

**TOWN OF CAPE ELIZABETH
HARBORS COMMITTEE**

Meeting Minutes
July 13, 2017

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

Staff: Town Engineer Stephen Harding (SH), Town Manager Matthew Sturgis (MS).

State Representatives: Manager of Crescent Beach, Two Lights, and Kettle Cove State Parks Kurt Shoener (KS) and Assistant Regional Parks Manager Gary Best (GB).

Public: Nate Perry (NP), Jim Huebener (JH), Chuck Redmond (CR), Gary Cummings (GC), other attending non-speakers.

Call to Order: James Casey called the meeting to order at 6:20 p.m. with a roll call in which all Committee Members were present with the exception of CJ.

Meeting Minutes: The June 8, 2017 meeting minutes were approved as written with SF making one correction as to an incorrect speaker reference (4 Yes, 0 No, 1 absent).

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

1. Draft June 8, 2017 Meeting Minutes
2. June 2015 Cape Elizabeth Sea Level Rise Vulnerability Assessment

Citizen Opportunity for Public Comment:

- There was a general discussion of the public present being able to participate in the discussion of the meeting so no members of the public made comments at this point in the meeting.

Review of Cape Elizabeth Fisherman's Alliance Preliminary Recommendations materials for the Crescent Beach/Kettle Cove area:

- JC suggested that the Fisherman's Alliance provide their presentation of suggested changes to the Kettle Cove Beach/Boat Cove/Crescent Beach area prior to the Committee's discussion with the State Representatives and the Town Manager so that all parties would have that background information going into the discussion. The Committee agreed and the order was swapped for Agenda Items #5 and #6.
- NP provided a PowerPoint presentation at the meeting that was added to the website meeting materials the day after the meeting. NP pointed out an area to the north of the current Crescent Beach access area that historically had been used for access, but had since been blocked off and allowed to overgrow with

vegetation. The Fishermen's Alliance is advocating for the return use of this area for the Crescent Beach access. They are not promoting the use of this area for storage of equipment and/or boats as was done in the past, but rather for a narrow passage way to the beach for dropping off recreational users' boats, equipment, and gear from trailers and vehicles with no parking allowed here in this new access space. The narrow passage could be widened at the end closest to the beach for maneuverability and multiple users. The accessway from Kettle Cove Road to Crescent Beach could also be angled to the shore so that the visual impact is minimized. The current access location's ramp is relatively steep and requires maintenance by the Town for washouts and traversing onto the beach. To the west is compromised by a drainage way across the beach that is often too deep to cross.

- NP continued that the Alliance believes that if this recreational use access were to be improved, it would alleviate the stress on the commercial use of Boat Cove. They also believe that an improvement in signage at the commercial launch with no parking signs would help clarify the situation.
- KS discussed parking rates at the Crescent Beach State Park and that Kettle Cove has an "iron ranger" honor system for parking. He noted that the State has made basic improvements to the park over the past five years, but its use is getting busier and busier.
- NP stated that the commercial fishermen boat launch signage could be improved. The turnaround spot needs to be kept clear with no parking allowed so that the commercial fishermen can use the area and that emergency vehicle accessibility is always available. Ultimately, it is a safety issue with recreational users of the park mixed in with the commercial fleet trying to do their jobs.
- JH asked if kayakers could launch from Kettle Cove.
- KS stated that he believes that people don't read signs and that it requires personal intervention to get people to follow the rules. The State tries to do that and focuses on the commercial boat launch area of the park.
- NP and JH suggested that the current recreational boat launch area should be blocked off to restrict parking or access potentially with a guardrail. A general discussion then ensued amongst the group as to various means to restrict a boat launch, but to allow pedestrians with a path to the beach along a sidewalk connecting to the Kettle Cove Beach State Park parking lot. The general consensus was a need to keep the current Crescent Beach ramp launch open for pedestrians only and to re-open the historical launch area for recreational boat and marine equipment use.
- NP then ended the Alliance's presentation. JC asked that NP succinctly provide a bulleted list of the Alliance's recommendations for the Committee use in their assessment of this area.

Discussion with State of Maine representatives and Town Manager Matt Sturgis regarding Crescent Beach/Kettle Cove area items:

- The Committee and Town Manager Matt Sturgis (MS) then began a discussion of the Kettle Cove area with the State's Kurt Shoener (KS) and Gary Best (GB). KS manages Kettle Cove, Crescent Beach, and Two Lights State Parks which are close in proximity, but have very divergent needs and uses. GB is the Assistant Regional Parks Manager who works with KS and has been very involved at the Cape Elizabeth parks for a long time. KS noted that it is the

State's preference for people to park at Crescent Beach State Park which is one-quarter of a mile away from Kettle Cove if they want to access to Crescent Beach. In doing so, the access to the non-commercial users of Crescent Beach would be reduced and allow the commercial users more exclusive use of Boat Cove. In response, several members of the Committee felt that this goal was not practical due to several factors such as parking fees being more enforced at Crescent Beach and residents being more apt to conveniently use Kettle Cove Road to access Crescent Beach.

