

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