

TOWN OF CAPE ELIZABETH HARBORS COMMITTEE

Meeting Minutes
March 28, 2017

Present: Chair - James Casey (JC), Stephen Culver (SC), Susan Farady (SF), Caitlin Jordan (CJ), Katharine Ray (KR)

Absent: Susan Farady was absent at the beginning of the meeting, but joined soon after the minutes from the previous meeting were accepted.

Staff: Town Engineer Stephen Harding (SH), Town Manager Matt Sturgis (MS), Town Harbormaster Ian Anderson (IA)

Public: Ernie Tweedie (ET) Fisherman, Nate Perry (NP) Aquaculturalist, Dan Harriman (DH) Fisherman, Ilya Fleischman (IF), Chuck Redmond (CR)

Call to Order: James Casey called the meeting to order at 6:15 P.M. with a roll call in which all Committee Members were present with the exception of Susan Farady who arrived soon thereafter.

Meeting Minutes: The February 28, 2017 meeting minutes were approved as written (4 Yes, 0 No, 1 absent) with Caitlin Jordan noting the misspelling of her first name. After the vote, Susan Farady joined the meeting and later noted that some of her comments were attributed to "KF" instead of "SF". SH noted that these items would be corrected in the final version to be posted on the website.

Reports and Correspondence: JC read through the list of information that the Committee had been provided in their meeting packets which included:

1. Marine Resources Exhibit from 2007 Cape Elizabeth Comprehensive Plan;
2. February 23, 2017 email from Jim Huebener with Crescent Beach Information and Kettle Cove Photographic Attachments;
3. March 4, 2017 email from Susan Farady regarding available Maine Coastal Program Funding ;
4. September 1, 1988 Cape Elizabeth Harbor Advisory Committee Final Report;
5. Fall 2016 DMR Vessel Registrations;
6. Fall 2016 DMR Shellfish Licenses;
7. 2016 Town of Cape Elizabeth Mooring Report;

SH noted that he had also received a March 27, 2017 email from Citizen Ilya Fleishman regarding the Kettle Cove Road and associated embankment and proposed improvements to the revetment and the roadway. SH handed out copies of the email and the attachments which has been posted on the website. KR noted that she would prefer to have the information electronically before the meeting. SH responded that he

would in the future email correspondence received just before a meeting to the Committee Members and bring copies in case a committee member didn't open the email in time for the meeting.

Citizen Opportunity for Public Comment:

- IF of Kettle Cove Road reviewed the content of his March 27th email in summary for the Committee and noted that he has been involved in a neighborhood meeting, discussions with the State's Park Manager, and was in attendance tonight to learn more about the Harbors Committee. He hoped that they would be interested in the improvements to Kettle Cove Road and the revetment which would improve the harbor access and condition of the roadway. He was also interested in finding out who had changed the sign on the ramp to the harbor which members of the Committee later attributed to the State.
- CR introduced himself and said he was here tonight to listen and learn more about the Harbors Committee.
- ET stated that he was the liaison between the Cape Fisherman's Alliance and the Harbors Committee. The Alliance is working on recommendations for the upcoming Comprehensive Plan and would certainly be willing to share them with the Harbors Committee once they were prepared. JC suggested that perhaps this group could provide a presentation to the Harbors Committee once their recommendations were ready to publicize. ET also questioned the accuracy of the boat registration and license spreadsheet information that was in the packet. CJ added that she also questioned the data based on her personal knowledge of the licensure situation. SH stated that he had understood this information had come from the Maine Department of Marine Resources (DMR). The group discussed that the Town and State agencies were both involved in various registration and licensure steps and that sometimes the State agencies may not communicate accurate information from each other. SH responded that he has been in contact with the DMR and is waiting on further information. He will be sure to vet this information more carefully before sharing with the Committee.
- DH noted that there was a substantial catch of fish has historically been taken from Cape Elizabeth and that may not be under estimated in the statistics being gathered. Therefore, people may discount the importance of the Cape Elizabeth commercial fishing operations.

Open Discussion with Town Manager Matt Sturgis:

- MS introduced himself and thanked the Committee Members for their service. He reminded the committee to stay on task and discussed the need to address commercial uses versus other harbors uses of Cape Elizabeth's coastal community. He is anxious to be involved in discussions with state to find a solution to the Committee's charge to examine the Kettle Cove access issue, the harmonious use of the cove, and to work with neighbors to achieve these goals. He encouraged the Committee to use his services and, in particular, MS suggested using him to lead the conversations with the State.

