, Esq., Re: Kent's Point Property," January 25, 1995, p. 2.

The Orleans Town Meeting acquired Kent's Point on 24 October 1988 after four years of planning and acting to reserve the property for conservation and passive recreation purposes by the community. After approval by voters at a special election to exempt the funding of the \$1.8 million purchase from the constraints of Proposition 2 1/2, title to the property was conveyed on 15 December 1988. The single most expensive acquisition, and certainly the most unique, pursued through the efforts of the Orleans Open Space Committee's monumental work in the 1980s, was complete.

Though located in the geographic center of town (see Figure 1), the Kent property is a place apart. It was ranked fourth in an inventory of the most critical parcels of vacant land in town, according to a report by the Orleans Open Space Committee in April 1986. Its primary features were its location in the Pleasant Bay Area of Critical Environmental Concern (see Figure 5), its mile of salt water shorefront, wildlife habitat (diamondback terrapins, great blue herons, osprey, black ducks, little ladies' tresses orchid), its protection of the Pilgrim Lake herring run, and its magnificent scenic qualities overlooking not only Little Pleasant Bay, but also Lonnie's River² and Frost Fish Cove. In addition to conservation and passive recreation uses, the deed language allows that a town shellfish laboratory could also be operated on the property.

Along with the purchase of Paw Wah Point by the Town, the Kent's Point acquisition was the keystone of Orleans' aggressive open space protection program of the 1980s. The development boom of the mid-1980s resulted in 700 acres of land being consumed by new houses and businesses between 1981 and 1986, and almost 1,000 new housing units being built between 1980 and 1990. Anxiety over the attendant loss of open fields, woods and shores led citizens to vote the purchase of 100 acres for conservation, recreation and wellfield protection. The Town received \$1,400,000 in state and federal reimbursement towards the purchase of these other properties. Grant funding had been diminished by the state's budget crisis in the late 1980s when monies for Kent's Point were applied for; no state or federal funds were involved in the purchase.

C. SITE HISTORY (refer to Dunford, 1988 study in Appendix E)

The first irrefutable evidence of human occupation of Kent's Point dates from the Late Archaic Period (3500 years before present.) Kent's Point location, jutting out into the rich estuary of Pleasant Bay, was an ideal camp from which to collect, fowl,

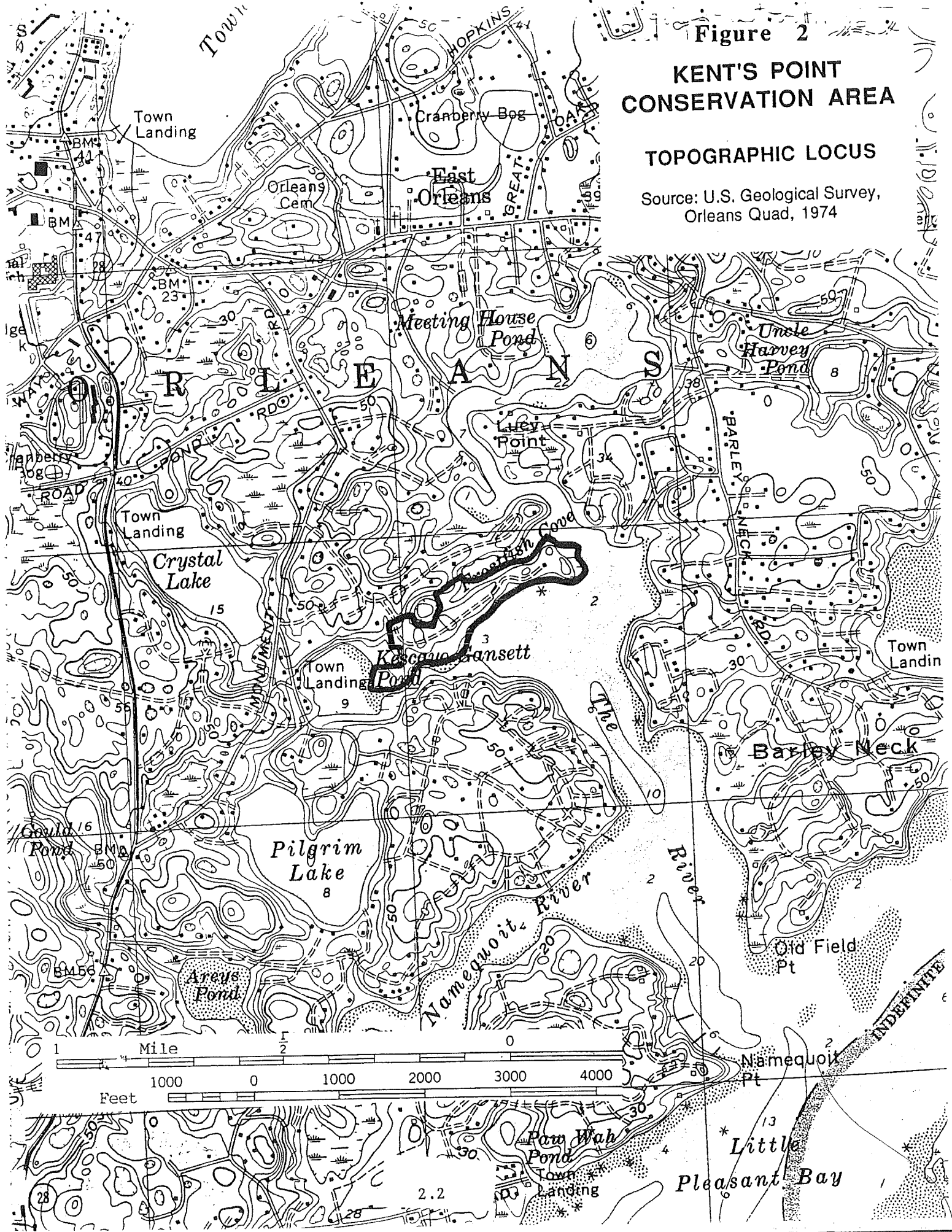
² Lonnie's River and Lonnie's Pond are also called by their Monomoyick name, "Kescayogansett."

Figure 2

KENT'S POINT CONSERVATION AREA

TOPOGRAPHIC LOCUS

Source: U.S. Geological Survey, Orleans Quad, 1974



fish and shellfish. Kent's Point, known to the Monomoyicks as "Weemsquamscett" through the 1600s, was probably part of the large Eliakim Higgins farm by the 1700s. In the 1800s, a farmhouse was established on the southwestern shore of the Point and agriculture for asparagus, potatoes, and cranberries involved the Kingman, Sparrow, and Thygeson families. In 1902 New York architect William Winthrop Kent bought the Point, leased out the commercial farming, moved the house to the east end and established a family summer retreat. In 1941 Miss Charlotte Kent, a photographer, acquired title from the family and has spent every summer there since 1904.

D. SITE DESCRIPTION (refer to site plan in Figure 6; and, Schall, 1988 study in Appendix D)

Kent's Point Conservation Area consists of 27.7 acres, of which only 0.6 acre is salt marsh or sandy beach; the remainder is upland derived of glacial deposits. Most of the mile-long shorefront of the Point is composed of a narrow band of fringing salt marsh, well-established in the quiet waters of Meetinghouse River. (See Photo #1.)

PHOTO #1. *A vigorous fringing salt marsh fronts the short, steep coastal bank around much of Kent's Point, including Frost Fish Cove, shown here. (Oct. 1993)*



Exceptions to this fringe include a small tidepool draining through the marsh halfway up Lonnie's River, and a section of sandy beach about 500 feet long located south of the Kent home. This beach is the only appropriate shore access segment on

the Point (see Photo #2;) the abandoned boat dock on The River is a more rigorous access point from the headland.

PHOTO #2. *The fringing marsh is narrow and interrupted by sandy sections south of the Kent home and for 500 feet to the west. Handicapped access to the shore may be feasible here. See Figure 10. (Oct. 1993)*



Coastal banks encircle Kent's Point. These banks are generally short and steep, but are dramatically 20-foot tall surrounding the eastern headland. A small length of bank on the river is actively eroding, though this coincides, perhaps not by accident, with the best viewing spot overlooking the tidal stream. (See Figure 7.) There is evidence of foot traffic up and down this eroding bank, as well as nesting kingfishers.

Kent's Point is generally shaped like a saddle in its topography. A long, transverse, 30-foot high ridge, gradually descending from west to east, runs to a low point near the exposed beach three-quarters of the way out the point. The land surface then rises again to create the headland form at the east end of the point, where the house lease area is located. The highest spot on the parcel is at 40 feet above sea level at the entrance to the property off Frost Fish Lane.

Pitch pine/oak forest is the dominant habitat on the property. The oldest trees are about 50 years old. The western end of the point is composed of overgrown field habitat, with a greater abundance of grasses and shrubs than pines and oaks. There are no exposed boulders. No freshwater wetlands or vernal pools are found on the site due to the sloping ridge and the droughtiness of the soil (Carver coarse sands.)

Figure 3
KENT'S POINT
CONSERVATION AREA

ASSESSOR'S LOCUS

Source: Town of Orleans,
Assessing Dept., 1992
Maps, 12, 13, 14, 15

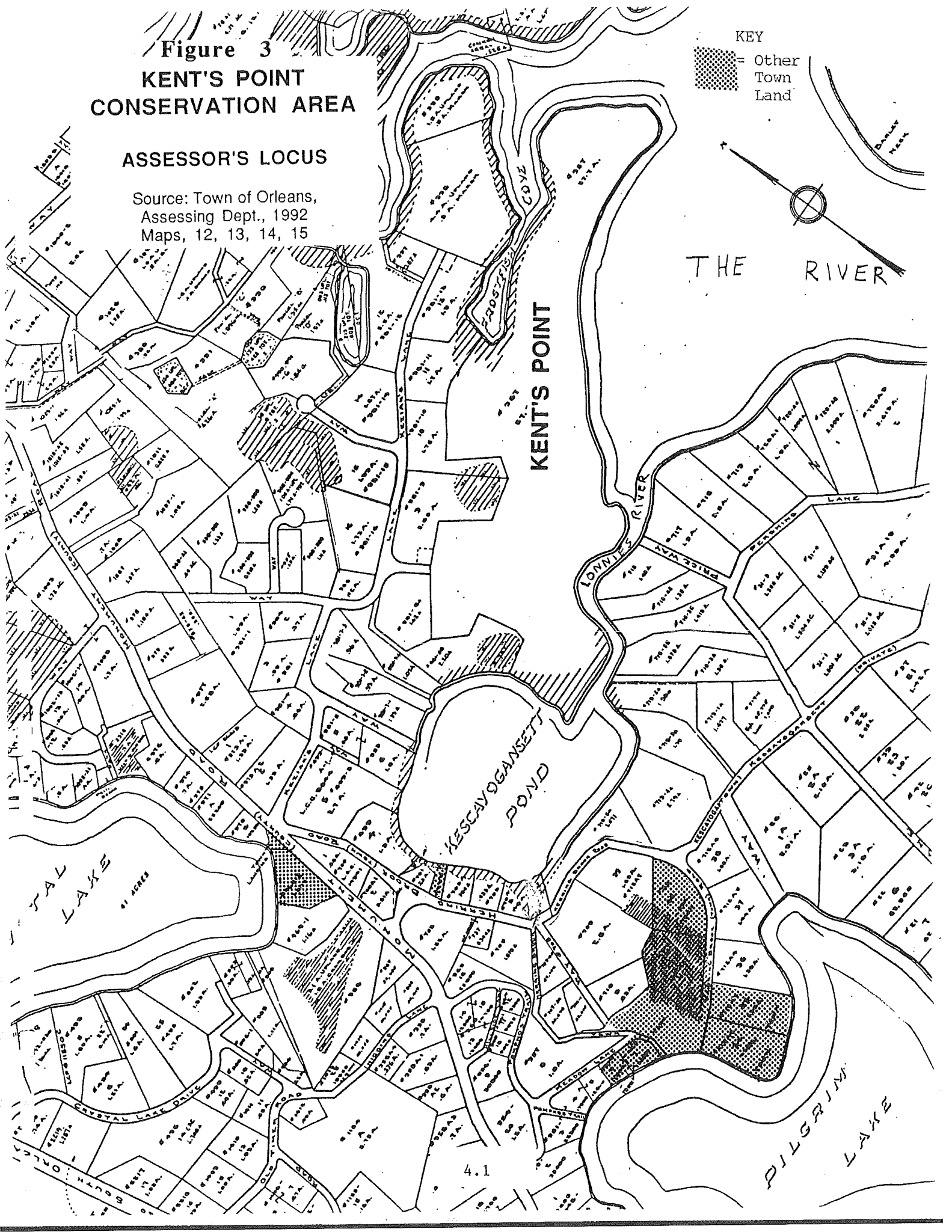
KEY
= Other
Town
Land

THE RIVER

KENT'S POINT

KESAVOGANSETT
POND

PILGRIM
LAKE



CONSERVATION PLAN MAP

Owner

Operator

County/Parish

State

Date

1984
1" = 660'

Approximate Acres

Approximate Scale

Cooperating with

District

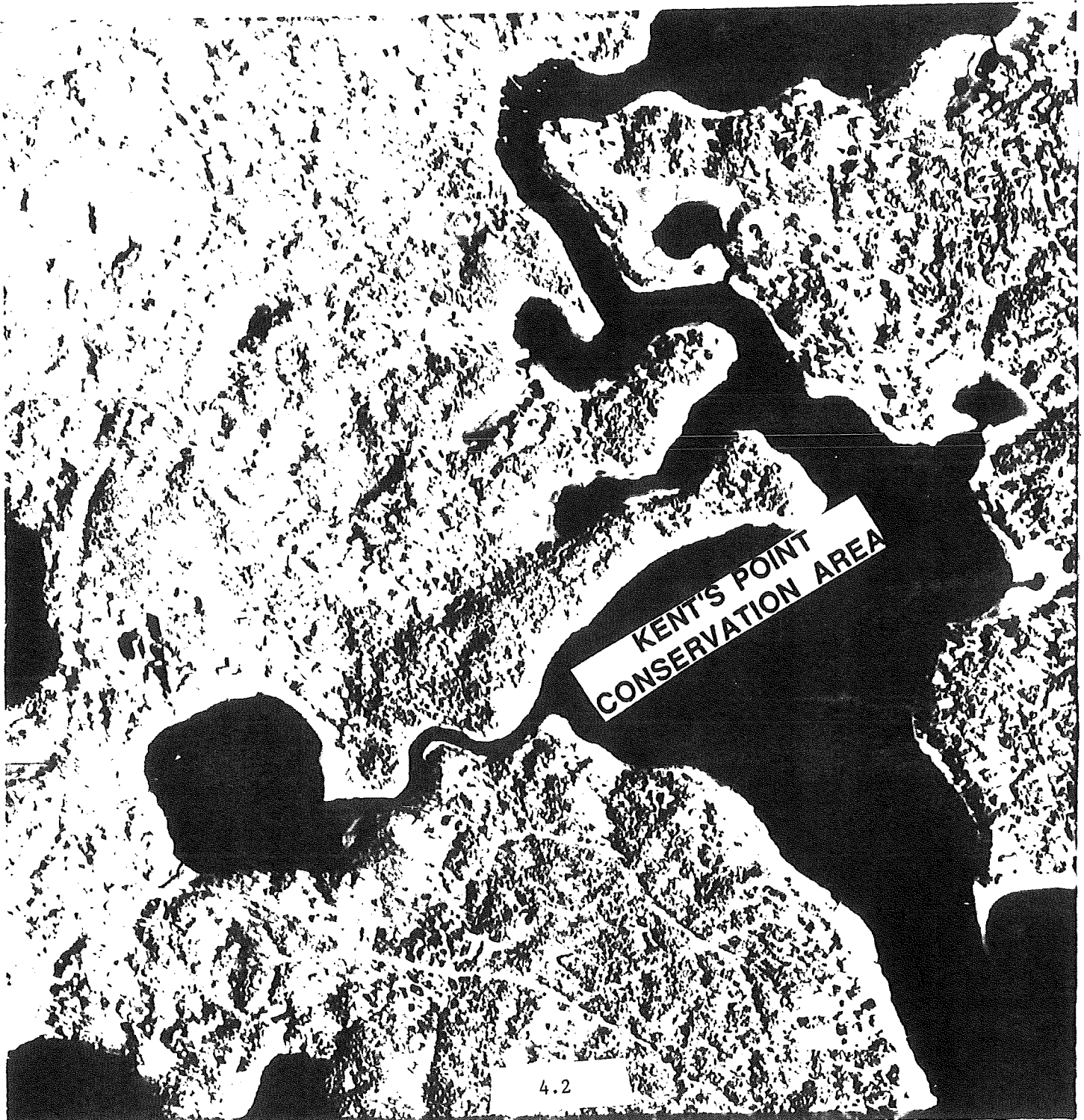
Plan Identification

Photo Number

2019-9

Assisted by

USDA Soil Conservation Service

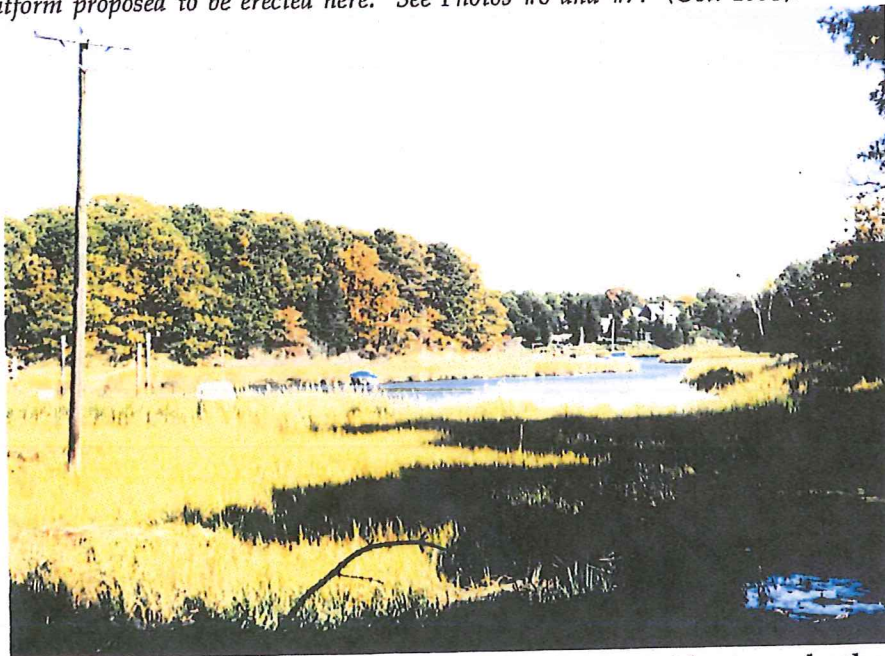


The two adjacent cranberry bogs, providing a freshwater source and habitat diversity, are located outside the boundaries of the point. (See Figure 5.) Freshwater seeps (ground water discharge points) do occur at the toe of the coastal banks, particularly along Lonnie's River and these seeps are important gathering spots for wintering ducks.

Kent's Point is surrounded by salt water bodies: Lonnie's River and Pond on the south and west; Meetinghouse River, known as The River, on the south and east; and, Frost Fish Cove on the north. Lonnie's River is a winding, narrow tidal stream connecting Lonnie's Pond, a small but active town boat landing and mooring area, with Pleasant Bay. Lonnie's River also supports the Town's most important anadromous fish run for alewives and blueback herring spawning in Pilgrim Lake. (See Figure 3.)

The River is the main navigation channel providing access to Pleasant Bay. The large town mooring and launching area in Meetinghouse Pond requires that many boaters must pass Kent's Point on their way out to and from open water of the bay. Frost Fish Cove is a small, shallow linear inlet. (See Photo #3.)

PHOTO #3. *View east from the west end of Frost Fish Cove, Kent's Point property on right. This long view is a destination on the Cove Trail and many trail walkers may benefit from the placement of a viewing platform proposed to be erected here. See Photos #6 and #7. (Oct. 1993).*



Though it hosts a few scattered boats of Keziah's Lane residents and others who belong to the small Namequoit Sailing Association there, the Cove is primarily a sheltered backwater for shorebirds; as many as 30 great blue herons are known to congregate there on a cold winter morning. Frost Fish is a local term for small

flounder, which can be found all along the shores of Kent's Point, along with bluefish, striped bass, eels and blue crabs. Shellfish are also common; the town has previously seeded Frost Fish Cove and the bottom off the south-facing beach of the point with quahogs.

The Kent's Point Conservation Area is located in a moderately developed residential neighborhood off Monument Road. (See Figure 3.) Most lots are oversized relative to present minimum lot size (40,000 square feet) and are used primarily as year-round residences. Covenants on land use among many homeowners on nearby Keziah's Lane assist in preserving the quality of the neighborhood.

E. ENVIRONMENTAL SIGNIFICANCE

The Town of Orleans Conservation, Recreation and Open Space Plan, under the auspices of the Conservation Commission in 1984 (updated 1987), identified several conservation goals, which are furthered by the protection of Kent's Point:

- Expand conservancy lands (i.e., protected open space)
- Protect wildlife habitats
- Expand and protect forest resources
- Protect waterfront and coastal zone resources as well as water quality and water quantity
- Preserve and expand open space and scenic areas in keeping with the rural seaside character of the town through land acquisition, in particular, areas bordering water, salt marshes and other wetlands.

In addition, the 1994 Open Space Plan included a more extensive list of planning goals, which this Kent's Point management plan is expected to meet. (See Appendix A.)