- GB stated that the State is very much behind the effort to move the recreational boat launch and that folks need to work with the State. He did emphasize, however, that the State has no funds in their budget to accomplish these improvements. The improvements would need to be engineered and properly permitted. The State would be very supportive of the improvements and would not stand in the way. He also agreed that pedestrian traffic could access Crescent Beach at the existing ramp area. He noted that the Kettle Cove area is always busy during the summer months and emphasized KS's point for the need for a human presence to enforce the rules.
- CJ joined the meeting at this point.
- GB continued to say that the boulders along Kettle Cove Road could be moved and again stated that the State did not have any money for additional items beyond its budget for the parks.
- Both SC and KR felt that the moving the Crescent Beach recreational users to a new access area and repurposing the existing access area to pedestrians only would provide a much safer situation.
- CR, as a neighbor to the park, stated that it is often chaotic along Kettle Cove Road, that the local police do not always prioritize this area for enforcement, and that the State is under staffed to provide constant control so at times the locals interject when they note someone is not following the rules which is not the proper way for the rules to be maintained. He would limit the existing ramp to Crescent Beach to pedestrian access and is frustrated that people currently take 20 minutes to offload gear where there is a "No Parking" sign. He has seen kayak rental companies and schools use the no parking area to not only unload gear, but to use it as a staging area to meet clients and organize the visiting groups.
- A general discussion ensued as to the need to limit the access points to specific uses, improve the signage and enforcement in the area along Kettle Cove Road, and restrict unloading of cars for long periods of time. CJ stated that it is legal for people to actively unload a car so long as they park temporarily. NP suggested that if the new recreational access was opened and it was an improvement over the poor ramp access that currently often exists that more kayakers and paddle boarders would use the better access.
- GC suggested a "No Parking, Stopping, or Standing" sign with enforcement could be used to make the situation better.
- MS stated that making the enforcement level harder on folks who are not following the rules may help people get the message. The Town Council would ultimately decide on the proper signage for the Town's portion of Kettle Cove Road. MS agrees with NP that an improved access for recreational users to unload gear would lead to more use of the beach and better control of those that do use the beach.

- KR suggested working with the Police Chief, bring the boulders closer to the road limiting space to park off the road surface, and getting people to behave with the appropriate signage would bring an improved situation after getting through the learning curve of the changes.
- SF emphasized that signage would go a long way to reducing the percentage of people misusing the facilities. She noted that this park area is incredibly valuable to the Town's citizens and its use won't diminish in the future. She recommended that the group explore means to make it easier for people to understand the rules and that signage would help, but will not totally solve the problem.
- NP promoted having clear signage that is explicit as to what is allowed and restricted with greater enforcement so it is obvious if you don't follow the rules then you will be ticketed.
- MS recalled his initial meeting with KS and GB and he was pleased that the meeting was a positive discussion although he also remembers being warned that the State doesn't have any budgeted funds available to offer to the changes that the Town may be interested in undertaking. Therefore, he has investigated several grant opportunities that could be used to assist in the funding. The MDOT has a Small Harbors Improvements Projects (SHIP) grants which include a 50% match up to \$250k in funding. These grants must improve access for an existing access and must have the grant request formally approved by the entity requesting the grant. There is also the Shore and Harbor Planning grants which provide up to \$30k with a local match. This grant has a submission March/April timeline, but much of what the grant would cover entails the scope of what the Committee and the State have been discussing this evening.
- GB noted that the historical boat launch still has a very good road bed and that its limits are very visible. It has just overgrown with vegetation over the years.
- MS noted that guardrail may be safer than rocks and that there may be a way to sue a past solution to better demarcate where pedestrians should enter the beach. He noted that everyone seems to be on board, we just need to find the right solution to the situation.
- SC asked what legal documents would be necessary to get the rights to construct on State property.
- MS responded that easements would be necessary between the State and the Town to construct and maintain any future improvements undertaken by the Town.
- GB stated that there needs to be a comprehensive agreement between the State and the Town that stipulates each party's responsibilities and understanding which would then be signed by the Commissioner of his department and the Town.
- SF noted that this needs to be properly documented and that moving forward agreements and interaction between the Town and the State should be clear and able to be easily understood in the future as people change positions and others come into situations where an understanding of previous agreements are critical.
- SC asked if there should also be an agreement regarding the rights of commercial fisherman being allowed access to Boat Cove.

