

**TOWN OF CAPE ELIZABETH  
HARBORS COMMITTEE**

Meeting Minutes  
April 27, 2017

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

**Staff:** Town Engineer Stephen Harding (SH), Town Harbormaster Ian Anderson (IA)

**Public:** Nate Perry (NP) Aquaculturalist, Madison Whatley (MW) UNE Student, Michelle Dufault (MD) UNE Student, Kaitlin Carr (KC) UNE Student

**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.

**Meeting Minutes:** The March 28, 2017 meeting minutes were approved as written (5 Yes, 0 No, 0 absent).

**Reports and Correspondence:** The Committee had been provided in their meeting packets information which included:

1. March 27, 2017 email from Ilya Fleishman regarding improvements to Kettle Cove Road area near Kettle Cove
2. April 10, 2017 Amended Harbors Committee Charge
3. 2013 Wells Harbor Management Plan
4. February 2017 Lincolnville Harbor Evaluation, Planning, and Feasibility Study - Draft Report
5. January 2014 Brunswick Harbor Management Plan

**Citizen Opportunity for Public Comment:**

- NP stated that he was the interim liaison between the Cape Fisherman's Alliance and the Harbors Committee and that a permanent liaison would be established at their next meeting.

**Presentation by UNE Student Madison Whatley**

- SF introduced UNE Student MW who provided the Committee with a presentation entitled "Maine Municipal Harbor Management: Case Studies in Adaptive Resource Management" which was based on her Senior Capstone Project. MW discussed information regarding decision making and setting objectives and goals. MW then reviewed a Brunswick, Maine Harbor Management Plan process as a case study and related how this process could relate to the Cape Elizabeth process. A copy of MW's presentation has been

added to the Harbor Committee's April 27<sup>th</sup> meeting packet folder on the Town's website.

- A general discussion ensued regarding MW's presentation with an immediate takeaway being the need to receive public input through a survey. The Committee decided to place the development of a survey on the next meeting agenda to get input before the summer season begins.
- The Committee also asked SH to get a contact from the Brunswick process for the Committee to consult on their process.
- A general discussion was held on the Committee's eventual report deliverable to the Town Council. SH noted that the Brunswick study used outside consultants at a significant cost. The Committee is intending to complete a much higher level report which may include a possible recommendation to seek grants to conduct a harbor plan.

### **Discussion with Harbormaster Ian Anderson**

- IA provided the Committee with excerpts of Scarborough's Ordinance which includes language on houseboats, minimum mooring requirements, and the removal of sunken vessels. The Committee asked IA to provide edits to the existing Ordinance section based on his recommendations.
- A general discussion ensued about the removal of sunken vessels in terms of enforcement and involvement by other regulatory agencies. SF noted that the U.S. Army Corps of Engineers would not be involved if it was not a federal waterway. IA noted that the Maine DEP does get involved if the boat was mechanically operated and fuels and other potentially hazardous materials are involved, but a non-mechanically propelled boat would likely not involve the DEP.
- JC asked about the presence of any non-registered mooring use in Cape Elizabeth and the need to GPS all moorings. IA said that he was confident that all of the moorings in Kettle Cove are registered, but that he did not know about other coves although he intends to investigate all the coves for moorings this coming summer.
- KR noted that it may be necessary to formalize the mooring process in the Ordinance and provide public education of mooring requirements.

### **Road/Harbor Access related to Kettle Cove and Kettle Cove Road**

- SH provided the Committee with an aerial view of Kettle Cove. He reviewed that he had meet with Public Works Director Bob Malley and that Bob was familiar with the operations there having been the Public Works Director for 31 years and also as a past commercial fisherman in the area. SH reviewed the operational aspects of the various areas around the cove and noted the demarcation between State and local property for road infrastructure and revetment protection.
- A general discussion ensued regarding various aspects of the Kettle Cove area and that there is no known published access rights guaranteeing commercial use of the State's property.

### **Scheduling of Meeting with State**

- As a continuation of the agenda item above, the Committee noted the need for an update from Town Manager Matt Sturgis (MS) regarding the status of discussions with the State. NP noted that he had asked MS through an email for the same information which MS responded by email that an initial conversation had begun and added letter attachments to his email.
- The Committee decided to ask MS to participate in the next meeting to discuss this topic as an agenda item.
- SC noted that it may be necessary to involve local legislators to assist the Town.
- CJ stated that it also may be necessary to go to Augusta in order to meet with the State in a timely manner.
- KR noted the importance of the issue and the need to get the Town Attorney involved if necessary to get a reaction from the State.

### **Scheduling of Land and Water Field Trips**

- The Committee discussed the need to see the various coves and mooring locations firsthand and to proceed with the land visit process immediately.
- A general discussion ensued that reviewed which coves might be visited and emphasized that the coves to be visited should have public access.
- The group decided to meet on Sunday, May 7<sup>th</sup> at 1:00 PM at Town Hall and then travel to the various coves from there. CJ and KR discussed that in order to be in compliance with FOAA that members could only discuss the harbor issues at the coves in the presence of the public and that no pertinent Harbors Committee related issues could be discussed in transit.

### **Items not on the agenda:**

- There was no discussion of items not on the agenda.

### **Public Comment:**

- There were no additional comments from the public

**Next Meeting:** A field visit to review coves with public access will be conducted on Sunday, May 7, 2017 at 1:00 PM starting at Town Hall. The next meeting after the May 7<sup>th</sup> meeting will be held on Thursday, May 11, 2017 at 6:15 P.M. in the Lower Conference Room at Town Hall.

**The meeting was adjourned at 8:15 P.M.**

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