

A Management Plan for Gull Pond

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The Town of Wellfleet acquired the existing Gull Pond Landing by means of a series of Town Meeting authorizations and eminent domain takings between 1948 and 1953. The total acreage is 5.21 acres with a waterfront measurement of 379 linear feet. Gull Pond Landing is accessed by School House Hill Road and is abutted by the Cape Cod National Seashore and by private owners. It is a Great Pond under MGL Ch. 91§35 “ponds containing in their natural state more than ten acres of land” with 106 acres of surface area. It is the first in the chain of ponds, including Higgins, Williams and Herring that connect to the Herring River and ultimately into Wellfleet Bay. A man-made sluiceway connects Gull Pond to Higgins Pond. Core samples conducted by the CCNS indicate that the Sluiceway between Gull and Higgins was man made and first constructed over six hundred years ago.

During the summer beach season, the second Saturday in June through Labor Day a Town of Wellfleet Beach Parking Permit is required at Gull Pond. There are two legal parking spots at Higgins Pond where vehicles may park for access to Higgins or to the Sluiceway. These two spots require a Resident Beach Sticker.

Gull Pond is a popular and heavily used area. There is a dock, a launch ramp, canoe racks and a public bathhouse. The Recreation Department teaches swimming lessons from the Monday after the 4th of July through the second week of August each year. The Cape Cod National Seashore and the Audubon conduct canoe and kayak expeditions using the public launch ramp throughout the summer. There are 68 canoes or kayaks on the racks with mooring permits and a handful of scofflaws. For the last 30 years, **Jack’s Boat Rentals** has occupied the northern section of the sandy beach area and operated a private boat rental business under a lease from the Town. All of the above activities draw many people to the pond to have a good time. All of the above activities create stress on a fragile environment.

Gull Pond

There are infrastructure needs at Gull Pond that need to be addressed:

- Delineation of the parking area
- Public bathhouse
- Launch ramp
- Canoe racks
- Water moorings
- Boat rental lease renewal

Delineation of parking area

Traditionally, vehicles entering and parking at Gull Pond have the option of parking under and among the scrub pines in the center of the parking lot and when the

lower area is full, in the broad area of hardening that parallels the access road to the parking area. Over time, the traditional parking areas have been increased by means of folks creating their own parking spot by driving over and effectively killing the vegetation. Few summer visitors are aware that if they drive a vehicle with a hot engine and idle it over dry grass and low vegetation, they are in a good position to start a brush fire. A number of visitors have suggested that we cut down the trees to make more room for the cars. Although this suggestion seems logical to those accustomed to acres of paved parking lots, the roots of those trees are instrumental in preserving the integrity of the bank of the pond and to a great degree, keep the bank from eroding.

Recommendations:

1. Block off those areas where vehicles should not park using railroad ties, telephone poles or some other materials to prevent cars from parking on top of the vegetation.
2. Once areas are blocked off, revegetate with matting and native plants to prevent further depredation.

Public Bathhouse

This facility is thirty years old. The only positive thing about it is that it has a good Title V septic system. The structure is dark, small, damp and inadequate. It needs to be gutted and totally redone inside and out. The Recreation Department has a small, dusty, dirty storage area in the back for all its swimming program equipment. The wiring is antiquated and could become a hazard. In the busiest part of the summer, with upwards of 100 children a day in swimming lessons and all the adults and siblings that arrive with them over the course of the morning, the facility is stressed. There is never enough toilet paper even with daily cleaning and replenishing by the contracted service provider. It is unsightly and distasteful to use such a facility. The residents and visitors in Wellfleet deserve a better facility.

Recommendation:

1. Rehabilitate the bathhouse, including Recreation storage area.
 - a. New fixtures
 - b. Improved lighting
 - c. New partitions

OR

2. Replace public rest rooms with portable toilets and rehab existing building for staff bathrooms and Recreation storage.

Launch Ramp

The launch ramp is located on the southernmost end of the sandy beachfront. The current condition is very poor with washouts and potholes. The end of the

pavement/hardening is degraded. Because of the size of the crowds and the area taken up by the boat rental business, folks often sit in the launching area. Boats often cannot launch without first asking all the people sitting in the launch area to move themselves and their belongings.

Recommendations:

1. Obtain an Order of Conditions through the Conscom and the DEP to allow for filling in the holes and grading the surface area of the launch ramp.
2. Install split rail fencing on the north side of the launch area and provide signage that delineates the launch area and warns little families not to set up camp where boats need to go in and out.

