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**Town of Cape Elizabeth
2013 Greenbelt Plan**



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Executive Summary

The Cape Elizabeth Greenbelt is a collection of open spaces with legal public access rights, most of which include multi-use trails. The Cape Elizabeth Conservation Commission is tasked with “preparation of the Greenbelt Plan for Town Council consideration” in the Board and Commission Ordinance (Appendix A, Chapter 4 of the Code of Ordinances). The Town of Cape Elizabeth has a long history of greenbelt planning, with the first Greenbelt Plan dating back to 1977, followed by a second plan adopted in 1988. The current plan was adopted in 2001. The Comprehensive Plan adopted by the Town Council in 2007 recommends that master plans be updated every 7 years, so the current plan is due for an update.

The Conservation Commission is further responsible for “stewardship” of town open space and for “identifying, evaluating, and recommending additions” to town open space. These responsibilities dovetail nicely in the preparation of the Greenbelt Plan.

This plan continues the earliest goals of the town greenbelt and fully articulates goals for fulfilling the potential for a town-wide greenbelt. The plan focuses open space preservation on land that (1) maintains the town’s rural character, (2) protects wildlife habitat, and (3) adds to the trail system. This plan identifies ten goals to guide greenbelt growth.

As has every past greenbelt plan, the plan also includes a Potential Trails Map (Appendix B) that shows future trails in “conceptual” locations. From 2001 to 2013, greenbelt trails have grown from 13.5 miles to 24.5 miles, an increase of 11 miles of trails. The amount of town conserved open space has also expanded from 682 acres in 1995 to over 1100 acres in 2013. None of this growth has been the result of taking private property. This plan anticipates growth of the greenbelt, but only with respect for private property rights and the willing participation of private property owners.

The Conservation Commission is pleased to submit this plan with the intent to continue the decades long history of the greenbelt which is integral to the community character of Cape Elizabeth.

Why prepare a Greenbelt Plan

- Recognition of Open Space as a priority. Open space is consistently highly valued by Cape Elizabeth residents.¹ A greenbelt plan highlights the importance of open space preservation, expansion of public greenbelt trails and stewardship of the existing greenbelt.
- Town - wide perspective. Greenbelt plans provide an opportunity to review existing trails and potential new trails from a town-wide perspective. The “bird’s eye” perspective is especially valuable when the goal is to establish a network of trails connecting all neighborhoods, as is the goal in Cape Elizabeth (See Greenbelt Vision).
- Expansions and opportunities. Greenbelt plans are useful in maximizing opportunities to expand the greenbelt. The greenbelt plan has been used to evaluate the value of potential open space acquisitions. For example, the current Greenbelt Plan was influential in the Town Council’s decision to contribute \$350,000 to the recent purchase of Robinson Woods II, a 70+ acre open space connecting the Stonegate/Robinson Woods trail system to the Town Center.
- Funding and donations. Greenbelt plans have been used to inspire donations of land and to acquire grant funding for land purchases. The greenbelt is frequently referenced when the Planning Board is reviewing new development proposals that include open space donations and new greenbelt connections. In particular, open space in new development has been designed to create connections to existing open space and greenbelt trails. Examples of development where open space connections have been made include Cross Hill, Spurwink Woods and the Great Pond Condominiums.
- Priority setting. When a greenbelt trail network has been laid out, greenbelt plans establish priorities for trail expansions. This is important when allotting limited resources, including volunteer labor and funding to purchase materials.

Public Participation

The Conservation Commission has prepared this plan at their regular meetings, where the public is welcome to attend and to make public comments. All meeting agendas and most meeting materials have been posted on the town website in advance of the meeting. The Conservation Commission worked on the Greenbelt Plan at 14 meetings, including two public forums and a special meeting with the Cape Farm Alliance and with the Riverside Cemetery Trustees.

¹ 1993 Comprehensive Plan Public Opinion Survey, 2007 Comprehensive Plan Public Opinion Survey, 2012 Future Open Space Preservation Committee Public Opinion Survey.

Over 200 emails and letters have been received and are available for public review in the town office. Three petitions have been submitted, and over 60 residents have spoken at regular meetings. Almost all the public comment has focused on opposition or support of a specific potential trail link. A few comments have been made on the general greenbelt concept and those comments have been positive.



The Conservation Commission also held two public forums. The May 30, 2013 public forum focused on the northern section of town and the June 11, 2013 forum focused on the southern section of town. Over 160 residents attended these forums. The meeting notes from the forums are included as Appendices C and D.

2001 Greenbelt Plan to present

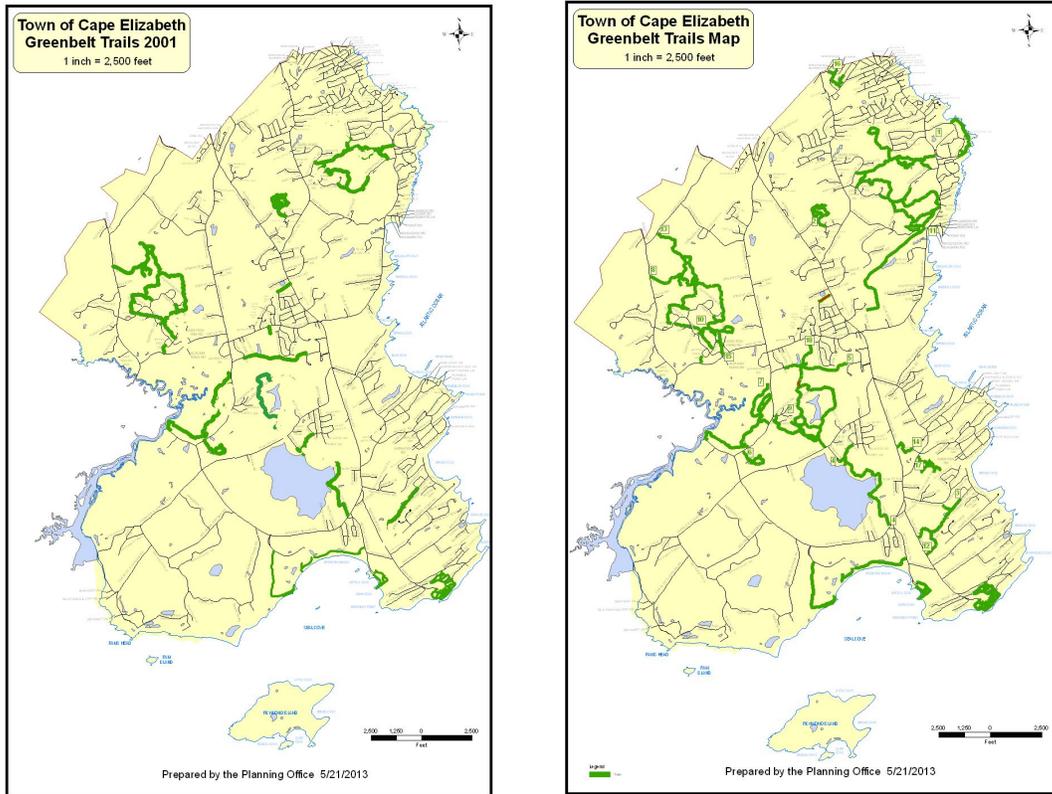
The current Greenbelt Plan was adopted by the Cape Elizabeth Town Council in 2001. It was prepared by the Cape Elizabeth Conservation Commission and included a greenbelt vision statement, goals, potential trails map and identification of five priority potential trails. The plan received the 2002 Maine Association of Planners Plan of the Year Award.

The 2001 plan includes twenty-four potential trail links shown in conceptual locations and also recommends conservation of two land parcels. From 2001 to 2013, nine of the potential trail links have been completed, including four of the top five priorities. Some of the highlights include construction of the Spurwink River pedestrian bridge (connecting the north and south Cape Elizabeth greenbelt systems), the consolidation of the Great Pond trails, and the conservation of Robinson Woods II. Both of the land parcels recommended for conservation in the 2001 plan were agricultural fields and one of the parcels, the Jordan family field on Wells Rd, has been conserved with an agricultural easement purchased by the Cape Elizabeth Land Trust.

