

## Kent's Point Task Force Summary of Motions

1. 4/23 Motion - Recommend that a sign be installed "people passing at Kent's Point do so at own risk. **Vote 3-3-1 not passed**
2. 5/7 Motion - Access to Kent's Point be from Monument Rd. over either Frost Fish La. to Keziah's La. and/or Keziah's La to Kent's Point. **Vote 6-1-0**
3. 5/21 Motion - Suggest that Conservation Commission that rules for Kent's Point shall be consentient with Town by law 85 and take down signs regarding leashing of dogs. **Vote 6-1-0** - brought to Cons Com. ✓
4. 6/4 Motion - The appropriate town department (DPW) needs to take care of Frost Fish La. **Vote 7-0-0** ✓
5. 6/4 Motion - Request from the Conservation Commission what they expect as a final report, a draft management plan or a report with recommendations. **Vote 7-0-0** (RECOMMENDATIONS)
6. 7/7 Motion - Reconsider the motion on dog rules for Kent's Point. **Vote 5-2-0** (RE-CONSIDERED) ✓
7. 7/7 Motion - Suggest the hours of operation at Kent's Point be from Sunrise to Sunset. **Vote 7-0-0**
8. 7/7 Motion - Land uses limitations and prohibitions be a descriptive paragraph and not to include the original list in the 1995 Management Plan. **Vote 6-0-1**
9. 7/7 Motion - Allow sticker parking for Orleans residents/taxpayers only. **Vote 2-4-1 Vote not passed**
10. 7/7 Motion - Recommend to Conservation Commission that Frost Fish LA. should be plowed by the Town through to the Kent's Point parking lot. **Vote 5-1-1** ✓
11. 7/23 Motion - The Task Force recommends that the parking lot be developed for 20 spaces with 2 handicap spaces in the interior of the park. **Vote 5-1-1** ✓
12. 7/23 Motion - Recommend that an electric handicap gate be installed and it should be locked at closed hours. **Vote 4-2-1**
13. 7/23 Motion - Have a bench dedicated to Charlotte Kent placed on the handicap platform. **Vote 7-0-0**
14. 7/23 Motion - Include history of the land to be included in the trail head kiosk. **Vote 7-0-0**
15. 7/23 Motion - Have Conservation Commission Blaze and formalize the trail network include the trail network in the Trail head Kiosk. **Vote 7-0-0**
16. 7/23 Motion - Maintain the trails for safety of the users by removing dead roots and add wood chips where necessary to eliminate tripping hazards on the trails. **Vote 7-0-0**
17. 7/23 Motion - Suggest that Conservation Commission remove dead wood on the ground that could create a risk for wildfire. **Vote 6-1-0**
18. 7/23 Motion - Have the Conservation Commission re-address the prescribed burn plan for Kent's Point. **Vote 7-0-0**
19. 8/13 Motion - The Town Animal Control Bylaw chapter 85 be adhered to and enforced at Kent's Point. **Vote 4-1-2**
20. 8/27 Motion - Support the request from Marilyn Smith and the Frost Fish Residents and forward them on to Conservation Commission and the DPW for their consideration and to also recommend a road assessment take place. **Vote 7-0-0**
21. 8/27 Motion - Conservation Commission work with the Town to create adequate enforcement of the regulations that will be printed in the updated 1995 management plan. **Vote 7-0-0**
22. 8/27 Motion - Conservation Commission support the revoking the name change of the way that provides Kent's Point with road frontage. **Vote 4-1-2**
22. 9/10 Motion - Endorse the Draft Final Report, as revised to reflect changes, with the understanding it would be checked for final audits. **Vote 7-0-0**

## **Kent's Point Task Force (KPTF) Meeting – Meeting May 21, 2015**

**Present:** Pete Norgeot, Melanie O'Keefe, Patty Platten, Bob Sinclair, Paige Bates, Rosemary King-Nelson, Marylyn Smith, Mike Brink, Jane Hussey, John Jannell

**Absent:** Marylyn Smith

### **3:00 PM the meeting was called to Order**

Mike Brink reviewed the packets for Committees and Boards guidance document and brought up the Open Meeting Laws and Conflict of Interest Laws.

Mr Brink mentioned members can pick up a copy of this at the Town Clerk's office, it is entitled "Guidelines for Committees". Please read this document.

Mr Brink noted emails of information for our committee should go through John Jannell's office. John Jannell and Mike Brink will determine if they are germane and can be included on our agenda. Any discussions should be at this table. It is easy to violate open meeting law when replying to email by hitting "reply all".

John Jannell then asked that all emails should be copied to the comm mail address so that they are public record. Mr. Jannell cautioned members from emailing a quorum of members as a reply to such an email would constitute deliberation.

Bob Sinclair stated that expressions/opinions sent by email violate open meeting law.

The KPTF reviewed the minutes of May 7. They were corrected and accepted by a vote of 7-0-0.

The KPTF discussed the FY '89 Self Help grant application for Kent's Point: no state monies were dedicated to the Kent's Point project. The 2002 plan is not accurate on this information. The Conscom voted on this plan but no public hearing was held. No state money has been used to improve Kent's Point. If a town accepts state or federal money, the general public may use the property.

The KPTF discussed the Animal Control Bylaw

Mr. Brink introduced the Bylaw. Mr. Brink established that the Town has no leash law.

Article 37 of the town bylaws was amended by in 2005 and says that animals must be restrained or under the control of a responsible person at all times when off their own premises. This amended bylaw passed at town meeting by a vote of 220 – 140.

The KPTF discussed Dog Rules on Kent's Point

Mr Brink noted the allowed and prohibited uses that were listed in the 1995 plan. The dog rules on Kent's Point trails paragraph states dog walking is allowed on trails on a leash and dogs are not allowed on the beach.

In appendix f of the 1995 management plan: paragraph 7 states that Orleans Conscom may at times adopt additional regulations provided that they are not in-consistent with town bylaws.

Mr Brink noted that Article 85 and our management plan are inconsistent.

Pete Norgeot stated that the conscom signs are working and have had an effect.

Melanie O'keefe stated that people are avoiding Kent's Point due to these signs.

Marilyn Smith asked how do enforce the dogs on the beach trail rule.

Mike Brink stated that enforcement is an issue. The police can only enforce a dog that is not in control under the Town Bylaw. Police may cite people for not picking up after their dogs.