- MS also discussed the various grant opportunities and the Town's past success in grants by promoting shovel ready projects that compete much better against concept plan level grant proposals that need to be furthered to be ready to be built. MS supported the Committee's preparation of the Comprehensive Plan chapter on harbors noting that the chapter in the last plan was recognized as being weak. Having the Committee working on it with their expertise and the input of a knowledgeable public was an ideal situation to create a much better product.
- JC asked about grants. MS said that the federal grant landscape is changing so these past annual grants may not continue to be funded in the future. The group discussed the process of developing a grant proposal scope, then needing to get the Council's formal approval before the grant request could be drafted and submitted. Unfortunately, with the late April deadlines of the current grants, the actual deadline to get on the Town Council agenda is one week away. The group reached the consensus that although the grants were ideal for the Town's coastal waters and harbors interests, there was simply not enough time left to properly prepare and submit a grant request to the Council.
- MS discussed that the Town Planner often prepared the Town's grant requests and has been quite successful in the past in receiving grants. He also noted that there are state grants as well as federal grants and there are other parties that the Town could either pay to prepare grants or ask to prepare a grant request for the Town. MS stated that he is president of Greater Portland Council of Governments (GPCOG) and that group may be willing to participate with the Town in preparing a grant package.

Open Discussion with Harbormaster Ian Anderson:

- IA introduced himself to the Committee and noted that he is also the Harbormaster of Scarborough and has spent a lot of his life on the water. He has looked at the meeting minutes from last month's meeting and noted that the Ordinance should have more and better definitions as the Committee had already noted. He also suggested that provisions regarding houseboat use needed to be added into the Ordinance.
- JC had looked at 1988 harbor report and updates. He asked IA what in his opinion has changed. IA noted that he hadn't looked at the 1988 report. IA related his experiences with the Scarborough and their more prevalent waterfront development and that not so many younger people are involved, but that Cape Elizabeth has young fisherman involved in the fishing industry who should be supported. Waterfront access and working with the State are two aspects that he feels are paramount to the success of a recreational ramp. Mixing the commercial and recreational uses is dangerous in many ways and separating the two components would be beneficial to both groups of users.
- The group discussed the previously shared DMR vessel report and licenses. CJ stated that skiffs are registered to the Town, whereas the State, through Inland Fish & Wildlife (IF&W) registers boats. MS stated that when he was the Assessor that the Town got boat registration information from the State so that there are other ways to quantify those numbers. IA noted that any boat with mechanical propulsion must be registered.

- In reference to the Mooring Report, SC asked IA what the blank areas on the mooring report meant. IA stated that it probably represents moorings that were held at one point. Likely, a person gave up mooring so that actual mooring is still there with no person attached to it. KR would like to see this report updated. It was determined that IA is now responsible keep the Mooring Report and can update it appropriately.
- IA was asked to explain the process to get a mooring. IA reviewed the process of updating the mooring list which the current list was done prior to his arrival. IA noted that there is no wait list in Cape Elizabeth which is unusual for other communities. The current mooring process is to fill out application and if the application is approved, the applicant pays the fee and then supplies the mooring and the associated tackle. All submerged land is leased to the Town by the State and then Town leases moorings. IA noted the need to have adequate moorings. Scarborough has more distinct regulations so maybe Cape Elizabeth should move that similar regulations added to the Ordinance.
- IA stated that currently the review period for a mooring is once every two years which IA would be open to checking every year. IA relayed that two to three moorings were not appropriate in Scarborough which caused damaged boats during storms. A process is in place for removing mooring and then impound the boat for six months for owner to come get it. IA doesn't see a problem with getting fees and items to avoid pulling moorings. In response to a question, it was noted that no dredging has been done in Cape Elizabeth as there have been no federal navigation projects. IA also stated that he can request the moving of a mooring if necessary.
- KR asked IA what changes IA would make regarding moorings to the Ordinance. IA responded by adding some definitions and add in more specific information on mooring regulations to make it current. CJ was curious as to what might change frequently concerning moorings. If the Ordinance is too specific, trends could change and make the Ordinance regulations detrimental. IA stated that types of mooring are defined, but given the ranges associated with the types of moorings, it shouldn't be a problem as they don't change that frequently.
- IA stated that moorings are defined in some areas such as Seal Cove and Maiden Cove, but not in all areas and there is flexibility. IA stated that permits are issued by various dimensions so that information could be added to the Mooring Report if it is not on this form already which may have been reduced from its original format.
- JC asked about the subletting of moorings section of the Ordinance that was discussed at the last meeting and was a bit confusing. IA said that the intent is that you can't make money off letting others use the mooring. Use of a mooring by another person is allowed with IA's permission which doesn't have to be written. IA noted that this measure is very difficult to enforce.
- SF stated that there appears to be 100 eligible moorings and that the update to the Comprehensive Plan should reflect those numbers accordingly. SF was surprised by the lack of waiting on the mooring list. IA responded that there is some more capacity, but not a lot space with a suitable bottom. He said that maybe due to waterfront access, the boat launch area is restricted.
- IA stated that there is no mooring grid and Cape Elizabeth may want to have one. It works well in some towns, but not so well in others. IA felt that there was no need for specific mooring locations.