In 1995, the Town of Cape Elizabeth had conserved 682 acres of open space. In 2013, the number of conserved acres is over 1,100 acres. During the same time period, over \$1,000,000 in grant funding has been obtained with support from inclusion in the 2001 Greenbelt Plan. From 2001 to 2013, the miles of public

greenbelt trails has increased from 13.5 miles to 24.5 miles, an increase of 11 miles of trails. In addition, trail conditions have improved with better vegetation management, signage, installation and/or replacement of boardwalks and bridges, and public access to a greater variety of landscapes.

Greenbelt Trails in 2001 and 2013



Case Studies: A Tale of Three Trails

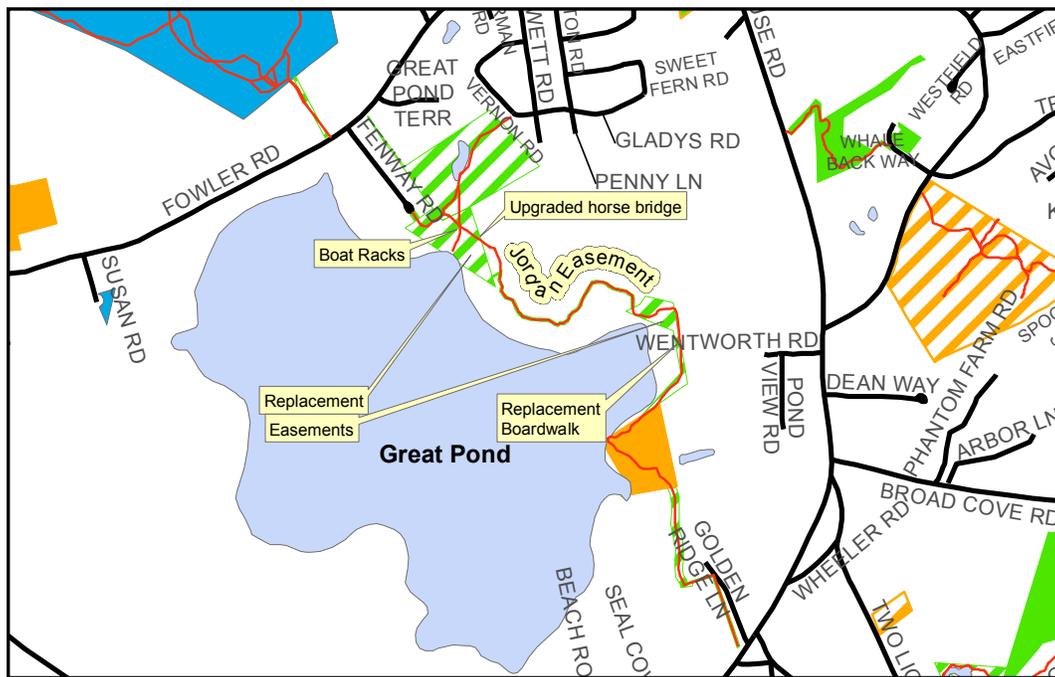
While a summary of town-wide greenbelt system growth is useful, examples of how individual trails were developed illustrate how the greenbelt plan is implemented. Below is a summary of three trails that evolved under the 2001 Greenbelt Plan.

Great Pond

Great Pond is the largest fresh water body in Cape Elizabeth, and consequently a desirable location for public access. The public has used informal access to the pond for decades, but legal public access remained fragmented in 2001. Completing and improving public access to Great Pond was one of the top five priorities in the 2001 Greenbelt Plan.

When the Conservation Commission was offered one-time capital improvement funding for the greenbelt, it consulted the Greenbelt Plan for guidance on

priorities. After years of limited improvements, the Great Pond boardwalk was a constant maintenance challenge and dangerous for trail users. The commission decided to dedicate the bulk of funding to replacing the boardwalk. Prior to committing this one-time funding, however, the commission approached abutting property owners about obtaining pedestrian easements on dry land and obviating the need for the boardwalk. The abutting property owners declined and a new, replacement boardwalk was installed in the existing easement area.



Complementing the investment in the boardwalk, the Conservation Commission redoubled its efforts to obtain a pedestrian easement to complete legal public access from the boardwalk to Fenway Rd. They approached the Jodie Jordan family, and working in partnership with the Cape Elizabeth Land Trust, purchased a pedestrian easement to replace the existing “casual trail” located on the farm property. The pedestrian easement purchase included relocating part of the existing trail, in cooperation with the land owner.

The Conservation Commission also led an effort to replace the existing public access easements the town held over land owned by the Sprague Corporation. The existing deeds were vague and both parties benefitted from new easement deeds clearing stating rights of each party. The Town paid for a formal boundary survey of the jointly agreed to easement areas.

In addition, the Sprague Corporation raised environmental concerns about the casual storage of boats at Great Pond. The Conservation Commission and the Sprague Corporation collaborated on an agreement to allow boat storage for 30 boats, on boat racks to be built and managed by the Town of Cape Elizabeth. The

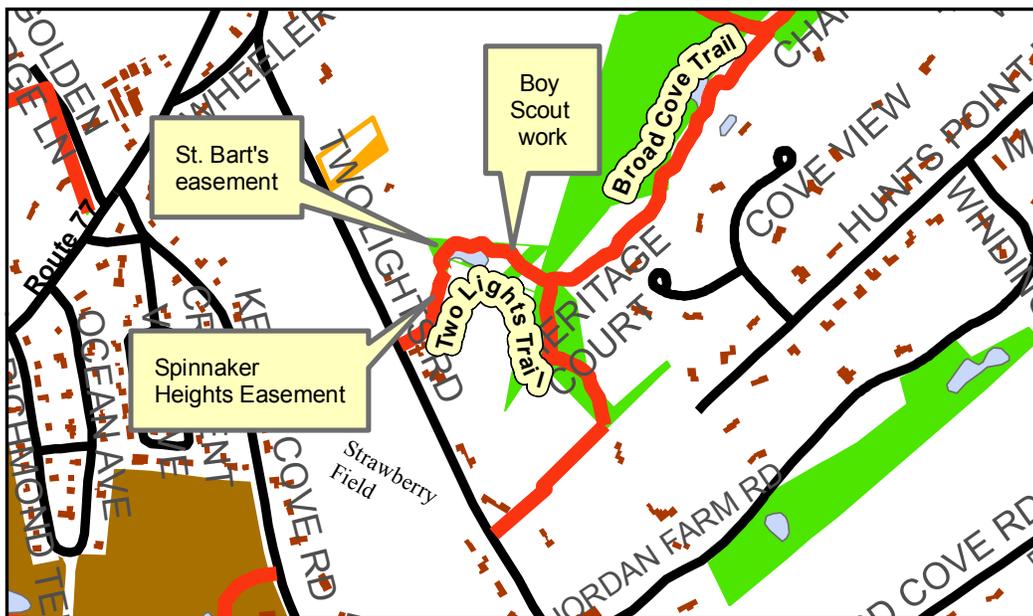
boat racks were located within the town easement area on the land owned by the Sprague Corporation. The replacement easement and boat storage rules were adopted by the Cape Elizabeth Town Council and the Sprague Corporation Board of Directors. The following winter, Conservation Commission members funded, designed and built the boat racks.

The Boat Rack Storage program is currently in its third year. With 81 applications for 30 slots assigned by lottery, it is very popular. The vegetation along the path to the pond is recovering and the occasional boat not stored on the racks is removed by the town.

Most recently, the Conservation Commission has collaborated with the horse back riding community to upgrade one of the bridges at Great Pond to make it suitable for horses to cross.