The eastern half and all of the shoreline perimeter of Kent's Point (seaward of a line 100 feet inland from the 10-foot elevation contour) are within the Pleasant Bay Area of Critical Environmental Concern (ACEC), designated under Massachusetts General Laws Chapter 21A, Section 2(7) by the Commonwealth in March 1987. (See Figure 5.) The ACEC label recognizes the diversity and quality of natural and cultural resources within the Pleasant Bay ecosystem and sets a higher level of development performance standards for use by state environmental reviewers. The Town hopes to commence work on a four-town area-wide ACEC management plan in 1995.

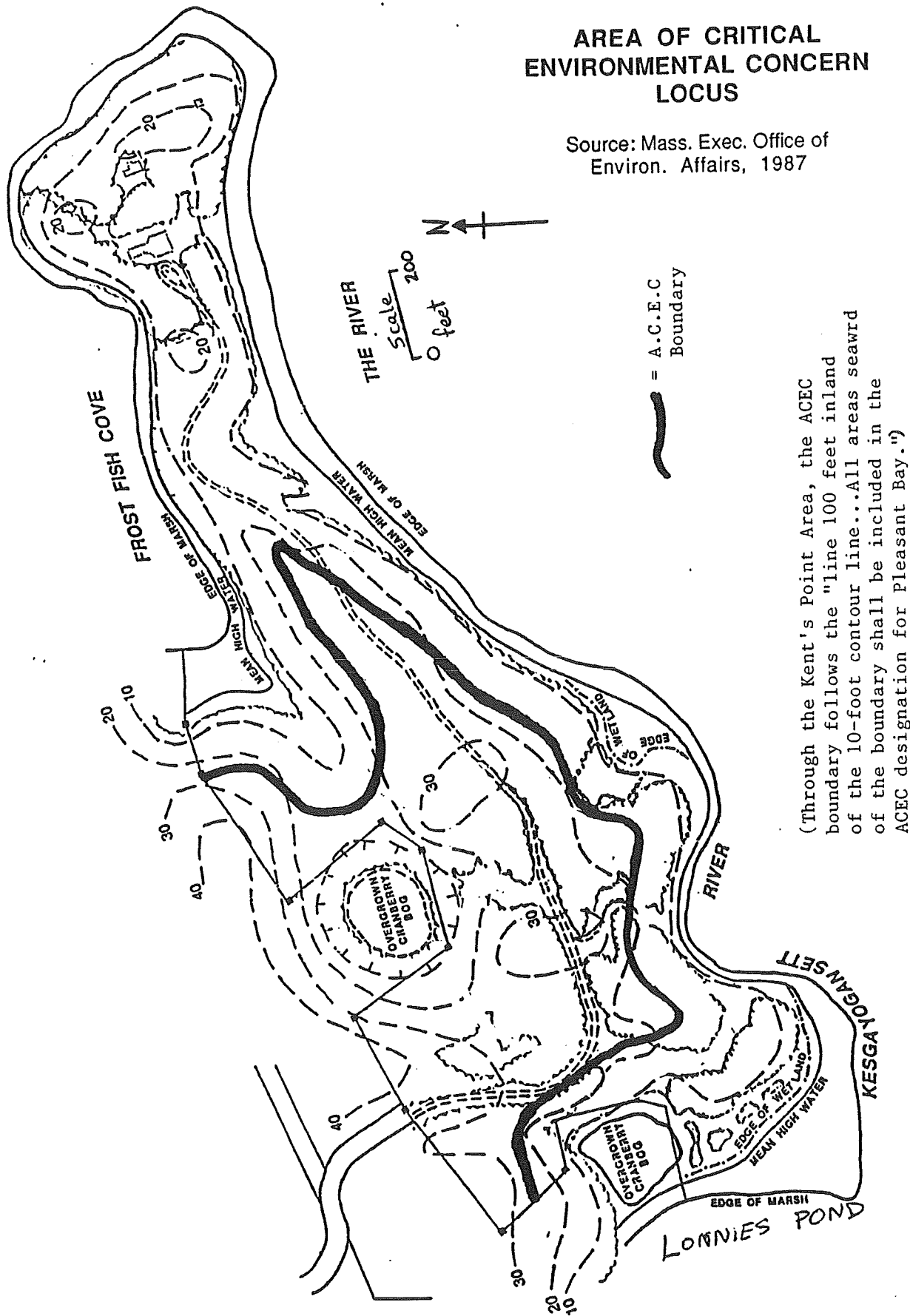
Kent's Point's importance is based on the following characteristics: archaeology, wildlife habitat, open space linkage, forest significance, wetlands and water quality protection, and scenic beauty. Management and use of the Kent's Point

Figure 5

KENT'S POINT CONSERVATION AREA

AREA OF CRITICAL ENVIRONMENTAL CONCERN LOCUS

Source: Mass. Exec. Office of
Environ. Affairs, 1987



(Through the Kent's Point Area, the ACEC boundary follows the "line 100 feet inland of the 10-foot contour line...All areas seaward of the boundary shall be included in the ACEC designation for Pleasant Bay.")

Conservation Area should be designed to be compatible with the protection of these values.

1) Archæology

Kent's Point is known to have been an important encampment for the native Monomoyick tribe. The site's proximity to coastal resources, (shellfish, finfish) its overlook characteristics, and nearby freshwater springs were conducive to settlement. The Massachusetts Historical Commission documents the importance of South Orleans or Potanunguut as a "local core" village for the tribe which persisted through the end of the seventeenth century.³

2) Rare Species and Wildlife Habitat

The diversity of habitat types on the property promotes use by many different animal species. Species associated with the upland pine/oak forest include red and gray squirrels, rabbit, deer, red fox, raccoon, grouse, muskrat, shrews, mice, opossum and skunks. Several of these species, particularly deer and raccoon, use the salt marsh and salt pond for feeding. Freshwater seeps in or near the marsh are important as a source of drinking water for these animals.

Other species, marine and terrestrial, are associated with sandy beach, intertidal area, shallow estuary, and coastal bank habitats on the site. Rafts of ducks, including the dwindling population of black ducks, are known to use Pleasant Bay as a major wintering area. Ospreys nest and feed around Pleasant Bay and are reported to have begun nests on the Point's telephone poles. An occasional great horned owl is seen. Diamondback terrapins, a state threatened turtle species, while not yet specifically found on-site, are known to prefer the mix of exposed sandy banks, shallow waters and fringing salt marsh offered at Kent's Point. The Eastern box turtle, a state rare species, is a known past resident of the site. Coyotes are found around the Pleasant Bay ecosystem.

Little ladies tresses, an uncommon orchid, presently on the Watch List of the Mass. Natural Heritage and Endangered Species Program is found on the site in a small population. A partial list of plant species and a list of birds expected to use the site are included in Appendix D.⁴

³ *Selected References:* Frederick J. Dunford, "An Archæological Reconnaissance Survey of Kent's Point, Orleans, Massachusetts," October 3, 1988 (see Appendix E); James W. Bradley et al., Massachusetts Historical Commission, Historic and Archæological Resources of Cape Cod and the Islands, April 1987, p 333; ; W. Sears Nickerson, The Bay - as I see it, Pleasant Bay, 1981.

⁴ *Selected References:* IEP, Inc., "Environmental Assessment, Kent Property, Orleans, Massachusetts," September 1988; Letter report, Caren Caljouw, The Nature Conservancy, "Some plants

3) Coastal Resources

The preservation of Kent's Point helps to maintain the integrity of coastal features. The 0.6 acre salt marsh fringing Kent's Point provides nutrients to the pond invertebrates at the base of the food chain. The salt marsh also filters some contaminants entering the pond from surface runoff. The coastal bank ringing most of the Point protects upland areas from storm damage and, through minor erosion, acts as a sediment source for building beaches. (See Photo #1.) The point provides an undisturbed buffer for the town's most important herring run into Pilgrim Lake. The prolific shellfishery of Pleasant Bay, including Cape Cod's best bay scallop crop, is fostered by having Kent's Point devoted to conservation purposes. If 23 new houses had been built on Kent's Point (allowed under current zoning), significant additions to the land-based contaminant load in Pleasant Bay could have been expected. (See Figure 6.)

4) Scenic Value

Perhaps the most appreciated value of Kent's Point by the public is its visual beauty. Kent's Point is beautiful to look *at* as well as *from*. The 270-degree view across The River and Pleasant Bay from the eastern headland of the property is stunning (see Photo #4), while its imposing jutting headland attracts the eye of boaters moving back and forth on The River.

In 1981 the Commonwealth inventoried the best scenic landscapes in the state. Kent's Point was rated as part of the "Noteworthy Landscape" of Pleasant Bay. Only five percent of Massachusetts was rated in this second-highest category.⁵ In addition, the Orleans Planning Board rated the view from Kent's Point as a "major public view" in the 1994 Open Space Plan.

F. EXISTING USES

Kent's Point is presently lightly used due to poor access (unmaintained Frost Fish Lane), lack of facilities (especially trails), vegetation (dense undergrowth, particularly on the west), and location (at the end of a lightly-travelled way.) Some visitors walk

observed at Kent's Point, 26 October 1987; "Into the Woods to Get to the Point," *The Cape Codder*, 21 Oct 1994, p. 3.

⁵ *Selected References*: Massachusetts Department of Environmental Management, The Massachusetts Landscape Inventory, 1981; Town of Orleans, Conservation, Recreation and Open Space Plan, 1994.

KENT'S POINT CONSERVATION AREA

CONCEPTUAL RESIDENTIAL SUBDIVISION

Source: Town of Orleans,
Kents Point Appraisal, 1988

Figure 6

ZONING DISTRICT : R

DEVELOPMENT SUMMARY:

TOTAL AREA ABOVE HIGH TIDE : (27 AC.) 1,206,672 #

WETLANDS ABOVE HIGH TIDE : 24,132 # 1,182,480 #

DEVELOPABLE UPLAND AREA:

ROAD LAYOUTS : 113,915 #

LOT 57 ACCESS AREA : 4,800 #

REMAINDER : 1,063,765 #

LOT AREAS (23 LOTS) : 981,027 #

OPEN SPACE (7% OF UPLAND (57% REQUIRED)) : 82,738 #

LENGTH OF ROADS : 2597' PLUS 1/2" IN THE S&S

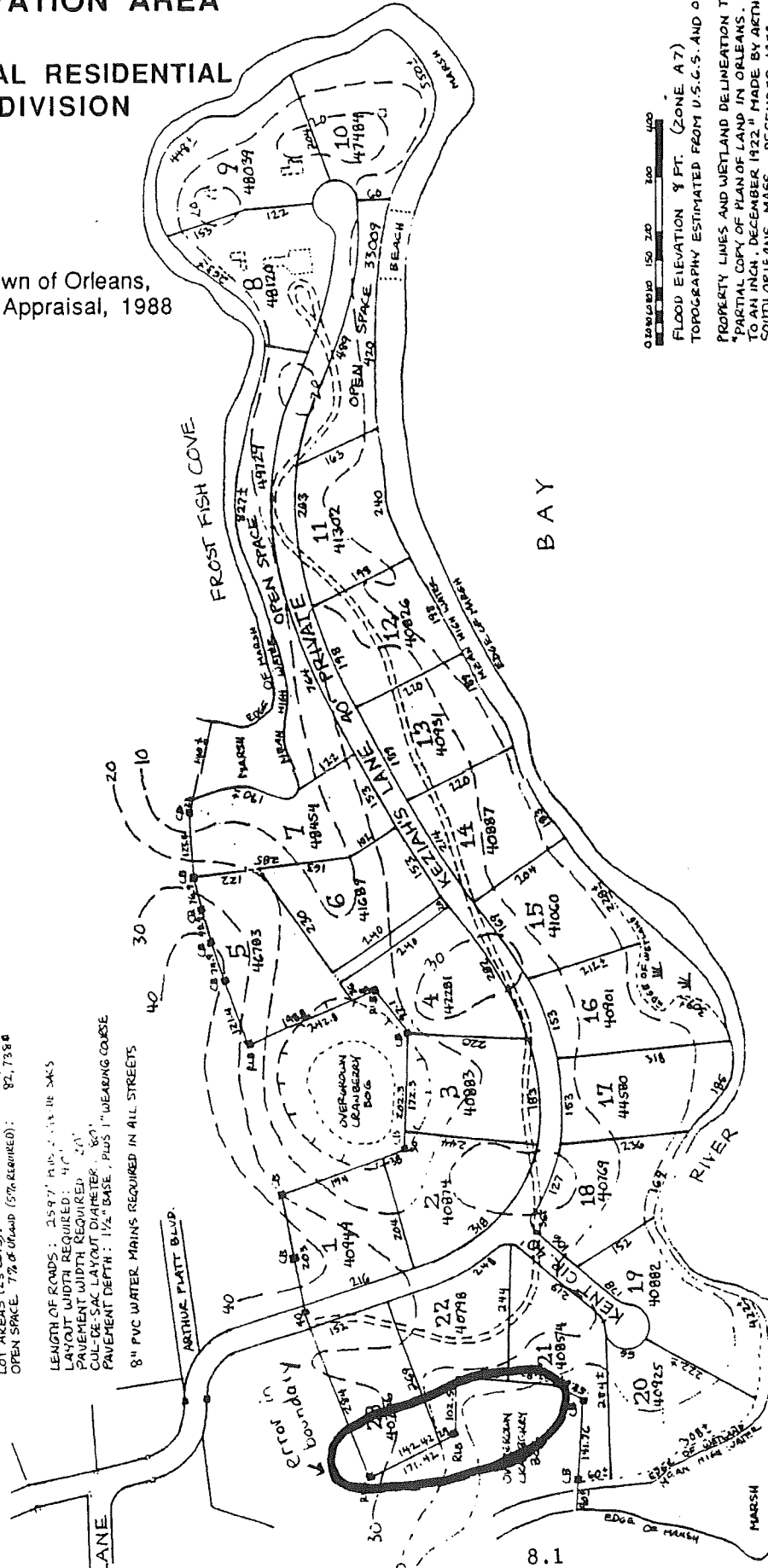
LAYOUT WIDTH REQUIRED : 47' 2"

PAVEMENT WIDTH REQUIRED : 24'

CUL-DE-SAC LAYOUT DIAMETER : 80'

PAVEMENT DEPTH : 1 1/2" BASE, PLUS 1" WEARING COURSE

8" PVC WATER MAINS REQUIRED IN ALL STREETS



1
ACRE

NOT A RECORDABLE PLAN
PREPARED FOR APPRAISAL PURPOSES ONLY

0 100 200 300 400 500
FLOOD ELEVATION 9 FT. (ZONE A7)
TOPOGRAPHY ESTIMATED FROM U.S.G.S. AND ON-SITE INSPECTION.

PROPERTY LINES AND WETLAND DELINEATION TAKEN FROM
"PARTIAL COPY OF PLAN OF LAND IN ORLEANS, SCALE 80 FEET
TO AN INCH, DECEMBER 1922" MADE BY ARTHUR L. SPARKS CO.,
SOUTH ORLEANS, MASS., DECEMBER 1958.
RECORDED AT BARNSTABLE COUNTY REGISTRY DEEDS BOOK 145 PAGE 3

KENT PROPERTY	
PLAN OF LAND IN ORLEANS, MA.	
SCALE ABOVE:	DRAWN BY F.T. FUDALA
DATE: 5-12-88	APPROVED BY:
OWNER: CHARLOTTE A. KENT	
DRAWING NUMBER	
F. THOMAS FUDALA, AICP	
P.O. BOX 1515 MASHPEE, MA 02649	

PHOTO #4. *View south from front lawn of Kent home at east end of Point, towards Pleasant Bay and Nauset Beach. (Oct. 1993)*



or ride on the existing drive through the center of the point. No use is presently allowed at the eastern headland, surrounding Miss Kent's home, in accordance with the terms of her lease for that area. Waterfowl hunting, as indicated by the presence of shotgun shells, still persists occasionally at the site despite proximity to new dwellings. Canoeists and other small craft users land on the outer beach of the Point, welcomed by the sign and brochures of the Friends of Pleasant Bay Canoe Trail. Scallopers and other boaters use the adjacent Lonnie's Pond Landing and boat ramp daily throughout the year. A public walk in October 1994 attracted 20 hikers.

G. LEGAL PROTECTIONS AGAINST CONVERSION OR DISPOSAL OF PARCEL

The Kent's Point Conservation Area was acquired for conservation (including the possibility of a shellfish laboratory), open space and passive recreational uses only. It is protected from conversion to other uses by a combination of statutory provisions

and the Constitution of the Commonwealth. The Town cannot simply decide to put Kent's Point to other uses, such as housing, schools or cemeteries, or dispose of or sell the property. Some of the obstacles to conversion or development are noted below:

The Kent's Point parcel is owned by the Town of Orleans, but managed by the Conservation Commission under M.G.L. c. 40, s. 8C, the Conservation Commission Act. (See vote of Orleans Special Town Meeting, October 24, 1988.) Conversion to uses other than conservation and passive recreation would require:

- a) a majority vote of the Conservation Commission that Kent's Point was no longer needed for conservation; and,
- b) a two-thirds vote of Orleans Town Meeting; and,
- c) a two-thirds roll call vote of the Massachusetts General Court (state legislature) and signature by the Governor.⁶

H. THREATENED NATURAL RESOURCES

The natural features that provide the environmental significance of the Kent's Point Conservation Area are described in Section D. Management of the area is intended to protect and, where appropriate, enhance those characteristics. The Management Recommendations proposed in Section H are based on an overall goal of providing limited passive recreation that will not disturb significant features and avoid or minimize the threats listed below:

1) Archæology

Threats to potential archæological significance at Kent's Point include unsupervised excavation, filling, erosion, paving and collecting. Unplanned trail systems could lead to disturbance of surface sites or present problems with uncontrolled collecting.

2) Wildlife Habitat and Rare Species

Threats to this area would include vehicle use, trampling, human overuse, collecting, and disease/infestation. Hunting should be explicitly prohibited at the site due to proximity to dwellings and roadways.

⁶ In 1972 the General Court added a provision to the state Constitution, Amendment Article 97, which specifically forbids the sale or conversion of all lands owned by the state or towns for conservation purposes, unless there has been a two-thirds roll call vote of the state legislature. This provision would apply to all of Kent's Point owned by the Town.

3) Coastal Resources

The salt marsh could be threatened by relative sea level rise, exacerbated by the breach in Nauset Beach which has already rapidly magnified the tidal range of Pleasant Bay by a vertical foot. Because the banks landward of the marsh will remain unimproved, salt marsh migration inland can occur in response to the changes in water elevation. An overall reduction in total marsh area can be expected, however, because the banks are generally steeply sloped, which inhibits lateral migration. The best spots which might be colonized by migrating salt marsh are the west end of Frost Fish Cove and the old cranberry bog on Lonnie's Pond.

Shellfish are threatened primarily by impaired water quality. The open waters of The River have consistently good water, low in bacteria. The town is upgrading locations of stormwater discharge, such as the boat ramps at Lonnie's Pond and Meetinghouse Pond, to minimize contamination from this land-based source.

Erosion of the coastal banks on the site is most likely on the south-facing side. This is a natural process, and it supplies sand to help build nearby beaches, so it should not be considered a threat. While the erosion potential of the south bank is considerable, due to the fetch of Little Pleasant Bay, exposure to the southeast (direction of many storms) and magnified tidal ranges, the bank still seems fairly stable. Erosion from boat traffic, vegetation clearing or uncontrolled foot traffic on the steep, sandy bank seems a more immediate concern.

4) Scenic Values

Threats to the visual quality of Kent's Point are the erection of large permanent structures, erosion and litter. The proposed trail system would not be visible as an intrusion on the landscape because it is generally set back from the banks. Increased development of the south side of Lonnie's River could impact the scenic greenbelt from the proposed river picnic area.

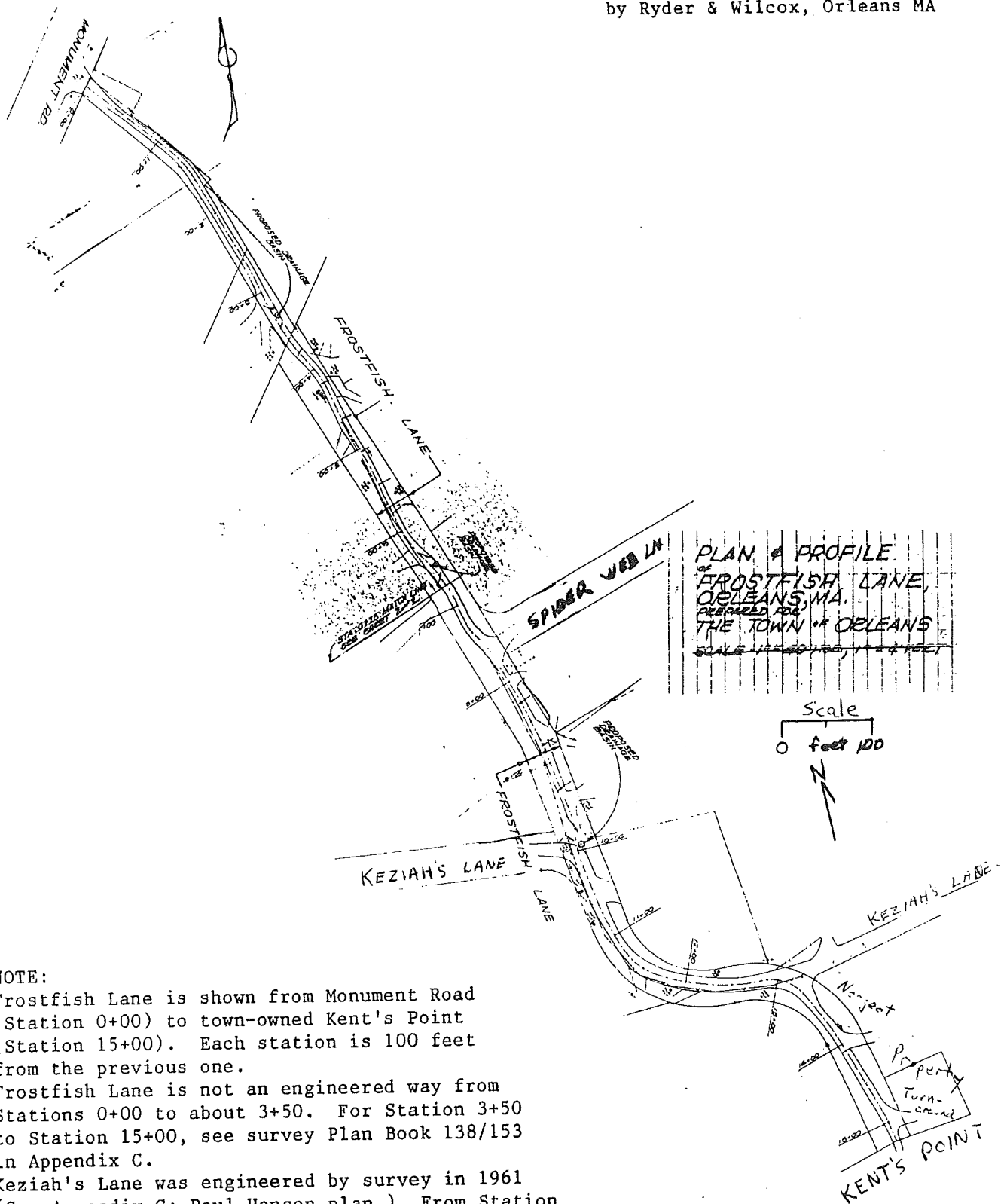
I. MANAGEMENT ISSUES

1) Property Access

Legal access to Kent's Point is over private Frost Fish Lane (formerly, Cummings Point Road), a 10 to 15 foot wide dirt road leading south from Monument Road (a town way) to the northwest corner of Kent's Point. (See Figure 6A.) A 1957 subdivision plan for Paul Henson (see Appendix C) defined a 40-foot wide paper layout for most of Frost Fish Lane, except for the northern portion which connects over private land (between two houses) to Monument Road. The Henson 40-wide right-of-way was never constructed and the condition of the lane is very poor (except for a 300-foot southern section that coincides with Keziah's Lane.) (See Figure 6A.) Its surface has a washboard effect, creating large, deep puddles during

Figure 6A.