Bob Sinclair stated that the 85 -2 bylaw is in conflict with the existing signage and that the conscom should not set rules that are contrary to the town bylaws. He recommended making decisions on the law and not an effect that a sign may be having.

Bo Sinclair asked if Mr. Jannell agreed with the sign conflict. Mr Jannell agreed with the logic. Mr Jannell noted the Conservation Commission did not discuss the footnote in appendix F after their public hearing.

Joan Reed wanted to talk about access.... Not under this agenda item.

Pat Estabrook stated that nothing will enforce being jumped on by dogs.

A member responded this is not true as many dogs are leashed.

Ginny Baron stated that the 1<sup>st</sup> thing a dog does is "relieve" itself, so we have a dog park. She asked if we want a dog park or a recreation area?

Bill Wibel of Keziah's Lane said there is no criteria in the Animal Control Bylaw that suggests what the words mean. He said he observes dogs on the beach, unrestrained in the marsh, chasing fowl.

Mike Brink said jumping dogs may be cited and that the dog officer does go to Kent's Point.

Marilyn Smith said she sees dogs with no humans in site.

Mike Brink asked if we should invite the dog officer to a meeting.

Paige Bates stated that restrained means many things to many people. Paige asked Mr Jannell if the 1995 rules in relation to dogs were ever enforced. Mr Jannell answered not to his knowledge.

Fritz Feidler stated that young children come to Kent's to see and pet the dogs..... a positive experience, friendly and social place.

Pete Norgeot asked about penalties under the Bylaw. Mike Brink state that under 85-2 has fines for \$25 for 1<sup>st</sup> offense and \$50 for subsequent offenses.

Bob Sinclair said we should decide what to do about the conflict of the laws and conscom should align rules, and signs, with the town bylaw.

Bob Sinclair made a motion: to suggest to Cons Com that rules for Kent's Point should be consistent with 85-2 and we should take down any signs regarding leashing. Motion was seconded by Jane Hussey. Discussion around the motion: Rosemary King-Nelson endorsed the motion because the property was given for the greater public and wants to preserve the pleasure for the people and their dogs.

Marilyn Smith stated that the gate sign should say that all dogs should be restrained and under the control of a responsible person.

Pete Norgeot stated that taking the signs down, be they legal or not, condones letting dogs run free and does not benefit the soil or wildlife.

Rosemary King-Nelson stated that dog manure is not detrimental and is fertilizer and there are no sufficient studies that dogs destroy an area.

Vote on the motion: passed 6 - 1 - 0.

The KPTF discussed follow up items on the access to Kent's Point

Mike Brink noted that Conscom will follow up name change of Kent's Point address with the planning board.

Mr Brink noted Overburdening – will be a future agenda item. Melanie O'Keefe will work with John Jannell to create a special question for Town Counsel on "overburdening" and its effects on access via Frost Fish Lane. Overburdening is over and above what Charlotte Kent would have used? Rosemary King-Nelson said there would be 23 house lots and no one but those living there would be using the area. Pete Norgeot stated that every road in town is overburdened during the summer. Melanie O'keefe stated the Overburdening memo is 30 years old and we should consult the current state of the law. She agreed to craft a question for town counsel that helps clarify overburdening and the current state of the laws 30 yrs from the original management plan.

Public comments on overburdening

Joan Reed spoke on concerns on road use and overburdening and consider closure at least once/year. Speed is an issue.

Mary Allen Bradley asked how did the issue of access from Monument Road morph into these task force issues. The issue of her concern is access and the public use of Keziahs Lane. She asked the Task Force who has used Keziahs Lane to access Kents Point?

Pete Norgeot noted he does not think the use of Keziahs Lane is allowable. He noted Town Counsel should clear that up. He believes the 6:1 vote to use either road to Kent's Point is not allowable.

Marilyn Smith if use of Keziahs Lane is allowable, the town should pay a road assessment fee. Page Bates agreed, Rosemary King Nelson agreed and state we should treat the roads equally.

Bob Sinclair wants more discussion on this and if people can pass over Keziah's town should financially support. Melanie agrees with Sinclair and the group. Patty Platten – cannot access Kent's Point without using the Keziah's stub. Jane agrees on equal treatment of roads.

Mike Brink stated this is an issue to report to with conscom – dual use of roads and financial support from the town.

Other members business - Pete Norgeot noted for the record that he rejects the KPTF summary of key facts.

Mr Brink reviewed the Correspondence in the packet. The KPTF discussed the Sokoloff email dated 5-13-15, Keziah's Lane Road Committee email of 5-16-15

The KPTF took Public Comment

Marilyn Smith noted the need for speed limit signs on Frost Fish, "slow children" Frost Fish is being maintained, more material is being added. Ruts and potholes due to rain and drainage.

Bill Webil noted the management plan needs to represent the special place that Kent's Point is.

Mark Caron stated he would like documents made available. Kent's Point is a source of entertainment and recreation that has fallen on neighbors. Different groups have problems that need to be negotiated. He asked, what do we give the residents for driving on the roads.

Gwen Holden Kelly asked about enforcement, definition of restraint and under control. Law enforcement issues need guidance. She asked how the dog officer enforces the town bylaw.

Alan Estabrook suggested a sticker program that limits Kent's to town residents

Pat Estabrook suggested limiting and make it for Orleans only, no buses.

Pete Norgeot noted school buses are allowed, tour buses are not.

A Motion to Adjourn was made by Marlin Smith and seconded by Jane Hussey, the motion passed 7-0-0.

The meeting adjourned at 5:25 PM

## Kent's Point Task Force (KPTF) Meeting – Meeting June 6, 2015

**Present:** Pete Norgeot, Patty Platten, Bob Sinclair, Page Bates, Rosemary King-Nelson, Mike Brink, Jane Hussey, Melanie O'Keefe, John Jannell

**Absent:** Marilyn Smith

Mike Brink called meeting to order at 3:05 PM.

Mike Brink opened with a review of Frost Fish Road Maintenance and responsibilities. Mr Sinclair raised issues that have been directed to conscom but noted maintenance is a DPW responsibility. Mr. Jannell explained the Task Force should discuss who is the appropriate contact for these responsibilities. The Cons Com can't direct DPW what to do. Mr Norgeot raised the issues of the court case, Smith vs town says must have level of maintenance but does not designate who. Mr Brink noted conscom is responsible for Kent's Point. Mr Jannell noted the superior court 95-420, #4 and reported it said "Defendants may perform maintenance". Mr Jannell does not think conscom should be point of contact. Mr Norgeot asked what question was raised with Mike Ford, town counsel? He noted Conscom does not have jurisdiction over roads and ought not to be the contact point for road maintenance. Ms Hussey agreed that DPW should be point of contact, Mr Norgeot agreed. Mr Sinclair also agrees that judgement says town responsible, who is accountable? Who do folks go to? Ms Hussey made a motion to suggest to conscom that appropriate town dept. take care of the road, DPW. Norgeot seconded the motion. Motion passed 7 -0 -0. Norgeot suggested Mr Brink contact Mr. Daily of DPW, Brink agrees.