Canoe Racks

In 1991, when I first became Beach Administrator, there were probably a half dozen to a dozen canoes left by the split rail fence at the southernmost end of the landing adjacent to the launch ramp. Over the next ten years, that number increased each summer until in 2001 I counted almost 50 canoes piled there. I proposed that the Town build canoe racks and rent them on an annual basis to those canoe owners who were Wellfleet taxpayers and Residents. Accordingly, racks to accommodate 48 canoes were built and filled up immediately. The Harbormaster, under the authority of MGL Ch.91 §10A, may authorize temporary moorings within the “territorial jurisdiction of such city or town upon such terms, conditions and restrictions as he shall deem necessary.” The Town of Wellfleet Mooring Regulations was amended include a section on Gull Pond Moorings.¹

Water Moorings

Originally this included up to 10 water moorings for sailfish and sunfish and other small boats. The mooring spot, by necessity, was right in front of the launch area. The northern section of the beach is occupied by the boat rental leaseholder and the middle section is marked off around the docks for swimming so by default, this was the only spot. In 2004, the Harbormaster, in a legally posted and conducted hearing, asked for an increase in the annual fee to \$50.00 and for the elimination of water moorings because of the heavy use and congestion at Gull Pond. The Board of Selectmen approved his recommendations.

At this time, there are 62 names on the waiting list for Gull Pond Canoe rack space. All of the former mooring holders would like the water moorings reinstated. At the present time, with the present configuration at Gull Pond, there is no room for water moorings.

Boat rental lease renewal

¹ Town of Wellfleet Mooring Regulations, Section 7, *Canoes and Boats in Great Ponds*.

Jack's Boat Rentals lease with the town is up for renewal. Jack has been at Gull Pond for 30 years, he tells me, and indeed is a fixture at that site. He also has a site on Route 6 and a site in Brewster. Under the terms of the lease, Jack's has use of the northern portion of the landing, the "exact bounds of the leased space will be determined and clearly marked in the course of an onsite inspection by a representative of the Wellfleet Board of Selectmen acting for the LESSOR and a representative of the LESSEE." In addition, Jack's pays \$25.00 each for twelve parking passes for renters who do not have a Wellfleet Beach Parking Permit. He is required to install a cordless telephone in the comfort station at his cost and provide the town with access to that telephone. In 2005, Jack's paid \$7,325 in lease fees to the town plus the \$300.00 for the parking passes.

The visiting public loves Jack's. People from Truro and Eastham love Jack's because for the cost of a few hours of rental, their entire families can come to Gull Pond and enjoy the beach without benefit of a Wellfleet Parking Permit. People who would never have known about the Sluiceway can rent a canoe or kayak, paddle to the Sluiceway and spend hours in a secluded but increasingly crowded spot.

In the 30 years that Jack's has been there, Wellfleet's population in the summer has increased exponentially. The demands on public space have increased along with the population. The thing that has not increased is the linear frontage owned by the Town on Gull Pond. At this juncture, it is time to take a close look at the balance between the demands of the public, both taxpayers and visitors, and the historic rights of a private business operated on town property.

Financial implications must also be considered. In 2005, Jack's Boat Rentals paid the Town \$7,325 in lease fees plus the \$300.00 for parking passes. If the lease were not to be renewed, this income would not be available to the Town. Some of this revenue could be recovered by increasing the number of canoe racks available and by creating 20 water moorings for small sailboats. It is difficult if not impossible to attach a dollar value to the increased space available both to swimmers and to boaters. In addition, those who either choose not to purchase a Wellfleet Beach Sticker because they live in or are staying in another town will not take up the parking spaces and the beach space of those who have purchased a Wellfleet Beach Sticker. Gull Pond is a mecca for folks from Truro who want to swim in a Wellfleet Pond while they live or visit in Truro.

Last summer 188 parking violations were written at Gull Pond, most of them for failure to have a valid Beach Sticker or parking pass on their vehicle. A good number of these citations were written on vehicles that were renting from Jack's Boat Rentals. The Parking Control Officer patrolling the lot had no idea if the vehicle without a sticker belonged to someone who was renting at Jack's unless there was a parking pass. The problem was the period of time between parking the vehicle and obtaining a pass from Jack's. I broached this with both Heidi Ferreira and Jack Ferreira and suggested that they post signs at the entrance to the lot and on the stairway to the beach notifying their patrons that they risked a citation if they left the vehicle unattended while a boating pass was obtained. This did not happen. Consequently, irate people who had rented a boat

and received a citation would arrive at the Beach Sticker House with a note scribbled by the Jack's attendant and demand to have their tickets voided. This took up the time of the Beach Sticker House staff and of the hearings officer and of the people who rented innocently and received a citation. The Parking Passes were a bargain for Jack's when compared to the cost of a daily parking pass at White Crest or Cahoon Hollow. 12 passes times 77 days (days in the beach season in 2005) times \$15.00 per day comes to \$13,860 for the season if each pass were only used once per day by Jack's customers. Without Jack's customers, there would be room at Gull Pond for pay parking and it would replace the revenue lost by not renewing the lease.

