

Cape Cod National Seashore
Subcommittee on Dune Shack District Preservation and Use Plan
MEETING 8

Center for Coastal Studies Library
Wednesday, May 12
9am-1pm

Meeting Summary

Attendees:

Subcommittee Members Present: Sally Adams, long-time dune shack family; Janet Armstrong, long-time dune shack family; Regina Binder, Representative of Provincetown Community Compact; Brenda Boleyn, Representative of CCNS Advisory Commission; Bill Burke, Cultural Resources Program Manager, NPS; Carole Carlson, Representative of Peaked Hill Trust; Rob Costa, Art's Dune Tours; Hatty Fitts, Representative of OCARC; Bill Hammatt, Representative of CCNS Advisory Commission; Joyce Johnson, Representative of Truro; Austin Smith, Representative of Friends of CCNS; Paul Tasha, Representative of Provincetown; John Thomas, Representative of Provincetown.

Subcommittee Members Absent: Rich Delaney, Chair of CCNS Advisory Commission; Richard Philbrick, Representative of CCNS Advisory Commission

CCNS and NPS: George Price, Sandy Hamilton, Sue Moynihan

CBI Facilitation Team: Patrick Field, Meredith Sciarrio

Members of the Public: Peter Clemons, Marianne Benson, Will Hapgood, Julie Schechter, David Armstrong, Connie Armstrong, Nat Champlin, Mildred Champlin

Action Items from Meeting:

- Physical Structures workgroup to refine draft chapter for report
- John, Hatty, Carole, Ginny and Brenda to discuss revision of May 24 presentation
- Bill B, Sally, Carole and Pat to discuss shack categorization chart
- CBI to revise Chanel shack statement before May 24 for subcommittee to sign
- Subcommittee to submit comments on Traditions chapter by next Wednesday
- NPS to look into regulations on decibel levels in the dunes
- NPS to find documentation on 20 yr. maximum lease term
- CBI to revise Transitions chapter
- CBI to revise Stewardship and Occupancy chapter (with info from shack categorization group and from criteria discussion on May 24)
- CBI to revise and distribute public access chapter by May 24
- CBI to draft and distribute chapter on History by May 24
- NPS to draft and distribute chapter on Cultural Landscape Issues by May 24
- Need to discuss draft chapter on Background at next meeting (already distributed to SC)

Introductions and Welcome

Participants introduced themselves, including names and affiliations. CBI outlined the agenda for the meeting. It was noted that once meeting summaries and draft agendas were approved by the subcommittee that they would be accessible to the public via the CCNS PEPC (Planning, Environment, and Public Comment) website (<http://parkplanning.nps.gov/CACO>).

Preliminaries

Participants were invited to review the draft April meeting summary and submit any additions or corrections to it by the end of the week.

Superintendent George Price clarified NPS leasing terms based on questions from the April 27 meeting. He explained that subleasing could be written into a lease, but it would need to be approved by the NPS Director. He added that there was no specific guidance about a minimum number of days for the sublease, but the standard use in the past was 90 days. Informal short-term arrangements are fine but longer-term arrangements do require a more formal process, including showing the ability of the sublessee to manage the financial and/or resource burdens of occupancy.

George reiterated that the contractor had made a preliminary statement about the Chanel shack and the issue is still pending and CCNS is working on it. Bill informed the subcommittee that the contractor's preliminary outline should be finalized in the next 30 days, and their work should be completed by the end of 2010.

One participant forwarded a message from a dune shack user that NPS had told her "that there is nothing in writing as to why the dune dwellers are good for the Historic District". The participant noted that he did not agree with the user's understanding but felt it was necessary to forward it along to the subcommittee. Sue noted that she had said it was important to have in writing why and how the long-term dune dwellers contribute to the value of the District in the subcommittee's work.

Ginny and Hatty presented the language that they found to defend the Chanel shack under the National Register. Ginny explained that she reviewed the Determination of Eligibility Notification from 1989, which stated the District was eligible under criteria A, B, and C, and found that the Chanel shack was applicable under criterion C. This stated that "a building form, architectural style, engineering technique or artistic values, based on a stage of physical development, or the use of a material or method of construction that shaped the historic identity of an area" would be found eligible for the Register. She added that the Wolfe Report and TCP language about use and construction were valuable to this case.

One participant commented that some of the now famous individuals who stayed in the shacks were not famous when they used them, and that the shacks support the creative process. Ginny

noted that she tried to find language to support that point in the NPS language, but did not find anything.