Mr Brink stated that a Road Overburdening question for town counsel has been prepared by Melanie O'Keefe requesting an update his legal opinion since the 30 years of the '95 management plan. Mr Jannell noted he will bundle any other questions to go with this to town counsel. Mr Sinclair noted overburdening goes back to 1994 and is not about the number of cars over the road, its about the road not being used for other purposes.

Mr Brink reviewed the 2002 Kent's Point Land Management Plan. The new management plan must abide by the items set for in the judgement (court case). Melanie O'Keefe stated the 95 plan will be superceded by new plan but judgement would not be affected. Rosemary King stated we should ask Frost Fish Lane residents if they have any requests regarding improvement of road. Mr Brink agreed to pass the question on to Marilyn Smith, Frost Fish Lane representative. Mr Norgeot noted the 2002 plan has no enforcement, regulatory language or budget for enforcement. Mr Brink asked the Task Force how does conscom craft an enforcement piece? Mr Sinclair stated the 95 plan is data, 02 plan is data, does not want to correct those plans. Mr Sinclair noted that Cons Com needs a new plan. Mr Brink stated that cons com could use them as templates. Mr Cavanaugh (audience) noted the 95 plan was in effect for 7 years, the 2002 plan was in effect for 13 years. Mr Caron (audience) requested that all regulations be consistent. Mr Zehnder (audience) state that the Task Force does not have to solve who will enforce or what enforcement will be, consider recommending some kind of policing to cons com. Mr Sinclair stated we need an approach as to how we will write the plan. The Tasl Force is charged with the writing, are we not? Does conscom want us to send them a first draft of a management plan for their consideration? Mr Brink reviewed the charge and stated it is our responsibility to make recommendations in a final report.

Mr Norgeot brought up that there is no reason the task force can't draft this document, consistency is important across the different conscom parcels.

Mr Sinclair made a motion to; request of the Conservation Commission what they expected as a final report, a draft management plan or a report with recommendations. Norgeot seconded the motion. Ms Hussey discussed how the final report or draft could be used as a template for other conservation parcels. The motion passed 7 – 0 – 0

Mr Norgeot noted that the 95 and 02 plan history should be included, not lose the history but make reference to it. Rosemary King stated work needs to be done. Mr Sinclair asked do we want to look at Chatham plans? Do something creative, look at Truro, Wellfleet, what's included, national principles. Paige Bates agreed. Mr Sinclair noted the Task Force could look at existing plans, our thinking should be beyond our two existing plans and bring to the table parts of an excellent conscom plan. We could find a template for this.

Mr Brink asked for Other members business. Mr Brink noted the chief of police has been requested to attend a future meeting regarding the dog policy. Mr Sinclair raised the issue of handicap access? Mr Norgeot stated handicap gate is not operable due to swelling and installation of new irons.

Mr Cavanaugh (audience) noted that moving forward the tax base for this property is 1.8 million which is 300K in tax dollars.....really only 12 parking spaces, the idea of overloved is preposterous, we should be promoting use of this space, not limiting it.

Mr Caron (audience) asked will conscom listen to the task force recommendations? Are they going to accept a template/document? Space should be accessible to all. What do neighbors get?

Rosemary King noted she has been asking/collecting names, tel numbers, opinions of use of property while walking the trail

Mr Brink stated he will take to conscom the questions raised today.

Meeting adjourned at 4:47 PM

## Kent's Point Task Force (KPTF) Meeting – Meeting June 4, 2015

**Present:** Pete Norgeot, Patty Platten, Bob Sinclair, Page Bates, Rosemary King-Nelson, Mike Brink, Jane Hussey, Melanie O'Keefe, John Jannell

**Absent:** Marilyn Smith

Mike Brink called meeting to order at 3:05 PM.

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Meeting adjourned at 4:47 PM



# Town of Orleans Conservation Commission

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699

Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

## Kent's Point Task Force

The Kent's Point Conservation Area is one of the 14 Conservation properties in Town that are open to public for passive recreation. This 27-acre parcel was purchased by the Town in 1988 and was developed for the public's enjoyment and intended to be managed under the 1995 Kent's Point Conservation Area Management Plan. During the recent annual review process, it was determined, by the Conservation Commission, that a Task Force could provide a fresh view of the current needs and help the Commission update its now 20 year old plan. Therefore, the Conservation Commission shall appoint a Task Force to review and report on the Kent's Point Conservation Area Management Plan by completing the tasks outlined below.

The Task Force shall consist of 7 members and 2 alternates. At least 2 members shall be Conservation Commissioners and shall serve as chair and vice chair, and at least one member shall be selected from each of the neighborhood groups (Frost Fish Lane & Keziah's Lane). The rest of the membership, including the alternates, will be selected "at large." In the event of an absence of a member, the chair shall select an alternate to vote, otherwise alternates will serve as participatory non-voting members. The Task Force shall meet at least monthly, shall file minute's with the Town Clerk within 30 days of each meeting, and shall conduct their meetings in accordance with Open Meeting Law and Roberts Rules of Order. The Conservation Administrator and the Board of Selectman Liaison to the Conservation Commission will serve as ex-officio non-voting members.