1994 Engineering Survey (excerpt)
by Ryder & Wilcox, Orleans MA



rainstorms, and ice during winter. Its narrow width prevents two cars from passing each other without difficulty in some segments. Town Counsel has opined that the town has the right, as a landowner with access over Frost Fish Lane, to "maintain it in a passable condition."

According to the Conservation Commission, Frost Fish Lane residents are concerned that town improvement of the road would 1) increase traffic; 2) allow greater speed, with consequent increase in the danger to children and pets; 3) make the drainage problem worse; and, 4) destroy the country lane rural atmosphere.⁷ The Town has been negotiating with the residents to design access to Kent's Point which is a "safe (for emergency vehicles), minimum width, unpaved country lane with speed bumps to limit traffic to 15 mph."⁸ In 1994 the Town hired Ryder & Wilcox, a local engineering firm, to design limited improvements to Frost Fish Lane, including catch basins and surfacing, to attain a standard of "passable condition." (See Appendix H - Preliminary Drainage Study.)

Another issue raised by nearby residents concerns their perceived increased exposure to liability associated with public use of Frost Fish Lane. Orleans Town Counsel believes that "if the Town takes over the maintenance of Frost Fish Lane...third parties would be protected against any claim from a member of the public using Frost Fish Lane for the purposes of accessing Kent's Point."^{8A}

Meanwhile, beginning in 1988, the Keziah's Lane Association (KLA) formally notified the town of its concern that Keziah's Lane would become the *de facto* access route to a town-owned Kent's Point. Keziah's Lane approaches the entrance to Kent's Point from the west, off Monument Road near Dickinson Landing. Unlike Frost Fish Lane, it is a well-paved and well-maintained (privately) road, though it does not meet 1995 subdivision road standards. The temptation is great for Kent's Point visitors to desire to use this good road, rather than risk vehicle damage using Frost Fish Lane. In fact, unauthorized vehicle access apparently began to occur and in 1989 the KLA complained again to the town. In 1991 the town installed a sign at the intersection of Monument Road and Frost Fish Lane, (KLA installed another sign at the intersection of Monument Road and Keziah's Lane) indicating Frost Fish Lane is the legal route to Kent's Point, though whether this instruction has halted the KLA concern is arguable.

7 Orleans Conservation Commission "Letter to Mr & Mrs Edward J. Smith, February 10, 1994."

8 Orleans Conservation Commission "Letter to Mr & Mrs Edward J. Smith, February 10, 1994."

8A Michael D. Ford, Esq., Orleans Town Counsel, "Letter to Peter G. Hirst, Esq., Re: Kent's Point Property," January 25, 1995, p. 2.

The Keziah's Lane Association is also concerned that the Town's promotion of public use at Kent's Point, even for limited passive recreation, may overburden the easement (over Frost Fish Lane and the 300-foot long section of Keziah's Lane which is coincident).⁹ Orleans Town Counsel believes that the Town's rights to pass and repass over Frost Fish Lane "flow, subject to any limitations imposed by the doctrine of overburdening, to the inhabitants of the Town of Orleans and not simply public officials employed by the Town."¹⁰

The burden of proof for overburdening lies with the servient estate owner (in this case, the landowners along Frost Fish Lane and a portion of Keziah's Lane). A comparison of potential traffic burden associated with various scenarios for Kent's Point use might be instructive. The Institute of Transportation Engineers' (ITE) studies of average traffic generated by different land uses are accepted as the industry standard.¹¹ When Miss Kent was in residence at the Point, her single-family home could be expected to generate an average of 9.55 trip ends (one way trips to and from the house) on a weekday. Under Orleans' zoning, she could have built a second dwelling, by right, because it is an oversized lot. This second house would have generated 9.55 trip ends per day as well. If Miss Kent had chosen to develop the property to its build-out potential (23 lots, according to Figure 6), either by subdividing or condominimizing the 28 acres, Kent's Point would have generated an average total of 219.65 trip ends per day ($23 \times 9.55 = 219.65$).

In contrast, ITE estimates for "picnic sites," which is the most analogous category to a passive recreation area such as Kent's Point, range from 5.23 trip ends per weekday to 12.72 trip ends per Sunday (7.60 on Saturday). Therefore, statistically, Kent's Point is likely to generate less traffic as a picnic site than it would at any level of residential development. And, from a practical standpoint, Kent's Point is less likely to attract visitors than other picnic sites nationally because it is not visible from any well travelled roadway in town and because there will not be the type of amenities (restrooms, especially) associated with many picnic areas.

⁹ Peter G. Hirst, Esq., representing Keziah Lane Assoc., "Letter to Michael Ford, Esq., town counsel), received January 1995.

¹⁰ Michael D. Ford, Esq., Orleans Town Counsel, "Letter to Peter G. Hirst, Esq., Re: Kent's Point Property," January 25, 1995, p. 1.

¹¹ Institute of Transportation Engineers, Trip Generation: An Informational Report, 5th Edition, January 1991.

Alternatives:

a) No Action: (Public continues to access Kent's Point over substandard Frost Fish Lane and occasionally ,unauthorized, over Keziah's Lane)

Benefits: no cost to town; slow driving on Frost Fish sets "country mood" of visiting the Point;

Drawbacks: citizen complaints about car damage and safety in visiting town facility; potential residents' liability; KLA complaints about unauthorized access;

b) Upgrade Frost Fish Lane: (Town smooths out unpaved surface to eliminate potholes, install catch basins, mirrors, speed limit signs and speed bumps; generally, maintain as a country road in a passable condition)

Benefits: low cost, work done by town highway equipment; legally authorized; reduces complaints from public; town assumes liability and maintenance costs in annual operating budget; less unauthorized use of Keziah's Lane;

Drawbacks: complaints from Frost Fish Lane owners opposed to increased use

c) Town Condemnation and Construction of Frost Fish Lane and portion of Keziah's Lane (Eminent domain taking of entire way from Kent's Point to Monument Road; 22-foot wide paved road built)

Benefits: Good, safe access to town facility; intersection with Monument Road could be made safer than existing Keziah's Lane intersection

Drawbacks: highest cost (ameliorated by betterments); KLA complaints about unauthorized access, since it is still the shorter route; complaints/lawsuits from Frost Fish Lane owners opposed to increased use of and speed over way;

d) Town Condemnation and Maintenance of Keziah's Lane: (Eminent domain taking of entire way to Monument Road; wide paved road maintained over time)

Benefits: Good, safe, short access to town facility; some KLA owners might appreciate town taking over future road maintenance costs; reduction of Frost Fish Lane resident opposition

Drawbacks: high cost (ameliorated by betterments); probable KLA opposition/lawsuits;

e) Create a One-Way Loop Road using both Keziah's and Frost Fish Lane:

Benefits: safest alternative owing to lack of head-on traffic

Drawbacks: greatest number of concerned abutters

f) Encourage public access only by boat to Kent's Point

Benefits: lowered impact on natural/cultural features of site; no cost; enthusiastic approval from KLA and Frost Fish Lane abutters

Drawbacks: town facility reserved for use only by tiny minority of Orleans' taxpayers; not appropriate in off-season; public safety issue - fire and rescue vehicle access still needed.

DECISION: The following policy was adopted by unanimous vote by the Conservation Commission in May 1995 (see also, Appendix J.4):

"Regarding access to Kent's Point from Monument Road, the ConsCom will urge the Town to maintain Frost Fish Lane in a well-drained, safe and convenient condition as a country lane.

Having found them to be safe, exclusively maintain that portion of Keziah's Lane and the way between Norgeot and Udall continuing the access to the Kent's Point property to its present paved condition.

Should either of the foregoing matters prove impracticable at any time, ConsCom will close Kent's Point to public use until the access route is deemed by the town Highway Manager to be suitable again."

A sign indicating the interim closure will be posted at the north end of Frost Fish Lane to deter passage during this time.

Work to be done: Limited upgrading and annual maintenance of Frost Fish Lane by town, in accordance with alternative (b) above and Appendix H. This work should be supervised by a professional engineer. Maintain the Keziah's Lane segment up to its present (1995) standards. A sign will be posted near the boundary of Kent's Point, saying, in effect, "NOTICE: Visitors to Kent's Point. Please exit by Frost Fish Lane and Respect Privacy of Neighbors."

Also, encourage access by boat to identified landing spots near beach by promoting Canoe Trail and posting signs welcoming boaters.

2) Boating Facilities:

Some taxpayers have expressed a desire to have the town install a new town landing at Kent's Point, given its mile of shorefront and ready access to The River, the major navigation channel leading to Pleasant Bay. The closest town landings are located in Lonnie's Pond, Arey's Pond and River Road at Meetinghouse Pond. All three are cramped for space (particularly parking) and require maneuvering boats through crowded anchorages and narrow, winding channels to reach open water.

Others argue that Orleans already has 23 town landings, more than any town its size, and that Kent's Point is not conducive for major boat launchings. Particularly while Frost Fish Lane remains substandard, it would be very hazardous to encourage trailering over its length. Also, the Kent's Point driveway itself would have to be widened and certainly paved in sections. Water depths surrounding the Point are not deep and may require dredging to serve a boat ramp. The wetlands permitting process would be difficult, at best. Kent's Point is already advertised as a stop along the Pleasant Bay Canoe Trail for by-water approaches via canoes, sailboards and

other small craft. Finally, a boat launching facility is not consistent with Town Meeting's article and the deed's conservation and passive recreation purposes.

DECISION: No trailering or launching of boats will be allowed nor be practical since vehicles will be limited to parking area at entrance to site, far from water. Small craft should be launched at the town landing at Lonnie's Pond. A canoe landing on the beach will be indicated by signage.

3) Phase II/Lease Area (see Figure 8)

(This section is provided for discussion purposes only. At present, there is no legal authority or intention to disturb the leased area.)

Miss Kent's stipulations in making the sale to the Town in 1988 included provision that she be allowed to lease the east headland, containing all structures, including her home, for five years. In June 1992, she exercised her option to renew that lease for a final additional five years. The lease pertains to an area of about 3.6 acres. In 1990 the Town installed a sign on the point driveway, instructing visitors not to intrude into the private lease area. (This sign is actually located farther west on the drive than the lease boundary line in order to provide a buffer zone of privacy. It should be moved closer to the boundary line to accommodate the proposed Beach Trail.)

Facilities presently located in the lease area include:

- the main house, moved on-site from the west end of the point by the Kent family around World War I. (See Photo #5.) This house began its life as a half-Cape, but was added on to become a full-Cape. A domestic well is located in the basement of the house, but it has reportedly not been potable since the 1987 Chatham Breach, raising sea level in the bay, caused salt water intrusion into the well. A new well would be needed, as would a new septic system, presently located south of the house and not complying with Title 5 code. The house itself is in fair to good condition for seasonal use, though its insulation and utilities would need to be upgraded for expanded or intensive public use. It would also have to comply with the disabilities-access regulations, adding much higher costs. A mowed lawn area connects the south side of the house with the best segment of beach on the property. The long-distance view south to Pleasant Bay from this lawn is dazzling when the sun is out. (See Photo #4.)

- an overhead utility line that traverses the entire 27.7 acres to reach this one house. In October 1993, New England Telephone, which owns the poles, replaced, at the utility's expense, two poles on the property. Over time, excessive clearing of the forest would be needed to replace other poles, which are located on the north side of the transverse ridge, away from the driveway. Ideally, these lines would be buried

PHOTO #5. Front or south side of Kent home on east headland.



under the driveway, though the cost would be exorbitant to serve one house, and this cost would have to be borne by the landowner, not the telephone company.

- a studio/cottage, almost as large as the main house; utilities in the cottage are limited to electricity and a half-bath;

- outbuildings: one room workshop, garage and toolshed, in fair to good condition;

- other: a 144-square foot wooden gazebo in poor condition, compost pile and a 3x3-foot concrete burn pit. A small dock, located on the 1922 survey east of the cottage on The River, is no longer evident, though a footpath still leads to that location.

Terms of the lease provide that Miss Kent pay no rent, but is responsible for non-structural repairs, utility costs, and general liability insurance. Though the lease is silent on property tax responsibility, she has not been issued tax bills. (See Appendix B.) In practice, she visits the homestead seldom now, though she is a resident elsewhere in Orleans. But the Town feels strongly that her privacy at the tip of the point not be invaded nor disturbed while the lease continues. For this reason, no action is contemplated at this time for the 3.6 acre lease area. The alternatives listed below provide a framework for discussion, in the hopes that the public and Miss Kent herself, may wish to suggest one of these options, or something else entirely:

a shellfish laboratory; an artist colony/retreat; an environmental education center; and/or, removing structures, with exception of rebuilt gazebo for vista viewing and rain shelter.

DECISION: The structures should be removed (to be reused elsewhere, if feasible) in order to reduce liability associated with attractive nuisances, and the land restored for park use, with only an upgrade of the gazebo. An evaluation of the structures by the Building Inspector should be performed immediately upon expiration of the lease.

4) Shellfish Laboratory

Through the 1980s, Orleans was the only town to operate its own shellfish laboratory/grow-out station, staffed by a trained biologist, Sandy Macfarlane (now, Conservation Agent). The town's commitment to its native shellfish industry, both recreational and commercial, results in Orleans consistently having one of the largest shellfish harvests of any Cape Cod town. Its scallop harvest is particularly significant, though 1993 was a poor year in the cycle. The shellfish lab was located at the head of Town Cove, but poor water quality and budget concerns forced its abandonment.

Since the beginning of talk of the town acquiring Kent's Point, many people have envisioned a shellfish laboratory there. The deed to the town specifically allows it as a conservation use. Advantages include good water quality of The River, access to existing shellfish and eelgrass beds, existing structures with utilities (in the lease area) on Kent's Point which might be converted to shellfish use, educational opportunities for visitors, and the regular, official presence that a town station would bring to the point's property security, aiding enforcement of rules, even if that is not part of the shellfish staff's duties.

Disadvantages to operating a shellfish lab include increased traffic (relevant in light of the overburdening issue; see Section I.1 of this Plan); high capital and maintenance costs; the site's isolation invites vandalism; and, potential disturbance of the site's tranquility for visitors.

In 1988 shellfish staff designed plans for a building that would house shellfish growing tanks, algae tanks for food and a display/interpretive facility. Costs for 1 1/2 staff and vehicle need to be estimated. The existing structures do not meet the needs of the lab envisioned. The siting of the facility has been questioned. Some believe it would be more beneficial to locate it near to the entrance of the point, to save on utility costs and make the eastern headland a more natural spot. Others claim that the existing buildings should be retrofitted, and that the water quality is better at the eastern end of the point and any lab should be sited there.

DECISION: At this time there is no support from the Conservation Commission for the establishment of a shellfish lab at Kent's Point. (See Appendix J.)

5) Handicapped Access

The Americans with Disabilities Act of 1991 states that public facilities, including town lands, should meet federal guidelines for accessibility by handicapped persons. A 1992 evaluation by the Orleans Committee on Disability (COD) found that there was "no need to do major work" at Kent's Point and that the town should "preserve its natural beauty with a minimum of improvements."¹⁴ Still, the 1994 Town Open Space Plan identified Kent's Point as the town conservation area best able to accommodate a handicapped experience. (See Appendix A.) This does not mean that the entire property be made handicapped-accessible, but that the *experiences* that an able person could enjoy at Kent's Point be made available to the disabled. A gate barring vehicle access to Kent's Point beyond the entrance parking area will provide for an exception for handicapped drivers or passengers.

Factors that positively affect Kent's Point's suitability for handicap accessibility (relative to other town open space lands) are its geographic location near the center of town; the existing driveway's proximity to shorefront; sections of gentle-sloped trail opportunities; and gentle beach access. (See Photo #2.) For instance, eventually a handicapped person can be transported by vehicle all the way to the eastern end of the site for breathtaking views (and sensations) of the bay and river.

Following a November 1993 site visit, the Orleans COD indicated that the handicapped access proposals of this draft Management Plan were appropriate for the site. Its officials recommended that implementation priority be given as follows:

- first, establish a 2-car handicapped-only parking area at the head of the Beach Trail and provide a walk or ramp to the beach;
- second, allow handicapped-only parking at the existing 2-car lot adjacent to the Cove Trail picnic site;
- third, enable handicapped access to the Lonnie's River Overlook at some future date.

The recommended maximum slope for a handicapped trail is 1:20, meaning, the trail should not rise or descend more than 1 foot in height for every 20 feet of trail length. The most gentle trail would be the proposed River Trail (see Figure 10) with

14 Orleans Committee on Disability, "Memo to Town Executive, October 16, 1992."

Trails

Our recreation areas contain a wide variety of pathways and trails. Paths are the primary means for travel between activity areas and should be safe, accessible and convenient. On the other hand, trails which are themselves the recreation activity (such as hiking, biking, and nature trails) can be designed to meet a variety of needs and interests.

Provision of recreation trails, like all recreation facilities, should reflect the range of people's preferences and abilities. A classification system designed to provide such a spectrum can be used by recreation planners and managers during initial park design or later reassessment of facilities. The following illustrates one such model system in which trails are rated Class 1 through 5 based on criteria of width, slope, surface preparation, cross slope, and trail edge. Benefits to both users and providers of such a system include:

- encouraging individual choice of a trail based on the degree of difficulty one can expect to encounter;
- eliminating stigmatizing labels, i.e., senior citizens/handicapped trail; and
- providing an easy framework for inventory of the total system of recreational trails offered.

This type of classification system can be a very flexible planning tool. Decisions on the number of trails to be provided, the type of trails most urgently needed, and the manner in which the trail system is communicated to users, rest with the site planners, managers, and community advisors. The spectrum framework merely makes it possible for you to plan for a large constituency with varied needs and abilities.

Trail Surfaces

In large part, the surface of a trail determines its accessibility. Balancing topography with the need to provide a wide range of trail accessibility, one can choose from a variety of trail surfaces. In order of decreasing accessibility, possible choices include concrete; asphalt; wooden planking (over wet, fragile or sandy areas); solidly-packed, fine crushed rock; well-compacted pea gravel; bound wood chips; coarse gravel; rock; unbound woodchips; sand. By using surfaces in combination with other features such as slope, trail width, and rest areas, recreation providers can satisfy a large and extremely varied constituency.

The following trail planning system is one example of a framework that can be used to design a full spectrum of opportunities for hiking. In this way, you can satisfy a wide range of interests and capabilities. Since there are no fixed categories, the following examples of trail classifications are only one way in which the system can be interpreted.

Class I

- Length of trail: 0-1/4 mile
- Rest areas: Benches, shelters or interpretations every 100' to 150'
- Width of trail: 4' (oneway) or 6' (two ways)
- Shoulder of trail: Grass strip, 18" wide, with slight slope toward the trail
- Lincal slope: 1:50
- Cross Slope: None
- Trail surface: Concrete or asphalt
- Trail edge: Use curbs or rails, 3' high, where needed for safety or comfort

Class II

- Length of trail: 1/4 - 1 mile
- Rest areas: Benches, shelters or interpretations every 200' - 300'
- Width of trail: 3' - 4' (oneway) or 4' - 5' (two ways)
- Shoulder of trail: Clear understorey brush to 1' from trail, gradual slope in either direction
- Lincal slope: 1:20 with 5' level spaces at 100' intervals
- Cross slope: 1:50 for a maximum of 50'
- Trail surface: Asphalt, wooden plank or finely crushed rock
- Trail edge: Use rails, 3' high, for resting and safety

Picnicking

One of the most popular outdoor recreation activities in the United States, picnicking brings families and friends together for feasts and socializing. The diversity of people's needs and interests is reflected in the types of picnic areas they seek. Some groups prefer to picnic in relative isolation and others in clustered groups; some choose proximity to parking lots and service facilities while others opt for more rugged surroundings. Well designed picnic areas provide for the widest range of preferences and options possible. Some picnic sites and the paths leading to them should be firm and level. With forethought, the furniture and structures on the site can be designed and located for total accessibility.

