

TOWN OF CAPE ELIZABETH HARBORS COMMITTEE

Meeting Minutes
June 8, 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), Town Harbormaster Ian Anderson (IA)

Public: Nate Perry (NP), Jim Huebener (JH)

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 with the exception of CJ.

Meeting Minutes: The May 7, 2017 and May 11, 2017 meeting minutes were approved as written (4 Yes, 0 No, 1 absent).

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

1. Draft May 7, 2017 Meeting Minutes
2. Draft May 11, 2017 Meeting Minutes
3. May 4, 2017 Proposed Repaired Crescent Beach Access Exhibit as prepared by the Cape Elizabeth Fishermen's Alliance
4. May 4, 2017 Proposed Kettle Cove Parking Area Changes Exhibit as prepared by the Cape Elizabeth Fishermen's Alliance
5. Undated Boat Launch Exhibit as prepared by Ilya Fleischman
6. May 8, 2017 Draft Outline of Harbors Committee Report
7. May 9, 2017 Harbors Committee Goals

Citizen Opportunity for Public Comment:

- NP wanted to emphasize that Items #3 and #4 provided by the Fisherman's Alliance in the Committee meeting packets were preliminary. He also asked what would be the process from the Committee's standpoint for discussing these items in greater detail. JC asked NP if the Alliance was waiting for feedback from the Harbors Committee. NP said yes in general that was true, but more specifically what would be the process. JC suggested that this item be added to next month's agenda.
- JC then suggested that the survey questionnaire discussion be moved to a later point in the agenda to allow discussion with Town Manager Sturgis and Harbormaster Anderson to occur beforehand. The Committee Members agreed to move this item further down the agenda.

Discussion with Town Manager Matt Sturgis regarding the Crescent Beach/Kettle Cove introductory meeting with State of Maine representatives:

- Town Manager Matt Sturgis (MS) then recounted the meeting that he had with the State's Kurt Shoener and Gary Best regarding the access to the non-commercial users of Crescent Beach and the commercial users of Kettle Cove. MS deemed the meeting to be a positive discussion although he warned that the State representatives emphasized that the State doesn't have any budgeted funds available to offer to the changes that the Town may be interested in undertaking.
- MS said that they focused on non-commercial and commercial launches and that the State representatives were receptive to moving the non-commercial launch access further to the northwest so that it would be less impacted by the drainage flow and resultant channel across the sand that at times hinders access to Crescent Beach. They are also cognizant of the incompatibility of some recreational users not being aware of the needs of the commercial users of Kettle Cove and the need to separate those varying interests. MS said that the State is very interested in working with the Town to the betterment of the access points and restricting and relocating them as needed.
- MS noted that there may be access grants available to study options and then implement solutions.
- JH noted that one of the nearby abutters, Chuck Redmond, would likely be in favor of moving the recreational launch. MS said that the State representatives would like the access points to be clear and orderly.
- KR noted that the State would likely not be expending funds and questioned how much would it cost to make these changes.
- MS suggested that a conceptual layout would need to be devised and then costs could be estimated based on the layout. He also noted that the State representatives felt that they could assist in the regulatory process by lending expertise.
- CJ joined the meeting and entered into the discussion at this point.
- KF questioned what the State had for a park management plan and that signage would go a long way to providing a solution to some of the confusion of users to this area.
- MS noted that the State representatives were focused on separating the divergent users of this area and that they have devised rules to do so, but noted that the presence of an actual overall plan was not apparent. MS did not that the State representatives were very open to attending a future Harbors Committee meeting.
- SF welcomed the State representatives participating in a future meeting and noted that it would be good to have the Committee be transparent and to note the commitments made by the State.
- A general discussion then ensued regarding the non-commercial access to Crescent Beach and the possibility to move it. CJ questioned how much the Town is spending to maintain the existing launch area and whether that expense would be spent on a relocated access points.
- KR stated that it would be good to have the State representatives work with the Town and be part of the process and get follow through commitments.