**The Kent's Point Task Force is charged with the following Tasks:**

1. Review and study all relevant materials related to the Kent's Point Conservation area. This shall include but is not limited to the 1995 Kent's Point Land Management Plan, the 1996 Frost Fish Lane Decision, and all other relevant materials, including legal opinions, related to the Conservation property.
2. Review the allowed and prohibited uses for the property. Determine if they are still appropriate or if new recommendations need to be made the Commission. If new recommendations are to be made, include how they are to be implemented and enforced.
3. Review the Towns legal access, including the parking and parking lot capacity, and determine if it is adequate for today's level of use. If not, make recommendations on what the Conservation Commission and the Town should be exploring for possible improvements or limitations such as access control (sticker parking), parking restrictions, or new access. *DISCUSSED VOTED DOWN.*
4. Prepare a list of any recommended physical improvements to the property such as alteration to the trail network, trail infrastructure, parking, handicap access, and other amenities. If new items are desired for the visiting public, they shall be included in the list.
5. Provide periodic updates on progress to the Conservation Commission and, by September 30, 2015, prepare and submit a report to the Commission that will serve as an outline for an updated management plan. The report shall include all recommendations made by the task force based on the above tasks 1 - 4. The report shall include as much detail as necessary so that the Commission can use the report as a guiding document for a new Land Management Plan. The Task Force shall also engage the Conservation Commission, at any time, if there is an immediate need for a recommended action that they feel is critical.

*MC DHH ✓*



## Town of Orleans Kent's Point Task Force

Town Hall • 19 School Road • Orleans, Massachusetts 02653-3699  
Tel: (508) 240-3700 Ext. 425 / Fax: (508) 240-3388

September 24<sup>th</sup>, 2015

Conservation Commission  
Town of Orleans  
19 School Road  
Orleans, MA 02653

Dear Commissioners,

Attached for review is the final report of the Kent's Point Task Force (KPTF). Recommended actions are presented in three parts. First, actions to improve selected physical conditions are suggested. Second, recommendations for creating a new Management Plan are advanced. Third, recommendations are made to help resolve issues impacting access and use of Kent's Point. The KPTF requests a joint meeting at your earliest convenience to discuss the report submitted for your endorsement.

Past management plans from 1995 and 2002 were carefully considered to derive recommendations contained in the report for the 2015 Management Plan for Kent's Point. For example, a description of the land was taken almost directly from previous plans. The same is true of the list of activities encouraged and restricted at Kent's Point. In short, past Land Management Plans were helpful in deriving the recommendations for the 2015 Land Management Plan.

In all of the recommendations proposed, the Task Force was mindful of both the 1996 Terms of Agreement for Judgement (*Smith vs Town of Orleans*) and the Charge given to us from the Conservation Commission. In fact, although not included in the report, many improvements to Frost Fish Lane, including more frequent maintenance and paving, were discussed and forwarded on to the DPW for their consideration.

- NEED TO MEET w/ DPW

The KPTF held 11 meetings between April and September 2015. Opportunities for public comment were provided. Also, extensive public comment was welcomed, received, and considered. The KPTF writing sub-committee met 7

times to aid in the preparation of the report. With the presentation of this report our work is completed and your Charge to the Task Force is accomplished.

On behalf of the Kent's Point Task Force, we thank you for the opportunity to help the Conservation Commission in its preparation of a 2015 Management Plan for this important Orleans Conservation property.

Sincerely,

A handwritten signature in black ink that reads "Mike Brink". The signature is written in a cursive style with a large, stylized "M" and "B".

Mike Brink, Chairman, for the Kent's Point Task Force

cc: John Kelly, Orleans Town Administrator

**Town of Orleans Massachusetts**  
**Action Recommendations for Conservation, Recreation, and**  
**Open Space**  
*for*  
**Kent's Point**

*A Report Respectfully Presented to*  
*The Orleans Conservation Commission*  
*by the Kent's Point Task Force*

**PART ONE**

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In this part of the report, the Task Force centers on recommendations for actions to improve selected physical conditions at Kent's Point. Implementation of these actions leads to a new plan for this town owned property; a plan that is current, manageable, and enforceable. The Conservation Commission is undertaking these actions in support of its charge to manage, maintain, and promote Conservation Lands purchased by the town of Orleans.

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*The property of Kent's Point is open to entry and use by all persons regardless of race, color, national origin, sex, sexual preference, age, or disability.*

**September 2015**

## **Table of Recommendations**

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## Introduction

Recommendations for improving physical conditions at Kent's Point are derived from site observations, past discussions, citizens comments, and current decisions of the Task Force. The intention is not to provide a comprehensive list of every possible improvement that could be made. Instead, a workable number of priority actions are advanced for consideration.

## Actions for Physical Improvements

Specifically, selected physical improvements for Kent's Point are detailed in eight categories:

### Entry

- Determine and mark boundaries of Kent's Point, including entry and parking lot; ✓
- Widen entry to ensure safe emergency vehicle ingress and egress.

### Parking Lot

- Expand parking spaces to 20;
- Reduce size of islands, and replant with low native plants;
- Delineate parking spaces;
- Grade parking lot and add gravel;
- Remove boulders in parking lot;
- Relocate fencing to town property boundary.

### Trailside Parking

- Update parking spaces to meet Americans with Disabilities Act (ADA) requirements; ✓
- Grade and add surface material; ✓
- Remove gate or leave open in a locked position, which requires installation of a new post to secure the gate in an open position. Consider possibility of electronic gate. ✓

LOCKED OPEN GATE

### Kiosk

- Add trail map, including offerings for trailside handicap parking;
- Add tick and poison ivy information;
- Add educational information about history;
- Add educational information about aquifer, estuary, watershed;
- Add list of encouraged activities and prohibited activities.

### **Trails**

- Remove foot traffic hazards;
- Add wood chips to trails as needed;
- Use logs to define trails that are too wide;
- Add blazes to define trails;
- Remove poison ivy on trails.

TRAIL WORK  
PROGRAMMED

### **Fencing/Benches/Tables**

- Upgrade fenced trailside areas as needed;
- Prune scenic view areas as needed;
- Upgrade or replace benches;
- Add 2 picnic tables in locations providing scenic views.

### **Signage**

- Conduct an assessment of existing signage and create a plan for placement and wording of necessary signage;
- Add a welcome sign at entrance;
- Install information signs where needed (fragile marsh, ticks, etc.);
- Eliminate unnecessary and inappropriate signs;
- Create and display an illustration of handicap trailside parking spaces;
- Make signage consistent across town Conservation Lands.

### **Observation Deck**

- Update decking and railing as needed;
- Add bench for seating at the end of the deck (Dedicated to Charlotte Kent).

### **Closing**

Consistent with the charge given to the Task Force, this part of the report advances recommendations for specific actions to improve physical conditions at Kent's Point. These proposed actions will add momentum contributing to a wider range of reason that moves Kent's Point to an even higher level of benefit for residents of Orleans and all visitors.