Tables and Benches

- Accessible tables should be located on level sites adjacent to a firm, stable surfaced path
- Extend the ends of the table 18" to 25" from the table legs to provide an unobstructed space for chairs
- Allow clearance between ground and underside of table top so that wheelchair armrests can slide underneath; the average armrest height is 30"
- Provide a clear lateral space, at least 30" wide, beneath the table to accommodate average width of a wheelchair

(See Figure 3, p. 189, diagram of picnic table and wheelchair user)

- Include a space beside bench for wheelchair or stroller (about 30" wide for average wheelchair)
- Seating areas should be located adjacent to (but not obstructing) pathways and developed trails, particularly along inclines
- Texture change in walkways adjacent to seating areas will cue the blind to location of the benches
- Benches that contrast in color from surroundings are more easily distinguished by visually impaired people
- Back and arm rests provide comfort and assistance for people who have difficulty standing or sitting

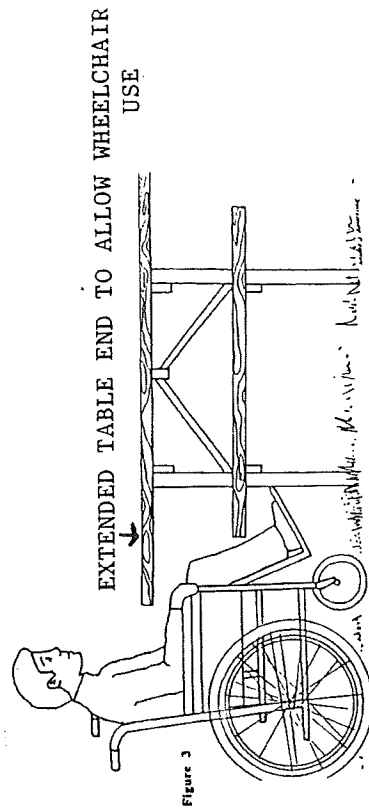


Figure 3

FIGURE 6B.

(Source: *A Guide To Designing Accessible Outdoor Recreation Facilities*, U.S. Department of the Interior, Lake Central Region, Ann Arbor, Michigan, 1980.) This publication also includes information on: camping, amphitheatres, docks and piers, playgrounds, historic sites, and signage.

The recommended maximum slope for a handicapped trail is 1:20, meaning, the trail should not rise or descend more than 1 foot in height for every 20 feet of trail length. The most gentle trail would be the proposed River Trail (see Figure 10) with its river picnic area/overlook as a destination. Part of the River Trail, thus, should be constructed with wheelchair widths and slopes in mind.

Of greater concern than the slope of the trail for accessibility is its surfacing. The surface of the path can be either natural (bare ground, forest duff) or artificial (wood chips, bark mulch, bluestone dust.) The cost of the latter might prove prohibitive for such a long trail (500 feet). Because the ground is uniformly well-drained and flat throughout most of the trail, a natural surface is recommended, taking care to remove roots and stems that might cause footing problems. A two-inch high wooden edging on one side of the path should be installed as a visual "shoreline". Wheelchairs can use natural surfaces. Asphalt paving could cost as much as \$ 40 per foot and would disturb the natural setting. See Figure 6B.

DECISION:

Phase I: (1995) Cut and sign the Beach Trail handicapped-only parking area. Limb trees for view to water without having to leave vehicles. Consider adding a short wooden ramp for wheelchairs onto the beach from the parking area, if necessary. Install sitting bench.

Phase II: (1995) Install handicapped signs at parking area next to Cove Trail picnic site. Install picnic table in field with overhanging end for wheelchair.

Phase III: (1997) Construct about 500-feet of the River Trail as a handicapped-accessible trail to the Lonnie's River Overlook. Install picnic table at Overlook with overhanging end for wheelchair.

Phase IV: (after 1998) Encourage handicapped access to the gazebo site in the lease area upon expiration of lease. Maintain existing driveway to provide handicapped-vehicle access throughout the point.

6) Capital Costs and Funding

Many simple improvements associated with this management plan can be performed using existing manpower and equipment from the Orleans Park Department, which distinguished itself in the Paw Wah Point plan implementation. Work from this department is contingent upon operating budgets, available staff, season and scheduling.

The Town's Capital Outlay Plan does include monies for improving town lands and facilities, but none has been dedicated or assigned as yet to Kent's Point.

Private sources of funding for Kent's Point improvements could be explored. At the 1988 Town Meeting, a resident presented the town with a check for \$50,000 to be dedicated for use in improving Kent's Point for public enjoyment. This money has not been segregated as yet in a separate account, but should be in anticipation of implementing this management plan. Miss Kent has previously expressed her interest in adding to a fund for Kent's Point.

In Appendix I, the Park Department estimates capital and labor costs ranging from \$47,000 to \$62,000, depending on whether removal of the structures is ordered.

DECISION: The Town should establish a dedicated fund for capital improvements to Kent's Point, starting with the \$50,000 gift. A combination of revenue sources, public and private donations, should be used to build the fund. The annual operating budget should be used for Frost Fish Lane maintenance and trash removal.

7) Property Integration

Though its isolated geography does not render Kent's Point useful in establishing any local or regional open space corridor or greenbelt, there are minor additions to the conservation area which could magnify the point's significance. The two most obvious complements would be the abandoned Thygeson's cranberry bogs, north and west of the town property. (See Appendix C.) Through a 1984 land swap between Miss Kent and the Udalls to the west, the point property gained a small (0.2 acre) triangle of land closer to the west bog than the triangle Miss Kent gave up.¹⁵

The northern bog is owned by Reed/Norgeots; their sidelines divide the bog into unequal parts. Both of these bogs add tremendous diversity to wildlife habitat near the point and, while they are partially protected from disturbance by town and state wetland regulations, town control or access easements would provide Kent's Point visitors with up-close viewing and educational opportunities associated with the bogs. Indeed, currently the northern bog is best viewed from the north looking south down the mowed grass slope from the owners' homes. During winters with high water tables, this bog could provide skating opportunities if safety and liability issues could be addressed.

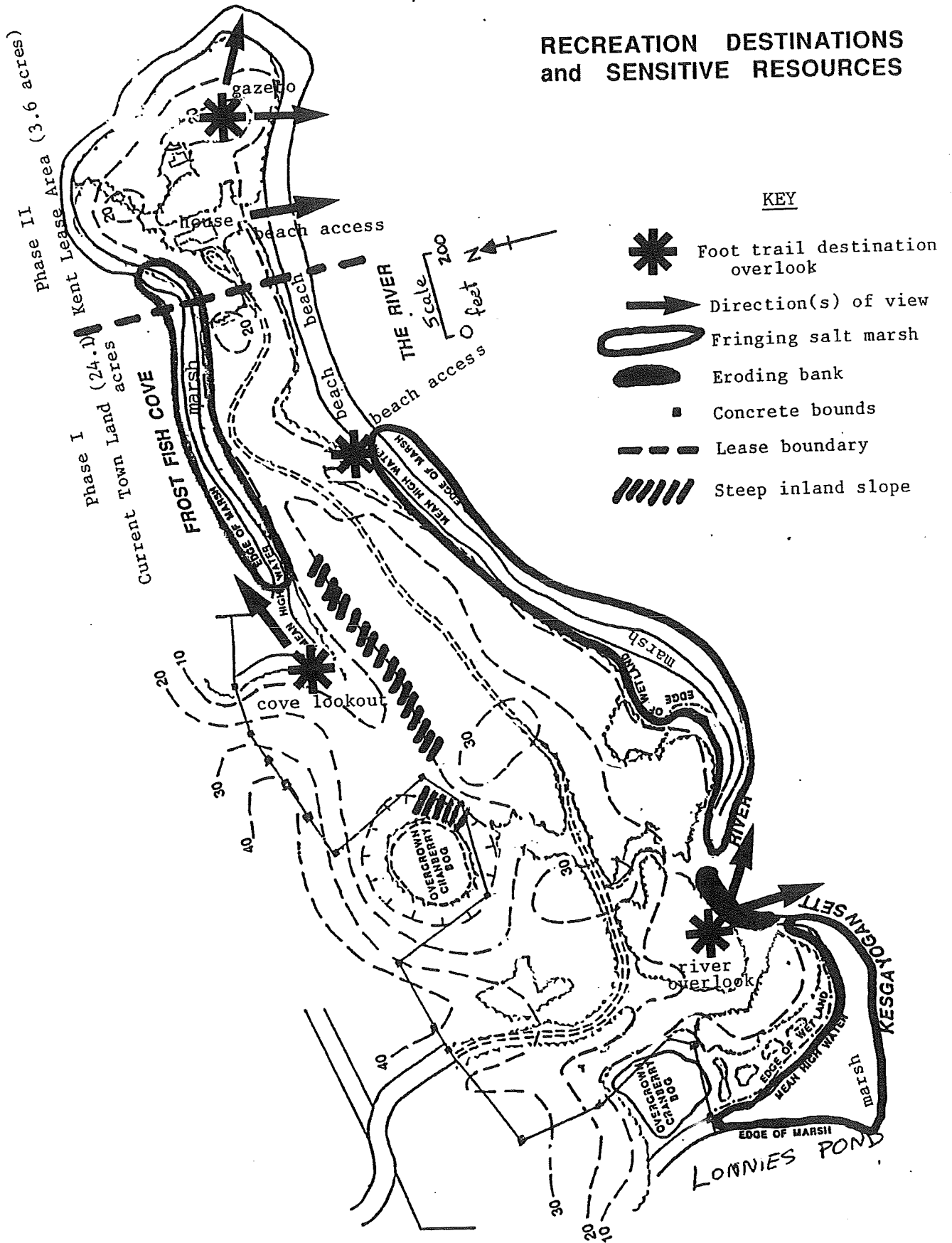
A great opportunity still exists to preserve the scenic view up and down Lonnie's River from the proposed river picnic area on the River Trail. Now, no houses can be seen along Pershing Lane or Kescayogansett Road from the overlook because the

¹⁵ Both the current assessors map and the 1922 survey are inaccurate. See Figure 9 for accurate boundaries of Kent's Point, 1993.

Figure 7

KENT'S POINT CONSERVATION AREA

RECREATION DESTINATIONS and SENSITIVE RESOURCES



houses are well set back from the river banks and mature oaks and other trees obscure the buildings. But accessory uses, such as boathouses (one recently denied by the Conservation Commission) or view clearing along the river's southern bank could spoil the public's view from the Point. The river view is a true intimate gem that should be protected. (See photo on report cover.) The winding curves, tall greenery and pulsing tidal action make this a very interesting estuarine perspective.

DECISION: The Town could encourage, with tax breaks, owners of the former Thygeson's bogs to provide limited public access to edge portions of the bogs which do not interfere with the quiet enjoyment of their own property. Landowners along the south side of Lonnie's River could be encouraged, with tax breaks, to donate conservation restrictions for their coastal banks, which preserve natural vegetation, but do not need to allow public access. Also, better boundary markers or blazes should identify the northern and western boundary lines of the property. The owner of Parcel # 996 near the end of Keziah's Lane should be contacted about limited development/preservation options.

8) Access for Passive Recreation

Open space parcels purchased with town tax dollars should be available, to the extent practical and at a level appropriate with resource protection, to townspeople and visitors for outdoor recreation. The types of access and levels of use should be determined by the sensitivity of the parcel in question. Proper design of people management on the Point will likely determine whether a quality experience is provided and natural resources are protected. No active recreation facilities are contemplated for Kent's Point. It is expected that the primary uses will be walking, picnicking, nature study, art and photography. Some access restrictions, such as a gate, are needed to prevent dumping, rowdiness or erosion associated with vehicle use.

Segments of trails are discussed in detail below. The purpose of this section is to provide a framework for those details. Overall, it should be kept in mind that walking is the nation's number one recreational activity and most people's primary contact with the outdoors. The success of trail systems at Kent's Point may well determine public attitudes towards the Town's land management. Trail construction must be accomplished within a specific set of guidelines approved by the Orleans Conservation Commission.

Trail design is influenced by topography (flat to gentle slopes preferred); surface (wet areas avoided); vegetation (clearing dense vegetation is more difficult; long stretches of open areas vulnerable to weather discomfort); sensitivity (rare species, fragile groundcovers should be avoided); variety (attractions, such as scenic views and diverse habitats, should be incorporated); and psychology (one-way loops are preferred over two-way trails, and destinations are preferred over dead-ends).

(See Figure 7.) Handicapped access, at least over a portion of the trail system, is an important consideration in design. (See Section 5).

Figure 10 provides a design of the loop trail system envisioned by this Management Plan.

DECISION: Provide on-foot walking access (and limited handicapped access) to portions of the current town use area (24.1 acres, Phase I) which allow the public to appreciate scenic resources, allow a diversity of passive recreation and educational experiences, including shore access, while not endangering sensitive resources and abutters' privacy, nor creating safety hazards by interfering with vehicle traffic on the Kent's Point driveway.

a) *Trail System*

i) Create and maintain a walking path system called the Kent's Point Trail System. (See Figures 7 & 10.) The system should be constructed and opened in phases to provide for ongoing evaluation of each segment before new segments are added. A minimum wooded buffer of 200 feet between the trail and neighbors' buildable upland should be maintained.

COVE TRAIL: (Spring 1995) Beginning at the main parking area, this trail runs primarily sideslope along the north side of the transverse ridge. In some places, such as near the cranberry bog, it is deliberately narrow (two feet) to minimize disturbance of vegetation. A spur provides access to the field and proposed picnic table or the option of cutting over, eventually, to the River Trail. There are not good views of the old bog, despite its proximity, except in the off-season. A short switchback will be needed, with cut and fills and a turning area necessary, to get up and down the one point on the steep ridge that cannot be avoided. The destination is the cove platform to view the length of Frost Fish Cove.

BEACH TRAIL: (by Fall 1995) Beginning at the 2-car handicapped parking area by the driveway, this short trail traverses a shallow grade onto the beach. While the lease is in effect, install noticeable sign at easterly boundary of beach, denoting "Private Property" beyond that point. Duplicate sign posting on driveway. The overwash marsh behind the beach should not be disturbed.

POND TRAIL: (1996) Beginning at the entrance parking area, this trail crosses the driveway and accesses both the River Overlook picnic spot and the southeast corner of Lonnie's Pond. Later, it will link up with the River Trail loop.

RIVER TRAIL: (1997) Beginning at the field parking area, this flat footpath, a southwestern portion designed for wheelchair and disabled use, winds to connect to the Pond Trail terminus, the primary destination, and the west end of the Beach Trail. Design this trail to follow flat topography as much as possible and with curves to avoid major trees or fragile features, such as the top of coastal banks, and provide a pleasing walk.

POINT TRAIL: (after 1998) Once the Kent lease expires (see Section I.3), extend the Beach trail east (probably by simple raking of the wrack debris) to the cleared lawn south of the Kent house. Build timber stairs over the four-foot high

coastal bank between the beach and the yard. Indicate the trail continues to the gazebo, presumably rebuilt first before the trail is extended.

ii) Use loppers and weed whackers or Gravelly tractor to clear the trail, where necessary. Poison ivy should be controlled by mechanical means or selective herbicide (Roundup, applied by hand wiping on cut stems or by a fine spray by a trained applicator would be most efficient, but time consuming.) Signs reminding visitors of poison ivy presence may deter trail-spread. Trails should be a maximum of four feet wide and eight feet high. The completed trail system should be accurately shown on an aerial photograph or the topographic survey of the site.

iii) Similar to the Paw Wah Point pamphlet, develop and publish a self-guided Kent's Point Trail Map explaining, among other things, the geology, vegetation, history, scenery and rules of the Conservation Area to coincide with designated stops along the trail. Install a wooden box at the trail head to hold these maps. Also, have map available for distribution at the Town Hall and libraries. Alternatively, design and erect a trailhead sign with similar information and map.

iv) Maintain trails yearly or as needed. All work should be done without vehicles, if possible. Do not employ trash containers through trail system, except perhaps at parking lot. Remove litter each spring and fall and as appropriate. Use signs to urge visitors to remove any trash, especially their own.

b) *Specific Improvements* (see Figures 10 and 11)

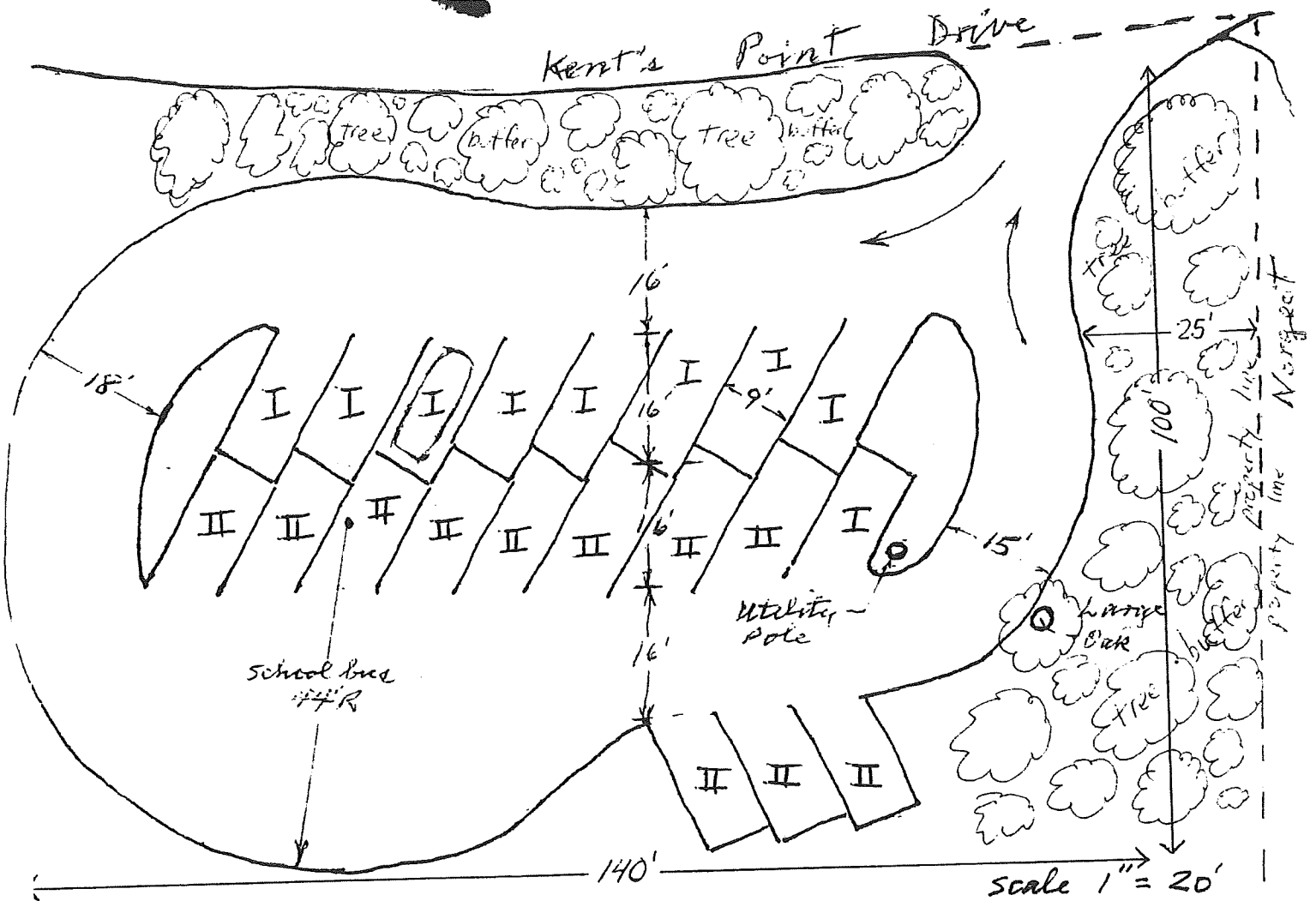
i) Main Parking Lot: (1995) Design a 0.3-acre (maximum size) 20-car unpaved parking lot, with school bus turning radius. (See Figure 11.) Cut trees flush within perimeter of lot (size should take into account fire chief's planned use of the lot as a secondary staging area for fighting brush fires at Kent's Point.) Grade entrance to width of one vehicle. Use chipper to make wood chips to spread on parking lot. Install split rail fence (or locust logs from Sea Call Farm) around perimeter of lot with a box to hold interpretive trail pamphlets or kiosk-type trail map.

ii) Cove Platform: (1995) Install a wooden deck on 4" x 4" posts with railings and perimeter benches. (See example in Photos #6 and #7.) Do not allow access into marsh, through plantings or railings. Consider camouflaging the east face of the railings with plantings to reduce visual intrusion from Cove.

iii) Beach Access Path: (1995) Remove vegetation to a width of four feet. Install rope handrail through posts on one side and timber tie steps as necessary. Install waterbar at top of steps to divert runoff to side of path. Spread wood chips between ties to reduce stormwater effects. Alternatively, construct a wooden ramp, which would allow wheelchair access to the beach. While lease is in effect, install noticeable sign at easterly boundary of beach, denoting "Private Property" beyond that point. Duplicate sign posting on driveway.

Figure 11.