Two Lights Trail

The Two Lights Trail extends from Two Lights Rd (in the area across from the strawberry field) east to the Broad Cove trails. The 1980's Spinnaker Heights Subdivision included a 15' wide pedestrian easement extending from Two Lights Rd and dead-ending at land occupied by St. Bartholomew's Church, the back corner of which includes a picturesque pond. The Roman Catholic Diocese granted the town a five year easement around the pond, connecting the Spinnaker Heights easement to the Broad Cove Trail.



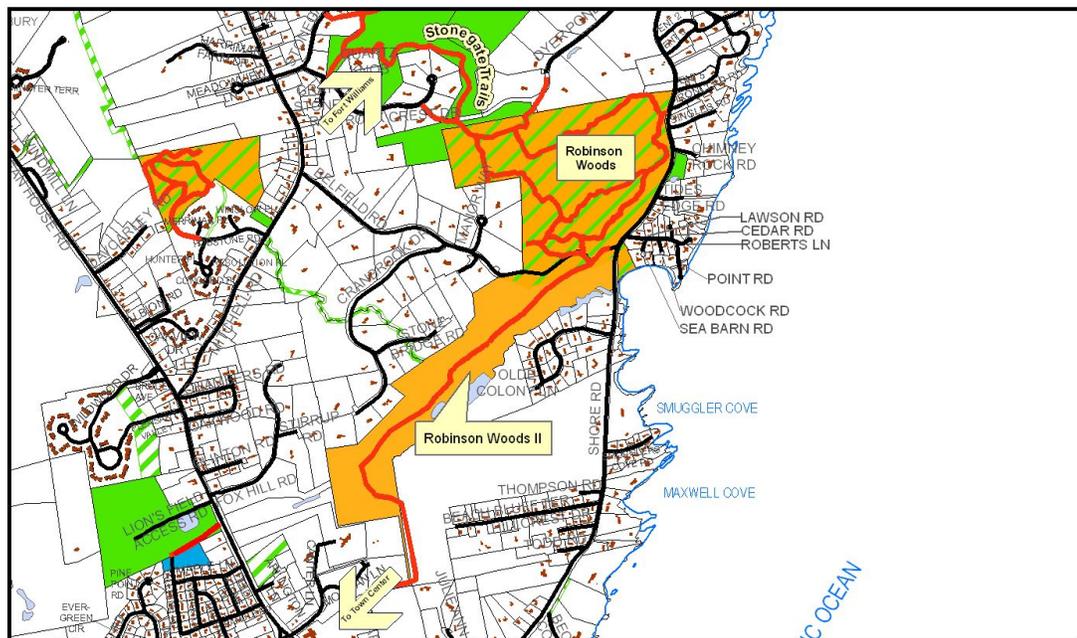
When the 2001 Greenbelt Plan was adopted, the St. Bart's easement was one of the top five priorities because it would expire if a trail was not constructed within five years. An abutter, who operates a preschool in her home, objected to the trail connection. Objections made at the time included:

- Complete loss of privacy
- Parents concerned with safety of school
- People already use another trail nearby
- No way to create a buffer
- Question the sincerity of the Conservation Commission to minimize the impact of the trails on homeowners

The trail was installed after Town Council approval. In 2013, the trail boardwalk was reconstructed in a partnership with the Boy Scouts. The comment from the preschool was "We are so lucky to have them [trails] right behind our school to enjoy every day."

Robinson Woods II

In 2001, the land now known as Robinson Woods II was privately owned by the Robinson Family. The family permitted public access over the trails on the property. These trails were shown on the 2001 Greenbelt Plan Potential Trails Map and identified as one of the top five priorities.



In 2011, the Cape Elizabeth Land Trust (CELT) negotiated an agreement with the Robinson Family to purchase land that included many of the trails. CELT began a fund raising campaign, including grant applications and a request to the Town

of Cape Elizabeth to contribute to the land purchase. In 2012, the Cape Elizabeth Town Council agreed to contribute \$350,000 to the 1.1 million dollar purchase price in exchange for a public access easement over existing and proposed trails. The 2001 Greenbelt Plan was a key factor in the Town Council's decision to dedicate land acquisition funds to the Robinson Woods II purchase. The plan also showed how Robinson Woods II was a key piece in a Fort Williams to Town Center trail.

Evolution of Greenbelt Vision

The 1977 Greenbelt Plan vision was to create a greenbelt trail that extends from Fort Williams Park to Crescent Beach State Park. The 1988 plan identified the Fort Williams to Crescent Beach trail as the "primary goal." This plan also emphasized preservation of land from development and preservation of significant views.

The current greenbelt plan, adopted in 2001, broadened the greenbelt plan vision by advocating a "hub and spoke" town-wide trail network. Gull Crest would serve as the hub and trails would extend to all town neighborhoods. This vision incorporated the Fort Williams to Crescent Beach trail into a town-wide greenbelt trail network, but also recognized open space opportunities and needs in other areas of town. For example, Winnick Woods is not part of the Fort Williams to Crescent Beach trail, but is the northern end of a new trail network serving the northwest corner of town.

In 2012, the Town Council created the Future Open Space Preservation Committee (FOSP) in order to implement the Open Space and Recreation Chapter recommendations of the 2007 Comprehensive Plan. FOSP recommendations adopted by the Town Council included establishing an Open Space Evaluation and Preservation Program "to establish an ongoing, standardized effort for identifying, evaluating, and recommending additions to the Town's inventory of preserved open spaces. The program will be administered by the Conservation Commission with recommendations to the Town Council. (See Appendix A, Board and Commission Ordinance, Article V)

This Greenbelt Plan is based on the following:

Greenbelt Vision: Our vision is one in which the Town of Cape Elizabeth preserves open space, maintains the town's rural character, preserves wildlife habitat, and creates opportunities for residents to enjoy a town wide greenbelt trail system which connects open space. This plan is a guide to the realization of that vision.

Greenbelt trails can take many forms, although most are rustic paths and their associated structures that traverse properties where the town has public access rights. When this plan refers to a greenbelt trail, the following definition applies:

Greenbelt Trail: A nature path, sidewalk, boardwalk, bridge or other facility established on properties for which the town has public access rights. For the most part, trails are located in undeveloped areas, but may also be within neighborhoods, especially when creating a connection between the neighborhood and undeveloped areas. Trails are designed primarily for pedestrian and non-motorized vehicle use, although horses and snowmobiles are allowed on certain designated trails. Only trails for which there are legal public access rights are considered part of the Cape Elizabeth Greenbelt.

Greenbelt Plan Goals

Goals guide the decisions made to implement the greenbelt plan. The 2001 Greenbelt Plan includes goals that encompassed not just future expansion, but also maintenance of the existing greenbelt network. In 2012, the town adopted an Open Space and Greenbelt Maintenance Plan, and accompanying ordinance amendments, specifically addressing maintenance. For this reason, this greenbelt plan incorporates the Open Space and Greenbelt Maintenance Plan, the Winnick Woods Master Plan, and the Gull Crest Master Plan by reference.

I. Expansion/Connectivity of the Greenbelt

The main focus of this greenbelt plan is to fulfill the potential of the greenbelt for the next decade. Additions or improvements to greenbelt open space and trails will be guided by the following criteria:

1. Open space and community character. Cape Elizabeth residents highly value the preservation of open space in its natural state. This “preservation of rural character” echoes through most planning efforts and land use ordinances. Trails *and open space acquisitions* that maintain rural character, preserve wildlife habitat, encourages a diversity of plants and animals, and add land to contiguous, existing preserved open space is included in this category.
2. Opportunities. This category includes trails that can be installed in locations where the town already has legal public access rights. This could include paper streets, town owned land or easements, and donations of land through development review or by property owners. Grant availability or other factors might also create an opportunity for trail expansion.
3. Underserved neighborhoods. This category includes new trails or trail expansion in neighborhoods with little or no trail system within a comfortable walking distance. Some neighborhoods have “casual” neighborhood trails but no trail system with legal public access rights. In these cases, the intent is to formalize the casual trail network to permanently conserve those trails.