**Town of Orleans Massachusetts**  
**Management Plan Recommendations for Conservation,  
Recreation, and Open Space**  
for  
**Kent's Point**

*A Report Respectfully Presented to  
The Orleans Conservation Commission  
by the Kent's Point Task Force*

**PART TWO**

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In this part of the report, the Task Force presents to the Orleans Conservation Commission recommendations for creating a new management plan for open space and recreation at Kent's Point. These recommendations are made with the understanding that the 2015 plan will supersede all previous management plans for this land purchased by citizens of Orleans. Specifically, recommendations are couched in six sections. This framework makes it possible to consider recommendations in an efficient and effective manner. The intention here is not for the Task Force to write the new plan. Rather, the purpose is to advance a narrative of detailed recommendations that is clear and useful to members of the Orleans Conservation Commission.

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*The property of Kent's Point is open to entry and use by all persons regardless of race, color, national origin, sex, sexual preference, age, or disability.*

**September 2015**

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## Introduction

The major purpose of this part of the report is to provide recommendations that assist members of the Conservation Commission in their efforts to write a new conservation management plan for open space and recreation at Kent's Point. Recommendations are presented in narrative form in six allied sections. The substance of each section can stand alone. Yet, the import of recommendations is best appreciated when sections are viewed together. First, the **Overview of Land** section gives a sense of boundaries and environmental characteristics of the land. Second, the **Mission** statement centers on the seriousness of the work ahead. Third, specific and manageable objectives are stated in the **Objectives of Management Plan** section. Fourth, **Land Uses** are advanced for consideration. Issues of enforcement are addressed in this section by noting which restrictions of use are anchored in town bylaws or state and federal laws. It is clear that town police can only enforce conservation property rules matching a specific town, state, or federal statute. Next, the **Responsibility for Management and Maintenance** section identifies the town commission and departments accountable for the success of the new management plan. Finally in the **Closing** section, thinking about equal access is detailed and leadership for effective problem solving is encouraged.

## Overview of Land

The Town of Orleans purchased Kent's Point on 24 October 1988 for \$1,800,000. In so doing the citizens of Orleans secured 27.7 acres of highly desirable salt waterfront land for our community and its valued visitors and protected the property from falling prey to about 23 dwellings.

Specifically, in accordance with Book 6575, Page 248 recording of the Quitclaim Deed, the 24 October 1988 Special Town Meeting Article 21 for the Proposed Land Acquisition states: Voted written ballot, For - 394, Against - 175, motion passes 2/3rd majority that the Board of Selectmen is authorized to acquire by purchase, by eminent domain, or otherwise, for conservation..., for recreation, and open space purposes, the land together with the building thereon situated in the Town of Orleans known as Kent's Point (Charlotte A. Kent Property) situated on Keziah's Lane.

Further, in August 1989 the Town was awarded a \$50,000 private grant from The Dietrich Foundation in support of the public's use of Kent's Point and its maintenance.

Public access to the Kent's Point Conservation Area from Monument Road is via a combination of Frost Fish Lane and Keziah's Lane into the parking lot. Visitors park in the circular parking area which is intended to include 20 designated parking spaces. Within the conservation land, there are two other parking spaces for physically challenged visitors located at the ramp leading to a platform near the shore.

An informational kiosk at the edge of the parking lot describes three major trails. The main entry leading to the former Kent house site goes up the center of the property. Abutting Frost Fish Cove to the left is the Cove Trail and to the right along the Meetinghouse River and Kescayogansett or Lonnie's River into Lonnie's Pond is the River Trail. The River Trail extends down to the beach where there are stairs up to the Point from the beach. All trails start from or near the parking lot.

The topography of Kent's Point contains a long, transverse, 30' high ridge, gradually descending from southwest to northeast and running into a low place three-quarters of the way out on the Point. The land surface then rises again to create the headland at the east end of the Point. The highest spot on the property is 40' above sea level at the Keziah's Lane entrance of the property.

Coastal banks encircle Kent's Point. These banks are generally short and steep, yet are dramatically 20' tall surrounding the northeastern headland. The Conservation Area is primarily upland derived of glacial deposits, of which only .6 acre is salt marsh or sandy beach. Most of the mile-long shorefront of Kent's Point is fronted by a narrow fringe of salt marsh.

Kent's Point is surrounded by salt-water bodies: Kescayogansett or 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 to Pleasant Bay. It also supports the Town's most important anadromous fish run for alewives and blueback herring spawning in Pilgrim Lake. Frost Fish Cove, a small, shallow linear inlet, is a sheltered backwater for shorebirds, especially popular with great blue herons in the winter.

The center of the property is dominated by pitch pine and oak with small pockets of little blue stem grass between red cedars in the more open areas. Large cherry trees grow along the River Trail. To the northeast, the former Kent house site retains an open grassy area as well as ornamentals such as lilac, yew, lily of the valley, day lily, trumpet vine, spruce, Norway maple and, the common tree around old house sites on Cape Cod, black locust. All buildings were removed because of their poor condition and the expense to repair them. A stand of white pine grows on the headland and there are poplars on the coastal bank.

The Kent's Point Conservation Area is developed for public use with a system of walking trails constructed through the property, parking areas, and an informational kiosk. There are also a number of benches installed for scenic viewing. Additionally, two corridors totaling 5 acres are reserved as undisturbed natural habitat for fostering wildlife.

### **Mission of Management Plan**

The major purpose of this management plan is to ensure reasons for purchasing Kent's Point are realized. To this end, it is important to acknowledge this land was bought by the people for the people. As detailed in the town's 2006 Conservation, Recreation, and Open Space Plan (CROS), properties like Kent's Point are purchased to ensure open space and to advance the town's commitment to provide ample opportunities for recreation. Orleans voters identified one key factor that makes Orleans exceptional is its ecological character.

Accordingly, Orleans voters made a considerable financial commitment so that children and adults of all families may access the benefits of Kent's Point; while meeting their obligation to ensure its safekeeping. The open space and recreation opportunities at Kent's Point are maintained by the town of Orleans so that every interested individual and family has equal rights to this land. The new 2015 management plan, then, is intended to advance and promote the varied benefits this land provides so that all people are encouraged to appreciate, use, and conserve the environ of Kent's Point. This truly rare resource of Orleans adds meaningfully to the quality of life for our year round residents and attracts visitors who contribute to the social diversity and economic vitality of Orleans.