Recommendation:

1. Do not renew lease for boat rental business.
2. Create up to 20 moorings for sunfish and small boats with permission of Harbormaster and charge accordingly.
3. Build additional canoe racks and give people who have been on the waiting list for up to four years an opportunity to rent a rack.
4. Make Gull Pond a pay beach along with White Crest and Cahoon Hollow.

Sluiceway

The town landing on Higgins Pond resulted from the acceptance of the Board of Selectmen on May 28th, 1849 of the road that ran between Gull Pond and Newcomb's (Higgins) Pond as a town road (now known as Steele Road) upon the petition of John Y. Newcomb et al.

In July 15, 1987, the Board of Selectmen voted the following:

“Inasmuch as unregulated use of public abuse contribute to the pollution of Gull and Higgins ponds and the destruction of the environmentally fragile area between Gull and Higgins ponds known as the Sluice, now owned by the National Seashore Park, the Wellfleet Board of Selectmen in conformance with MGL C.131 § 45, hereby regulate the use of the area that is under the jurisdiction of the Town of Wellfleet, namely the continuation of Schoolhouse Road known as Steele Road, and the Sluice fisherman's landing, as follows”

1. Parking at the ponds for the purposes of fishing or boating is permitted via the Sluice Landing and access by boat from the public recreation landing on the West end of Gull Pond.
2. Only two vehicles may be parked at the Sluice landing at any one time.
3. Parking of vehicles is prohibited on the sides of the access roads or in the woods so that safe passage of emergency vehicles, reasonable access for property owners and preservation of the area is assured.
4. Area to be closed at dark.”

During my fifteen years as Beach Administrator, many hours and much effort have gone into managing the parking at the Sluice with mixed results. Illegal parking occurred daily with the heaviest use in August. The Town received complaints from the abutters and from people trying to use the Sluiceway for quiet recreation.

In 1996, in conjunction with the Cape Cod National Seashore, a plan was proposed to eliminate the two legal parking spots on town property and replace them with 4-5 spots on CCNS property. The Board of Selectmen, at a public hearing, voted not to close the two parking spots and the plan was shelved.

In 1998, the Conscom approved a plan to fence part of the landing and to place gravel on the landing to prevent further breakdown of the bank of Higgins Pond that was being damaged by vehicles backing right to the edge of the water in an attempt to turn around and leave the area. This plan was never put into place.

On September 4, 2002, following an hellacious summer at the Sluice with complaints about crowding, too many boats coming from the public landing at Gull Pond, garbage and lack of sanitary facilities from the general public, from the CCNS, from Adopt A Pond and from the abutter, I met with the Wellfleet Board of Health to discuss mitigation at the Sluice and they voted the following action items:

1. Signs to be erected
 - To educate the public about the ecological importance of “our pond”
 - To inform people about the location of sanitary facilities in the area
2. A portable toilet be installed at the Sluice (Higgins Pond landing)
3. A brochure regarding the ecology of the ponds be made available to Jack’s customers
4. The use of the area be monitored more closely over the next several seasons

Following this meeting, I met with Jack and Heidi Ferreira to discuss the recommendations of the Board of Health. They felt that any expense should be borne by the Town, not by Jack’s. Further, Jack said that even if the Town provided brochures, he didn’t want to distribute them because people would throw them on the ground and in the water and create rubbish and pollution. He further stated that a portable toilet in the parking area at Higgins wouldn’t do his customers any good because they wouldn’t know it was there and wouldn’t use it anyway.

I spoke to the portable toilet vender and was told that he wouldn’t feel comfortable about having a portable at the Sluice because his truck had no assurance that it would have room to turn around once it got in there and that the road to the Sluice was in such poor condition that he didn’t like the impact on his vehicle. Further, he was concerned about the impact on the ponds if vandals overturned the portable.

On February 24, 2003, at a public hearing, the Wellfleet Board of Selectmen approved my recommendation to amend the “Regulations with Regard to the Sluice

Way” to prohibit vehicle parking from the “last Saturday in June through Labor Day” during the beach season for a one year trial period. The Sluice was closed that summer with a chain across the access road. Signs were erected at Gull Pond and along Steele Road to notify users that they could walk in, bike in and boat in but not park. It had limited success. The chain to the Sluice was cut twice, once in order to install a private padlock!

In the fall of 2003, I requested that the closing be continued for another year. The Board of Selectmen received a petition signed by town residents advocating against the closure. Unfortunately, the author of the petition misinformed those residents and led them to believe that the closing was year round. At a public hearing on the subject, my recommendation was not accepted.

Subsequently, I recommended that the two legal spots be limited to those vehicles with Resident Stickers. The Board of Selectmen voted to approve that amendment to the Beach Rules and Regulations on May 11, 2004. Accordingly, signs notifying the public that a Wellfleet Resident Beach Sticker was required were put up at the intersection of School House Hill Road and the Gull Pond Landing access road, at the turn onto Steele Road and at each of the two legal parking spots.