Proposed Parking Area
 Kent's Point Conservation Area
 Orleans MA



Kent's Point

20-car Parking Lot

Sized and located for school bus turn

to use the flattest terrain

to get close to but leave buffer with Norgeot

to protect the utility pole

to save the largest oak tree

Overall dimensions : 100' x 140' = 14,000 sq ft = 0.3 acre

Phase I = 9 cars

Phase II = 11 cars

20 cars maximum.

modified MHR

18 June 94

iv) Field: (1995) Cut shrubs, thin small trees and mow grass to create an open area. Install one picnic table, with oversized end for wheelchair use.

v) River Overlook Picnic Area: (1996) Install benches and a picnic table with oversized end for wheelchair use. Do not allow access onto eroding bank, through plantings or fence.

vi) Satellite parking: Abandon this lot; for turnout use only.

vii) Handicapped parking lots: One located at connecting point between River and Cove Trails. Install sign, reserving this space for handicapped persons only. Design space to allow for turnout for oncoming passing vehicles. Abandon other turnout.

viii) Rest Rooms: No rest rooms are proposed at this time due to cost, limited use, and lack of public support (see Appendix A: only 4% of 500 survey respondents desired restrooms at Kent's Point.) Rest rooms are not found at any Cape Cod town conservation area.

ix) Driveway: Clear to a height of 14 feet and a width of 10 feet for vehicle tracks with 2-foot brushed shoulders on each side of the drive. Increase width of drive at sharp turn east as necessary for emergency vehicle access and at other appropriate locations to permit turnouts for oncoming traffic. Install hardening in areas of particularly soft sand, such as at turn.

x) Gate: Install unlocked, gravity-closed gate immediately beyond main parking area with sign stating, "Handicapped and Authorized Vehicles Only beyond this point."

The purpose of the gate is to deter motorized vehicle access, in order to minimize wildlife disturbance, conflicts with walkers, and overburdening of the access easement (from the "quick look" visitor.) By keeping the gate unlocked, the Disability Committee believes handicapped access concerns are met.

PHOTO #6. *Interior view of proposed Cove observation platform with benches, rails and gate to control marsh access. (from Crocker Neck, Cotuit, 1993)*

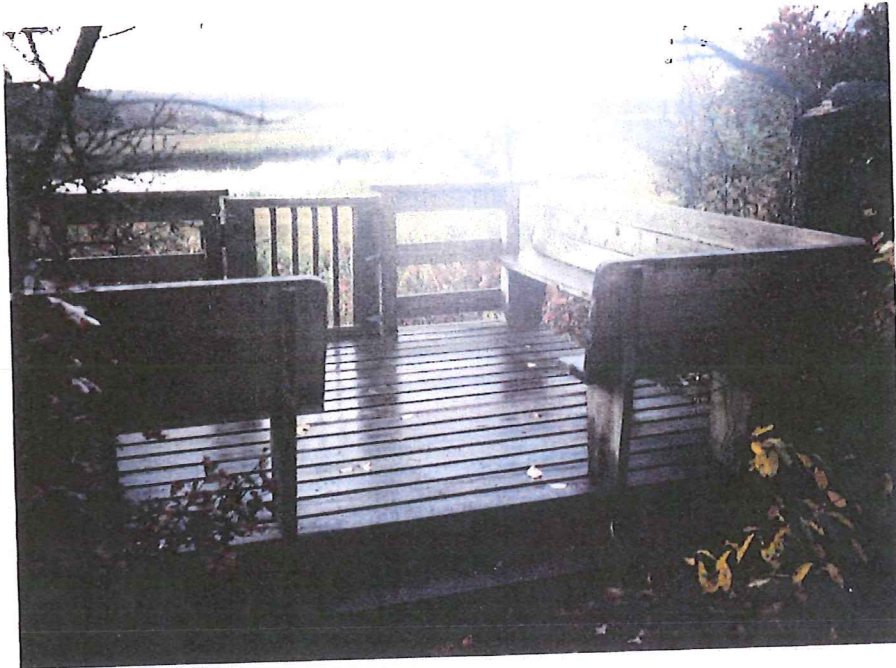


PHOTO #7. *Exterior view of proposed Cove observation platform with steps to marsh. (from Crocker Neck, Cotuit, 1993)*



xi) Benches: (See Paw Wah Point benches, Photo #8, for design.) Install one bench on Cove Trail near the top of the switchback and another near the picnic field; one at the Lonnie's Pond terminus; two along the River Trail, as indicated; and one on the beach, at the edge of the backbeach vegetation.

PHOTO # 8. Typical Bench at Paw Wah Point, installed by Orleans Park Department, (May 1992).



9) Property Regulations and Uses (See also Conservation Commission General Rules for Property Use, adopted June 1989 in Appendix F)

i) Allowed Uses:

River, Pond and Cove Trails: hiking, picnicking, birdwatching, dog walking on a leash (scoop required), nature study, photography, sketching, painting and other passive recreation. (These uses are allowed within the vicinity of the trail only and not throughout the property.)

Beach Trail: fishing, boat-landing, shellfishing, and all uses allowed on the trails except dog walking.

Lease Area: None at this time. Eventually, walking and picnicking.

ii) Prohibited Uses

River, Pond and Cove Trails: hunting#, discharge or possession of firearms, unrestrained dog walking, bicycles (except on driveway), horses (except on

driveway), motorized vehicles (including all-terrain vehicles), all fires, alcoholic beverages, parking, all uses off the trail except as noted in section (iii) *Special Permits* below, and, all other uses not specifically allowed in section (i) above.

Beach Trail: hunting#, fires, dogs-restrained or unrestrained, motorized vehicles; all other uses not specifically listed above as allowed uses

Lease Area: all uses

#(hunting is prohibited due to proximity to habitable dwellings and roadways)

iii) *Special Permits*

The following activities are allowed subject to approval from the Conservation Commission:

- botanical or animal inventory
- archaeological survey
- geological or ground water investigations
- educational tours
- groups of ten or more people.

All approved researchers must submit written findings of their studies, on a regular basis, to the Conservation Commission.

10) Habitat Improvements

Active manipulation of existing on-site habitats is recommended for certain areas. According to the 1988 IEP environmental assessment, the following actions would enhance wildlife habitat values: (see Appendix D)

- Selective cutting of smooth sumac stands in southwestern corner of Kent's Point to maintain open grassy fields, creating a mixture of habitat types;
- Maintenance by mowing of existing fields, sun patches and forest edges, such as the small field in the middle of the Cove Trail;
- Protection of existing animal trails (deer runs);
- Install a bird blind for viewing without disturbing birds (perhaps not necessary, owing to existing dense cover.)

Also, dead trees or "snags" should not be removed unless they are diseased, block trails or are likely to spread infestations to healthy trees. Dead wood is a primary source of food and shelter for many birds, such as woodpeckers.

J. PLAN IMPLEMENTATION

1) Property Management

The Town Conservation Agent will serve as the contact person for all inquiries and management coordination. Plan design and management is vested in the Conservation Commission on behalf of the Town, in consultation with the Shellfish and Recreation Committees and Harbormaster, as needed. Actual implementation of many of these recommendations for Phase I should be undertaken by staff of the Orleans Park Department. The Orleans Police Department will respond to criminal complaints. In the event of conflicting interpretations regarding implementation, the Town Executive should be consulted.

2) Property Security

Neighborhood volunteer stewards should be appointed to report misuse or suggestions for improved use of the Kent's Point Conservation Area. As the persons most directly affected (both positively and, potentially, negatively) by the establishment and development of a town park in the area, abutters should be encouraged to get involved with the care of the Point. Volunteers for litter patrol could be those neighbors who take their daily "constitutional" along the proposed trail. Others could keep a daily tally of number of users (based on cars in the parking lot), so the town can determine levels of use over the course of the season or year. These volunteers should be made official stewards reporting regularly to the Conservation Commission, so their investment in the project is recognized.

A gate at the entrance, limiting non-handicapped vehicle travel beyond the main parking area, is recommended; it should not be locked at this time due to the needs of handicapped access and Miss Kent's written opposition to such a gate.¹⁶ In the event that abuse of the no-vehicle rule is documented, other avenues of security (such as police patrols) should be instituted. All breaches of the rules of the Conservation Area should be reported to the police and logged, so that conservation officials can determine the extent of documented abuse, rather than depend upon anecdotal information.

3) Fire Plan

A 1994 fire plan is found in Appendix G. The goal of this plan is to ensure safe and adequate access for emergency vehicles to suppress fires at Kent's Point, with particular aim to protecting surrounding homes. In consultation with abutters, ConsCom will evaluate the amount of deadfall near its property's perimeter to determine the neighbors' desired balance between continued assurance of privacy versus fire hazard.

¹⁶ Miss Charlotte Kent, "Letter to Richard Houghton, January 10, 1994."

4) Update and Review

This management plan should be reviewed every year by the Orleans Conservation Commission. In advance of an annual public meeting on this plan and other Conservation lands, the Commission should confer with the Keziah's Lane Association, Frost Fish Lane owners and other abutters to determine their concerns. The Commission should update the plan as necessary. The Commission should report to the Selectmen any problems in compliance with the management plan. New or modified components to the management plan can be adopted by the Commission at any time after a publicly-advertised public meeting.

APPENDIX A

Kent's Point References in 1994 Conservation, Recreation and Open Space Plan (Final) Town of Orleans

Citizen Survey Results: (500 respondents)

Summary: "At Kent's Point, the strongest needs were seen for nature trails and parking. These were also discussed for Paw Wah, with the addition of access to the water also relatively important."

"Which facilities should be provided by the Town at Kent's Point?"

Parking:	86 (17%)
Nature Trails:	100 (20%)
Wildlife Exhibits:	45 (9%)
Picnic Tables:	62 (12%)
Water access (foot):	59 (11%)
Restrooms:	23 (4%)

Other citizen survey comments:

I've been very curious about Kent's Point - the roads so poor I haven't wanted to drive down.

Would like to canoe from Kent's Point. Need access for transporting boat to water's edge. Trash barrels.

Goal: One property of each general type (salt- and fresh-water beaches, woodlands, meadows) should be accessible. Consider providing a fully accessible experience at Kent's Point, with pathways, overlooks, and a picnic area that are wheelchair accessible, and possibly including a trail with markers for the blind.

Management Needs: A similar process is underway for a use plan for Kent's Point Conservation Area. For several reasons, including proximity to the town center and better shoreline accessibility, Kent's Point is more conducive for a total handicapped experience....Kent's Point and Paw Wah Point offer similar environmental attributes, but the former is easier and less costly to adapt for total use.

Publicity: Street signs directing motorists to Kent's Point and Paw Wah Point have been installed..., indications that the town is not trying to hide these jewels....Publish and distribute self-guided trail brochures with natural and cultural interpretive text and maps for areas such as Kent's Point...

APPENDIX A.

Relevant Goals of the
Orleans' Open Space Plan
1995

CONSERVATION, RECREATION AND OPEN SPACE PLAN GOALS

I. Conservation: Protect and enhance Orleans' fragile environmental resources

- A. Protect Orleans' Coastal/Saltwater Resources
- B. Protect the Town's Freshwater Resources
- C. Preserve Sensitive Land-Based Resources
- D. Encourage Continuation of Self-Sustaining, Renewable Resources
- E. Mitigate Natural Hazards of Storm Flooding and Sea Level Rise
- F. Manage Town's Open Space Properties to Protect Natural Resources while Encouraging Appropriate Public Use
- G. Increase Public Physical and Visual Access to Water
- H. Coordinate Protection of Resources Which Cross Town Boundaries

II. Open Space: Preserve and manage sufficient unspoiled natural areas to protect the town's special places, maintain a healthy natural environment, provide habitat for wildlife, and retain Orleans' rural character

- A. Acquire or Protect Land Significant to Groundwater Protection
- B. Protect Environmentally Sensitive Lands and Water Bodies
- C. Protect Water Quality of Salt and Fresh Water Bodies
- D. Protect Natural Resources of Recreational and Economic Value
- E. Protect the Town's Scenic Resources
- F. Protect Significant Historical and Archeological Sites
- G. Continue Ongoing Town Action Necessary for an Effective Open Space Program
- H. Coordinate Open Space Protection with Adjacent Towns and Regionally Across Cape Cod
- I. Provide Access to Open Space for Those with Varying Physical and Other Abilities

III. Recreation: Meet residents' recreational needs by making the most of the town's unparalleled recreational assets

- A. Meet Local Recreation Needs through Balanced Offering of Programs
- B. Upgrade Recreation Facilities as Needed to Provide Better Service to Residents
- C. Upgrade Fresh and Salt Water Bathing and Boating Facilities, with Assistance from the Harbormaster and Other Agencies Where Appropriate
- D. Encourage Use of Bicycles on Safe Routes to Reduce Congestion, Conserve Energy and Improve Air Quality
- E. Provide Opportunities for Recreation for Residents of a Variety of Levels of Ability
- F. Coordinate Management of Recreation Resources Which Cross Town Boundaries

Conservation, Recreation and Open Space Plan Goals, Objectives and Actions

I. Conservation: Protect and enhance Orleans' fragile environmental resources.

A. Protect Orleans' Coastal/Saltwater Resources: Preserve coastal water quality that will enable fishing, shellfishing, swimming and boating to continue for residents to enjoy and as a mainstay of the town's tourist economy and support native industries of commercial fishing and shellfishing.

1. Identify, locate and mitigate existing sources of water pollution.
 - a. Reduce impact of human septic waste on coastal water quality.

Actions:

- 1) *Use reports of frequent pumping generated by the Septic Plant to alert Health Department of private system failures. Require upgrading of marginal septic systems near the shoreline through incentives or regulation. Continue annual reports on compliance.*
- 2) *Evaluate feasibility of new regulation to require upgrades at sale of property.*
- 3) *Control nitrate loading of saltwater bodies by zoning similar to that in the watershed with stricter health board regulations, i.e. a nitrate loading bylaw for salt water areas.*
- 4) *Study use of septic systems with denitrification components.*

- b. Consider development of local or regional pump-out facilities to handle boat wastes.

Action:

- 1) *Study the need and feasibility of a pump-out station for Pleasant Bay.*

2. Control, to as great an extent possible, the effect of nutrient- and contaminant-bearing road runoff on coastal water quality.

- a. Provide adequate drainage for roads and parking areas which avoids negative impacts on wetlands, surface water bodies or groundwater.

Action:

- 1) *Adopt amendments to zoning bylaws and subdivision rules and regulations requiring use of natural drainage systems such as swales and retention ponds.*

- b. Mitigate point sources of contamination from direct discharge of runoff into coastal waters.

Actions:

- 1) *Carry out recommendations for new drainage installations to handle runoff now piped into Town Cove and at all Town landings and other sites where storm drains and road runoff are now charged directly or indirectly into bodies of salt or fresh water.*
- 2) *Evaluate and monitor new Meetinghouse Pond stormwater basin.*

QUITCLAIM DEED

CHARLOTTE AUSTIN KENT, of the City, County, and State of New York, for \$1,800,000.00 consideration paid, hereby GRANTS to the TOWN OF ORLEANS, a Massachusetts municipal corporation located in Orleans, Barnstable County, Massachusetts, acting through its Conservation Commission under the provisions of M.G.L. Chapter 40, section 8C with QUITCLAIM COVENANTS, but IN TRUST nevertheless as hereinafter provided, the following contiguous parcels of land with the buildings and other improvements thereon situated on the shores of Long Frost Fish Cove, Pleasant Bay, and the Kescayogansett River and Pond in said Orleans, described as follows.

FIRST PARCEL: The premises conveyed to the grantor by Jessie Adams Kent by deed dated July 11, 1941, recorded with Barnstable County Registry of Deeds, Book 581, Page 221, EXCLUDING therefrom the premises conveyed by the grantor to Katherine H. Udall by deed dated June 14, 1984, recorded with said Deeds, Book 4145, Page 301. *4145 - 387/2 recorded*

SECOND PARCEL: The premises conveyed to the grantor by said Katherine H. Udall by deed dated February 7, 1984, recorded with said Deeds, Book 4145, Page 300.

Said parcels are hereby granted subject to the real property taxes assessed thereon as of January 1, 1988, for the municipal fiscal year ending June 30, 1989, which taxes the grantee hereby assumes and agrees to pay.

This conveyance is made upon the express trust that all of said land shall be held in perpetual public trust by the grantee for open-space-conservation purposes, which ^{purposes} shall ** include use of said land for a Town shellfish laboratory and shellfish-propagation program and which shall permit a lease of said premises or a portion thereof to the grantor upon such terms and conditions as the grantee shall determine.

**without limiting the generality of the foregoing

Witness my hand and seal this *15th* day of *December*, 1988, Massachusetts deed excise tax stamps in the amount of *\$4,104.00* [insert amount of tax at \$2.28 per \$1,000 of consideration] being hereto affixed and canceled.

Charlotte Austin Kent

CHARLOTTE AUSTIN KENT

RECORDS DEPARTMENT
NOV 16 1988
TAX \$4,104.00
BOOK 4145-03
RECORDED 13:04
EXCISE TAX

*Original
+ delivered 15/Nov 89
+ delivered to Town of
12/11/89 59 1000 gr.*

Street address of premises: 39 Keziah's Lane, Orleans.

STATE OF NEW YORK

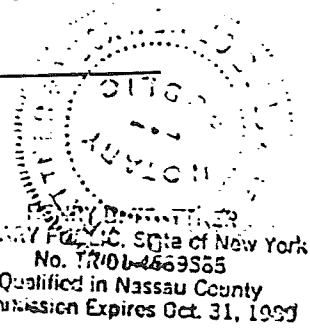
Nassau County, ss. DECEMBER 15, 1988

Then personally appeared the above-named CHARLOTTE AUSTIN KENT and acknowledged the foregoing instrument to be her free act and deed, before me,

[Handwritten Signature]

Notary Public

My commission expires:



[Notarial Seal]

ACCEPTANCE

The undersigned grantee hereby ACCEPTS the foregoing conveyance upon the trust therein set forth.

Executed under seal this _____ day of December, 1988.

TOWN OF ORLEANS
Acting through its
Orleans Conservation Commission

BY: *[Handwritten Signature]*

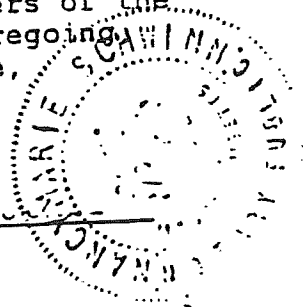
BY: *[Handwritten Signature]*

BY: *[Handwritten Signature]*

BY: *[Handwritten Signature]*

Then personally appeared the above-named members of the ORLEANS CONSERVATION COMMISSION and acknowledged the foregoing instrument to be their free act and deed, before me,

[Handwritten Signature]
Notary Public



My commission expires: 9-2-94

RECORDED DEC 29 88

Scale 1/4" = 100' 1/2" = 200'
December 1922
Arthur L. Sparrow
South Orleans, Mass.

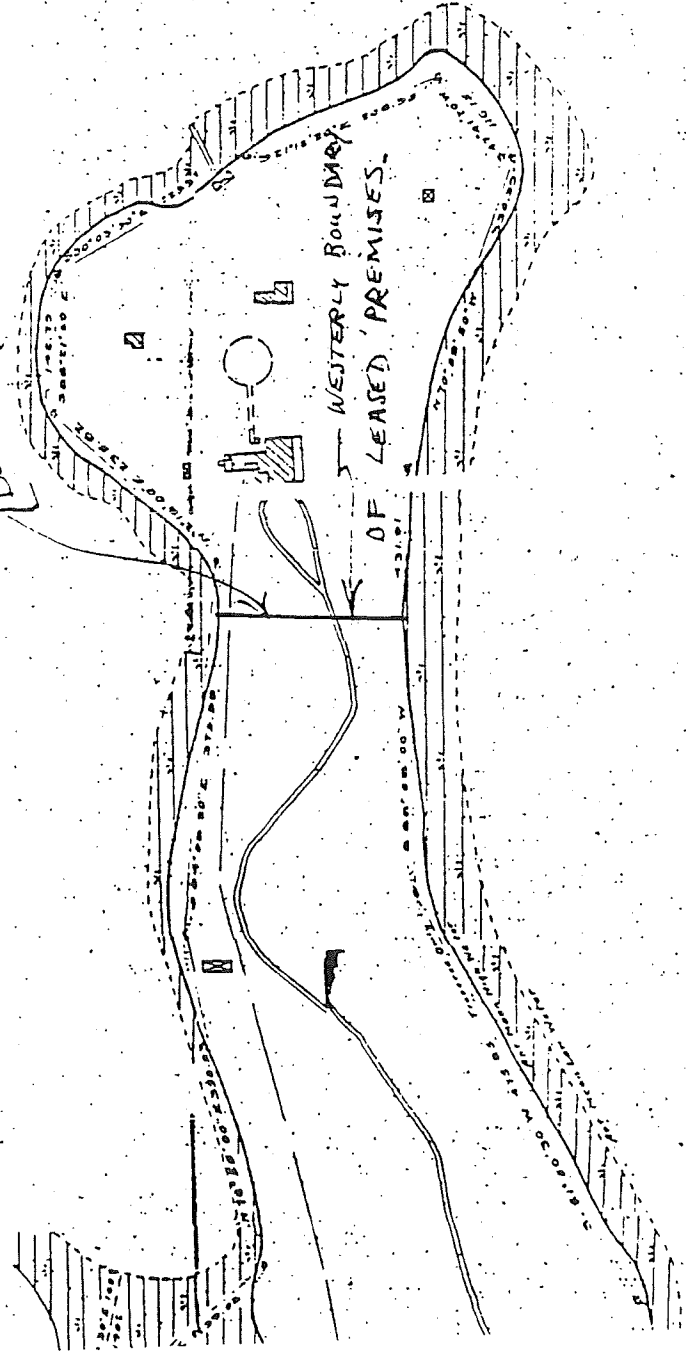
THIS COPY WAS MADE BY ARTHUR L. SPARROW CO.,
SOUTH ORLEANS, MASS., DECEMBER 1958.