- A general discussion ensued about the potential new access location and the need to keep it cleared of stored materials and debris which lead to its relocation and abandoned use in the past.
- JC noted that he felt that the focus should be on moving the access point and what grants would be available to make that happen. A general discussion then ensued as the grant process and manners to make the Town more favorably scored against other grant competitors. A general discussion then ensued regarding planning and construction grants and ways the Town could best position itself to receive a grant.
- SF stated that access at Kettle Cove and Crescent Beach is the big issue and that signage and traffic management would be a strong means in which to address the access problems. SF questioned the State's Management Plan for this area and the need to query the State representatives as to its content if it exists. SF stated that Cape Elizabeth is known for its Kettle Cove access issues and would like the Committee to shed light on the State's commitment to improvements.
- MS agreed with that focus and that if the Town were to put money into improvements than a Memorandum of Understanding would need to be drafted to clearly represent a clear and concise agreement of the manner in which improvements would be undertaken and steps that both sides would be making in order for the improvements to be made.
- SC noted that the agreement should include where and when the WETeam can go and where it can't go as people change positions and what had been agreed upon with one set of people may not be transferable to new people as they are introduced to the situation.
- SF emphasized that any discussions and agreements need to be documented with a paper trail.
- The Committee and MS then discussed that MS would invite the State representatives to the next meeting of the Harbors Committee.

Discussion with Harbormaster Ian Anderson regarding the various mooring permit locations and activities:

- IA discussed that there are new moorings that are being applied to get, but a lot of the people lose interest in the moorings as they get in to the process.
- IA has edits to the Ordinance that he will be suggesting and will get those to SH to distribute to the Committee.
- IA also hopes to get on the water next week now that the weather is improving and get to review moorings along the eastern shore to become more familiar with moorings outside of the Kettle Cove area.

Finalization of survey questionnaire and process to receive public input:

- JC provided a summary of the Survey Monkey questionnaire and was interested in developing awareness of the survey through various means. The Committee then discussed various options.
- JC then made a statement about his takeaway from the site visits to various water locations was that Town provided access is very limited and what is available is undesirable. JC then questioned is there a way to open that up. That is, does the Committee need to consider how or how not to increase public access.

- KR noted that much of the shoreline of Cape Elizabeth is private property and that opportunities to purchase property does arise from time to time. Should the Town decide to purchase property, however, it would pay a premium. Oftentimes, property owners like to maintain the exclusivity of the water access and limit any public access. KR noted State Parks offer public access. The Land Trust, a private entity, also maintains places of public access to the water. Fort Williams is the primary locally controlled public access with the remaining limited areas associated to isolated locations.
- A general discussion then ensued with the consensus being increasing public access to the water a laudable goal, however, one that would be very difficult to achieve. SC noted that public access is limited in other Towns as well.
- KR discussed the Surf Side Avenue issue where it is believed that the Town has maintained rights to a paper street along the ocean, however, it has been a contentious situation and there have been several lawsuit challenges over the years questioning the Town's access rights.
- JC noted that he will get the questions developed by the group into the Survey Monkey format.

Review of Draft Outline of upcoming Harbors Committee Report:

- JC acknowledged 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. He would like to discuss this outline more at the next Harbors Committee meeting so that it could be finalized and assignments made to complete the various sections of the report.

Items not on the agenda:

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

Public Comment:

- NP noted that he agreed with the discussion points made by the Committee that the issues of access, signage, and a coherent plan of the Crescent Beach/Kettle Cove areas needs to be considered in totality and comprehensively with the State. He also reiterated the comments made that people often change positions in the State and that if there is an opportunity to work with a group from the State that is agreeable with the Town's visions for improvements than he would like to see the Town move quickly to get agreements in place and not wait until the Committee's report is drafted and accepted by the Town Council to act. SC asked if we could move quickly on the topic if the opportunity is there to make agreements happen. Both CJ and KR responded that the Committee could make a request through the Council to move the issues along.

Next Meeting: The next meeting will be held on Thursday, June 29, 2017 at 6:15 P.M. in the Lower Conference Room at Town Hall if the State of Maine representatives confirm that they can attend on that date. A secondary date of Thursday, July 13, 2017 was selected as a potential meeting date should the State representatives be unable to make the June 29th meeting.

The meeting was adjourned at 8:07 P.M.

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

DRAFT