

November 17, 2017

To:

Cape Elizabeth Harbors Committee  
ATTN: Steve Harding (Clerk)

From:

Cape Elizabeth Fisherman's Alliance

Dear Committee Members and Councilors:

Our Coastline is such a fundamental part of Cape Elizabeth and it is encouraging that the Harbor Committees' members have worked so diligently. On behalf of the Cape Elizabeth Fisherman's Alliance (CEFA), thank you for allowing us to engage in this process and for the opportunity to present our concerns and propose solutions. We sincerely appreciate being called upon to provide local knowledge, history, and background.

Within Cape's roughly 90,000 feet of coastline (Google Earth), our access as commercial fishermen dates back more than 150 years and includes the eastern end of Crescent Beach, Kettle Cove, and 'Stump Cove'.

We hope the following recommendations might provide both supporting documentation for your own work and some level of expertise for the Town's reference in the future. Please take them into consideration, as you see fit, and attach them in full, in the record and report from this committee.

Sincerely,



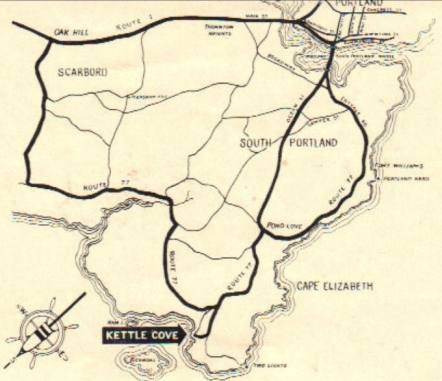
Nate Perry, on behalf of,

The Cape Elizabeth Fisherman's Alliance

**Cape Elizabeth Fishermen's Alliance**

**Recommendations for the Town of Cape Elizabeth**

**Prepared for the Harbors Committee, November 2017**

<p><i>Long View Company</i> <i>Lobster Pound and Restaurant</i> Greater Portland's Ideal Recreation Spot</p>  <p><b>KETTLE COVE</b> Crescent Beach - - Cape Elizabeth Maine</p>	<p>KETTLE COVE - as typically Maine as its rockbound coast - 7 miles from Portland on Route 77 - where delicious clear-water lobsters are on order.</p> <p>FREE BATHING, SWIMMING, PARKING RESTAURANT SERVICE SANDWICH BAR</p> <p><i>Toasted Lobster Rolls - Grilled Frankforts and Hamburgers</i> <i>Soft Drinks, Ice Cream, Candies, Coffee</i></p> <p>COTTAGES - WEEK OR MONTH Kettle Cove - 4-6348 H. C. NEWELL, Mgr., Res. 4-0596</p>
	<p><i>How To Get There</i></p> 

### Summary of Recommendations

1. Please note in the report that the Harbor Committee (HC) supports the Crescent Beach (CB) access repair on Kettle Cove Rd and include all available documentation of the effort so far; including that which precedes the committee. The HC might also offer some basic “next step” guidance with regards to process.
2. We recommend the HC include in it's report, support for the implementation of an 'Emergency Vehicle Only/Turn-Around Only' parking space, previously coordinated between the WETeam, CEFA, and the Department of Parks and Lands. The sign will be provided and installed by the Park.
3. The HC acknowledge in its report, those specific reasons why commercial vessels are typically assigned protected and deeper moorings in Kettle Cove (KC); and the reasons why the commercial fleet is dependent on the adjacent 'Stump Cove', for launching, loading, and parking.
4. The HC provide in its report details as to the physical boundaries of lands used as waterfront access points, corresponding jurisdictions, and maintenance and enforcement responsibilities between public agencies state, municipal, and private (i.e. violations, snow removal, etc.)
5. The HC acknowledge the issues of overcrowding at KC State Park, the Parks current efforts to encourage use of the adequate parking resources and newly available hand-carry launching at CB State Park, and consider the potential role of the Town in these matters.

\*The following pages contain background and justification supporting each of the above recommendations.

## Recommendation One

**Please note in the report that the Harbor Committee (HC) supports the Crescent Beach (CB) access repair on Kettle Cove Rd and include all available documentation of the effort so far; including that which precedes the committee. The HC might also offer some basic “next step” guidance with regards to process.**

The current dirt ramp onto the launching/parking areas on CB is deteriorated and frequently washed out. This ramp is very steep and users regularly get stuck and/or damage trailers and vehicles. In addition, the location of the drainage culvert from Kettle Cove Rd erodes a deep and foul smelling stream down the entire slope of the beach. After rain events, any egress west from the road is completely blocked for most types of vehicles. Seaweed, which usually washes ashore during weather events and big tides, also tends to block-in this corner of the beach. It is worth noting that both commercial and recreational permitted users and mooring holders, who have paid specifically to use this access, frequently cannot.

We also urge that the (HC) recommends to the Town Council and Town Manager, consideration of any potential accelerated process for the access restoration/repairs. This access was originally maintained thru agreements between Fishermen and Land Owners. In 1959, the Department of Parks and Lands began to purchased these parcels of land for CB State Park, promising in several letters and publications, access rights would always be maintained for local fishermen. It's only in the last 20 years that this access has been blocked and allowed to over-grow.

Currently, there is support from the Department of Parks and Lands, goodwill towards the plan by fishermen and neighbors, and multiple funding opportunities available. It would be a wasted opportunity for the Town to let this moment pass, as personnel could change at the Park service and/or funds could dry up.