### **Objectives of Management Plan**

The objectives advance what is to be accomplished, help determine actions to take, and serve as criteria for deciding the extent to which the plan is successful. Specifically, five interrelated objectives give direction to the management plan for Kent's Point:

- To make open space and recreation accessible, welcoming, and educational for all visitors to Kent's Point consistent with its 27.7 acres and salt waterfront recreational potential;
- To ensure that parking and major trail access at Kent's Point are compliant with Americans with Disabilities Act requirements;
- To communicate guidelines for use of Kent's Point in positive and educational ways that are respectful and consistent with Town of Orleans Bylaws;
- To preserve native plants, manage invasive plants, and foster wild habitat and biological diversity at Kent's Point;
- To assure management of Kent's Point remains consistent with the Town of Orleans' Plan for Conservation, Recreation, and Open Space (CROS), and with existing Town Bylaws.

The recommended objectives, consistent with the mission, guide the management plan. It is the responsibility of the Orleans Conservation Commission, in concert with its agent, to manage Kent's Point. Together they serve as key leaders for spelling out the particulars of what needs to be done to reach these objectives and hence accomplish the larger mission. In order for the Conservation Commission and its agent to accomplish the objectives, interdepartmental communication and cooperation are essential. This collaborative approach will better ensure that Kent's Point is enjoyed by all and that careful conservation and meaningful environmental education are fostered.

### **Land Uses**

Conservation lands across Orleans are purchased for a variety of active and passive recreational uses. Owing to the waterfront nature of Kent's Point, this particular resource also supports a number of water-dependent activities.

The area's recreational opportunities include:

- Trail walking
- Bird watching and animal observation
- Picnicking
- Scenic viewing

- Dog walking
- Bicycling
- Shore fishing
- Small boat landing
- Swimming
- Shell fishing
- Shell fish propagation, with permission from Orleans Conservation Commission

Activities restricted by law and activities disallowed under management of the Conservation Commission are:

- Littering (Orleans Bylaw 125)
- Unrestrained Dogs (Orleans Bylaw 85)
- Discharge of Firearms (Orleans Bylaw 158-30)
- Tenting or camping (Orleans Bylaw 124-5)
- Open fires and cooking
- Use of fireworks
- Storing or launching of boats
- Smoking
- Hunting
- Use of soaps, detergents, or shampoo
- Damaging structures or landscape
- Harassing wildlife or visitors
- Motorized recreational vehicles (ATVs, dirtbikes, motorcycles, snowmobiles)
- Alcoholic beverage consumption

*Recommendation was to adjust enforcement*

Additionally, the hours for use of the property and use by groups of visitors are:

- Kent's Point Conservation Area is open for enjoyment by the general public daily from sunrise to sunset.
- Groups of 10 or more, celebrating special occasions such as weddings, birthdays, or family gatherings are required to coordinate use with the Conservation Office. School groups in buses are encouraged.

To ensure enjoyment for all visitors, certain activities are limited by law while other activities are prohibited by the Conservation Commission. Violations of Federal, State or Orleans Bylaws are enforced by Orleans Police. Violations of Conservation Commission

created regulations may be enforced by Conservation Commissioners. It is assumed all visitors will practice personal responsibility and exercise common sense.

### **Responsibility for Management and Maintenance**

There is one commission responsible for management and two Orleans departments responsible for maintenance and protection of this property:

- The Orleans Conservation Commission is responsible for overall management of the property including; promotion of use, design and implementation of actions to improve physical conditions, periodic evaluation of the extent to which objectives are being accomplished, and procurement of financial resources to ensure successful conservation.
- The Orleans Public Works Department provides necessary maintenance to road access for safe travel. They also provide routine operational maintenance; including mowing, pruning, clearing, and cleanup.
- The Orleans Police Department enforces Town Bylaws by responding to complaints and by patrolling the area.

### **Closing**

The new 2015 management plan for Kent's Point will be revisited for possible updating after five years of implementation and at ten year intervals thereafter. The new plan supersedes all previous management plans for this land purchased by the citizens of Orleans.

The Conservation Commissioners, in concert with the Conservation Agent, are key leaders responsible for reaching the five interrelated objectives recommended for the new plan. As these leaders use their expertise and creative intelligence to identify and solve problems, collect and consider valid data, and make wise decisions; the implementation of the 2015 management plan becomes a reality. Across recommendations advanced here, there is a deeply held value that all people deserve equal access to this conservation land.

**Town of Orleans Massachusetts**  
**Recommendations for Solutions to Persistent Problems**  
**Impacting Conservation, Recreation, and Open Space**  
*for*  
**Kent's Point**

*A Report Respectfully Presented to*  
*The Orleans Conservation Commission*  
*by the Kent's Point Task Force*

**PART THREE**

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In this part of the report, the Task Force presents recommendations to help solve four persistent problems that are impacting public access to open space and conservation benefits of Kent's Point. Solving these problems makes it more likely for positive thinking and constructive action to guide a 2015 management plan that is current and enforceable. In turn, even more youngsters, families, and seniors will enjoy benefits of Kent's Point.

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**September 2015**

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## Introduction

Some persistent problems rear their heads when Kent's Point is considered. Understanding and solving these ongoing problems will contribute to the success of the new 2015 management plan. **Controlling Animals, Traveling on Keziah's Lane, Keeping Deeded Street Address, and Ensuring Public Access** are problems that when solved will provide a context for transition to an effective plan for this town owned conservation property.

## Solving Transitional Problems

So desired results of the 2015 management plan are accomplished, recommendations are advanced for solving four perennial problems. A common sense way of thinking about each problem is provided and a straightforward recommended solution is suggested.

### **Controlling Animals**

Reason suggests and experience teaches that good government demands the will of citizens be respected. This is a bedrock principle of an effective democratic process. The voters of Orleans indicated their will about animal control in a 2005 town meeting. In this town meeting, Orleans voters determined how dogs should be controlled beyond an owner's property. The resulting decision is clearly stated in town Bylaw 85. This Bylaw does not include a leashing requirement. Specifically, section 85-2 of this town Bylaw states: "All dogs shall be restrained or under the control of a responsible person at all times while off the premises of its owner. It shall be unlawful for the owner, keeper, or person responsible for any dog to permit it to be on any public property which has been closed to dogs by the municipal agency with care, custody, and control over such property." To ignore or counter Orleans Bylaw 85 flies in the face of good government.

**The Task Force voted to recommend the Conservation Commission accept the wisdom of the people and apply, without alteration, Orleans Animal Control Bylaw 85. Adherence to Bylaw 85 permits the Orleans Police Department to enforce animal control at Kent's Point.**

Provides for an enforceable rule!