Another participant stated that the additional people CCed on Josephine Del Deo's letter to the Public Archaeology Lab should also be CCed on the subcommittee's statement. Also it was determined that the statement should be addressed to Superintendent George Price.

CBI stated that they would revise the statement to reflect the subcommittee's edits, incorporate Ginny and Hatty's findings, and enclose Josephine Del Deo's letters. It was suggested that the statement be signed at the May 24th Advisory Commission meeting since members would be in attendance, and if they were unable to be there then to still mail it after the May 24th meeting. The subcommittee agreed. The Advisory Commission members added that they would support the letter and sign it as well.

Review Draft Report: Physical Structures

The Physical Structures workgroup presented their draft chapter for the subcommittee report.

Ginny explained to the subcommittee that they tried to make the process for maintenance and repairs more transparent. Bill discussed how they separated the work into four categories: routine preservation, not requiring an internal NPS review; minor maintenance and repair, not requiring an internal NPS review but personal maintenance records would be appreciated; replacement and repair with in-kind materials, requiring consultation with NPS 4 weeks in advance; and larger replacement and repairs, requiring consultation with NPS 8 weeks in advance. He further stated that the purpose of the list was knowing what maintenance was allowed on your own and recognizing what maintenance and repairs would need NPS approval with multiple weeks notice. He commented that for emergencies, users could make the repairs and then notify NPS so they could review the situation.

Ginny clarified that CDFs were important for shack users to be aware of since NPS considered them to be significant attributes to the shack, and they would be reviewing and considering them concerning repairs. Bill reminded the group that they already received a full list of general and shack-specific CDFs at a previous meeting. CBI recommended that this list could be added to the subcommittee's report.

A participant made a clerical edit and asked about repairs that were not necessarily affecting the visual shack, such as with the Watson-Schmidt shack where the lower level had been drastically changed. Bill responded that if the repairs were not visually apparent then it was probably acceptable. He added that there was a liberal application of modern technology if it could be obscured visually. Bill commented that NPS carefully reviewed the Watson-Schmidt shack, but it was fine since they used traditional materials just in a more modern design.

Ginny went on to discuss the amenities section of the document. The workgroup stated in this section that if there were amenities added to a shack then they should be minimally affecting the visual impact of the shack. It was noted that Peaked Hill Trust had conducted surveys with its

members in the past, and they found that most of their shack users did not want many amenities in the shacks. Bill mentioned that the workgroup discussed if the shacks should be frozen in time with amenities or if they should all be allowed to advance using modern technologies. He stated that they were supportive of a balance between these two options.

A participant commented that historically there had been more amenities in the shacks and suggested reviewing the history of each shack and documenting the amenities that had been added over time. This participant also voiced concern about the last sentence of the amenities section, which stated “As such, modern conveniences of indoor running water, heat, power, internet access, cell phone reception etc. should be carefully considered so that the shacks continue to support the significance of the District.” She asked who would be considering and determining the proper use of modern technology amenities. She added that cell phone use should be considered acceptable for safety reasons, and that with how the sentence was currently written it could prevent videographers from being allowed to document life in the dunes. Another participant commented that the long-term users would probably want to add amenities over time and the PHT survey results only reflected the wants of short-term users, who probably did not want amenities to affect their experience in the dunes. Many participants disagreed with this sentence as well and thought that it should be removed from the document or further clarified.

Ginny further explained that the workgroup included that sentence because they did not want modern technologies, such as internet and cell phone use, to be visible externally on the shack. She added that the significance of the District was to move through the world in a very different way than most people’s ordinary lives and noted that it was evolutionary in nature.

Bill stated that there was some concern from the Park about modern technologies being applied liberally to all shacks in the future, if they were not specifically identified in this document. NPS would have control over the improvement of amenities to the shacks, and in the future someone else at NPS would be weighing these decision, and Bill was not comfortable with shack users determining how many upgrades they wanted to add to their shack. He added that it was an attempt to keep the shacks that currently had limited amenities to not be made fully modern in the future.

A participant commented that they appreciated the idea of keeping certain shacks rustic, but thought that everyone should have equal rights concerning amenities. He added that although he chose not to have amenities in his shack, he did not want to be told that he was not allowed to have amenities while others could. Bill explained that the shacks could have a variety of amenity levels similar to how campgrounds have some areas with electricity and septic while other areas do not. He suggested that then people could consider the amount of amenities they want when they apply for a shack.