This is a rare second chance opportunity for Cape to reclaim valuable waterfront access. Reopening of the traditional fishermen's access, as an improved CB access, is a chance for the Town to thoughtfully address the increased use of KC and CB resources.

## **Recommendation Two**

**We recommend the HC include in it's report, support for the implementation of an 'Emergency Vehicle Only/Turn-Around Only' parking space, previously coordinated between the WETeam, CEFA, and the Department of Parks and Lands. The sign will be provided and installed by the Park.**

This issue has already been considered and agreed upon by the Cape WETeam, CEFA, and Park Managers. The Park has agreed to provide and install a low profile wood-beam parking stop with embedded 'emergency only/turn-around' wording. The Town might consider helping to enforce this policy, once the space is clearly marked.

### **Recommendation Three**

**The HC acknowledge in its report, those specific reasons why commercial vessels are typically assigned protected and deeper moorings in Kettle Cove (KC); and the reasons why the commercial fleet is dependent on the adjacent 'Stump Cove', for launching, loading, and parking.**

Most of the commercial fleet utilizes mooring space in front of Kettle and Stump Cove, south and east of 'Crowell Rock', with some smaller vessels seasonally located in the CB mooring area. Current policy leaves the assignment of requested mooring spaces solely at the discretion of the Harbor Master.

We strongly recommend that these mooring births continue to be reserved for those commercial vessels, which in order to operate safely year-round, require protection from easterly weather and close proximity to the Stump Cove launch.

In addition, the primary launch for commercial vessels is in Stump Cove, with some smaller vessels using CB. KC beach is also infrequently used to temporarily beach boats for maintenance, take out lobster gear, or repair/inspect mooring tackle.

The commercial fleet is dependent the Stump Cove access for the vast majority of it's day to day work, because of it's proximity to commercial moorings and protection for launching and loading. The dirt area at the beach head has always been commercial truck/trailer parking.

It could be noted that with this limited space, when more than eight commercial users work at the same time, there is not enough trailer parking. This means only about a third of commercial users launching at once, will exceed the available parking space.

This issue was also discussed in the 1988 Harbor Report. The following page contains some excerpts from that section:

COMMITTEE'S PRELIMINARY REPORT

CAPE ELIZABETH HARBOR ADVISORY COMMITTEE  
PRELILMINARY REPORT

March 9, 1988

Major Kettle Cove Issues

The major land side issues at Kettle Cove fall into four general categories:

1. Competition between commercial fishermen and pleasure boaters for use of the facility;

1. Competing Uses:

Commercial fishermen have for years launched their boats and brought their catch up at Stump Cove, which is the narrow gravelly area to the right of the parking lot as one enters. The area is small, with room at low tide for only one small boat, and at high tide, not more than two.

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The committee believes the Stump Cove problem will be solved by restricting the area to persons with a commercial fishing launching permit. The beach parking problem will be greatly lessened if vehicle access to the beach is permitted only in connection with the launching of a boat and only for those with a launching permit.

The committee recognizes the needs of both groups to use the Kettle Cove area for water access and believes that if the commercial fishermen and the pleasure boaters could get to the water at different launching sites, and if each could have their own separate parking area, many of the problems of the competing uses would be alleviated.

#### **Recommendation Four**

**The HC provide in its report details as to the physical boundaries of lands used as waterfront access points, corresponding jurisdictions, and maintenance and enforcement responsibilities between public agencies state, municipal, and private (i.e. violations, snow removal, etc.)**

Although definition and precedence may be understood between certain town and state officials, it would be beneficial for the public and for management, to have a clear understanding of where property lines are located and who has responsibilities for maintenance and enforcement.



## **Recommendation Five**

**The HC acknowledge the issues of overcrowding at KC State Park, the Parks current efforts to encourage use of the adequate parking resources and newly available hand-carry launching at CB State Park, and consider the potential role of the Town in these matters.**

The variety of uses and volume, has increased considerably since (and as was predicted by) the 1988 Harbor Report and trends would suggest that this increase will only continue. As such, it is only natural that visitors arriving at a crowded park, try to utilize whatever options 'appear to be available' for parking, launching, picnicking, etc. In addition, it has been observed that Crescent Beach State Park rarely exceeds half its parking capacity.

Changes to policy by the Park are currently underway to promote hand-carry/roof-top water craft to launch through CB State Park. Although perhaps slightly outside of it's charter, the HC could recommend that the Town support this change, perhaps via the Cape Courier or Town website, as some outreach might help alleviate parking/stopping/standing conflicts on Kettle Cove Rd, and reduce traffic in the surrounding neighborhoods.

This issue maybe broader than the Committee's charge, but solutions will directly improve waterfront access.

For the last two summer seasons the State Park, even while dealing with a major reduction in personnel, has had to commit a ranger to the Kettle Cove parking lot every day. Their time is spent trying to direct users through the bottle neck of incoming traffic. If they have to leave their post for even a moment, visitors quickly pull into the commercial lot or stop to unload, often backing up traffic towards Fessenden Rd.

Ultimately, Kettle Cove State Park policy is determined by the Department of Parks and Lands (whether at the local or regional level). However, the Town could play a constructive role, expending minimal resources, that would benefit its residents greatly. The original concept of keeping a quiet place for residents to enjoy 'The Cove', has undeniably devolved into a free beach for non-resident beach visitors to park and/or picnic for the day.