

## **TOWN OF CAPE ELIZABETH HARBORS COMMITTEE**

Meeting Minutes  
May 7, 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), Dan Harriman (DH), Jim Huebener (JH), Ilya Fleischman (IF), Frank Strout (FS)

**Meeting Commencement:** The group met on Sunday, May 7<sup>th</sup> at 1:00 PM at Town Hall parking lot. A general discussion ensued that reviewed which coves might be visited that have public access. During the course of the afternoon, the Committee discussed and decided not to visit Two Lights State Park given its limited access to the water or Fort Williams given everyone's familiarity with that Park. Committee members were reminded 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 participants and that no pertinent Harbors Committee related issues could be discussed in transit.

### **Kettle Cove, Boat Cove and Crescent Beach from Kettle Cove Road**

#### *Kettle Cove Beach*

- The group first visited this area to review the various coves and uses. The group first visited Kettle Cove Beach accessed from the State Park parking lot.
- SH reviewed that when he was at the site in April with Public Works Director Bob Malley that a State employee stopped by and said that the State would not be putting a "plug" or bollard to deny access to the beach which was done temporarily in 2016 to deter improper use of the beach from people driving onto it and causing vandalism. The State was intending to install a boardwalk which would allow vehicles to go over it.
- DH noted that the Town Water Extrication Team (WETeam) uses the beach to launch their boat as this beach has much better access. Due to the various water levels in the changing tides, the WETeam cannot launch a boat one-third of the time.
- IF noted that this is the location that the State wants people with kayaks and paddleboard to off load and load their equipment.
- KR asked what the State's position as to the WETeam was using the beach. SH noted that the person from the State indicated that the State was fine with the Town's use of the beach. DH noted that thus far the State was supportive.
- NP said that fishermen use the beach to perform maintenance on boats and to drop off gear.

- DH said that the fishermen are sensitive to the park's use after May 15<sup>th</sup> through the summer months and they have a gentlemen's agreement with the State not to use the beach at those times.
- A general discussion was held that reviewed that the current situation seems to work alright although nothing is agreed upon in writing and that anything could change if the State decided to change any of the informal policies in place.
- NP did note that the piles of plowed snow can freeze and block access to the beach.
- DH believes that the Town plows the road and the State plows the parking lot.

*Boat Cove (aka Truck Beach and Stump Cove)*

- A general discussion was held that reviewed the historical use of this beach, which is also on State land, by the Town's commercial fishing fleet. The fishermen use the beach to trailer in boats and park during the launching of the boats. They also use the beach to unload their catch. They reiterated that the State has been supportive of the commercial fishermen using this beach exclusively, but that there is no formal written agreement which ensures their use of the beach.
- It was noted by the fishermen present on the walk that sometimes recreational users of the beach area get in the way of the commercial fishermen which causes operational and potential safety issues. The park rangers that are intermittently present at the parking lot area do discourage recreational use of the area and that a large majority of the recreational users in this area do immediately move when the fishermen request them to do so. There have been a small percentage of recreational users, however, that would not move when requested to do so.
- Possible improvements to the beach were discussed. JH noted that possibly dredging the cove and installing concrete ramps might improve the access of the beach. DH noted that erosion and the shifting of sand continually alters the coves making it sometimes difficult to avoid rocks or soft areas depending on the configuration of the beach. DH also noted that the fishermen are experienced in how to use the beach access effectively and have been historically hesitant to support improvements for fear of overuse if the access were improved and became readily accessible by all.

*Crescent Beach*

- The group then walked up Kettle Cove and reviewed the transition area of the State land near the parking lot and the vertical stone wall beach protection measure versus the Town maintained Kettle Cove Road and its sloping revetment area which appears to be in need of repair. The group also reviewed the Town's easement ramp to the Beach which Public Works periodically resurfaces with reclaimed asphalt. Recreational users can access and park on the beach from this point after getting a local permit.
- A general discussion was held reviewing that a drainage outlet from the drainage system in Kettle Cove outflows across the beach and often erodes a channel that limits vehicle from moving to the west. The conversation included a suggestion that the Town access be moved further north on Kettle Cove Road so that crossing the drainage way would not be necessary. CJ noted that during her past meeting with the State and former Town Manager Michael

McGovern that the State representatives appeared to support the idea to move the access. This area was traditionally used as an access, but that it became unsightly with abandoned gear and boats. The State eventually discontinued this use and placed boulders alongside the Kettle Cove Road right of way to block access to this area.