- GB stated that the State would never restrict that right of access.
- JC asked if the State could provide a copy of the deed.
- GB suggested that the Town put in writing its requests to Ron Hunt, the Director of Operations & Maintenance. The letter's content would then be reviewed and formally responded to. The group acknowledged the value of this step.
- SC asked if there was a specific park master plan.
- GB said yes and no. There is an overall guiding document of an Integrated Resource Policy for all State Parks. The group discussed if there was a specific management plan for each park and it was determined that there was no specific plans for the parks.
- JC asked if the State ever seeks input from Towns near their parks.
- GB said that the State doesn't solicit input, but often receives input from the Town. As an example, he cited Popham Beach State Park which is "loved to death" by residents and that the State happily worked with the Town to improve parking.
- JC noted that there is an active area of Kettle Cove and there is more State owned land inland. If the park continues to grow, are there opportunities for greater access and more parking facilities?
- GB stated while there is land to do that, the State didn't want to do that as the limited parking facilities limits use of this land which is essential to wildlife. He used Mackworth Island as an example where 23 parking spaces limits use of the Island so that visitors have an experience that isn't tarnished by overuse of the park by too many visitors.
- SF noted that demand is only going to increase which is why she is pushing for a management plan for the parks which clearly states goals and objectives so people recognize why or why not certain steps are taken.
- SC noted that there is ample parking at Crescent Beach which is ¼ mile away.
- GB relayed that the State respects that they want to preserve a human experience of the parks that they operate, they also have an obligation to the wildlife and natural habitat that they are protecting from human intervention. Kettle Cove Park has some of the most valued, if not the best, New England Cottontail Rabbit habitat and the State has a plan to continue to improve it. There are also Piping Plover habitat that is necessary to protect as they are a Federal Endangered species. There is also a field management plan to help wildlife thrive for species that rely on fields for their survival.
- JC asked if there was an overall management plan.
- GB said that they have a grassland policy, and that they are working on a New England Cottontail Rabbit habitat plan that is due out in the fall, but that there is no specific master plan.
- SF stated that it is very important to have documents to support the demand especially when it comes to the Comprehensive Plan that the Town is currently undertaking.
- NP asked about the process moving forward once the Ad Hoc Harbors Committee prepares their report and is dissolved. What will happen to their recommendations?
- JC said that getting things done in a year will likely not be achievable and once the Committee finishes its work, the Town Council takes over.

- CJ stated that the Council will workshop the report's findings and then direct the Town Manager who then works with the Town Staff to make things happen.
- MS stated that he will report back to the Council and that he and the Staff can take steps now to move the process forward. He intends to set up some intermediate goals to accomplish while the Committee is working on their report.
- KR cautioned that it will take longer than anybody wants to make these things happen.
- CJ noted that it could take years in that if the Town applied for a grant in March/April of 2018 that the award grant would come out in the June/July time and once that work was done and the process moves forward the improvements might get constructed in 2019 so unless someone steps forward and donates a large sum of money to immediately resolve the funding issues then it will take time.
- There was a general discussion about the Harbors Committee's role in the Comprehensive Plan process with MS noting that it would be completed in 2019 so there are two more years to go which is beyond the Harbors Committee Ad Hoc status. It was noted that the Harbors Committee would help guide the Comp Plan section on marine resources and that the Kettle Cove situation would change.
- CR praised KS in his responsive management of the parks which is done at a very high level.
- JC noted that one action item of this discussion is to create a summary letter outlining the Town's request to the State and offered to write the first draft. MS said that he would be able to provide the Town Council with a draft at a September meeting.
- The Committee then thanked the State Representatives for their participation at tonight's meeting.

Review of Draft Outline of upcoming Harbors Committee Report:

- JC stated that there was an outline provided to the Committee in their meeting packet of the report which the Harbors Committee would ultimately provide to the Town Council. A general discussion ensued as to how the draft sections would be prepared with the consensus being that the Committee would discuss the general format and approach which the consultant would then write the draft for the Committee to provide comments and changes to be included in the final report.
- The group discussed how the charge of suggesting Ordinance changes would be addressed with the consensus being that the changes being discussed generally in the body of the report and then a clean version and a tracked changes version with various edits clearly shown would be included in the appendix to the report.
- SF suggested that the outline be changed to specifically address in a point by point format each Council charge to the Harbors Committee.
- KR reinforced this approach noting that the Council will want to assess each charge on its own. She noted that some Committee's in the past had for good reason not completed one or more charges, but did not explain that in the report which lead to confusion.
- JC will reorganize the outline for the Committee's review at the next meeting.

Status review of public input survey questionnaire and rollout process:

- JC and SH provided a summary of the Survey Monkey questionnaire which has started with 80 people having already completed the survey. SH noted that press release had been sent out to newspapers and a link provided on the Town's website.

Other Items not on the agenda:

- SF discussed that she would be attending the Maine Sea Grant Beaches Conference. Typically past conferences have focused on water quality, but this year's conference had a broad variety of topics. She also noted that there was a discussion of the legal underpinnings of Maine's shoreline access that was germane to the Harbors Committee past discussions.

Public Comment:

- CR thanked the Committee for allowing public input and noted that the Fishermen's Alliance has been good to work with. He suggested parking meters at Kettle Cove to get revenue with Town residents being relieved of payment.
- KR cautioned that past similar proposals at Fort Williams had stirred significant controversy.
- CJ stated that maybe the Committee could suggest this as a step in the report.
- KR stated that the pace will be frustrating to everyone so the sooner that we get going with some interim steps, the better.

Next Meeting: The Committee then discussed the agenda for the next meeting and set the next meeting date. The next meeting will be held on Tuesday, August 15, 2017 at 6:15 P.M. in the Lower Conference Room at Town Hall.

The meeting was adjourned at 8:07 p.m.

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