



## Will Nauset Spit Issues Ever Be Resolved?

Well, it appears not very soon! While the initial issues relating to full access and use of Nauset Spit began more than eight years ago, in reality these issues have grown larger and more complex, and their

resolutions seem farther away than ever before. Broadly speaking, present contested cases can be separated into three categories: environmental, regulatory, and ownership, with five ongoing lawsuits or legal appeals.

### President's Letter

Welcome to the official start of our second century! After celebrating the 100th Anniversary of Nauset Heights in 2015, the new year offers an opportunity to participate again in our wonderful events. Our traditional Lawn Party will be hosted on July 23 by Allison and Nicolas Denis at their property overlooking the Mill Pond at 32 Doane Road. Please see the NHA schedule for all other summer events.

Following our new format for Member Meetings, we will again have only one guest speaker - at our July Meeting on July 9. Cynthia Wigren, founder of the Atlantic White Shark Conservancy, will bring us up-to-date on the burgeoning shark population along Nauset Beach. We will learn about the Conservancy's efforts to tag and monitor these dangerous predators, in conjunction with new efforts by the Town, the Seashore, and the Commonwealth of Massachusetts to provide for the public's safety.

Our Annual Member Meeting will be held on August 20, where we will report on the Association's affairs and finances, and elect a new slate of Officers and Directors for the next two years. I hope you will be able to attend this important meeting.

Finally, the status of Nauset Spit continues to be in a state of flux, both due to regulatory issues and increasing erosion. Access will be as limited as it was last year. Please see the adjoining article.

- Jim Tyng, NHA President

Environmental: A lawsuit was filed several years ago by Nauset Heights residents challenging the jurisdiction of the Orleans 1991 Order of Conditions regarding ORV travel between Aspinet Road and Callanan's Pass. The MA Department of Environmental Protection (DEP) first ruled in favor of the residents, but then issued a superseding order in favor of the Town. The case was then appealed by the residents. In the meantime, ORV travel on and off Nauset Spit is limited to Callanan's Pass. The DEP has required Orleans to undertake a review under the Massachusetts Environmental Protection Act (MEPA). The required material has been submitted to the DEP, and the Town is waiting for a new decision.



Environmental: Orleans first appealed a "cease and desist order" which was issued by the Eastham Conservation Commission in August, 2014 challenging the 1991 Order of Conditions to manage Nauset Spit within the borders of Eastham. Orleans won this appeal and received a superseding order from the DEP. Eastham then appealed the new order, requesting an adjudicatory hearing with the DEP, and the superseding order was stayed. The DEP will act on this hearing only after the legal action for the following case is resolved.

Regulatory: A lawsuit was filed by Orleans in MA Superior Court against the Eastham Wetlands Bylaw, again defending the 1991 Order of Conditions to manage Nauset Spit, including ORV travel all the way to the point. Though action on this lawsuit was intended to wait until a resolution was reached on the case above, when Eastham appealed that case and the DEP decided to delay further action, Orleans decided to pursue this lawsuit in a court trial in early December, 2015. A final court decision is pending.

Regulatory: Orleans filed a lawsuit in MA Land Court challenging the current Orleans/Eastham town line, which was established in 1797 on a bearing of 112 degrees East/Southeast from Stony Island to the ocean. The importance of this lawsuit is two-fold: (a) redefining the town line along the channel center (*cont. on page 4*)

## Calendar of Events

Spring Fling Clean-up  
May 7, 2016

Board Meeting  
June 11, 2016

Fun Run  
July 4, 2016

July Member Meeting  
July 9, 2016

Golf Outing  
July 14, 2016

Lawn Party  
July 23, 2016

Sand Sculpture Contest  
July 30, 2016

Tennis Tournament  
August 6-7, 2016

Beach Bonfire  
August 13, 2016

Annual Member Meeting  
August 20, 2016

Board Meeting  
September 10, 2016

Fall Spruce-up  
October 15, 2016



## 2015 Events

We had a great year filled with fun, friends and community. We look forward to seeing you at this year's events.



## Member Corner

For over 60 years, the mission of the Nauset Heights Association has been to foster a sense of community and cooperation among homeowners to protect and preserve this special place.

We now have 189 member families at the time of publication. If you know of any neighbors who are not members, we encourage you to have them contact any of the Board of Directors or download the membership form from the NHA website at [nausetheights.org/nha/membership](http://nausetheights.org/nha/membership).

Please join us in welcoming our newest families:

Lisa Ernst Biggin  
86 Nauset Heights Road

Neil & Denise Conroy  
25C Doane Road (Pilgrim Lane)

Frank & Terri Libby  
22 Nauset Heights Road



## In Remembrance

The following Nauset Heights residents or former residents have passed away since last spring. We send our sympathy to their families. They will be dearly missed.

