TOWN OF SANDWICH

THE OLDEST TOWN ON CAPE COD

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BOARD OF SELECTMEN

TOWN MANAGER

BOARD OF SELECTMEN AGENDA

TOWN NECK BEACH RECONSTRUCTION PROJECT & RESIDENT OUTREACH

July 16, 2015 – 6:00 P.M.
Sandwich Town Hall – 130 Main Street

1. Open Meeting & Pledge of Allegiance

2. Town Manager Overview & Introductions

3. Army Corps of Engineers Presentation

4. Questions & Answers

5. Adjournment

NEXT MEETING: Thursday, July 23, 2015, 7:00 P.M., Town Hall

BOARD OF SELECTMEN PUBLIC ANNOUNCEMENT
TOWN NECK BEACH EASEMENTS

July 9, 2015

The Board of Selectmen and Town staff have been working diligently for more than 15 years attempting to address erosion problems on public beaches in Sandwich, particularly on Town Neck Beach. In 2006 and 2007, the Town submitted formal requests for the U.S. Army Corps of Engineers to conduct studies to determine what role the federal government has played in contributing to this erosion through the construction and expansion of the Cape Cod Canal jetties and how the Army Corps could assist the Town until a more permanent effort was approved. We are pleased to report that within the last few weeks Sandwich has succeeded in realizing one of these goals by receiving federal approval of a report investigating the beneficial reuse of dredged material authorized under Section 204 of the Water Resources Development Act, commonly referred to as the Section 204 Project. We are now on the cusp of having a substantial amount of sand deposited on Town Neck Beach when the Cape Cod Canal is dredged later this fall and winter.

The beneficial reuse of compatible material from the Canal dredging will help protect numerous properties that are at imminent risk of destruction in light of the amount of erosion that has occurred over the last decade due to major storms, effects of rising seas and climate change, and negative impact of the Canal jetties preventing the natural movement of sand to this area. The inherent risk of living on the water has been exacerbated by these recent storms and it is clear that Sandwich is at a make-or-break moment for the short term Section 204 Project and for future long term erosion prevention efforts. Currently, there are several homes in imminent danger of being lost to the ongoing erosion. If the Section 204 Project moves forward expeditiously, a planted dune between the affected homes and Town Neck Beach more than eighty feet in width will be created, thus providing substantial protection to the affected homes.

It is a requirement of the federal government that in order to expend public funds on these efforts, permanent easements are needed from affected landowners to conduct the work and, because federal funds are being expended for this project, the permanent easements must allow for public access. The Army Corp of Engineers has informed the Town that this requirement and the language used in the easements are not subject to change or negotiation. Permanent easements must be granted by homeowners for the work to take place. Town Meeting granted the Selectmen the authority to accept these easements in May 2015. By securing permanent easements, future Section 204 and potential long term Section 111 improvement work can take place. Without these permanent easements, no work can occur.

The same is true for the expenditure of Town funds on private property. State law prohibits the expenditure of public funds on private property without an appropriate public purpose and authority. In light of the significant amount of additional Town funds

that will have to be expended on the Section 204 Project, a greater public purpose must also be identified for the work, namely permanent easements for construction and public access purposes. It is important to note that by securing these permanent easements, the Town and federal government are not obtaining any fee interest in the private land, just access on the impacted areas, the vast majority of which will be constructed as protected dunes leading to a public beach on Town land. The dunes and beach areas that are being constructed will occur in areas that have already been completely eroded or contain minimal upland. If anything, this project will add value and protection to the private homes that does not exist today.

The Board of Selectmen unanimously believes that completion of the Section 204 Project is critical and in the best interest of the Town, as well as the greater public good. It is our obligation to uphold these interests. We are fully committed and prepared to consider all options that are necessary to make this and future projects happen. We urge the impacted private property and association owners to voluntarily grant the required permanent easements to the Town. The Town and the Army Corp of Engineers will be holding another educational outreach meeting with these owners to explain the easement requirements and the planned construction on Thursday, July 16, 2015 at 6:00 p.m. at Sandwich Town Hall.

The affected homeowners have to understand, however, that unless permanent easements allowing for public access are secured before July 31, 2015 from 100% of the owners, in all probability the Army Corp of Engineers will cancel the Section 204 Project and the sand dredged from the Canal will be deposited in Cape Cod Bay. We have worked too hard, for too long, and spent too much public money for this effort not to move forward at this critical juncture.

Thank you.