4. Connections. The category includes trails that add to an existing greenbelt trail, that connect to destination open spaces (such as Fort Williams Park, Winnick Woods, Great Pond), to important town destinations (such as the town center) and to other primarily “connector” trails (such as the Fowler Rd Connector). The core concept of the greenbelt trail network is to connect the town with trails that make it possible for pedestrians to stay off the roads. After 35 years, the town is still fulfilling the potential of the trail network to destination town open spaces and neighborhoods that did not exist in 1977.
5. Informal trails. Cape Elizabeth has a long tradition of informal trail use. Over the years, some of the traditional trails have been lost through new development, change of ownership of the land, loss of informal trail stewards, and other factors. Many of these trails are integral to the quality of life for those neighborhoods. Legal public access rights should be secured by working with willing property owners and adding these trails to the town greenbelt network.
6. Water body access. Cape Elizabeth resembles a peninsula with the Atlantic Ocean to the east and south and the Spurwink River and Spurwink Marsh to the west. Fresh water bodies include but are not limited to Great Pond, Little Pond, Alewife Brook, Trout Brook and Pollack Creek. Trails that provide public access to these and other water bodies make it possible for Cape Elizabeth residents to share the town’s unique proximity to water.
7. Long distance walks. Trails in this category are the longer reach trail links. Examples include the Fort Williams to Crescent Beach walk and the Winnick Woods to the Spurwink Marsh walk. While connections remain important, the opportunity to take an extended walk on a Cape Elizabeth greenbelt trail is also a goal.
8. Avoiding roads. Trails proposed as an alternative to walking on a major road comprise this category. An example is the recently completed Shore Road Path.
9. Regional Trails. Trails that connect to trail networks in other communities or other destination facilities in other communities would be included in this category. Examples might include a Trout Brook Trail that connects into the South Portland portion of the brook or the trail that connects to the boat launch/ observation deck on the Spurwink Marsh in Scarborough. The Conservation Commission periodically meets with the South Portland and Scarborough Conservation Commission to facilitate coordination. Both of these communities include portions of the Eastern Trail, and a trail connection from Cape Elizabeth could provide Cape Elizabeth residents with trail access to a statewide trail system.
10. Variety of users. Greenbelt trails are generally intended to be multi-use trails. In the last decade of greenbelt development, however, the Town

Council authorized the construction of the Nordic trail on Gull Crest, designed specific to the needs of Nordic skiing. The Conservation Commission has partnered with special groups, such as the New England Mountain Biking Association (NEMBA) and the horseback riding enthusiasts, to improve trails for the special needs of these groups. Trails designed to accommodate “other-abled” or senior trail users are additional examples of possible special needs trails. Trails that can be customized to meet the special needs of specific groups, especially when the trail can remain a multi-use trail, are a goal of the greenbelt system.

II. Maintenance and Construction

Maintenance is crucial to preserving the greenbelt and providing users a positive experience. Nature trails are susceptible to tree limbs blocking the trail, vegetation growth obscuring the trail, and boardwalks and bridges aging as they are exposed to the elements. Cape Elizabeth has struggled to maintain trails with volunteer labor.

Maintenance of the Greenbelt Trails has significantly improved with the help of a seasonal Department of Public Works employee adding to the volunteer efforts. The Open Space and Greenbelt Management Plan and related ordinance amendments adopted by the Town Council in 2013 embody the primary maintenance policies. The following are intended to supplement the Management plan.

1. Department of Public Works. The town should continue the seasonal Department of Public Works Trail maintenance. The Conservation Commission should continue to develop objectives and provide direction on priorities for maintenance.
2. Partnerships. The greenbelt trail network is a multi-user system. Some users find that the rustic trail design does not meet their needs. The Conservation Commission has partnered with special user groups to make improvements to trails to accommodate special trails users and still allow for pedestrian access. Examples include improvements to Winnick Woods and Dyer Woods by the NEMBA and reinforcement of a bridge at Great Pond by the horseback riding enthusiasts. Several trail improvements have also been constructed by Eagle Scout candidates. The town should partner with others, such as NEMBA, the Bicycle Coalition of Maine, Boy and Girl Scouts, Cape Elizabeth Land Trust (CELT), and other volunteers to maintain greenbelt trails.
3. Durability/low maintenance. Trail design or improvements should incorporate long term durability of surface, especially in wetland areas. This may include rerouting trails to drier locations when possible and selecting more expensive, but ultimately more durable, materials and designs that require less maintenance and replacement.

4. Access for All. Within the limits dictated by terrain, town resources, volunteer capacity, and the goal of preserving the natural character of trails, trail design and improvements should include trail accessibility for other-abled trail users.

III. Public Education

The public's knowledge of the Greenbelt Trail network is growing with residents. Since the 2001 Greenbelt Plan, the town has issued an updated trails map. More significantly, the Greenbelt Trail presence on the town website has expanded. In addition to a town wide greenbelt trails map, there are also individual maps of each trail using aerial photography. Further, an expansion of the town website to include geographic information system (GIS) maps will include greenbelt trail maps and deeds of town-owned open space.

The Town Council has referred to the Conservation Commission a specific recommendation regarding public information as follows:

The town council requests the conservation commission to prepare and implement a public education effort to increase public knowledge of the amount of publicly owned accessible open space and the past and ongoing financial commitment made to acquire and maintain open space. The commission should include in its public education effort opportunities for direct public involvement in open space planning, prioritization and maintenance.

Continuing efforts to inform the public about the Town Greenbelt should include:

1. Maps/website. The town should continue to provide maps and expand information on the town website about existing greenbelt trail system, including up-to-date trail map and other information.
2. Greenbelt support. The town should educate the public about the greenbelt trail concept and build a constituency to support open space, trails and funding.
3. Signage. Signage on greenbelt trails should be maintained, and expanded to include "you are here" maps in the more remote trail locations.
4. Partnerships. In addition to maintenance, partnerships with affiliated groups, neighborhood associations, scouting groups, stakeholders and others can improve public knowledge of greenbelt trails and understanding of the value of a greenbelt trail network. The town should also consider support for special initiatives such as the "walking school bus" and "nature literacy."

How the Greenbelt Plan is implemented

Once the Greenbelt Plan is adopted by the Town Council, the Conservation Commission uses it as a guidance document as it performs its stewardship responsibilities. Generally, the Conservation Commission seeks to stretch its modest funding by focusing on priorities and opportunities.

Where Public Rights Exist

Again, driven by modest funding, the Conservation Commission tends to focus on areas where the public already has access rights. Where rights already exist, the commission will often field locate a low-impact, low cost rustic trail that avoids wetlands as much as possible and provides a natural experience for the user, as much as practical. Where public right boundaries are not clear, the Conservation Commission will often have property boundaries confirmed by a standard boundary survey.

When neighbors are concerned, the commission works to mitigate impact on abutters. Trails have been located to balance the desire for public access with abutter concerns. Mitigation techniques have included sensitive alignment of a trail, plantings, and strategically placed signage.

Opportunities/voluntary expansions

The Greenbelt Plan Vision and Goals anticipate that more open space and trails will be added to the Greenbelt. On occasion, property owners will approach the town with an offer to donate or sell their property for conservation. In these instances, the Conservation Commission uses the Greenbelt Plan evaluate how the property adds to the Greenbelt. The Conservation Commission then makes a recommendation to the Town Council for consideration.

Sometimes, the town initiates contact with a property owner regarding public access rights. If the property owner is not interested in donating or selling public access rights, no further action by the town is taken. The Conservation Commission only works with willing property owners. **No eminent domain action has ever been used by the town to obtain land for open space.** The Great Pond Trails are an example of the town respecting the rights of property owners adjacent to the boardwalk and working with a property owner to purchase a pedestrian easement.