Cal Ernst  
7/7/2015

Bruce Ayer  
1/23/2016

## NHA Committee Chairs

Board of Selectmen Liaison	Jim Tyng, Sandy Davidson
Bonfire	Carl Trevison
Community Outreach & NHA History	Barbara Wigren
Directory & Membership	Kathy Pattison
Environmental	Bill Dunham
Fisherman & Harbor Master Liaison	Carl Trevison
Golf Outing	Fred Turner
Government Affairs	Sandy Davidson, Charlie Carlson
IT & Web Management	Dave Strickler, Kathy Pattison
Lawn Party	Dave Strickler
Legal & Town Affairs	Jeff Larsen
Natural Resources Liaison	Jim Tyng
Neighborhood Associations Liaison	Jim Tyng, King Nelson, Fred Turner
Newsletter	Kathy Pattison
Police Liaison & Traffic	Carl Trevison
Sand Sculpture Contest	Patti Carmody, Nancy Munson
Stairs & Maintenance	Carl Trevison
Tennis Tournament	Jim Tyng

## Board of Directors



Charlie Carlson  
Director '18



Kathy Pattison  
Corresponding Secy



Sandy Davidson  
1st Vice President



Peter Previdi  
Director '16



Anne Deming  
Director '16



Dave Strickler  
2nd Vice President



Meredith Farmer  
Director '17



Carl Trevison  
Past President



Tim Hunt  
Director '18



Fred Turner  
Treasurer



Jeff Larsen  
Clerk



Jim Tyng  
President



King Nelson  
Recording Secy



Kent Zelle  
Director '17

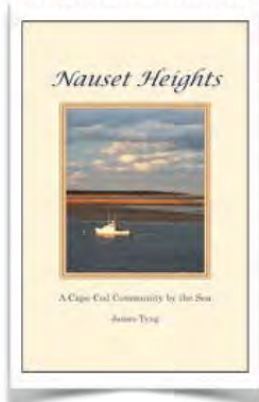
# Will Nauset Spit Issues Ever Be Resolved?

(continued from page 1) of Nauset Harbor would remove Eastham from all other Nauset Spit issues, and (b) trying this case in Land Court prevents involvement of the Cape Cod National Seashore. Both Orleans and Eastham are working toward an agreement of the historical facts, and a summary judgment in this case.

**Ownership:** A lawsuit was filed last year against Orleans in MA Superior Court by the Hannah Family. John Hannah purchased approximately 90 acres of North Point in 1926 south of the current Orleans town line. His descendants now claim that "some" of this beach or marsh was never destroyed by erosion, and wasn't subject to accretion of the Spit northward. They are claiming damages for a share of ORV permit fees for passage over their property since 2000. The case is pending.

In summary, some of these cases may be decided in 2016, but don't expect to drive your ORV to North Point any time soon. The Town remains subject to the "cease and desist order", and is at risk of a fine of \$25,000/day for each time an ORV drives on Eastham's beach. And even if Orleans prevails in the Land Court to redefine the town line, the Cape Cod National Seashore is waiting in the wings to litigate its own environmental and ownership issues.

## A Cape Cod Community by the Sea Book



The NHA has published and sold more than 425 copies of the history book, *Nauset Heights: A Cape Cod Community by the Sea*. We have a few books left for those members and their extended families who still wish to own a copy.

Contact Jim Tyng ([jimtyng@gmail.com](mailto:jimtyng@gmail.com)) if you wish to purchase the book. The price is \$25.00 each.

## Nauset Heights Aerial Photo Poster

With the assistance of Bill Dunham, the Cape Cod Commission produced an aerial photograph of Nauset Heights to commemorate our Centennial Year. The photo is a high resolution color image of the Heights taken in late 2014. The NHA has made this photo available to all members in two standard poster sizes - 12 x 18 inches for \$20.00, and 24 x 36 inches for \$25.00. Framing is not included.

Contact Jim Tyng ([jimtyng@gmail.com](mailto:jimtyng@gmail.com)) if you wish to order copies of this extraordinary photograph.



## Local Services

### Orleans Council on Aging

Day center, lunch, daily activities,  
Meals on Wheels, fuel cost help  
508-255-6333

### Nauset Neighbors

One call can arrange a variety of  
services  
508-514-7067

### Orleans Police Department Reassurance Program

Daily health check call from police  
508-255-0117

### Elder Abuse Hotline

If you need protection from a family  
member or others  
1-800-922-2275

See the NHA Directory for a  
comprehensive list of local providers.



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Facebook



Join Nextdoor  
Nauset Heights



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