Many participants agreed that the text should reflect a range of amenities for the shacks as long as it was not too prescriptive.

Participants reiterated concern on who would decide what were acceptable amenities. George warned the group that they needed to be clear on their intent and phrasing, and he gave an

example where in another Park the language was too loose on amenities and the structure has become a modern building. He added that he could support removing the last sentence in the section, but then they needed to add more details for clarity. Bill agreed. A participant mentioned that in his own experience writing leases certain improvements could be made, but then tenants needed to return the structure to its original state from the signing of the lease when lease term ended.

The physical structures discussion moved forward into the materials section. Ginny indicated that there were categories of compatible and incompatible materials for exterior features. She also commented on the category of “found materials”, which had some limitations but was considered to be traditional to the District.

A participant asked if copper-based pressure treated lumber could be added to decks and walkways. Bill agreed that it could be added to those two categories. Another participant commented that the formula of copper-based pressure treated lumber had changed but older versions could be hazardous for kids who touch it and for runoff into groundwater because it contained arsenic. Ginny asked if they should note that the copper-based pressure treated lumber should not be used if it was salvaged, because they would not be able to determine if it was dangerous or not. The participant recommended that they find out how long the leaching of chemicals takes and the differences between the new wood and old wood.

Another participant asked about salt spray roses, which were listed under erosion control for NPS review. Bill responded that he did not want active or new planting of these flowers because they were not native to the dune environment, and asked that dune dwellers keep the currently existing flowers under control. Sue agreed and reminded everyone that this report would be part of a larger Environmental Assessment. She also suggested that the hay be shifted under the NPS review category, unless it was noted as being weed-free because the seeds were problematic. A participant asked how long it took for a species to be determined to be native or not. George responded that it would need to be endemic to the area, and the historic record would need to show that it had been in existence there for hundreds of years. One participant commented that wooden pallets were known for being a huge spreader of Asian insects.

CBI suggested that the workgroup meet one more time to refine the chapter further and they agreed.

Review Draft Report: Traditions to Maintain

One participant commented on the value of the Wolfe report and suggested that the subcommittee model their criteria after his points of significance. A member provided additional language for CBI to incorporate from the Wolfe report.

CBI informed participants that they could send their comments within the following week to this section.

Review Draft Report: Natural Resources

CBI explained that the goal of this section was to keep it brief, because there would be much more detail in the full EA.

A participant questioned what the phrase “natural soundscape” meant, because visitors to the beach tended to be loud and have boom boxes, etc. Sue explained that they were trying to recognize that natural areas had a sound of their own independent of human-caused sounds, and it was written in the text to recognize its value.

Another participant commented that historically there had always been gatherings/parties, and he asked if the phrasing was going to prevent dune dwellers from making noise. Sue responded that she could add language to reflect that tradition. Another participant commented on the sound from a tourist sightseeing plane that was loud frequently, and asked if there was any potential control for these planes. Another participant added that there were regulations, but they were continuously breached. A comment was made that people have to inform the airport of these noise issues so that they would be aware.

George commented that this section was about if the new plan was going to have an effect on the natural soundscape. He noted that the occasional gathering/tour group was different than a constant noise issue. George suggested that they distinguish normal vs. occasional noises in the dunes to prevent any problems. Another participant stated he was hopeful that the NPS could write some regulations to help control the decibel level in the dunes as it was done in town for amplified music. George responded that they would look into it, but they were not going to prohibit everything so that the District could be kept quiet. An additional participant agreed that the decibel level was a good regulation to implement.

A participant commented on the importance of education to visitors so that they know they need to be respectful with the sound they create while on the beach. A few participants asked about the public access section and wanted to make sure that it reflected these additional comments on education of the public. CBI responded that they would note these changes.

Public Comment

A member of the public commented that the 90-day period for subleases was only implemented to prevent the shacks from turning into B&Bs. She also stated that PHT warned its guests that if they disobeyed instructions then NPS could come to PHT with the complaints, but PHT did not wander around checking on tenants. She added that users needed to be compatible with the use of the shacks as a whole.