Potential Trails Map

The Potential Trails map is a planning guide for future expansion of the Greenbelt Trail network (See Appendix B). Potential trails are shown in “conceptual” locations and intended to illustrate the intent but not necessarily the exact location of a future potential trail. The Potential Trails map should not be used as a walking trails map. The Town Greenbelt Map shows trails where the public has legal access and is available online at www.capeelizabeth.com and at no charge at Town Hall.

Private land should not be used without permission. Trail users should use trails where legal public access rights exist as shown on the Town Greenbelt Trail map. Some large land owners have maintained their land as open space, which contributes to the town's rural character. The decisions of these property owners can be supported by the public by respecting their private property rights.

Some potential trails are shown in conceptual locations on private property. It has been the town's practice and continues to be its intent to work with willing property owners to expand the greenbelt trail network. Because the potential trails are shown in conceptual locations, the town may approach many property owners in the area of a potential trail to inquire about their willingness to allow a trail connection. If a property owner is not interested in locating a trail on their property, the town will accept their decision and consider other locations.

In addition to the Potential Trails map, there may be other areas that merit further consideration in the future which are not shown on the map. The Conservation Commission will communicate with property owners and neighborhoods when considering installation of new trails.

Potential trail expansions are shown as trail links and assigned a number. A description of each trail link and how it relates to the Greenbelt Plan goals appears in the chart below. Goals reference the Expansion/Connection of the Greenbelt goals on page 12.

Trail link	Location	Goals	Physical features
1	Extending from the end of Baker Rd onto a paper street south to connect to the Cape Woods trail system, then north to Woodland Rd and south to land owned by the town on Hemlock Hill Rd, then south on a town pedestrian easement to cross Oakhurst Rd and connect to the Loveitt Woods property. A northern leg of this trail extends from Cape Woods north across land owned by the Town and connects to Dyer Woods.	Opportunities, Underserved neighborhoods, Connections, Informal Trails, Long distance walks	Woodlands, wetlands south of Hemlock Hill Rd, will require boardwalk
2	Connecting with #1 south of Woodland Rd and then extending west along the southern side of the Woodland apartments to Mitchell Rd, then north and west again in the area of Shaw Farm Rd to connect to the Cottage Brook town owned open space, then north to town owned land adjacent to Trout Brook (Ferne Peddy lots)	Open space and community character, Opportunities, Underserved neighborhoods, Connections,	Mostly wetlands, including the southern end of the Sawyer Marsh.
3	Beginning on a paper street, Wedgewood Rd, currently used as a driveway for one lot, off Mitchell Rd heading west on the permanently protected open space owned by the Canterbury on the Cape and connecting to a town pedestrian easement that runs north/south from Cottage Brook to Hobstone.	Opportunities, Underserved neighborhoods, Informal trails, Variety of users	Wooded dry area
4	Path utilizing land donated as part of the Cottage Brook development beginning west of South Street extending south to town land donated as part of the McAuley Rd subdivision then west and south to connect to the Canterbury on the Cape pedestrian easement, also owned by the town.	Open space and community character, Opportunities, Underserved neighborhoods, Long distance walks	wooded dry area
5	This trail extends from Plaisted Park, although it could be located north of the town land, and extends west to connect to existing Loveitt Woods trails	Opportunities, Connections, Informal trails, Long distance walks	wooded, potentially seasonally wet
6	This link connects Route 77 via the Bothel property town easement to Hobstone and the Canterbury on the Cape pedestrian easement. Proposed trail may include private land where the property owner is willing to consider a trail.	Opportunities, Underserved neighborhoods, Connections, Informal trails, Long distance walks	Will include wetlands/board walk crossings,
7	This is a east/west connection from Spurwink Ave to the Cross Hill/Winnick Woods trail system	Underserved neighborhoods, Connections, Informal trails	Wooded

Trail link	Location	Goals	Physical features
8	This link is located primarily along the eastern edge of the Purpoodock Club Golf Course beginning across from link #6 and terminating on the Wildwood town open space easement. The intent is to provide a pedestrian option to walking along Route 77.	Opportunities, Underserved neighborhoods, Avoiding roads	Golf course, lightly wooded
9	This is a pending trail connecting the southern end of link#10 through the Wildwood Easement to Lions Field.	Open space and community character, Opportunities, Underserved neighborhoods, Connections, Avoiding roads	Wooded wetland
10	This is the last link of the Stonegate/Robinson Woods trail system, connecting to the town center	Underserved neighborhoods, Connections, Informal trails, Long distance walks	wooded
11	This represents existing private open space in the Brentwood neighborhood connecting to the trail located on a sewer easement and Lions Field.	Connections, Informal trails	suburban neighborhood
12	This is a new effort to guide public access over an existing easement south of the Elizabeth Farms neighborhood connecting to the northern end of the Spurwink Marsh	Open space and community character, Underserved neighborhood, Informal trails, Water body access	marshland, little upland
13	This would address a failed bridge across Pollack Brook and reestablish a pedestrian connection within Riverside Cemetery to the Spurwink River.	Open space and community character, Opportunities, Underserved neighborhoods, Connections, Informal trails, Water body access, Long distance walks, Regional trails	Trail could utilize existing cemetery roadway, creek crossing, wooded, wetland

Trail link	Location	Goals	Physical features
14	This link extends from Gull Crest south to Runaway Farms and then east toward Fowler Rd and Great Pond	Open space and community character, Underserved neighborhoods, Connections, Long distance walks	wetland area, near small pond on Runaway Farms and enhancing access to Great Pond, some existing trails adjacent to Gull Crest.
15	This link connects the Eastfield and Peabbles Cove neighborhoods to Shore Acres via a pedestrian easement along the vacated Katahdin Rd	Opportunities, Underserved neighborhoods	Suburban neighborhood, very steep slope, wooded, erosion control priority
16	This connection begins on town land located between Old Ocean House and Ocean Rds, touches town land north of Bayberry Lane and closely follows an existing private horse trail south toward Great Pond, connecting with the existing greenbelt trail system.	Open space and community character, Opportunities, Connections, Informal trails, Water body access, Long distance walks, Variety of users	woodland, farm fields, wetlands
17	This link begins across Route 77 from the Whaleback Trail and extends south to Great Pond, connecting to the existing trail.	Open space and community character, Opportunities, Connections, Informal trails, Water body access, Long distance walks	farmland, wetland
18	This link is intended to make Alewife Brook more publicly accessible. It begins at the westerly terminus of the Whaleback Trail and extends northeast along the Alewife Brook along the dry edge, where available, of the associated wetland across Old Ocean House Rd to the Atlantic Ocean.	Open space and community character, Underserved neighborhoods, Connections, Water body access, Long distance walks	lots of wetland, at least one brook crossing, farmland

Trail link	Location	Goals	Physical features
19	This is a small link between the Shore Acres and Broad Cove neighborhoods, which also provides access to a small rocky beach	Underserved neighborhoods, Informal trails, Long distance walks	locally maintained path
20	Small connection on existing drainage easement for Broad Cove neighborhood to access the beach.	Underserved neighborhoods, Informal trails, Water body access	between developed yards
21	This is a link from Turkey Hill farm to Broad Cove Rd	Underserved neighborhoods	wooded, near small pond
22	This is a link between Turkey Hill Farm and the Atlantic Ocean, via an existing gravel road, paper streets and private property.	Open space and community character, Opportunities, Underserved neighborhoods, Connections, Informal trails, Water body access, Long distance walks	existing gravel road, suburban neighborhood, wooded
23	Known as Surfside Ave, this is a paper street along the rocky coast and includes a private gravel road.	Opportunities, Underserved neighborhoods, Informal trails, Water body access, Long distance walks	rocky coastline

Appendix A
Chapter 4, Board And Commission Ordinance
Article V
(effective 4/11/2013)

Article V. Conservation Commission.