- IF noted that there is no parking areas now for people without permits to access the Town ramp so people either park on the beach with a permit, park alongside Kettle Cove Road where they shouldn't be parking, or are required to go to the State's parking lot. He suggested moving the boulders closer to the Kettle Cove Road to physically limit parking on Kettle Cove Road, but KR stated that she believed that enforcement of the no parking requirements was the solution to that issue.
- IF noted that the signage in the overall Kettle Cove/Crescent Beach area was ambiguous and provided a handout of proposed signage improvements that he hoped the Committee would consider.
- JH provided copies of two exhibits that the Cape Fishermen's Alliance were promoting that they hoped the Committee would consider.

#### **Staples Cove from Hannaford Cove Road**

- The group stopped at the end of Hannaford Cove Road to view the moorings in Staples Cove (aka Hannaford Cove) and realized that there is no public access to these moorings or beach area. IA noted that the moorings are non-commercial due to the lack of access and shallow draft.

#### **Dyer Cove from Two Lights Road**

- The group then went to Dyer Cove at the end of Two Lights Road. The gravel surfaced parking lot at the end of Two Lights Road is actually part of the federal government property associated with its Coast Guard installation. This rocky beach is generally used for sightseeing, scuba diving, paddleboards, and kayaks. FS noted that although there was one past mooring here, the cove is always choppy and subject to tidal currents. IA stated that this cove did not represent a viable opportunity for moorings.

#### **Spurwink River from Bowery Beach Road**

- The group then went to the Rachel Carson Preserve parking lot in Scarborough to view the Spurwink River. This area would provide an opportunity for fishing, but is poor for kayaking due to sand bars and the low water levels due to the fluctuating tides.
- Although access to this area is publicly available through the adjacent Town Cemetery and Bowery Beach area, SH noted that he has been working with the Town Planner and the Conservation Commission and that the tidal marshes represented a significant obstacle to improving access to this area. The

Commission is considering extending a trail to the point area for pedestrian and mountain bike use.

### **Alewife Cove and Pebbles Cove area from Reef Road and Trundy Point Road**

- The group then went to an area that the Cape Elizabeth Land Trust (CELT) owns. This area is accessed on foot by people in the nearby neighborhoods and by vehicles parking along the road. There are moorings in nearby coves that are all non-commercial.

### **Pond Cove from Shore Road**

- The group then went to the parking area for the CELT owned Robinson Woods and crossed Shore Road to use a short CELT trail to go onto the rocky beach at Pond Cove. A mooring is sometimes used in Pond Cove, but due to its exposure, it cannot be used in any inclement conditions.
- The group then went to nearby Point Road to observe to narrow right of ways to both the ocean side and cove side of the road. After reviewing this area with an abutter who shared a survey plan prepared by the firm of Owen Haskell and SH's later conversation with the Town Planner, it is believed that both of these right of ways may be private easements that restrict access to a limited group of property owners and not open for the general public's use.

### **Maiden Cove from Cottage Lane**

- The group then went to Cottage Lane in hopes of accessing Maiden Cove which has several moorings. Access to the cove and its beach appear to be controlled via private easements and/or ways that restrict access to a limited group of property owners and not open for the general public's use. A general discussion ensued regarding the fact that although the Town through its Harbormaster could possibly permit a mooring to anyone, there would be no access unless that permit holder already had access rights to the cove or could in theory get access from another public access area which is not considered to be practical. IA also noted that Maiden Cove is the only area in Cape Elizabeth that has a waiting list for moorings.

### **Danforth Cove (aka Cliff House Beach) from the end of Sea View Avenue**

- The group ended its field visits by going to the Town owned access of Cliff House Beach. A steep stairway provides access to the beach and there is only road side parking for this area. Signs posted in this area restrict use of the beach from sunrise to sunset.

- A nearby resident shared several criticisms of the area due to unregulated dog use of the beach and the actions of people visiting the beach not respecting private property owners' rights.

**Next Meeting:** The next 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 around 4:00 P.M.**

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

DRAFT