Another member of the public commented that he had observed a lot of consensus in the group. He commented that participants had been avoiding using the word “home” even though most would consider their shacks to be their homes. Concerning amenities, he felt that long-term dwellers would implement certain amenities, because they would feel that their shack was their home. George asked the individual to compare his shack with his full-time home in the city and

explained that without the right language describing amenities the two locations could become identical in the future. The member of the public replied that the legislation discussed “a way of life” in the dunes and not defining the structure. A participant responded that she did not want her shack to be like her home in the city, and she loved the shack more because of its unique nature. She added that although she was fonder of her shack than her house, she did not possess the shack and could not sell it.

Preparing for Commission and Public Meeting Monday, May 24

CBI led a draft presentation of the subcommittee’s work to date for the Advisory Commission and public meetings on May 24. It was noted that this was the subcommittee’s presentation so they should give comments and suggestions freely.

The presentation gave an overview of the District, EA process, CCNS/NPS objectives and subcommittee objectives. Then it broke down the chapters of the subcommittee’s report and summarized the conclusions that the subcommittee had come to thus far. The presentation concluded with the subcommittee’s remaining concerns for the process and the expected timeline.

A participant asked how much time was going to be given for the presentation and was concerned that there was too much information on the slides. George responded that it was the most important item on the agenda and generally it would be 30-45min long. He added that the Advisory Commission members on the subcommittee had been reporting the progress to the full Advisory Commission throughout the process. CBI agreed that the presentation was dense and asked the subcommittee to help edit down the slides. Another participant suggested that the Advisory Commission members receive an outline before they see the presentation. An Advisory Commission member agreed that they should get an outline out to Advisory Commission, because the information was very comprehensive. George added that they were discussing scheduling another Advisory Commission meeting in July.

Another participant suggested that the Advisory Commission receive handouts of the slides so that they have all of the information. He was concerned that the Advisory Commission could make ill-informed decisions and change the subcommittee’s report. It was noted that the Advisory Commission members of the subcommittee would be instrumental in supporting the subcommittee’s work and informing the Advisory Commission of it. Brenda stated that she would report back to the subcommittee on June 2 if there were any questions or concerns from the Advisory Commission to help the subcommittee move forward in the process. She added that the presentation would be the key tool in informing the Advisory Commission.

George added that there would be a formal public comment period in the fall for the full EA, so if there were strong arguments from the public then NPS could edit the Plan or speak out about why they were choosing to not edit the Plan.

A participant asked if the Advisory Commission could make its own proposals to the CCNS and not present the subcommittee's report. Brenda responded that it was highly unlikely to happen, but Advisory Commission members would probably have questions at the meeting.

Bill asked if the Advisory Commission would vote on the subcommittee report. Brenda responded that they would ultimately vote on the report, so it would not be just a general consensus.

Sandy explained that NPS is required to review a no action scenario and a range of alternatives, even if some would not be fully reasonable due to feasibility or other reasons. She stated that generally there would be at least two alternatives, an action or no action, and frequently there would be multiple action alternatives. The NPS would ask the Advisory Commission to recommend alternatives that would be analyzed in the Plan/EA. She noted that the Advisory Commission would not just "rubber stamp" the subcommittee's work, and they would need to discuss and deliberate the report. Also she added that NPS could have to create their own alternatives to add to the list, because it would be necessary to have a range.

George added that the ideal goal would be that the Advisory Commission's recommendation would be presented to the NPS as the preferred alternative. He commented that it was a strength having the Advisory Commission members present at meetings with 4 out of 12 Advisory Commission members on the subcommittee. He added that it would be disingenuous for the NPS to allow the subcommittee to go down a path that would later be deemed unacceptable.

A participant noted that it was important for the Provincetown and Truro representatives on the subcommittee to be accurately representing their towns. He added that these subcommittee members could also be keeping their Advisory Commission members informed. It was noted that subcommittee member lists, with names and affiliations, would be distributed to Advisory Commission members at the May 24 meeting as well as introductions of the subcommittee members in attendance. Sue reminded the subcommittee to also think about their strategy for the public meeting as well as for the Advisory Commission meeting. It was stated that the same slides would be presented at both meetings due to time.

Suggestions were made for the slides to be handed out at the meeting with space for the Advisory Commission members to take notes; however, the slides would need to be abbreviated to key messages.

CBI suggested that a small group of subcommittee members have a phone meeting next week to discuss the content of the slides further. John, Hatty, Carole, Ginny, and Brenda volunteered to review and discuss the presentation.

A participant questioned why NPS was only allowing 20 years leases if in the Code of Regulations, it stated "no lease should have a term longer than 60 years". George responded that it was not a glass ceiling, but it was a limit imposed on NPS. He explained that it was GSA who could issue 60-year long leases, and as an individual NPS authority they were only allowed to delegate 20 years. He added that at the regional level it was easier to get a lease for 10 years or less, but he felt that he could push this to a 20-year lease.