Sec. 4-5-1. Establishment. The Cape Elizabeth Conservation Commission, established by vote of the Town Council on April 26, 1971, shall be governed by and shall exercise and perform such rights, powers and duties as may be conferred or imposed under the provisions of the Maine Revised Statutes Annotated (including 30 M.R.S.A., Sec. 3851), and other duties further defined in Sec. 4-5-3 below. [Amended Eff. 7/10/2013].

Sec. 4-5-2. Membership. The commission shall be comprised of seven (7) members, residents of the town appointed by the Town Council, who shall serve without compensation for staggered three (3) year terms. Any vacancy shall be filled by appointment by the Town Council for the duration of the unexpired term. [Amended Eff. 4/11/1990].

Sec. 4-5-3. Duties and Responsibilities. [Amended Eff. 4/11/1990 and 7/10/2013]. The duties and responsibilities of the Conservation Commission shall be as follows:

- (a) Stewardship of Town open space as described in the Conservation Ordinance, Chapter 18, Article V, Open Space Management;
- (b) Advisory to the Planning Board in the review of open space set aside as part of Subdivision Review, Subdivision Ordinance, Chapter 16, and in the review of Resource Protection Permits, Zoning Ordinance, Chapter 19;
- (c) Administration of the Open Space Evaluation and Preservation Program;
- (d) Preparation of the Greenbelt Plan for Town Council consideration; and
- (e) Other duties as assigned by the Town Council.

Sec. 4-5-4. Open Space Evaluation and Preservation Program. The purpose of the open space evaluation and preservation program is to establish an ongoing, standardized effort for identifying, evaluating and recommending additions to the Town's inventory of preserved open spaces. The program shall be conducted by the Conservation Commission with updates at each stage to the Town Manager. [Amended Eff. 7/10/2013].

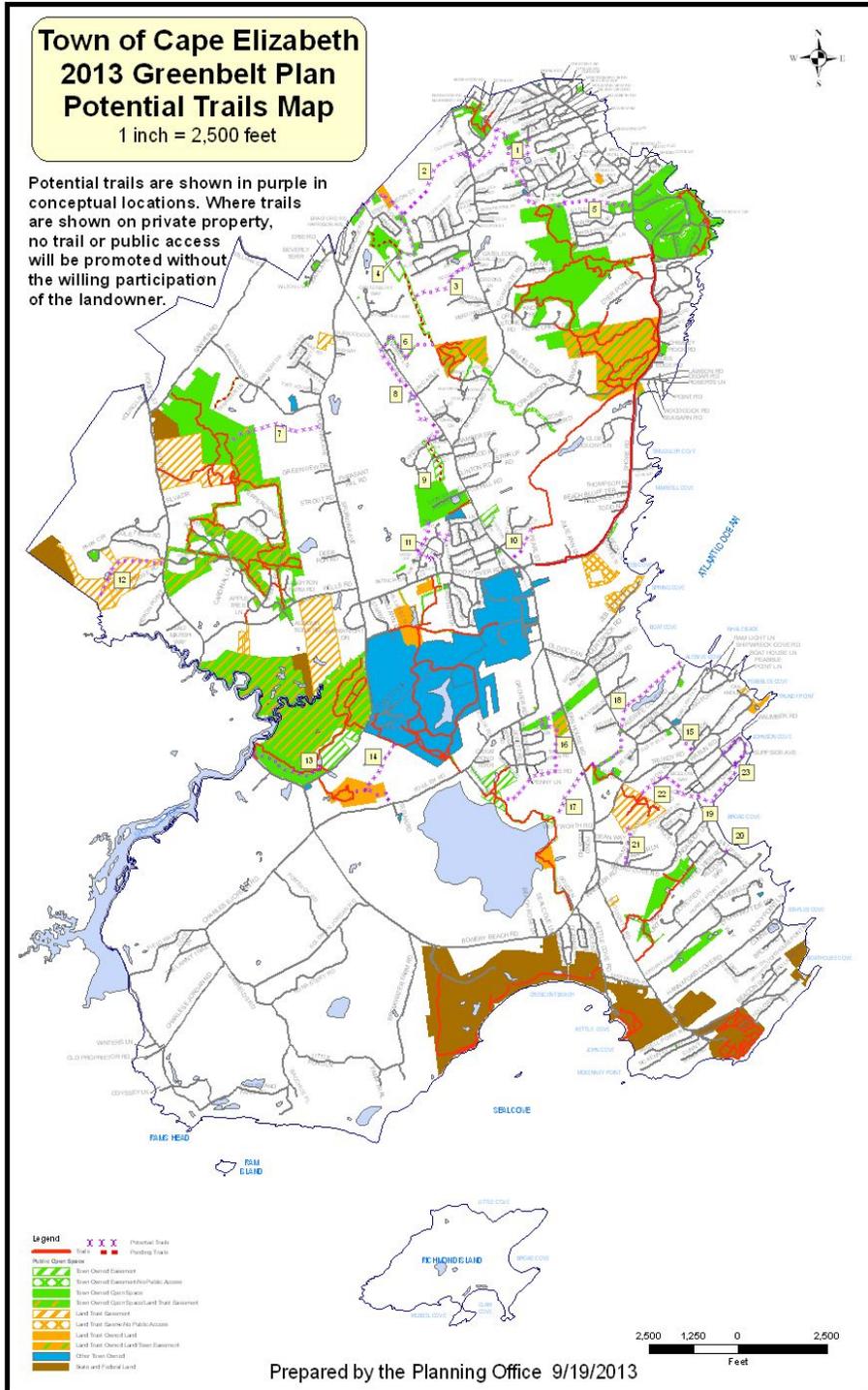
- (a) Identification and Evaluation. The Conservation Commission shall periodically, which shall be no less than annually, undertake a review of existing open space and consider areas or specific parcels that may be desirable additions to the Town open space system.

(b) Open Space Evaluation Criteria. The Commission shall focus on land that meets open space criteria adopted by the Town Council. The evaluation process shall include a public participation component that invites suggestions and input from all members of the public and stakeholders. If specific parcels held in private ownership are under consideration, the Conservation Commission shall endeavor to meet with the property owner prior to making a recommendation. In the absence of criteria adopted by the Town Council, the following criteria shall be used:

1. Agriculture - undeveloped lands used for agriculture.
2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified by the State of Maine such as the Beginning with Habitat information and field verified.
4. Other - significant scenic, cultural and/or unique properties identified by the Town Council.

(c) Recommendation. At the completion of its evaluation, the Conservation Commission shall forward its open space recommendations to the Town Council. Recommendations shall include a description of how the evaluation criteria has been met and any other factors.

Appendix B Potential Trails Map



Appendix C
CONSERVATION COMMISSION GREENBELT PLAN
PUBLIC FORUM

CAPE ELIZABETH TOWN HALL

MAY 30, 2013 7:00 p.m.

Garvan Donegan opened the meeting and gave a brief introduction. He said there would be a reasonable time allotted for remarks from the public. This forum will be concerned with the northerly part of the town. He also said the last Greenbelt Plan was done in 2001, so there is a need to update the plan. The first Greenbelt Plan was done in 1977, so the Cape has a long history of such plans.

In 2013 The Conservation Commission has been working on open space in Stonegate, and on wildlife habitat in Winnick Woods. They have also worked on the Highland trail in Broad Cove and put in boardwalks.

Mr. Donegan took this time to thank the many people who have helped the Commission in their work. Specifically, the Boy Scouts, Tim DiNinno and NEMBA for trail maintenance. He also thanked Kelly Strout and the horseback riders, Cape Farm Alliance and Penny Jordan, Mike Duddy and Jessica Sullivan. He gave a further thank you to Maureen O'Meara for all her work on the Greenbelt Plan.

Maureen O'Meara, Town Planner then gave an overview. She said the 2013 Greenbelt Trails Map is the one to use when looking for a trail to walk. She said there are casual trails that exist in various neighborhoods that people use, but are not official and have no deeded rights to use. The Trails Map shows trails that the public has rights to use. They are either owned by the Town or have deeded rights to their use. She urged people to use the legal trails and not to trespass on private property.