Last summer Beach Program personnel patrolled the Sluice a minimum of three times daily between third Saturday in June and Labor Day. Despite signs and repeated ticketing, a total of 86 citations were written in the summer of 2005 at the Sluice alone. Oftentimes, a vehicle that received a ticket at 10AM would stay all day, either taking up one of the two spots or parked illegally altogether. The users of the Sluice are either oblivious to the signs or if they see them choose to interpret the signs to their own advantage. “I am a resident, a resident for a week. Can’t you see my One Week Visitor sticker on my car?”

Recommendation:

Eliminate the two existing spots and negotiate the use of CCNS land for temporary parking. (See attached proposed configuration)

Stakeholders in the Gull Pond Area

Cape Cod National Seashore

The Town of Wellfleet and the CCNS co-manage the Gull Pond/Sluiceway area and the CCNS has consistently supported the efforts of the town to preserve and regulate the use especially at the Sluice. The Sluice is owned by the CCNS and the town owns the parking area for the Sluice. The General Management Plan of the CCNS states:

“Activities at kettle ponds — The National Park Service will encourage the consistent management of human activities at kettle ponds under municipal, state, or federal jurisdiction in order to protect the ponds from degradation due to development, overuse, or inappropriate use. Decisions should also be made about the kinds and levels of use

that may be accommodated at the ponds. In these efforts the Park Service will propose the following actions:

- Coordinate with the state and towns to develop joint pond management plans for undeveloped lands, ponds, and beaches.
- Explore the transfer of day-to-day operational responsibilities for some ponds so that a single manager can be defined for each pond to achieve efficiencies in national seashore and town operations; however, maintain a collaborative, overall management approach.”

The CCNS needs to be reassured that the Town is sensitive to the needs of the resource and to the demands of the user public and is actively working on achieving a balance between the two. Without active oversight of fragile areas, the town could lose the use of those areas to overuse.

Commonwealth of Massachusetts/ACEC

Gull Pond and the Sluice lie within the *Area of Critical Environmental Concern* (ACEC) created by the Commonwealth on May 18, 1989 by the Secretary of Environmental Affairs under 301 CMR 12.00.

GUPACA

The Gull Pond Area Conservation Association is a private, non-profit group that has been in existence for over twenty years.

“Mission Statement

GUPACA is an association of home owners from the areas around Gull, Higgins, Williams, and Herring Ponds with a common interest in protecting the water quality of the ponds and their watersheds.”

They advocate for improved water quality in the Gull Pond area and partly due to their efforts, many homeowners have switched from cesspools to Title V or to AI septic systems. They recommend low phosphorus detergents to their memberships and have funded water quality studies of the water. Each year, at the annual meeting speakers bring new information to the members from the CCNS and from the Town. They also sponsor the Hank Altman Young Scholars Fund that makes grants to the Wellfleet school system to help defray costs for teachers to implement student projects that teach responsible pond use.

It is the responsibility of the Town of Wellfleet to care for and manage responsibly the fragile areas within our town and I feel strongly that the recommendations contained within this plan will provide a template for that management.

Recommendations

Delineation of Parking Area at Gull Pond

1. Block off those areas where vehicles should not park using railroad ties, telephone poles or some other materials to prevent cars from parking on top of the vegetation.
2. Once areas are blocked off, revegetate with matting and native plants to prevent further depredation.

Public Bathhouse

1. Rehabilitate the bathhouse, including Recreation storage area.
 - a. New fixtures
 - b. Improved lighting
 - c. New partitions

OR

2. Replace public rest rooms with portable toilets and rehab existing building for staff bathrooms and Recreation storage.

Launch Ramp

Recommendations:

1. Obtain an Order of Conditions through the Conscom and the DEP to allow for filling in the holes and grading the surface area of the launch ramp.
2. Install split rail fencing on the north side of the launch area and provide signage that delineates the launch area and warns little families not to set up camp where boats need to go in and out.

Canoe Racks, Water Moorings, Boat Rental Lease

Recommendations:

1. Do not renew lease for boat rental business.
2. Create up to 20 moorings for sunfish and small boats with permission of Harbormaster and charge accordingly.
3. Build additional canoe racks and give people who have been on the waiting list for up to four years an opportunity to rent a rack.
4. Make Gull Pond a pay beach along with White Crest and Cahoon Hollow.

Sluiceway/Higgins Pond

Recommendation:

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References

Town of Wellfleet

Beach Rules and Regulations
Regulations with Regard to the Sluice Way
Draft Harbor Management Plan, 1995

Commonwealth of Massachusetts

301 CMR 12.00 et seq./ACEC

Cape Cod National Seashore

General Management Plan, 1998
Kettle Pond Data Atlas, April 2001