A question was asked of where GSA stated this delegation limitation on NPS. George responded that he would try to find the documentation. The participant stated that he wanted to work within the current legislation but maybe have the internal regulations altered. Sue recommended that the subcommittee describe how the dune shacks were unique and why they would need longer leases to encourage changing the leasing model. Another participant mentioned concern about the worst-case scenario that an outsider to the dune shack culture could be granted a 60-year lease.

A participant stated concern about the phrase “non-competitive” for non-profit leases. George explained that they could have a competitive process for the non-profit shacks, but typically it would be a non-competitive process.

CBI took down the edits and would have revisions ready for the subgroup phone meeting to discuss the presentation.

Review Draft Report: Transitions

CBI presented the draft chapter on transitions. It separated these into categories of: transitions from current special permits, transitions of predictable expiration of terms, transitions of unpredictable expiration of terms, and summarized transitions into a flow chart.

George voiced concern about the statement, “seek advice and consultation of the Commission and/or a Commission Dune Shack District subcommittee prior to that determination” under both predictable and unpredictable transitions. CBI responded that it was written so that when a shack became open then there would be some consultation with the Advisory Commission or an ongoing subcommittee to help determine if should be a residential or non-profit shack. George stated that an ongoing subcommittee and the Advisory Commission could make suggestions or raise concerns to the Superintendent, but it should not be written so that it was an obligatory step in the transition process for the Superintendent.

A participant asked George if the language in this section was helpful enough or too vague, and what sufficient notice would be for those who have life-term leases to vacate the shacks. George responded that a 3-year notice of intent should be sufficient. The participant asked if the same period of time should be implemented for unpredictable transitions for family members who may still be occupying a shack as well. George agreed that they should craft some language to specifically reflect this point. Another participant did not want to remove the “seek advice” phrase because a few Superintendents into the future may not have enough knowledge to make accurate decisions concerning transitions. George stated that the objective was to set up a plan and that it was unrealistic to implement additional “decision trees” to the process. He suggested that it should be noted to recommend having a standing subcommittee of the Advisory Commission, as a way to comment and advise the Superintendent on how the objectives were being maintained or not. Everyone agreed that the recommendation should be in writing and should be mentioned at the Advisory Commission presentation.

CBI pulled up the chart categorizing the shacks and suggested that the subcommittee flesh out the discussion on being prescriptive per shack or not, so that the Superintendent could follow their guide.

One participant suggested that case studies would make sense to explain potential or likely scenarios and then provide instructions on what to do for each case. She explained that it could be a demonstrative management tool to address specific issues and show how they have dealt with similar issues in the past. She added that it would show how certain shack situations have worked successfully and should not be viewed as a recommendation for no action. George agreed that case studies would be a good idea.

Participants were asked if they wanted to put the shacks into broad categories or be more prescriptive. A participant asked if they were still going to use the chart as a snapshot of the 2010 categorization of shacks. Another participant responded that they would but they could also make broad suggestions about how certain shacks are better for certain uses.

One participant suggested that if they try to lock in all shacks as either long-term residential or long-term non-profit then it would limit being able to shift them between those categories in the future. Another participant voiced concern about how a future Superintendent could dislocate long-term families from typically long-term shacks and that would change the preservation of the historic use in the District. George responded that the EA process was codifying the goals of the District for the first time, and the future Superintendents would then be able to follow this guidance.

CBI suggested having a phone meeting for a few subcommittee members to talk through the shack categorization chart. Bill, Sally, Carole, and Paul volunteered. A participant asked if any of the dune dwellers in the middle categories could be contacted and to ask for their input as well. Some subcommittee members offered to reach out to some of them, and it was noted that they could come to subcommittee meetings and to the public meeting on May 24.

For future meetings, CBI suggested having a meeting on May 24 before the Advisory Commission meeting to further discuss criteria with any subcommittee members who could attend. It was noted that this would not be an official subcommittee meeting, but would be to advance some outstanding issues. Sue offered to check on a meeting location near where the Advisory Commission meeting would be held.

Public Comment

A member of the public stated that she preferred to think of the Advisory Commission as having different priorities and not as being less informed. She added that in addition to the subcommittee's work they have other concerns.

Adjourned at 1pm.