Ms. O'Meara said the 2001 greenbelt Plan is the one they are updating now. That plan had five trail priorities, and four of them have been accomplished. There has been a huge increase in the number and length of trails since 2001. They have added over 11 miles of trails, which is almost double what existed in 2001.

She then addressed the reasons to make a plan:

It gives a Town wide perspective,

Provides public input,

Guides limited resources,

Enhances grant applications,

Directs public to public trails / discourages trespassing.

The process for adopting the Plan is that the Conservation Commission proposes a draft and sends it to the Town Council. The Town Council considers adoption of the Plan.

Marti Blair then gave a summary of the goals and vision for the Plan. The Commission anticipates a 10 year lifespan of the Plan.

The number one goal of the plan is maintenance and construction of trails. She talked about the Commission and that they are a hands-on group. They have built boat racks, boardwalks and trails. They have worked with many volunteers on their projects. There is a Public Works person designated as a trail maintenance person.

The second goal is public education. To this end, they have published the maps online, and have GPS locators for the trails. There are signs along the trails as well. The Future Open Space Planning Committee has expanded responsibility for more information.

The third and most important goal is to expand connectivity. To make connections with other trails and keep people off the main roads.

She noted that the northern portion of Cape Elizabeth is underserved. There are casual trails there, but not many formal trails. They also want to have access to water bodies, such as the ocean, marshes, streams and ponds. It is a goal to serve a diversity of users of the trails, walkers bike riders, horseback riders, dog walkers etc. The Plan will provide opportunities for grants and estate donations. The goal is to avoid roads and provide regional connectivity for long distance trails. This Plan is a guidance document for us.

Mr. Donegan stressed that they want the public to offer feedback.

Mr. Planinsek then gave an overview of the map in the Oakhurst Area of Town, and specifically trails 1, 2, 4, and 5.

Mr. Matzkin reviewed the land north of Scott Dyer Road and trails 6, 7, 10, 11 and a casual use trail now number 12.

Mr. Wacksman reviewed trails 8a, 8b, 12 and the marsh view trail.

The Commission and the public then took a map break to look more closely at the maps and to solicit suggestions and priorities from the public in attendance.

The public comment period was then opened.

Richard Carlson of Eastman Road asked if property owners have been notified that they are a target, prior to the public forum. He thinks they are putting the cart before the horse by putting out these maps.

Ms. O'Meara replied that they only work with willing property owners. The maps show where they would like to have a trail, not necessarily where one will be built. The

potential trails are shown in conceptual locations, so, except for 1-2 trails, there are multiple options for where a trail would go and on which property.

Mr. Donegan noted that this is a planning tool, for where they want to go in the future.

Mr. Carlson said they should notify the property owners before the public forum.

Bob Barton of Woods Knoll Drive asked if they would take properties by eminent domain.

Ms. O'Meara said they have not, and do not plan to use eminent domain, and again stressed that they only work with willing property owners. The town has never used eminent domain for open space acquisition. She noted that she cannot tie the hands of future Town Councils.

John Greene, of the Sprague Corporation, asked if the landowner says no to allowing a trail, will it still show on the Greenbelt Map.

Mr. Donegan replied that it is not shown as a trail, and depending on the priority of the location, it may or may not still be shown on the map.

No one else came forward to speak.

Mr. Donegan thanked the audience for coming and urged them to continue to follow up. The meeting was closed at 8:20 p.m.

Respectfully submitted,

Hiroshi Dolliver

Appendix D
CONSERVATION COMMISSION GREENBELT PLAN
PUBLIC FORUM

CAPE ELIZABETH FIRE STATION

JUNE 11, 2013 7:00 p.m.

Garvan Donegan opened the meeting and gave a brief introduction. He said there would be a reasonable time allotted for remarks from the public. He asked that people keep their remarks to 1-2 minutes so that everyone would have a chance to speak. He also asked that people be courteous to their neighbors. He said the last Greenbelt Plan was done in 2001, so there is a need to update the plan. The first Greenbelt Plan was done in 1977, so the Cape has a long history of such plans.

In 2013 The Conservation Commission has been working on open space in Stonegate, and on wildlife habitat in Winnick Woods. They have also worked on the Highland trail in Broad Cove and put in boardwalks.

Mr. Donegan took this time to thank the many people who have helped the Commission in their work. Specifically, the Boy Scouts, Tim DiNinno and NEMBA for trail maintenance. He also thanked Kelly Strout and the horseback riders, Cape Farm Alliance and Penny Jordan, Mike Duddy and Jessica Sullivan. He gave a further thank you to Maureen O'Meara for all her work on the Greenbelt Plan, the Public Works Department, the Commission members and the members of the audience.

Maureen O'Meara, Town Planner then gave an overview. She said this 2013 Greenbelt Trails Map is the one to use when looking for a trail to walk. She said there are casual trails that exist in various neighborhoods that people use, but are not official and have no deeded rights to use. The Trails Map shows trails that the public has rights to use. They are either owned by the Town or have deeded rights to their use. She urged people to use the legal trails and not to trespass on private property.

Ms. O'Meara said the 2001 greenbelt Plan is the one they are updating now. She gave the facts and figures of how much area has been preserved since then and how the miles of trails have almost doubled. Furthermore the trails are much better maintained than they were previously.

She then addressed the reasons to make a plan:

It gives a Town wide perspective,

Provides public input,

Guides limited resources,

Enhances grant applications,

Directs public to public trails/ discourages trespassing.

Ms. O'Meara cited the surveys done in 2011 and at the time of the Comprehensive Plan that show the vast majority of residents consider open space and farmland preservation to be most important to them.

She also showed a case study of the trail on Two Lights Road, and how people objected before the trail was built and how opinion now is all positive.

The process for adopting the Plan is that the Conservation Commission proposes a draft and sends it to the Town Council. The Town Council considers adoption of the Plan.

Mr. Bauman gave a brief presentation of the vision, which is to establish a town wide network of Greenbelt trails located within easy walking distance of neighborhoods.

Ms. Blair said the Commission has as its goal, the stewardship of Town open spaces. The Commission anticipates a 10 year lifespan of the Plan.

The number one goal of the plan is maintenance and construction of trails. She talked about the Commission and that they are a hands-on group. They have built boat racks, boardwalks and trails. They have worked with many volunteers on their projects. There is a part time Public Works person designated as a trail maintenance person.

The second goal is public education. To this end they have published the maps online, and have GPS locators for the trails. There are signs along the trails as well. The Future Open Space Planning Committee has expanded responsibility for more information.

The third and most important goal is to expand connectivity. To make connections with other trails and keep people off the main roads.

They also want to have access to water bodies, such as the ocean, marshes, streams and ponds. They would like to preserve existing casual trails that are important to neighborhoods. It is a goal to serve a diversity of users of the trails, walkers bike riders, horseback riders, dog walkers etc. The Plan will provide opportunities for grants and estate donations. The goal is to avoid roads and provide regional connectivity for long distance trails. This Plan is a guidance document for us.

Mr. Matzkin gave a brief talk about proposed trails #15, 16 and 18.

Ms. O'Meara wanted the audience to know that these are proposed trails, and they are not saying you can walk on any of them at this time. The only trails you can use are shown on the 2013 Greenbelt Map.

Mr. Planinsek reviewed proposed trails, #21, 22, 23, and 29.

Mr. Wacksman covered proposed trails # 20, 24, 25, 26, and 27.

Mr. Donegan then tried to introduce a map break so the audience could review the proposed trails on the map and prioritize their preferences.

Ms. Lennon then spoke up and said there is no purpose to doing this. It is even harmful to be doing this. There is no opportunity to object to a specific trail.

Mr. Donegan noted that they have reduced the number of proposed trails since they started this process.

A member of the audience asked how to get a trail off the map.

Since everyone wanted to speak, and many objections were made to the map exercise, it was decided to allow public comment to come at this point and the map exercise would come afterwards. A space was made available to vote no to a proposed trail.