- As a member of the public in attendance, ET stated that Cape Elizabeth generally is not a boat friendly area due to exposure to open areas which is not suitable for additional possible mooring locations.
- SC recalled the Committee received a letter on outhauls and asked IA as for his opinion. IA noted that outhauls fall under moorings in the Ordinance. They do take up space and can be difficult to see. IA felt that they should be registered through Town's mooring process.
- SC asked who changed the sign at the access ramp that allowed pleasure boats in the summer. IA said that the State changed the sign and the Town had nothing to do with it.
- SC asked if a moorings can be commercial and residential. IA said yes.
- As a member of the public in attendance, DH noted the blank spaces besides some of the mooring sites in the Mooring Report would be spaces that have coordinates of abandoned moorings that still have tackle in place. DH suggested that the mooring language in Ordinance may need to be revised to remove gear if you vacate a mooring.
- DH continued that inspections have followed the Portland standards. IA stated that he follows the Scarborough standards and thinks they are the same as the Portland standards. DH would support more rigid standard.
- DH stated that mooring inspectors are certified as long as they had insurance. People should be able to inspect their moorings themselves if they have insurance. IA said that they would need to fill out the same inspection forms if they have the credentials and insurance to inspect moorings.
- As a final comment, IA told the Committee that he belongs to a Harbormaster Association which has a 3 –day seminar with a day dedicated to grants. He has several contacts in the State, but all of these grants have a similar deadline.

Update on Maine State Coastal Program Community Planning:

- In addition to SF's email to the Committee on the grants that DMR has out, SH spoke to Ruta Dzenis at DMR. She said that the Coastal Community Grants are very supportive and that she believed that many of the things being done in Cape Elizabeth would qualify. She also noted that past studies have been done in Wells and Belfast. Ruta mentioned that there is a Maine Harbormaster Association that would be a great resource and that Jim Hayes, the retiring Harbormaster of Harpswell would be great resources. The grant program has been an annual program, but funding is federal with cuts coming up. She noted that Matt Nixon, who is returning to his position soon, would be a great resource. SF stated that she know Mr. Nixon and agreed that he would be an excellent source of information.
- SC asked MS if GPCOG can do a study on what grants are available. MS stated that can be done and cautioned the Committee to not define the project through the grants, but to get a grant for something that the Town would want to accomplish.
- JC suggested that as part of the Committee's Final Report, they could formalize the grant's process and identify future grant opportunities.

Items not on the agenda:

- SF noted that her student Madison Whatley, who was unable to attend the meeting tonight, is doing a paper on the specific needs and conflicts that go in to planning work to be done by communities to study harbor uses and how to establish future planning to accommodate the various harbor user groups. She suggested having Madison doing a presentation to the Committee on her paper which the Committee was receptive to have happen
- JC asked would the Committee be able to get copies of reports, such as the Brunswick report. CJ noted that SH should be able to get those reports.
- SH noted that in response to a suggestion from an earlier meeting, he spoke to Tommy Martin of Lucky Catches Cruises regarding the possibility of using his boat for a future water field trip by the Committee. The boat available has a 20 person capacity and is the same boat that ferries out to Cushing Island. Mr. Martin Docks at DiMillo's in Portland Harbor and typically charges \$400 for 1.5 hours. Mr. Marten is concerned about the length of the trip to Kettle Cove from Portland as it would be an hour each way so it would end up being a 2.5 to 3 hour trip which at 2.5 Hours would typically cost \$600. Mr. Martin is also concerned with depth of Kettle Cove and maneuvering in the harbor is difficult. A possible compromise would be to go to Two Lights from Portland which would take 2 hours or so. We discussed a May timeframe thinking that April would be too unpredictable. Mr. Martin is supportive of the Committee mission and would very much like to help.

Public Comment:

- CR spoke regarding parking restrictions along Kettle Cove Road, the level of speeding enforcement, and the issue of ramp violations. He has concerns and would like more consistent enforcement in park itself. CJ noted that the park is all State owned so the Town cannot do anything about the park.
- IF stated that the Town hired people in the past to enforce parking restrictions on the beach and the sign restrictions. The Town has stopped doing enforcements. State now enforces it, but better coordination with the State needed. Discussed right of ways from Town and asked does state have the right to change things unilaterally? CJ said that the State can do what they want legally. She stated that the commercial fisherman are concerned as there has been no written evidence found that the State has granted the local fishermen access across the State's land to water. CJ also said that the State clearly knows the ownership limits of Kettle Cove Road and that they believe the Town is responsible for the portion of the road needing repair.
- CR said that the "No Parking" restrictions are not been enforced by the Town. MS will follow up with the Chief of Police and discuss the increase the speeding enforcement.
- CR noted that the fines listed in Ordinance seem light.
- NP is curious as to the users looking into access into the State Park. Is there an inquiry for a plan on the book? Where things are at? JC wants to see fisherman's plan for this area. MS stated that the Committee should pull together all the information available on the subject to make an informed

recommendation to the Town Council. CJ asked where do things stand with the State and MS said that the Town received a recent letter, but no further actions. CJ said that the former Town Manager Michael McGovern's meeting with the State has moved the items forward. MS said he will pull together the information and follow up with Michael McGovern and Public Works Director Bob Malley. JC said that he would like the Fisherman's Alliance work with SH on a future presentation to the Committee.

Next Meeting: The next meeting will be held on Thursday, April 27, 2017 at 6:15 P.M.

The meeting was adjourned at 8:00 P.M.

Respectfully Submitted,
Stephen D. Harding, P.E.
Town Engineer