

TOWN OF CAPE ELIZABETH HARBORS COMMITTEE

Meeting Minutes
February 21, 2017

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

Absent: None

Staff: Stephen Harding, Town Engineer (SH)

Public: Ernie Tweedie (ET) Fisherman, Nate Perry (NP) Aquaculturalist, Gary Cummings (GC) Commercial Lobsterman/WET Team, Dan Harriman (DH) Fisherman, Madison Whately (MW) UNE Student, Frank Strout (FS) Fisherman – partial attendance

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.

Citizen Opportunity for Public Comment:

- ET identified himself as a committee liaison to the Cape Fisherman's Alliance. He stated that the use and public access of Crescent Beach should be a priority for the Committee to address given compromised commercial vehicle access. He also suggested discussion of with the State regarding the relocation of access onto Crescent Beach property with permitted parking. He recommended that the Committee Members consult the 1988 Harbor Advisory Committee report that contains a thorough discussion of harbor access.
- NP echoed ET's comments.

Meeting Minutes: The February 2, 2017 meeting minutes were approved as written (5 Yes, 0 No) with Caitlin Jordan noting the misspelling of her first name for future reference.

Citizen Correspondence: No correspondence from the public was received.

Review of the Coastal Waters and Harbors Ordinance Discussion:

- The Committee discussed the need to have the Harbormaster Ian Anderson attend a future meeting so that the Committee could learn about his role, ask him questions to take advantage of his knowledge of issues related to the Ordinance, and have him identify to the Committee areas of potential improvement in the Ordinance section. The Committee directed SH to make contact with the Police Chief to coordinate an invitation and also send along Committee comments and a request for the Harbormaster to review the Ordinance Language prior to the meeting.
- JC commented on items in Section 10-1-2 (c) and that it would be helpful to have a Cape Elizabeth Harbors Location Map for reference. SH noted that he has a copy of an exhibit from the 2007 Comprehensive Plan and will share that

with the Committee. JC noted that he has questions for the Harbormaster regarding mooring fees and the mooring inspection schedule.

- KR noted that the mooring inspection is required to be accomplished by a Certified Inspector and the report is submitted to the Harbormaster. She further stated that there have been problems in the past with missing reports and that the process has improved. There was a Mooring Report completed within the past year. The Committee directed SH to locate the report and provide a copy to the Committee. JC noted the importance of maintaining current and accurate records should the Town wish to apply for grants.
- There was a discussion on Section 10-5-13 regarding the restriction of mooring holders subletting of moorings for payment. The Committee noted the cumbersome wording of the section which could be improved.
- KR suggested that the Committee consider conducting a field trip to review the harbor access issues. The Committee then discussed the value of observations being made both on land and on the water with separate field trips. Several options were discussed with KR and CJ suggesting using the new Community Service bus as a potential for moving a group along the land. The Committee then discussed getting possibly a charter boat for the water review. KR noted that it would be important to have everyone there including the Harbormaster to answer questions and provide input. The Committee discussed waiting for warmer weather for the field visits and directed SH to investigate transportation options.
- SF noted that without the Harbormaster's input that she felt the Committee was operating without sufficient data. She noted that Section 10-7-5 in Article 7 of the Ordinance restricted buoys, but also discussed if a newer use, such as jet skis should also be considered. KF said that an inventory of current and possible future uses of the harbor and the extent in which they used the harbor would be beneficial to future planning and regulations.
- The Committee discussed what other communities may be doing in their planning for harbor related issues. KF stated that communities in New England are being pressed to do planning due to several factors and JC relayed planning that he participated in when he was on a similar board in Scituate, Massachusetts. KF stated that she is very familiar with the Maine State Coastal Program and that she will contact them to find out what information and guidance that entity may be able to provide the Committee.
- SC noted that there may be a need to add "Outhaul". He also mentioned "Aquaculture" may need to be added to the definitions and questioned as to the need to perhaps add regulations regarding this activity. SF noted that such activity is a State lease on public lands and is addressed under the State's submerged land program so no need for local regulations.
- There was a discussion as to the phrase "extreme emergency" under Section 10-4-1 and whether the section should only reference the Harbormaster's approval and eliminate the emergency situation clause.
- SC noted that the 2005 Comprehensive Plan report (pages 113 through 118) had broken down the number of various Harbors aspects such as licenses, moorings, etc. and wanted to know if that information could be updated. The Maine Department of Marine Resources should have updated data and the Committee directed SH to contact that group for new information.