Debra Casey of Shore Acres said that since there is so much controversy about a trail it should be cause to drop it.

Imad Khalidi of Pilot Point Road was concerned that there was no provision to vote no. This is a democracy and we are asked to vote yes or yes, but no way to vote no. Even if you have now changed the process, you have still wasted an hour of life.

Bruce Dunphey of 25 Algonquin Road said that a 1970 plan gives deeded rights to Surfside Avenue. They have never refused anyone the use of the street. He said they have lost their privacy, and people do not respect their rights. How much rights is enough?

Gail Parker who sort of lives on Surfside Road had two issues. The first is questioning what gain will we get from the division that this has caused. The second is about the process of choosing trails. Asking if you want a trail across someone else's land is like asking your kids to take their sibling's toys for themselves.

Bill Kourakas of 15 Two Lights Terrace said the expansion of greenbelt trails into neighborhoods is different from the past trails. He lives in the lighthouse keeper's house and tries to be cooperative when people come to his property and ask questions and want to see the house. He has never turned down such requests. He feels that proposed trail #29 will change the nature of the neighborhood. It will become a heavily used tourist trail through the neighborhood.

Ken Lane of 5 Beacon Lane said trail #29 should be at the bottom of the list. This area is already served, and there is already access to and views of the water. The terrain is very steep in that area.

Kelly McDonald of Lighthouse Point Road said she has daily experience with tourists in her neighborhood. She has young children and they are frightened by people coming into their yard to take pictures, which happens frequently. She said global vision statements are dangerous. And she is not in favor of 100% connectivity.

Sue Guerette of 2 Katahdin Road thanked the Commission for their efforts. She has walked the Shore Road path and thinks it is great. She likes the idea that all will get to use Trundy Point. She never thought it would happen, but it has. She is grateful for all of these areas.

Leah Hobson of 20 Charles Road said she wants people to think of other residents who don't get to see your view every day. We pay taxes too and you should keep your neighbors in mind. We pay to live here and she would like it to be open to everyone.

Rich Geyer of Algonquin Road thinks trail # 26 is in an unsafe area. Of the existing trails none have jagged rocks. He questions having such a trail open to bikes, or horses.

Julie Wooden of 33 Pilot Point Road had a petition which she claimed had 80 names who want trail #26 withdrawn from consideration. It has upset a peaceful neighborhood.

Patty Roderick of 213 Two Lights Road said it is life threatening to walk the cliffs. She wants #29 withdrawn because it is not safe.

Steve Sutton of 10 Pilot point Road said there is a lot of not in my back yard mentality tonight. We are all neighbors and like walking around different neighborhoods. He is all for sharing the view.

Devon Evans of 1 Beacon Lane said this area is a tourist area and will be very heavily used if it is built.

Sara Lennon of 54 Cranbrook Drive encouraged the Commission to focus on paths that will be easy to get. There will be litigation if they choose to pursue (#26). They should do a cost/benefit analysis. Also, on the question of the effect on property taxes, if you take a portion of the oceanfront, would that reduce peoples' property taxes?

Lee Wilson of 82 Two Lights Road thinks we have the cart before the horse. We need to get permission first. She thinks there is also a need to see who would have liability if someone falls off the cliff. She wants to see more respect and not be greedy.

Tilly Kelly of 96 Breakwater Farm Road said the Commission continues to put trails (on the Sprague Farm) when they have been requested to take them off the map. She does not want the Commission to jeopardize further cooperation from

landowners. The Sprague Corporation has done many things to benefit the public, reading a list that concluded with the Boat Racks at Great Pond.

Jim Fisher of 9 High Bluff Road said trail #26 is not a trail through the woods. It is along the top of a cliff. It is dangerous, it is in the Shoreland Zone, and would therefore require DEP approval. There are many improvements existing in the area. He held up a plan of the area that he had prepared.

Paul McDonald of 4 Lighthouse Point Road said there is a difference in conservation and expansion of trails. He supports all who oppose trail #29. He wants the commission to remove it from the map. If people vote for it tonight, it will be a foot in the door to approve it.

Sheila Mayberry of 30 Trundy Point wants to know the difference between private property rights and incipient dedication re Surfside Rd.

Kara Leopold of 41 Cross Hill Road and 20 Pilot Point Road said she can address the legal issues. She is an attorney. She said the public rights have lapsed, and she wants trail #26 removed from the map.

George Foley of 9 Pilot Point Road moved into the neighborhood in 1964. Mrs. McMullen was the first one on Pilot Point Road. He said the paper street is owned and deeded to them. 101 homes have rights to the street. Mr. Baker intended that everyone have access to the ocean.

Carman Rinaldi of 4 Atlantic Place said the cost of the trail would be \$700, with most of that being in the first 75 ft. They would need to apply to the DEP. It would cost over \$25,000 before the trail would even be developed. He loves the trails and open spaces, and thinks we have enough of them. He wants to remove trail #26 from consideration.

Jeff Monroe of 11 Katahdin Road is in favor of trail #26. He has been involved in some waterfront planning. He feels it enhances quality of life and the quality of the neighborhood.

Deborah Murphy of 24 Pilot Point Road is in favor of trail #26. The founders of Shore Acres wanted to make sure that Surfside Avenue is available to all for shore access. She wants this to be an inclusive community.

Marshall Goldman of 27 Pilot Point Road is concerned that they were not contacted about this proposal. This is an expansion of trails over private property. He feels it would be difficult to build and he questions the legal rights of the city to do so. He said the community of Shore Acres is not for it.

Anne Ingalls of 9 Waumbek Road said #26 is a safety issue. It will be expensive to maintain. There is no connectivity. It would be the road to nowhere. It is not an underserved area.

Richard Berman of 58 Hannaford Cover Road is in favor of paths, however when a property owner calls up and says don't put it up for consideration, he thinks it should go off the map.

John Greene of the Cape Farm Alliance said he has gone to 6 Conservation Commission meetings and said they do not want a trail to be on the map. He said they are not being listened to.

Brian Livingston of 29 Pilot Point Road opposes #26. The Greenbelt is about community and neighborhood. They should permit appeals to the map. That is not community. The town is choosing sides and the Association has chosen sides. It is hostile. This is not community.

Jay Chatmas of 5 Wabun Road was on the Zoning Board of Appeals and said they had to decide cases on the basis of whether it was a necessity or a desire. He is against #26. There are almost 18 miles of walking trails, with 2.6 miles of waterfront trails. We have plenty of trails now. There is no need for more.

Frank Strout of 1184 Shore Road said that working with willing landowners is the way to go. He has worked with this group on the Great Pond trail and he encouraged people to attend the Conservation Commission meetings. He said they should not show trails on land where the owners have said they do not want them.

Betsy French of 14 Pilot Point Road has deeded rights to Surfside Avenue. She does not want to give up that right. She just likes to walk there and does not have to give it up, since it was given to all homeowners in Shore Acres.

Louise Davidson of 2 Wabun Road likes to walk if it's not too uneven. She has a bad back and is uncomfortable on the sand.

Deb Casey said she does not think people's rights will be taken away. She said it is not about that, it is about publicity of those rights.

Connie Pacillo of 3 Reef Road noted that we all have differing opinions. These are deeded rights we are talking about. It is important to protect these rights for all people. She wants us to think of others who don't have what we have. She wants people to keep an open mind and think of others who are not as fortunate to have ocean views in their neighborhoods.

Dick Lemieux of 10 Wabun Road said Surfside Avenue was needed for access. Pilot Point was usually two lots, and Surfside was needed to access the second lots. He is opposed to #26.

Gail Parker is confused about this paper street. Surfside is her only access to her home. This is not just a paper street. There used to be 6 families on that road. The road washes out sometimes.

At this point no one else spoke up and the meeting broke up with some people leaving, and some staying behind to do the map exercise.

Respectfully submitted,
Hiromi Dolliver