EXHIBIT C

North-South

Long Frost Fish Cove

Boundary line runs due



100'

APPENDIX B.

LEASE

TOWN OF ORLEANS, a Massachusetts municipal corporation, acting by and through its BOARD OF SELECTMEN Lessor, for consideration paid, hereby LEASES to CHARLOTTE AUSTIN KENT, of New York, New York, Lessee, the parcel of land with the dwelling house and outbuildings thereon situated off Keziah's Lane on the shore of Pleasant Bay in said Orleans as shown on the sketch attached hereto and made a part hereof, together with the right of access thereto over Lessor's remaining land to the west by foot or by motor vehicle over the existing driveway or driveways thereon and thence to Monument Road over Keziah's Lane and over other existing roadways insofar as Lessor has the right to grant such rights.

The term of this lease shall be five (5) years from the date hereof, with the option in the Lessee:

1. to extend said term by written notice delivered to Lessor on or before June 1, 1992, for an additional term of five (5) years, free of rent, and
2. to terminate this lease or any extension thereof at any time effective upon the delivery of written notice of termination to the Lessor.

Notwithstanding the foregoing, this lease shall terminate upon the death of the Lessee.

No rent shall be payable by Lessee during the term hereof or any extension hereof.

Lessee agrees with Lessor that Lessee shall be responsible only for non-structural repairs (inside and outside), and will at all times keep and maintain the non-structural elements of the leased premises repaired and in such good repair, order, and condition as the same are at the beginning of the lease, or may be put in during the term or any extension thereof, reasonable wear and tear and damage by unavoidable casualty only excepted. Lessee may perform such other repairs and maintenance, including repairs of any damage caused by fire or other casualty, as Lessee may desire. Lessor shall have no obligation to perform any repairs, including repairs of any damage caused by fire or other casualty.

Lessee at Lessee's election may arrange for and obtain fire and extended coverage insurance upon the leased premises at Lessee's sole expense, and such insurance shall name as insureds Lessor and Lessee as their interests may appear. In the event of fire or other casualty covered by such insurance, Lessor shall make the proceeds of such insurance available to Lessee for such repairs and restoration of the leased premises to their former condition as Lessee may desire to undertake. Lessee shall maintain at Lessee's sole expense comprehensive general liability insurance indemnifying Lessor and Lessee

amount not less than Five Hundred thousand (\$500,000.00) for combined bodily injury or death and property damage, depositing policies of such insurance or certificates thereof with the Lessor.

Lessee shall pay, as they become due, all bills for water, electricity, and other utilities that are furnished to the demised premises.

The Lessee agrees to quit and deliver up the premises to Lessor peaceably and quietly at the end of the term in as good order and condition, reasonable use and wearing thereof, fire and other unavoidable casualties excepted, as the same now are, or may be put into by the Lessor, and not to make or suffer any waste thereof, nor lease, nor underlet, nor permit any other person or persons to occupy or improve the same except members of Lessee's family and Lessee's guests. In case this lease shall terminate by reason of the death of the Lessee, the Lessee's executors and administrators shall be entitled to enter and occupy the leased premises for a period of one hundred twenty (120) days following such termination for the purpose of removing Lessee's personal property without incurring liability to Lessor for rent or other charges for use and occupancy for such period provided all insurance required to be maintained by Lessee hereunder is continued in force during such period.

This lease is personal to the Lessee, and Lessee shall have no right to assign the Lessee's interest hereunder.

The Lessor and the Lessee agree not to make or suffer to be made any alteration or improvement to the premises without the express written consent of the other.

Lessor and Lessee shall have all available Massachusetts common-law and statutory rights and remedies for any breach of this lease or any covenant thereof by the other.

IN WITNESS WHEREOF, the said parties have hereunto set their hands and seals this 15 day of December, 1988.

TOWN OF ORLEANS, Lessor

Charlotte Austin Kent
CHARLOTTE AUSTIN KENT
Lessee

By: Sixty Barron

By: Robert R. Perry

By: Fredrick K. [unclear]

M. Eleanor Bannister

[Signature]
Notary Public

Commission expires: Sept. 2,

[Signature]

HENRY B. TARTNER
NOTARY PUBLIC, State of New York
No. 17-01-4655325
Qualified in Nassau County
Commission Expires Oct. 31, 1989

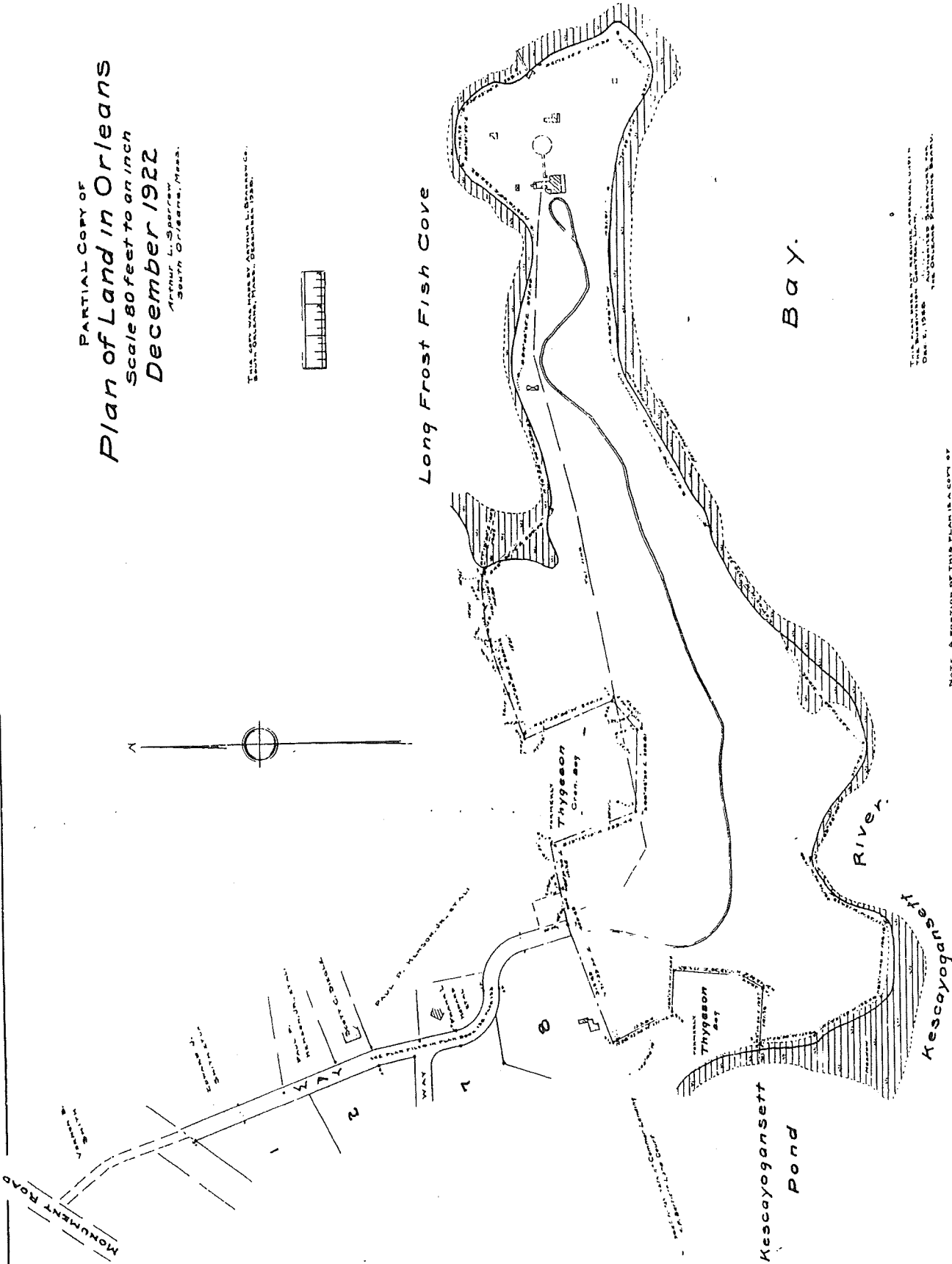
PARTIAL COPY OF
Plan of Land in Orleans
Scale 80 feet to an inch
December 1922
Arthur L. Sparrow
South Orleans, Mass.

THIS PLAN WAS PREPARED BY GEORGE W. BROWN, CIVIL ENGINEER, SOUTH ORLEANS, MASS.



Long Frost Fish Cove

Bay.

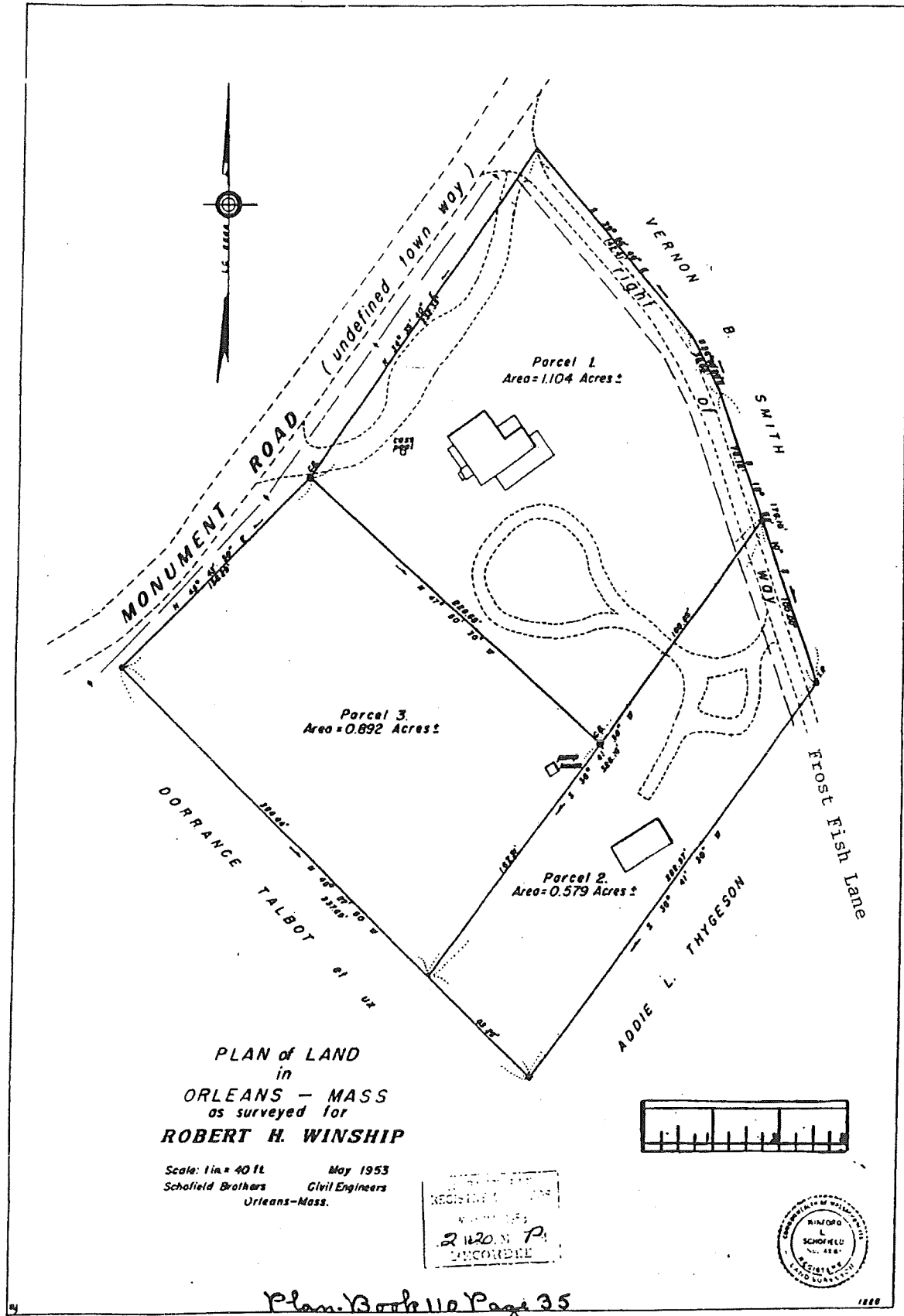


THIS PLAN WAS PREPARED BY GEORGE W. BROWN, CIVIL ENGINEER, SOUTH ORLEANS, MASS. DATE 11/1922.

NOTE: AREA DESIGNATED BY SHADING IS NOT A PART OF THE LAND SHOWN IN THIS PLAN. SEE PLAN 136, PAGE 153. AREA TO BE MEASURED BY ST. 7 ACRES.

RECORD OWNER: CHARLOTTE A. KENT.

110-95

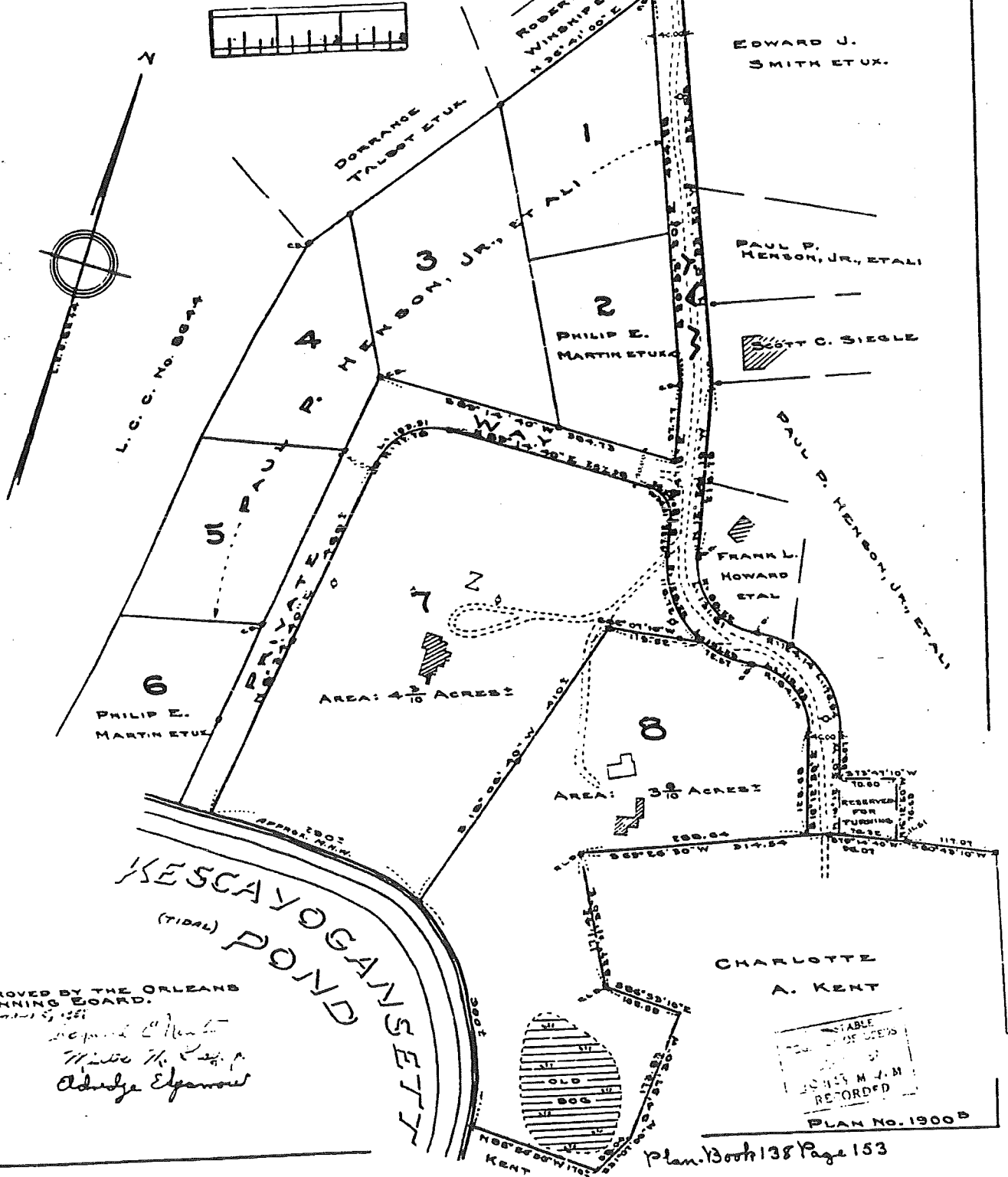


Plan Book 110 Page 35

**SUBDIVISION PLAN
OF
LAND IN ORLEANS
AS MADE FOR
PAUL P. HENSON, JR., ET AL;
OCT. 1957 - SCALE: 1 INCH = 80 FEET**

ARTHUR L. SPARROW CO., ENGINEERS
SOUTH ORLEANS, MASS.

APPENDIX C.
VERNON B.
SMITH

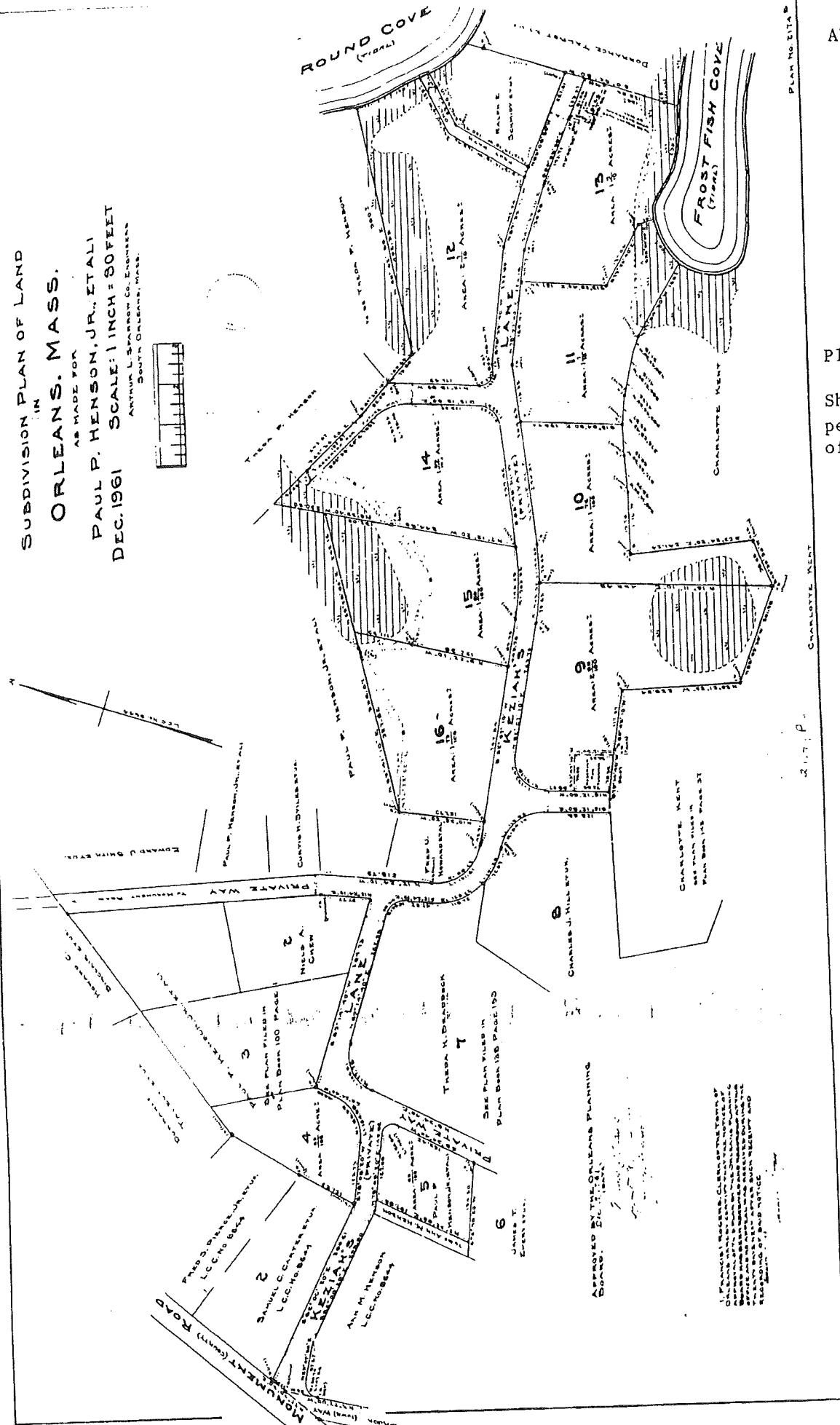
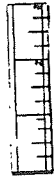


APPROVED BY THE ORLEANS
PLANNING BOARD.
10/15/57
Arthur L. Sparrow
Walter H. P. P.
Adelge Elsworth

RECORDABLE
INDEXED
JONES M. J. M.
RECORDED

PLAN NO. 1900B
Plan. Book 138 Page 153

SUBDIVISION PLAN OF LAND
 IN
ORLEANS. MASS.
 AS MADE FOR
PAUL P. HENSON, JR., ET ALI
 DEC. 1961 SCALE: 1 INCH = 50 FEET
 ARTHUR L. SPARROW CO. ENGINEERS
 SOUTH ORLEANS, MASS.



PLAN NO. 8174

CHARLOTTE KENT

217 P.

Plan Book 167/37

Shows northern perimeter boundary of Kents Point

APPROVED BY THE ORLEANS PLANNING BOARD, 20-1-62

I, FRANCIS W. GREEN, CLERK OF THE BOARD OF PLANNING, DO HEREBY CERTIFY THAT THIS PLAN HAS BEEN FILED FOR RECORD AND THAT THE BOARD HAS APPROVED THE SAME AND THAT THE NECESSARY RECORDS HAVE BEEN MAINTAINED AND PAID FOR.

BOOK PAGE 284

LOCUS MAP

SCALE 1 in. = 2,093 ft

Approval under the subdivision control law not required. Ref. Chap. 41, Sec. 81 - P. C. L.