### ***Traveling on Keziah's Lane***

It is often claimed that Keziah's Lane is a "private road" and that Frost Fish Lane is the only "legal" access to Kent's Point. Careful consideration, however, suggests the cumulative impact of reasoning that follows leads to a clear recommendation guiding Conservation Commission involvement in travel on Keziah's Lane:

First, the 1/12/2015 memorandum from Town Counsel Michael Ford states "...neither the town or the Commission is responsible from keeping the public from using the Keziah's Lane." Private roads are not exclusive. The public may travel on private roads.

*NOT OUR RESPONSIBILITY.*

Second, when Kent's Point was purchased in 1988 the town of Orleans became a property owner of 39 Keziah's Lane with associated rights of use, including rights for ingress and egress.

Third, reason suggests that a "right of way" holder may use the entirety of a way, not merely a section of the way. People may use all of Keziah's Lane to travel to and from Kent's Point.

Fourth, the *Agreement for Judgment* between Orleans and the residents of Frost Fish Lane affirms the public may use Frost Fish Lane to facilitate ingress and egress to Kent's Point. There is no mention in the *Agreement for Judgment* that prohibits use of Keziah's Lane. In fact, the words "Keziah's Lane" are never mentioned in the *Agreement for Judgment*.

The above suggests the following recommendation: (Please note, the Task Force is not making legal determinations regarding travel on Keziah's Lane. Rather, it is providing a recommendation for the Commission to avoid taking actions, making pronouncements, or creating decisions restricting the public's use of Keziah's Lane.)

***The Task Force recommends the Conservation Commission not take positions or make decisions restricting use of Keziah's Lane.***

### ***Keeping Deeded Street Address***

At the time of the town's purchase of Kent's Point in 1988, the deeded street address of the property known as Kent's Point was 39 Keziah's Lane; with appurtenant rights of use of Keziah's Lane.

Any attempt to change the name of the road that provides Kent's Point with road frontage and to eliminate the 39 Keziah's Lane deeded address, should be rejected

because such changes obscure the rights of owners of Kent's Point. Allowing abutters to change the deeded address of town owned Conservation Land is a troubling precedent with short and long term implications.

The Task Force voted to recommend the following statement: ***"The Task Force strongly supports the Conservation Commission in its demand that the Town of Orleans Planning Board revoke the renaming of the way that provides Kent's Point with road frontage. The name of the way abutting Kent's Point should remain Keziah's Lane. Efforts to decouple Kent's Point from its Keziah's Lane heritage should be defeated."***

*Done*

***Further, the efforts of a small number of Kent's Point neighbors to change the decades old name of the segment of road that provides Kent's Point with road access should be vigorously opposed. When the town purchased the 27.7 acres at 39 Keziah's Lane commonly known as Kent's Point, the deed clearly noted Kent's Point's street address as 39 Keziah's Lane. Altering the name of the way that provides road entry to Kent's Point from Keziah's Lane to any other name would change the deeded address and threaten the nature and quality of road access of this precious town conservation asset paid for by the citizens and taxpayers of Orleans.***

***Elected and appointed leaders of Orleans have a duty to defend the integrity of "The Kent's Point Deed" as it existed at the time of Orleans's purchase. We join with the Conservation Commission in its critical defense of Kent's Point."***

### ***Ensuring Public Access***

The Task Force considers any efforts to exclude people from gaining access to Kent's Point to be antithetical to major reasons the property was purchased; for public enjoyment of open space and recreation. Further, efforts to exclude some members of the general public are in conflict with the Town's priority of promoting and supporting our tourism based economy. Next, the 1/12/2015 memorandum from Town Counsel Michael Ford states " ...I would caution the Conservation Commission that they may not have the power to restrict the property to residents-only and that such action...may be within the province of the Town Meeting which authorized the purchase of the property

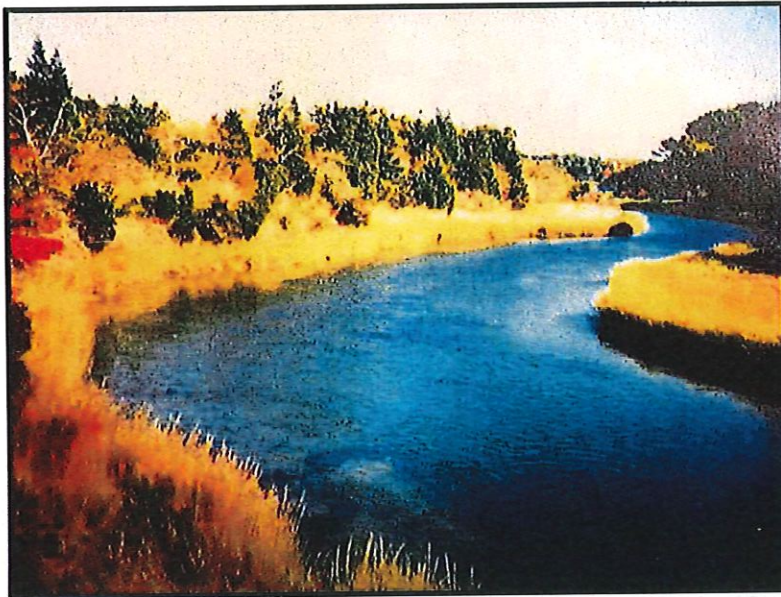
from Miss Kent for conservation and open space purposes." Finally, the Task Force thinks it is important to be a good neighbor to surrounding towns.

***The Task Force voted to recommend Kent's Point continue to be available to all residents and visitors.***

### **Closing**

Consistent with the charge given to the Task Force, this part of the report centers on recommendations to solve four lingering problems with potential to interfere with the implementation and success of the new 2015 management plan for Kent's Point. No longer should these problems hinder full utilization of this exceptional resource where all residents and visitors may experience the enjoyment of open space and recreation. It is now time to move forward with positive thinking and constructive action that makes it possible for even more people to gain more pleasure from the benefits of Kent's Point.