- SC noted that Section 10-5-15 references a restriction on using “Lobster Crate or Lobster Car moorings” as vessel moorings yet neither term is defined in the Definitions Section (10-2-1).
- SC questioned the content of Article VI –Channels and whether there were any established channels associated with Cape Elizabeth. KR responded that there were none that have been established.
- SC noted that in Section 10-6-3(b) that the term “maritime facility” is also not defined in the Definitions Section (10-2-1).
- SC brought up the language regarding motor vehicle parking restrictions near launch ramps as discussed in Section 10-7-7 and asked who enforces these restrictions. The Committee discussed that this is a local responsibility and that the Police, not the Harbormaster, enforce the parking restrictions.
- SC questioned whether tampering as discussed in Section 10-7-13 was an ongoing problem and whether the amount of the fines noted were appropriate.
- SC referred the group to Sections 10-8-1 (a) and (b) that references fines and who would actually enforce this Ordinance. CJ noted that the Harbormaster is essentially the enforcer of the Ordinance, but that the Police Department can also be included as part of the enforcement arm.
- SH brought up that he has spoken to the newly appointed Town Manager, Matt Sturgis, about the Harbors Committee meeting. Matt has wanted to attend, but due to a scheduling conflict, could not do so. Matt would have wanted to raise two issues (1) that the conversations with the State of Maine regarding the issues associated with Kettle Cove access continue in parallel with the Committee’s other tasks and (2) that the Committee consider authoring the section in the current draft of the Comprehensive Plan section on Harbors. CJ noted that she and the former Town Manager, Michael McGovern, had met previously with State representatives and Matt should be able to retrieve that information or consult with Mike as to who from the State attended the meeting. The Committee requested that SH follow up with the Town Manager to get that information. The Committee also expressed a willingness to participate in the drafting of the Comprehensive Plan section as part of their work.
- On the Crescent Beach and Kettle Cove discussion, CJ noted that there is a very distinct line separating the State land and responsibilities from the Town and there is a segment on the Sprague property. KF noted that the Town would own property to the Mean Low Water line and beyond that is considered State owned submerged land.
- SC said that he has noticed cribbing coming apart down to the road. CJ noted that during the meeting with the State that it was clear that the Town would need to fix any deficient conditions in this area.
- The Committee discussed species, such as Plovers and New England Cottontail Rabbits, which may need to be addressed. CJ noted in the meeting with the State that these species had been discussed and may not be a problem. The Committee pointed out that the species issues will need to be reviewed to determine the extent that they may affect the harbors in Town.

Public Comment:

- ET commented that the reference to the “black can buoy ‘C-1’” in Section 10-1-2 (a) should be changed to green.

- NP thought it was a great idea to go forward with a site visit and that local lobstermen would be a better resource of local knowledge than employees of the Casco Bay Ferry service.
- FS that the Harbormaster being relatively new may not have a lot of local knowledge about the harbors. He suggested that the Committee consider a local contact, Tommy Martin, who has a Coast Guard registered tour boat for transportation for the water-based field visit. He noted that the Comprehensive Plan work is challenging, but that there is a lot of wonderful input that would be available on it. He also noted that Sarah Cotnoir of the Maine Department of Marine Resources can direct you to the information on local licenses, traps etc. and that he will send her contact information to SH.
- DH stated that he is a charter member of the WET Team and a Certified Mooring Inspector and a fisherman so he has a lot of local harbors experience. In the past, the Harbormaster position was somewhat of an absentee position, but the current Harbormaster has been coming up to speed despite being very busy. He noted that the mooring inspections noted in Section 10-5-10 are being done on a bi-annual (i.e., every other year) basis. He noted that Seal Cove is basically everything inside of Richmond Island. He discussed that the ramp at Kettle Cove is very poor, but that the commercial fishermen have historically resisted improvements for fear that too many would then want to use the improved ramp which would further affect the commercial fishermen. He noted that the parking areas around the ramp are very vague and the ramp itself is essentially a very small gravel beach. His biggest concern is that the commercial fishermen have no guaranteed rights to Kettle Cove.
- GC is a commercial fisherman asked if the Town would get involved in any of the discussion that the Sprague property owners would have on parking with the State. CJ noted that the Town doesn't have a stake in this process.
- The Committee then discussed various dates for the next meeting and directed SH to coordinate with the Harbormaster to select a date. The Committee members also stressed the importance of setting dates in the future for warmer weather field visits.

Next Meeting: After conferring with the Harbormaster and the Committee, the next meeting will be held on Tuesday, March 28, 2017 at 6:15 P.M.

The meeting was adjourned at 7:47 P.M.

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