ORLEANS PLANNING BOARD
 Date Jan. 10, 1984
Berna Spagnuolo
Robert J. ...
Anthony ...
...

This plan and the accompanying certification, do not constitute a certification of title to the property displayed hereon. The owners of locus and abutting properties are shown according to current town assessors' records.

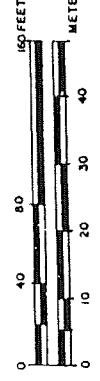
SURVEYORS' CERTIFICATIONS:
 This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.
 I certify that this plan was prepared in conformance with the rules and regulations of the Register of Deeds effective Jan. 1, 1974.

Date Dec. 17, 1983
David L. Mad
 Registered Land Surveyor

APPENDIX C.

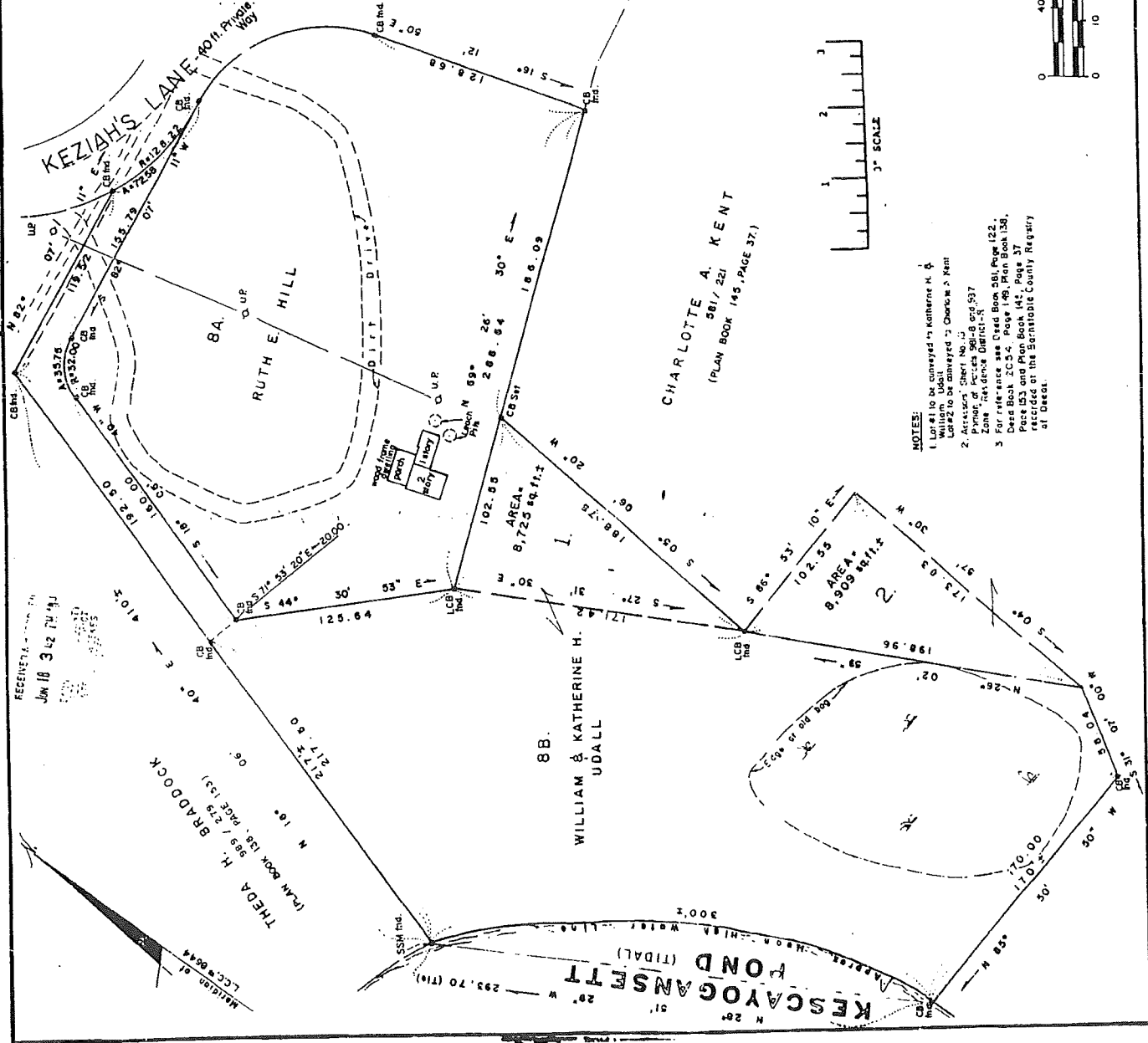
PLAN OF LAND IN
ORLEANS, MASS.
 AS PREPARED FOR
WILLIAM UDALL
&
KATHERINE H. UDALL

SCALE 1 in. = 40 FT.
 DECEMBER 12, 1983
 SCHOFIELD BROTHERS, INC.
 REGISTERED
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 ROUTE 6A - PO BOX 401 - ORLEANS, MASS. 02653
 (417) 255-8098



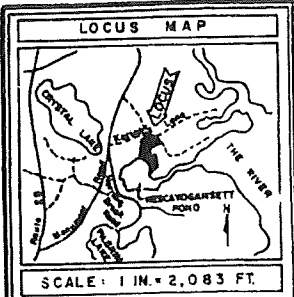
Research by R.S., Dictated by D.L.M.
 Field Chief D.A.S., Checked by D.L.M.
 Computed by D.L.M., Approved by D.L.M.

JOB No. 6268-1



- NOTES:**
- Lot 1 to be conveyed to Katherine H. & William H. Udall.
 - Lot 2 to be conveyed to Charles W. Kent.
 - Assessor's Sheet No. 10.
 - Pinpoint of Parcel Sold Oct. 1977.
 - Zone reference to Dead Book 281 Page 122.
 - See also C.C.S. Page 149, Plan Book 138.
 - See also Plan Book 142, Page 37.
 - Records of the Barnstable County Registry of Deeds.

1984 land swap between Miss Kent and Udalls. Miss Kent gave Lot 1 to Udalls. Udalls gave Lot 2 to Miss Kent.



RECORDED & RECORDED
 88 32 743
 BARNSTABLE COUNTY
 REGISTERED
 27 FEB 1983

APPENDIX C.

FRED U. & MARIE A. HOWARD
 1059 / 522

ALAN W. & PATRICIA A. ESTABROOK
 1495 / 987

This plan and the accompanying certification do not constitute a certification of title to the property depicted hereon. The owner of locus and abutting properties are shown according to current town assessor's records.

SURVEYORS CERTIFICATIONS.

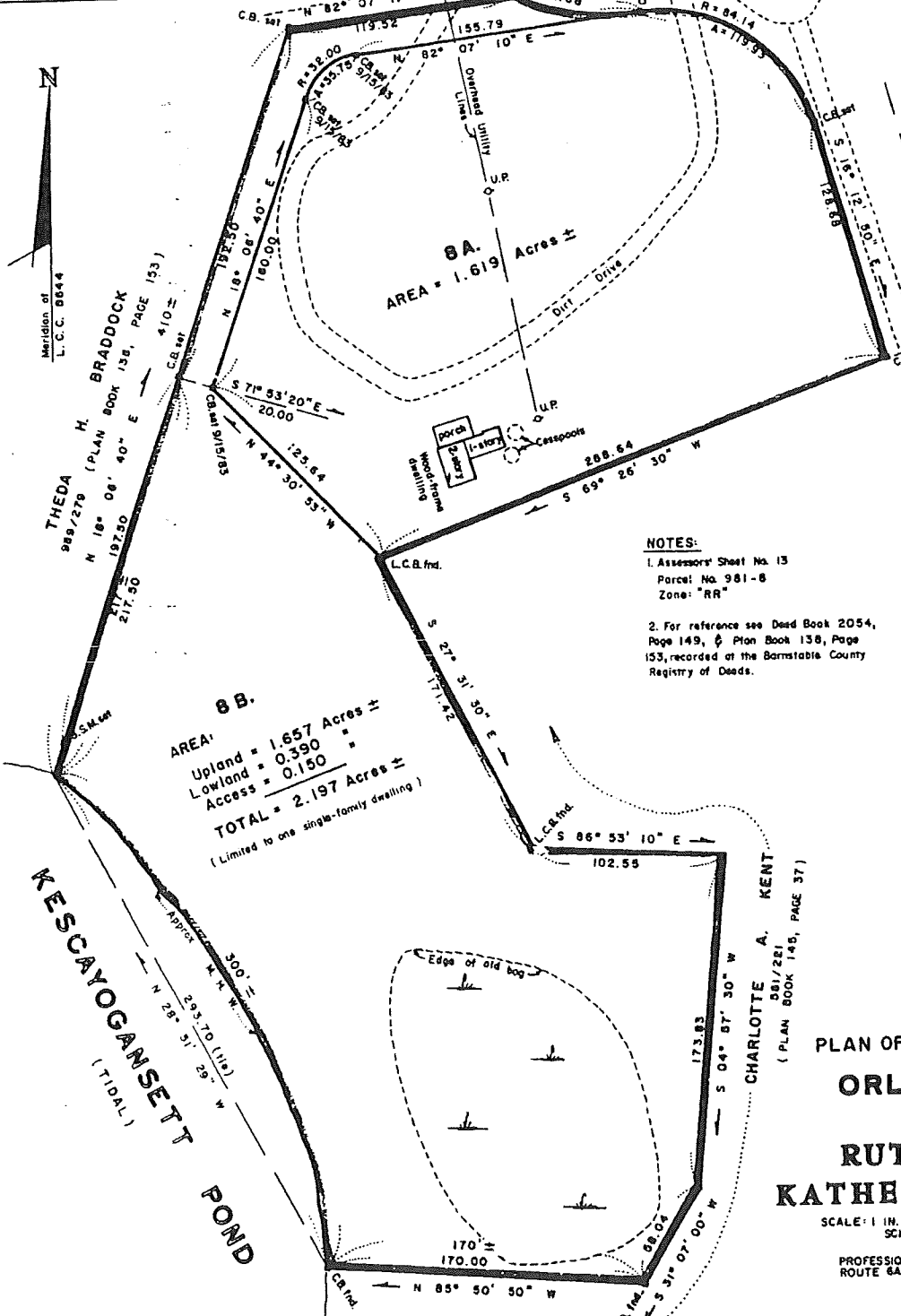
This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan was prepared in conformance with the rules and regulations of the Registers of Deeds effective Jan. 1, 1976

Date Oct 25 1983
David L. Mud
 Registered Land Surveyor



BOOK PAGE 377 99

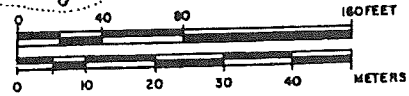
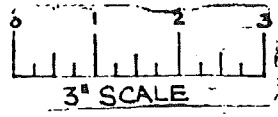


NOTES:
 1. Assessor's Sheet No. 13
 Parcel No. 981-8
 Zone: "RR"
 2. For reference see Deed Book 2054, Page 149, & Plan Book 138, Page 153, recorded at the Barnstable County Registry of Deeds.

Approval of the Planning Board:
 ORLEANS PLANNING BOARD
 Date of Hearing Oct 25 1983
 Date Signed Oct 25 1983
Barbara Sprague
Ryan Sprague
William C. Fawcett
Alfred Adams
Kathryn H. Hanson

I, Barbara F. Ilkovich, Clerk of the Town of Orleans, hereby certify that the notice of approval of this plan by the Planning Board has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.
 Date Nov 15 1983
Barbara F. Ilkovich
 Orleans Town Clerk

PLAN OF DIVISION OF LAND IN ORLEANS, MASS.
 AS PREPARED FOR
RUTH E. HILL
 -AND-
KATHERINE H. UDALL
 SCALE: 1 IN. = 40 FT. OCTOBER 25, 1983
 SCHOFIELD BROTHERS, INC.
 REGISTERED
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 ROUTE 6A - P.O. BOX 101 - ORLEANS, MASS., 02653
 (617) 255-2098



Research by DAS	Drafted by JFH
Field Chief BSP	Checked by DAS
Computed by DLM	Approved by DLM



APPENDIX D.

ORLCT-1

(full report on file
with Conservation Commission)

Environmental Assessment
Kent Property
Orleans, Massachusetts

September, 1988

Prepared For:

VINCENT OLLIVIER, TRUSTEE
Orleans Conservation Trust
P.O. Box 1078
Orleans, Massachusetts 02653

Prepared By:

IEP, INC.
P.O. Box 1840
90 Route 6A/Sextant Hill
Sandwich, Massachusetts 02563

APPENDIX E.

(full report on file
with Conservation Commission)

AN ARCHAEOLOGICAL RECONNAISSANCE SURVEY
OF
KENT'S POINT
ORLEANS, MASSACHUSETTS

by

Frederick J. Dunford

Presented to:

Vincent Ollivier, Trustee
Orleans Conservation Trust
Box 1078
Orleans, MA 02653

Presented by:

Frederick J. Dunford
Archaeological Consultant
Box 369
Harwich, MA 02645

October 3, 1988



Town of Orleans Conservation Commission

APPENDIX F.

Town Hall • Orleans, Massachusetts 02653

USE OF LANDS UNDER MANAGEMENT OF THE ORLEANS CONSERVATION COMMISSION

1. **HOURS OF USE:**

Conservation lands shall be open for enjoyment by the general public daily from one half hour after sunrise to one half hour before sunset. Fishermen, in areas so posted, may fish before and after these times.*

2. **PROTECTING WHAT IS THERE:**

No person shall deface, remove, alter or destroy or otherwise damage, in any manner whatsoever, any terrain feature, any structure, archaeological find, rock, plant, flower, fruit, shrub, vine or tree or any other form of vegetation nor shall any birds or animals be molested or their nests or dens be disturbed at any time.

3. **BICYCLES AND HORSES:**

Bicycles and horses may be ridden only on roads and trails so designated.

4. **PROHIBITED:**

Except when authorized by Conservation Commission, littering, fires and cooking, alcoholic beverages, hunting (except below Mean High Water), unrestrained dogs, motorcycles, motorized all-terrain cycles, ATV's, snowmobiles, erection of tents, parking of trailers, camping or overnight sleeping.

5. **GATHERINGS:**

Gatherings of ten or more persons must have written permission from the Conservation Commission.

6. **PENALTIES:**

Any person who violates any of these regulations shall be fined not more than \$100.00 for each violation under the provisions set forth in Massachusetts General Laws C40 s 8c.

7. **AMENDMENTS:**

The Orleans Conservation Commission may from time to time adopt additional regulations which are not inconsistent with existing laws.

Adopted September 12, 1989

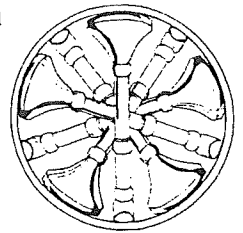
Revised August 30, 1994

** This exception is not to apply at Kent's Point.*



Raphael A. Merrill
Fire Chief

ORLEANS FIRE DEPARTMENT ORLEANS RESCUE SQUAD



Steven P. Edwards
Deputy Chief

58 Eldredge Park Way, Orleans, Massachusetts 02653
Fire & Rescue Emergency 911
Non-Emergency (508) 255-0050
Fax (508) 240-0855

APPENDIX G.
1994 Fire Fighting Plan

Mr. Dick Houghton
C/O Orleans Conservation
School Rd.
Orleans, Ma 02653

AUG 12 1994

Dear Dick:

The Fire Protection for the Kent Point Land, Keziah's Lane, and Frost Fish Lane has not changed at all. We have plans for every area in the Town of Orleans through the Barnstable County Mutual-Aid System.

Kent Point has been their for years, and because the Town of Orleans has purchased the land, does not change the Fire Protection for that whole area.

Again, I will still have to say, unless repairs are made to Frost Fish Lane, and Kent's Point Rd., as stated in my last letter, no matter what kind of Fire Plan is put together, it will not work without the repairs being made, and the brush cut back, and kept cut back. As in any Fire, we need to be able to get to the Fire so that it can be put out.

Our running cards for the Town of Orleans, covers Structure Fires, Brush Fires, and Rescue Emergency's.

When we have an Emergency in Town that requires Mutual-Aid, we call the Barnstable County Mutual-Aid Center tell them what District we are in, the type of Emergency that we have, the alarm we are requesting, and the rest is done by them. The plan is on paper, they look it up, and send us the equipment we need.

Kent Point, Frost Fish Lane, Keziah's Lane, are all in District 1. If we have a Brush Fire in that area, I would have the following equipment on the 1st Alarm.

1st Alarm we would have 3- Engines, 1- Ladder Truck, 2- Rescue Trucks, and an Engine from Eastham to cover our Station.

2nd Alarm would get us 2- Brush Breakers, 2- Engines to cover our station.

3rd Alarm would get us 2- Brush Breakers, 2- Engines, 1- Rescue

4th Alarm would get us 4- Engines, 1- Rescue

This response is what we would get for everything in district 1. We would not be treating Kent's Point any different then anything else in district 1.

If we had a Brush fire at Kent's point, we put the Rescue Boat, the Harbor Masters Boat with Portable pumps and hoses in the water and they could set up on the shore line to fight the fire from the water, as well as the apparatus responding by land.

A

On a second alarm fire, we would set up a Command Post. The actions to be taken must be prioritized by the IC in the following sequence.

1. Incident Priorities:
 - A. Life Safety-includes rescue and safety of occupants.
 - B. Incident Stabilization - includes fire and hazard control.
 - C. Property Conservation - includes salvage and damage prevention.
2. Size Up - Includes assessment of conditions and resources needed.
3. Strategic Goals - Overall plan of attack and desired outcome.
4. Tactical Objectives - Steps to be taken to accomplish the above.

Once the command post has been established, it will have the following staff assigned to it.

Incident Commander (IC)
Operations Officer
Information Officer
Safety Officer

Liason Officer
Staging Officer
Water Supply Officer
Sector(s) Officer

Medical Control Officer
Triage Officer
Treatment Officer
Transporation Officer

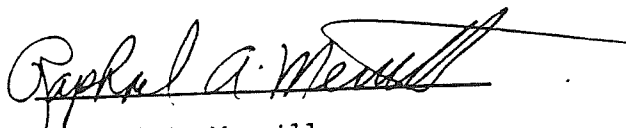
We would probably have a staging area on Monument Rd. & Herringbrook Rd.. All the apparatus would then get their assignment from that area. This could change, depending on the location of the fire, and the type.

Hydrants on Frost Fish Lane and Keziah's Lane could be used for water supply. We also have 4,000 ft. of 4" hose that can be used to move the water supply closer to the fire location.

The IC will decide at the time of his size-up, what equipment will be needed, and what alarm he will strike to fight the fire that he has. He will also decide to what level of command he will go.

Remember that Pre-Emergency Planing is only one source of information to be used in the total size-up process. It is not the "Law of the Land" which can not and will not be changed, and cannot replace Fire Ground Decisions or orders.

We all need to keep in mind that a Pre-Emergency Plan is only a guideline and not an inflexible Rule.



Raphael A. Merrill
Fire Chief

TO: Nancy Marie Schwinn
Town Executive

FROM: Richard Houghton *R.H.*

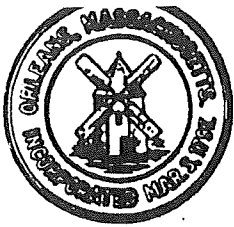
RE: FROST FISH LANE DRAINAGE STURDY - PRELIMINARY RESULTS

DATE: July 5, 1994

In order to improve the safety for public access to Kent's Point, Ryder and Wilcox was contracted on April 21, 1994 for an engineering study of Frost Fish Lane. They were asked to improve the drainage while maintaining the present country lane appearance. On July 1, 1994 I reviewed preliminary results and now make the following observations:

- 1) All work remains within existing cart path borders.
- 2) Everyone's driveway grades can remain unchanged.
- 3) No tree removal is necessary.
- 4) No widening of narrow section on Jones's property is required.
- 5) Passing places for oncoming traffic can remain pretty much the way they are, taking advantage of driveway entrances where cart path is presently widest.
- 6) There should be some imperceptible cross-road sloping to prevent road water from running further onto anyone's property.
- 7) Flat areas should be eliminated. They tend to collect water and develop pot holes.
- 8) 3 new catchbasins are proposed (also use the existing one on Monument Road)
 - 1 opposite Sinclairs
 - 1 in front of Sloans
 - 1 just before Keziah's Lane to prevent runoff onto Keziah's Lane
- 9) There should be some smoothing to allow water to collect only at the 3 basins.
- 10) A special mixed gravel surface to be added, which is more stable, requiring less maintenance than existing material.

- 11) A gravel-surface "asphalt" (possible) at Monument Road entrance and (perhaps) for 10 feet on either side of catch basins to hold drainage contour and to reduce their filling with sand and thereby reduce maintenance.
- 12) Something minimal, such as stones in a trench, for drainage on the section past Peter Norgeot's and the Udalls and into the Kent's Point property.
- 13) Recommendations for speed bumps are awaited.



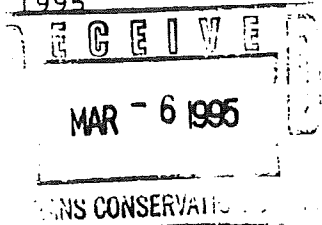
TOWN OF ORLEANS

Park Department

APPENDIX I. Paul O. Fulcher
Park Superintendent

March 6, 1995

Phone (508) 240-3775
Fax (508) 240-3388



TO: TOWN EXECUTIVE
FROM: PARK SUPERINTENDENT
SUBJECT: COSTS ASSOCIATED WITH OPENING KENT'S POINT TO WALKING TRAILS

The following costs are estimates for work at Kent's Point as well as improvements to Frost Fish Lane.