## ***Kent's Point Conservation Area Management Plan***



*View from Lonnie's River overlooking Kent's Point*

*The property of Kent's Point is open to entry and use by all persons regardless of race, color, national origin, sex, sexual orientation, age, or disability.*

**October 27 2015**

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Deed for Kent's Point: Book 6575 Page 248

## Introduction

This 2015 plan supersedes all previous management plans for this land purchased by citizens of Orleans. Specifically, the plan consists of six interrelated sections. The substance of each section can stand alone. Yet, the import of this plan is best appreciated when sections are viewed together. First, the **Overview of Land** section gives a sense of boundaries and environmental characteristics of the land. Second, the **Mission** statement centers on the seriousness of the work ahead. Third, specific and manageable objectives are stated in the **Objectives of Management Plan** section. Fourth, **Land Uses** are advanced for consideration. Issues of enforcement are addressed in this section by noting which restrictions of use are anchored in town bylaws or state and federal laws. It is clear that town police can only enforce conservation property rules matching a specific town, state, or federal statute. Next, the **Responsibility for Management and Maintenance** section identifies the town commission and departments accountable for the success of the new management plan. Finally in the **Closing** section, thinking about equal access is detailed and leadership for effective problem solving is encouraged.

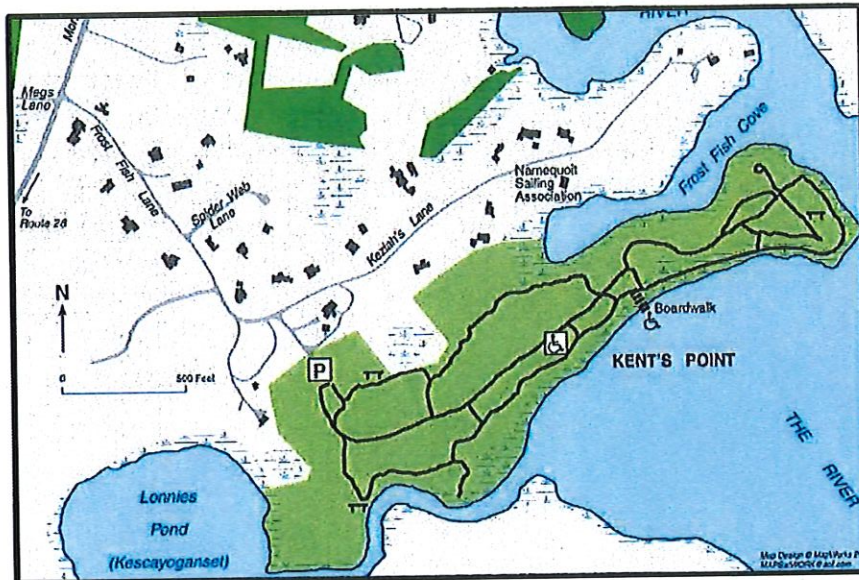
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The Town of Orleans purchased Kent's Point on 24 October 1988 for \$1,800,000. In so doing the citizens of Orleans secured 27.7 acres of highly desirable salt waterfront land for our community and its valued visitors from development.

Specifically, in accordance with Book 6575, Page 248 recording of the Quitclaim Deed, the 24 October 1988 Special Town Meeting Article 21 for the Proposed Land Acquisition states: Voted written ballot, For - 394, Against - 175, motion passes 2/3rd majority that the Board of Selectmen is authorized to acquire by purchase, by eminent domain, or otherwise, for conservation..., for passive recreation, and open space purposes, the land together with the building thereon situated in the Town of Orleans known as Kent's Point (Charlotte A. Kent Property) situated on Keziah's Lane. Specifically the Deed says in part that the land "...shall be held in the perpetual public trust by the grantee for open space conservation purposes which shall include use of said land for a Town shellfish laboratory and shellfish propagation program..." (see Deed attached).

Further, in August 1989 the Town was awarded a \$50,000 private grant from The Dietrich Foundation in support of the public's use of Kent's Point and its maintenance.

Public access to the Kent's Point Conservation Area from Monument Road is via Frost Fish Lane and then onto Keziah's Lane into the parking lot. Visitors park in the circular parking area which is intended to include 20 designated parking spaces. Within the conservation land, there are two other parking spaces for physically challenged visitors located at the ramp leading to a platform near the shore.



An informational kiosk at the edge of the parking lot describes three major trails. The main entry leading to the former Kent house site goes up the center of the property. Abutting Frost Fish Cove to the left is the Cove Trail and to the right along the Meetinghouse River and Kescayogansett or Lonnie's River into Lonnie's Pond is the River Trail. The River Trail extends down to the beach where there are stairs up to the Point from the beach. All trails start from or near the parking lot.

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Coastal banks encircle Kent's Point. These banks are generally short and steep, yet are dramatically 20' tall surrounding the northeastern headland. All of the Coastal Banks as well as some of the upland is within the Pleasant Bay Area of Critical Environmental Concern (ACEC). The Conservation Area is primarily upland derived of glacial deposits, of which only .6 acre is salt marsh or sandy beach. Most of the mile-long shorefront of Kent's Point is fronted by a narrow fringe of salt marsh.

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- Shell fishing
- Shell fish propagation, with permission from Orleans Conservation Commission

Activities restricted by law and activities disallowed under management of the Conservation Commission are listed below but not limited to:

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- Unrestrained Dogs (Orleans Bylaw 85)
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The Conservation Commissioners, in concert with the Conservation Agent, are key leaders responsible for reaching the five interrelated objectives recommended for the new plan. As these leaders use their expertise and creative intelligence to identify and solve problems, collect and consider valid data, and make wise decisions; the implementation of the 2015 management plan becomes a reality. Across the management plan there is a deeply held value that all people deserve equal access to this conservation land.

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.

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 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 15<sup>th</sup> 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 REGISTRY  
BARNSTABLE  
01/23/89  
CANCELED  
4104.00  
4104.80  
35800 13:04  
EXCISE TAX

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

Orle

Book 6575 / Pg 248

STATE OF NEW YORK

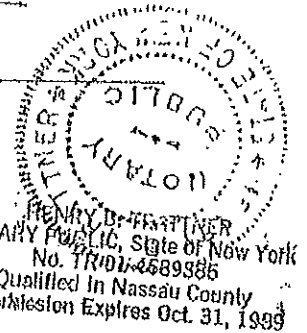
Nassau County, ss. DECEMBER, 15, 1988

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 grantees 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]*

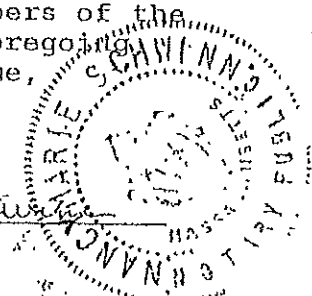
BY: *[Handwritten Signature]*

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