

**TOWN OF CAPE ELIZABETH
HARBORS COMMITTEE**

Meeting Minutes
May 11, 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), Jim Huebener (JH), Ilya Fleischman (IF)

Call to Order: James Casey called the meeting to order at 6:22 P.M. with a roll call in which all Committee Members were present.

Meeting Minutes: The April 27, 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. Draft April 27, 2017 Meeting Minutes
2. April 27, 2017 email correspondence between Town Manager Matthew Sturgis and Cape Fishermen's Alliance Nate Perry regarding Kettle Cove
3. December 19, 2016 letter from former Town Manager Michael McGovern to Thomas Desjardins of the Bureau of Parks and Lands
4. January 9, 2017 response letter from Thomas Desjardins to Michael McGovern
5. May 8, 2017 Draft Survey Questionnaire as prepared by Steve Culver

Citizen Opportunity for Public Comment:

- No public comments were received at this point in the meeting.

Discussion with Town Manager Matt Sturgis regarding Kettle Cove interaction and future meeting with State of Maine representatives

- The Committee noted the need for an update from Town Manager Matt Sturgis (MS) regarding the status of discussions with the State. SH said that he had spoken to MS about attending the meeting tonight, but that MS had a conflict and could not attend. MS did want to relay to the Committee that this item is now in the forefront as the budget discussions now appear to be winding down.
- SH relayed that it was MS's intent to contact the State representative and set up a meeting with MS, SH as the Town Engineer, and Public Works Director Bob Malley to discuss the issues initially. The goal of the meeting would be to have the State representative(s) attend a meeting with the Harbors Committee

so that the entire group could discuss the Kettle Cove/Boat Cove/Crescent Beach issues with the public present.

- The Committee decided to have MS to participate in the next meeting to discuss this topic with an update as an agenda item.

Preparation of survey questionnaire to receive public input:

- The group then reviewed the draft of the survey questionnaire originally drafted by SC and then embellished upon by JC. The Committee reviewed each aspect of the survey and edits were made to the document as the group discussion ensued. A final draft version was created and will be sent to JC for any edits and then emailed to the Committee Members.
- The final version of the survey will then be placed on the website and noticed in the Courier and information on it will also be advertised/distributed at the Cape Elizabeth Family Fun Day which is scheduled for June 17th. The goal of the Committee was to receive input prior to the beginning of the summer season.
- The final version of the survey will be over 10 questions which apparently is beyond the free level of the Survey Monkey process. The Committee directed SH to investigate to determine if the Town already has an existing subscription or if a new one, paid through the Harbor Committee funds, would need to be established.

Land field trip summary discussion:

- The Committee then reviewed the May 7th field trip to the various water locations that the Committee visited. KR noted that there are several categories of public access with the Town owning access rights to some areas. The Cape Elizabeth Land Trust (CELT), the State of Maine, and the federal government owns others and KR felt that it was important for the Harbors Committee report to reflect that the Town can only control those access points that it owns or contains easement rights.
- SH noted that he had spoken with the Town Planner Maureen O'Meara and that she had provided SH with a copy of the May 2012 *Management of Greenbelt and Open Space Plan* which is also posted on the Town's website. It appears that there are relatively few Town controlled access points and that the two narrow easements that the Committee visited off Point Road near Pond Cove are likely privately held.
- KR and JC noted that the access points will need to be qualified in the final Harbors Committee report with possibly an Appendix section added to summarize the ownership entities and any restrictions that may exist.
- JC noted that he was concerned that there was no public access to places where the Town issues moorings, such as at Maiden Cove off Cottage Lane. A general discussion ensued that reviewed that the Harbormaster can issue moorings that can stipulate where it is proper to have a mooring. In doing so, the Harbormaster is not providing any assurances that a mooring holder will have public access to the mooring. CJ noted that while it may not be practical to access a mooring from another harbor, it is theoretically possible. CJ also pointed out that most moorings in Maine are located near and accessed from privately held adjoining land.

- JC asked the members of the public if they had any comments or questions. NP noted that the site walk of the Crescent Beach area seemed to break out in a couple different conversations and he wondered if a consensus regarding the access to Crescent Beach was reached. JC noted that SH had taken notes and that the draft minutes of the field visit meeting would reflect the discussion. These minutes will be discussed at the June meeting.

Water field trip plan/timing:

- There was a general discussion about scheduling a trip to review the various water access points from the water. After reviewing the limited benefits of such a field trip given that the access points were primarily visited on land by the Committee, there was a consensus that such a trip would not be useful. Rather, the Committee would prefer discussing the mooring locations with the Harbormaster Ian Anderson while reviewing these locations with a projected graphical map of these locations.

Items not on the agenda:

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

Public Comment:

- IF said that he wanted the Committee to know that he has asked the Kettle Cove Park Manager why there are no areas to keep kayak or paddleboard storage. He also asked him why he had taped over a sign at Kettle Cove and was then told that the State will be reviewing boating access at Kettle Cove and Crescent Beach.
- IF also suggested to add uses such as seaweed harvesting, high surf watching, and duck hunting to the survey's listed uses. He also recommended reminding people filling out the survey that they are welcome to attend future Harbors Committee meetings. Committee members supported that suggestion, but suggesting including such a note in the closing statement rather than in the introduction section.
- IF also suggested breaking down the launching item in the survey use question into car launching versus trailer launching.
- IF suggested adding in a question as to what kind of approved access would people use more often.
- IF also suggested adding into a question about whether people use other Town's access to the ocean/beach to make up for Cape Elizabeth's shortcomings.
- NP noted that the DOT has a traffic counter that might help establish how many people are visiting the Kettle Cove area.

Next Meeting: The next meeting will be held on Thursday, June 8, 2017 at 6:15 P.M. in the Lower Conference Room at Town Hall.

The meeting was adjourned at 7:46 P.M.

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