1. Improvements associated with improvements to Frost Fish Lane according to plans and specifications by Ryder & Wilcox.
Private contractor \$20,000.00
2. Removal of all buildings from Kent's Point and return site to natural state. Private contractor \$15,000.00
3. Remove sand from first 500 feet of driveway. Install hardening, then 6" of T-base. Private contractor \$ 4,700.00
4. Remove trees, loam, grade, install hardening and 6" T-base for 90' x 140' parking lot as per Dick Houghton plans. Private contractor \$ 6,500.00
5. Signs per Dick Houghton list \$ 900.00
6. Kiosks 750.00
7. Brochure/map/trail guide 600.00
8. Two picnic tables 700.00
9. Eight benches for trails 880.00
10. Handicapped parking (two locations as per Kent's Point Management Plan, Draft II. Private contractor \$ 1,500.00
11. Handicapped ramp at beach trail (no guidelines). Based on \$18 sq. ft., ramp 100 ft. long \$ 9,000.00
12. Cove platform (no guidelines). Based on \$15 sq. ft. 10 X 10 ft. \$ 1,500.00
13. Removal of some trees and brushing back roadway 2' on each side. Town employees 60 hours

18 Bay Ridge Road • P.O. Box 122 • Orleans, Massachusetts 02653

- 14. Gravely, pruning to open cove trail.
Town employees 16 hours
- 15. Gravely, cut and pruning to open River trail.
Town employees 50 hours
- 16. Construct handicapped portion of River trail (unsure of specifications)
No price

Total costs for this project not including work on trails or widening driveway by town employees comes to \$62,030.

Subtract the \$15,000 for removal of building which cannot be completed for at least three more years if the Conservation Commission votes for removal and the grand total is \$47,030.

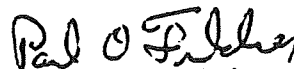
A total of \$50,000 was donated to the Town by the Dietrich Foundation for improvements to Kent's Point.

It would be my recommendation that both the Selectmen and Conservation Commission vote that all monies needed to improve access to Kent's Point and any improvements on the property should be appropriated from the ^{State} ~~Dietrich~~ Fund. A vote should be taken on the above matter prior to the March 28 hearing so the general public will know where all monies for improvements are to be taken from.

Other work to be completed at a later date when Charlotte Kent's lease concludes, include a gazebo, additional walking trails and handicapped viewing area; but these I did not cost out at this time.

Again, I would like to make sure it is clear that prices I have quoted are estimates as I do not have detailed plans for all the work to be completed on Kent's Point.

If you have any questions, please feel free to call me.


Paul O. Fulcher

cc: Conservation Agent
Conservation Commission



APPENDIX J.1
ORLEANS RECREATION COMMISSION

P.O. BOX 395

ORLEANS, MASSACHUSETTS 02653

December 14, 1993

Orleans Conservation Commission
Town of Orleans
Town Hall - School Road
Orleans, Massachusetts 02653

Re: Kent Point Management Plan

Dear Ladies and Gentlemen:

At its last regular meeting, the Recreation Commission discussed at length DRAFT II of the *Kent Point Conservation Area Management Plan* prepared by the Compact of Cape Cod Conservation Trusts, Inc. for the Orleans Conservation Commission.

With regard to the **MANAGEMENT ISSUES** under Section I. of the draft, the following are the Commission's comments and/or endorsement to each issue. For the sake of continuity, we use the same sequence as the draft:

- ✓ 1. **Property Access** - Support the upgrading of Frost Fish Lane (Alternative B).
- 1 2. **Boating Facilities** - Support the *Recommended Alternative* that boats should not be brought overland to Kent' Point. Kent's Point is not conducive for major boat launchings.
- ✓ 3. **Phase II/Lease Area** - Support *Alternative No. d* that the structures should be removed and the gazebo rebuilt for viewing and rain shelter.
- ✓ 4. **Shellfish Laboratory** - No laboratory should be located on the site. The area should remain as natural as possible (**all use** as passive as possible), with little or no vehicle traffic.
- ✓ 5. **Handicapped Access** - Support the *Recommended Alternative* of constructing the River Tail as



ORLEANS RECREATION COMMISSION

P.O. BOX 395

ORLEANS, MASSACHUSETTS 02653

Orleans Conservation Commission
December 14, 1993
Page Two

handicapped accessible, (possibly) adding a wood ramp to the beach and access to the gazebo site and beach upon expiration of the present lease.

6. **Funding** - Support the *Recommended Alternative* to establish a dedicated fund for capital improvements *ONLY*, *NOT A SHELLFISH LABORATORY*, to Kent's Point, starting with the \$50,000.00 gift.

7. **Property Integration** - Support the *Recommended Alternative* to give tax breaks for limited public access to the former Thygeson's bogs and donation of Conservation Restrictions by the landowners on the south side of Lonnie's River.

8. **Access for Passive Recreation** - Support the proposed trails in general, maximizing the existing animal trails when cutting walking trails; however, question the need for an observation deck of the proposed size of 10' x 10' which seems too large for the area. In addition, there is plenty of 'natural blind' to view birds; is camouflaging east face of observation deck necessary?

9. **Property Regulations** - No comment is required regarding 'Allowed' and 'Prohibited' Uses. Under Special Permits, however, applications to Town Committees are public record, why should Friends of Pleasant Bay be accorded a courtesy copy? These Permits are not under their auspices.

10. **Habitat Improvements** - Support the manipulation of certain areas, but question the need for the bird blinds with all the natural blinds in the area.

With regard to **Section J. PLAN IMPLEMENTATION**, the Recreation Commission feels that there should be better communication from the Conservation Commission with regard to its management of Kent's Point to the boards and committees directly concerned with the area; that is, Shellfish, Harbor Master and Recreation.



ORLEANS RECREATION COMMISSION

P.O. BOX 395

ORLEANS, MASSACHUSETTS 02653

Orleans Conservation Commission
December 14, 1993
Page Three

Perhaps the author is a bit optimistic with regard to anticipated neighbor participation in his *Neighborhood Security* proposal.

Finally, we support the recommendation of an Updated Management Plan every year until the Lease expires, and at ten year intervals thereafter.

If you require elaboration of any of the above, please advise.

The Commission would appreciate being kept abreast of developments with Draft III.

Very truly yours,

Randi J. Sisson, Chairman
Orleans Recreation Commission

cc: Nancymarie Schwinn, Administrator
Orleans Board of Selectmen
Orleans Harbor Master
Shellfish Advisory Committee
✓ Compact of Cape Cod Conservation Trusts, Inc.



WATERWAYS IMPROVEMENT AND SHELLFISH ADVISORY COMMITTEE

TO: Orleans Conservation Commission
FROM: Waterways Improvement & Shellfish Advisory Committee
DATE: July 29, 1994
RE: Proposed Shellfish Lab at Kent Point

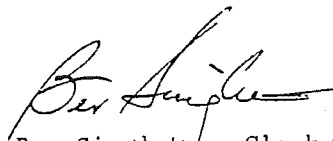
At our regularly scheduled monthly meeting on July 28, 1994, the Waterways Improvement and Shellfish Advisory Committee once again discussed the proposal to include a shellfish lab in the Kent Point Management Plan.

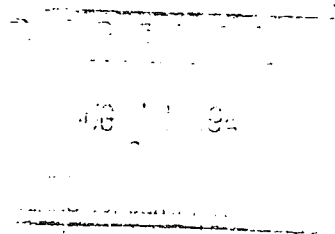
When the proposal first came to our attention last winter, we agreed unanimously with Truman Henson, Harbormaster/Shellfish Constable, that a shellfish lab is not a cost effective way to propagate shellfish in the Town of Orleans.

When the lab was in operation on Town Cove, it cost nearly \$3,500 for electricity alone, not to mention the cost of other utilities, seed, and labor. In the years since that lab was closed, the Shellfish Department has been using other techniques, including floating trays and bottom boxes, to grow quahog seed prior to planting it in the wild fishery.

This committee believes that if taxpayer money is available for shellfish propagation, it would be better spent on the purchase of larger quantities of seed, larger size seed, seed of other species, and staff for enforcement of shellfishing.

The committee does not object to providing a site where the entire community can learn about shellfishing and aquaculture, and we would be happy to respond to a proposal for such a facility, if it could be built and operated without cost to taxpayers, and provided it was not funded out of the Shellfish Department budget.


Bev Singleton, Clerk



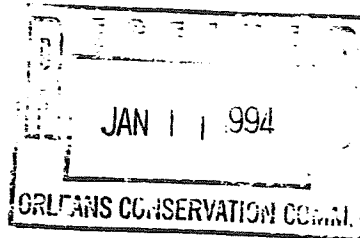


TOWN of ORLEANS

19 School Road RR #1
ORLEANS, MASSACHUSETTS 02653

OFFICE of SELECTMEN
508-255-0900
FAX: 508-240-3388

January 10, 1994
ORLEANS CONSERVATION COMMISSION
Town Offices - 19 School Road
Orleans, MA 02653



Att: Richard Houghton, Consultant
Re: Kent's Point conservation area

On November 23, 1993, Orleans Committee on Disability members Betty Smith, Fred Mahlstedt and Anne Gainey met with Mr. Houghton and Mark Robinson, Executive Director of the Compact of Cape Cod Conservation Trusts, to "perambulate the bounds" of Kent's Point with regard to accessibility for the disabled.

It was a pleasant and informative trek, and the map supplied us was most helpful in defining particular points of interest. Our comments and suggestions are as follows:

1. III, as indicated on the map, represents an area that should be adequate for handicapped parking, with a reasonable slope to the "cut field". This is a pristine area suitable for a picnic table and benches where a quiet, restful, natural woodland scene can be enjoyed. This represents our choice for Priority #2.
2. IV, as indicated on the map, is an area where one or two cars could draw off the road, not providing handicapped parking but allowing people to stop and admire the view across the water. This is not a major priority in our opinion.
3. V, as indicated on the map, provides parking accessibility for at least two cars. With the flat terrain, a walk or ramp to the beach is entirely possible, we feel. This is the most desirable site for accessibility, and is our choice for Priority #1.

Mark Robinson did indicate that funds were available for providing accessibility.

4. VI, as indicated on the map, entails a lengthy tramp, ending in a lovely view of the river. This area might be developed at some future date.

ORLEANS COMMITTEE ON DISABILITY

Anne R. Gainey
Anne R. Gainey, Secretary

Map attached
Copy of 10/13/92 letter

Upsoniax 1.4



TOWN OF ORLEANS

19 SCHOOL ROAD ORLEANS MASSACHUSETTS 02653-3699
Telephone (508) 240-3700 — Fax (508) 240-3388

BOARD OF
SELECTMEN

TOWN
EXECUTIVE

June 9, 1995

JUN - 9 1995

**Mr. Sherman Reed
Keziah's Lane Association, Inc.
55 Keziah's Lane
Orleans, MA 02653**

Attached is a notarized copy of the minutes of the Conservation Commission meeting held on May 9, 1995. It is my understanding that the vote will be included in the Kent's Point Management Plan. This vote represents the Town's position that if Frost Fish Lane and that portion of the access to Kent's Point which crosses Keziah's Lane is not maintained by the Town then Kent's Point will not remain open to the public.

After speaking with Town Counsel, I understand that the liability issue was addressed by the Town's agreeing to the aforementioned maintenance obligation in addition to the Town's normal insurance.

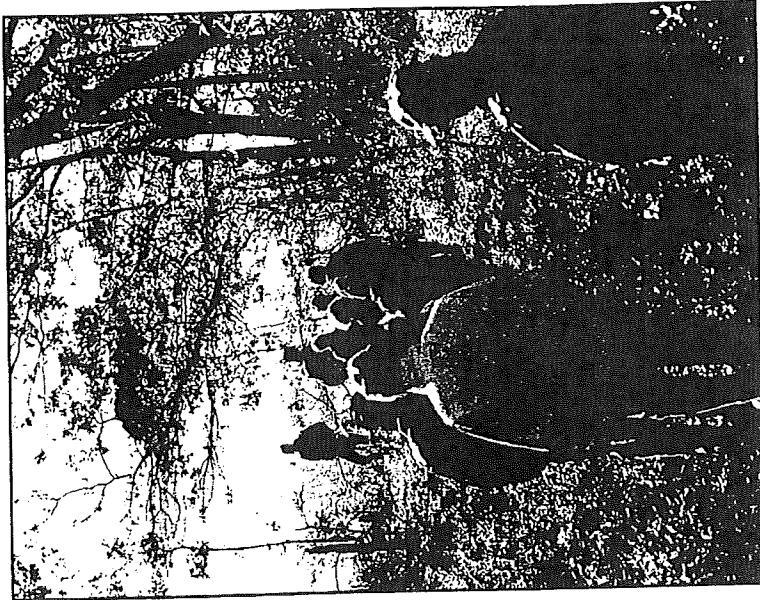
As always we look forward to continuing to work with you and the other members of the KLA in the Management of Kent's Point.

If you have any questions, please contact me.

Very truly yours,

**Nancymarie Schwinn
Town Executive**

**cc: Conservation Commission
Richard Houghton**



Dick Houghton leads hikers down to the mouth of Lonnie's River.
Staff Photo by Rich Eldred

Into the Woods to Get to the Point

By Rich Eldred

ORLEANS — It's one of those spots that's still a local secret, even within Orleans. Just south of Frost Fish Cove (what better spot for a secret locale?) and north of Lonnie's Pond lies Kent's Point.

"It's a superb resource," Mike Whatley of South Orleans declared. "It's just wonderful that someone had the foresight to start this (preservation) a couple of years back."

Mr. Whatley's sage observations came after a guided walk on Sunday morning by Dick Houghton, ex-of-the Orleans Conservation Commission and current major domo working on a management plan for the site. The

walk was one of many across the Cape last weekend as part of an effort to create a regional Cape Cod Pathways system of walking trails.

"It was a wonderful decision," Betty Floyd said of preservation efforts at Kent's Point. "It's a beautiful location. It's central for everybody and it's a beautiful view. I've come to it by boat without landing. Now walking through the woods as we did today, I can appreciate how much there is on the uplands part."

What there is is 28 long and narrow acres of not atypical seacoast land, similar in vegetation to the cedar woods around Salt Pond in Eastham. All that's surrounded on three sides by the waters of The River and Pleasant Bay.

Before the town purchased the land, for \$1.8 million (less than half Andre Dawson's yearly salary) six years ago, on paper at least, the land was already subdivided into 23 lots. No doubt those would've been exclusive and expensive homesites, much like those visible across Little Pleasant Bay. In exchange for those lost property taxes, each Orleans resident has access to a couple million dollars worth of shoreline and whatever peace and tranquility they can wring from the surroundings.

The conservation commission was delighted when Orleans bought the land.

"First off, it's located in the geographic center of town," Mr. Houghton explained. "It has a wonderful natural flora and fauna and it's surrounded by almost a mile of shoreline with all the wildlife that attracts."

Besides all sorts of shorebirds, deer, coyote, raccoons, and many other mammals call Kent's Point their home.

"Mrs. (Charlotte) Kent particularly expressed the hope that people would enjoy it instead of dividing it into house lots," said Mr. Houghton.

"... I do not want it developed," she said in a statement six years ago. "It has always been open space since my family bought it and I do not want it developed into small pieces. I want it as open space for animals and flowers."

She still leases the Kent family home, out on the tip surrounded by 3 acres of land, although at 97, she doesn't get to spend much time there.

Future plans call for a 20-car parking lot at the entrance just off Frost Fish Lane. Access for people with handicaps will also be available via parking at two internal sites. A viewing platform (that's a bench) might be installed at the terminus of Frost Fish Cove. "People when they walk like to have a destination," Mr. Houghton noted.

This was Mr. Whatley's first walk on the property

(Continued on Page 28)

Into the Woods

(Continued From Page 3)

and he really didn't need a destination.

"I'm glad it got saved and I'll be back," he said.

The central trail winds through thickets of red cedar; red, black and the occasional white oak; rambling roses; honeysuckle; green briar and poison ivy. On the open spots there are black cherries, bayberries, sumac, arrowwood, little bluestem grass, assorted goldenrods and purple asters.

A path along Frost Fish Cove has been chopped out and it skirts an old bog, only partially on town land, where highbush blueberries, swamp azalea, arrowwood and other marshy plants abound.

Looking out over Frost Fish Cove, Ron Patrick, caretaker for Ms. Kent and former town selectman, remarked, "Come out here in December and January, you can count maybe 60 blue herons in the trees across the way. And I saw my first osprey or fish hawk this

year. It started a nest in the telephone pole down there. And occasionally there's a great horned owl out on the point."

Mr. Patrick came by to take a photo of the group of 20 walkers so Mrs. Kent could see how people were enjoying her family's land.

Edifying as the land is to walk, let's not forget it's a shorefront resource as well.

"If you were to canoe out of Meeting House Pond you could stop here on public land," Mr. Whatley noted. "And then go on to Paw Wah Point (another town property on Pleasant Bay)."

Mr. Houghton would like to recruit some stewardship volunteers to keep the town's trails clean and keep an eye on the property. A trail along the scenic river leading to Lonnie's Pond is also on the program, but until the 20-car lot is built, Kent's Point will probably remain a secluded, secret spot hidden away up Frost Fish Lane.

Finding the Key to Town's Open Space 'Keystone'

By Susanna Graham-Pye

ORLEANS — One of the key issues in the Kent's Point management plan is resolving access problems that have plagued the property since it was purchased in October 1988.

The matter of people using Keziah's Lane or Frost Fish Lane, and the many others outlined in the management plan, will be discussed Tuesday at 7 p.m. in the town hall.

Within the inch-thick document — which can be viewed at the offices of the conservation commission or the town clerk and at Snow Library — are carefully spelled out plans to create walking trails and picnic areas, parking and handicapped access for the 28-acre point at the geographic center of town that juts out into Little Pleasant Bay.

The plan calls Kent's Point "a keystone of Orleans' aggressive open space protection plan of the 1980s."

Cradled by the arms of The River and Lonnie's River, Kent's Point is home to a broad spectrum of wildlife. It is fringed by marshes, a pond, rivers and the bay.

The point's first name, given by the Monomoyicks who inhabited the area, was Weem-squamscett. Lonnie's Pond and River, along which the property runs, are also called Kescayogansett, another Monomoyick term.

Eliakim Higgins farmed the land in the 1700s and later the Kingman, Sparrow and Thy-

geson families grew asparagus, potatoes and cranberries there.

William Winthrop Kent, an architect from New York, bought the point in 1902. In 1941, Charlotte Kent became owner of the land. Ms. Kent has a lease with the town on the property until 1997.

The management plan offers four alternatives to solve an access dilemma caused by the unauthorized use of Keziah's Lane as motorists try to avoid the washboard Frost Fish Lane.

A summary of the plan states: "Frost Fish Lane should be

made into a user-friendly country lane, safe for emergency vehicles and a proper drainage system installed..."

While the cost of improving Frost Fish Lane is estimated at roughly \$20,000, a \$50,000 donation was made to the town by the Dietrich Foundation for development of Kent's Point as a passive recreation area.

Other costs outlined in the plan include an estimate of \$15,000 for the removal of the cottage and outbuildings after Ms. Kent's lease expires, signs, benches, a cove platform and picnic tables.

Selectmen voted Wednesday to support using money from the Dietrich Fund for improvements to Frost Fish Lane.

Abutters voice concern on Kent's Point access

By SUSAN MILTON
STAFF WRITER

ORLEANS — The crowded room was a little edgy.

On one side were people who lived along Frostfish Drive who had long worried about their liability when Orleans made their sandy, stomach-churning road into the public access to the town's new conservation area at Kent's Point.

On the other side of the room were abutters from Keziah's Lane who repeatedly demanded that traffic to Kent's Point stay off their road, also for fear of lawsuits in case of accidents.

They all came Tuesday night but nobody yelled at volunteer planner Dick Houghton. Instead some praised him for crafting a compromise about a once-controversial use in what many have considered an extension of their own backyards.

"He (Houghton) is a very unique person, a very great help to this town for many years," said Sherman Reed, spokesman for Keziah's Lane at last night's hearing on the Kent's Point Management Plan.

Over the past few years, Reed told the Orleans Conservation Commission, Houghton has worked with 27 disparate families along the two roads with "obvious respect for their views. His patience, initiative and never-ending politeness have truly been an example to us all."

To solve the abutters' liability problem, the plan recommends that the town assume the road's maintenance costs.

There were still signs of strain, such as lawyers taking notes. But there were no complaints, and only a few people made suggestions

during the commission's public hearing on the draft plan about Kent's Point, the 28-acre neck of land on Little Pleasant Bay, Frostfish Cove and Lonnie's Pond. Owner Charlotte Kent sold the longtime family estate to the town for \$1.8 million, a bargain price at the time, in 1988.

Local historian Bonnie Snow suggested that the Kent house be preserved when Ms. Kent's current lease expires in the future. The former Solomon Hurd house was 100 years old when moved to its present site around World War I from the Lonnie's Pond area. Its wainscoting is the wooden pew doors from the old Baptist Church, and other features are from the now-gone Calvin Snow house, the former Masonic lodge on Main Street, Snow said.

She suggested floating the house from the point to a landing, just as the Nickerson house was moved last year through Pleasant Bay to Chatham. When restored, the building would make somebody a lovely house.

Neighbor Peter Norgeot warned the commission that the point's pine forest, reaching the end of its lifespan, was falling and creating a fire hazard. He suggested that the commission plan to clean out some deadfall, instead of leaving it all for wildlife habitat.

Julian Baird of Lonnie's Pond made a special plea for the plan to allow dog-owners to continue to walk their leashed dogs along the property's proposed trails. Owners should be required to carry pooper-scoopers, he said. He also asked for a small landing dock so boaters could bring their dogs ashore.