

MEMORANDUM

December 3, 2017

To: Matthew Sturgis, Town Manager
From: Town of Cape Elizabeth Harbors Committee
Subject: Proposed Changes to Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE

The Harbors Committee is an ad hoc committee created by the Town Council in 2016 and was given several charges to complete related to the usage of various harbors along the Cape Elizabeth coastline. One of the charges given to the Committee was to review the Town's Coastal Waters and Harbor Ordinance and recommend any changes it deems desirable to the Town Council. To accomplish that charge, we have actively engaged in this review with the Cape Elizabeth Harbor Master, Ian Anderson, and have received input from the Cape Elizabeth Fishermen's Alliance (CEFA) as well as several Cape Elizabeth residents. We have also had the opportunity to review these proposed changes and the process within which the changes would be considered with Town Planner Maureen O'Meara.

Based on our review, the Committee has prepared the attached tracked changes document regarding potential Ordinance changes to "Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE". While the Committee considered a wide range of potential changes to the Ordinance language, the following specific revisions are recommended to be implemented by the Harbors Committee:

1. Under Article I in Section 10-1-2 (a) change "black can buoy 'C-1'" to "can buoy 'C-1'" as the buoy has been painted green. The Committee has determined that the reference to the color of buoy should be deleted as the buoy may get repainted to another color in the future.
2. Under Article II in Sections 10-2-1(i) Definitions, add a definition for "Houseboat". The definition for a houseboat was proposed in consultation with the Harbor Master based on his experiences in other municipalities. There is currently not a houseboat issue in Cape Elizabeth, however, the Committee and the Harbor Master determined that in adding the definition at this time that future potential issues associated with houseboats could be mitigated before becoming a problem for the community.
3. Under Article II in Sections 10-2-1 (l) Definitions, add a definition for "Outhaul". The need for a definition for outhaul arose from a citizen comment received by the Committee and follow up consultation with the Harbor Master. The new definition will aid in the resolution of any future potential issues with an outhaul.
4. Under Article IV in Section 10-4-1, eliminate the word "extreme" in the phrase "extreme emergency". In the Committee's opinion, the existing Article II definition of the word "emergency" is sufficient on its own and does not need to be qualified. The word "extreme" unnecessarily qualifies an emergency level and adds subjectivity to the description of what constitutes an emergency situation.
5. Under Article V Section 10-5-16, add provisions and requirements associated with houseboats to regulate their use in the community. As noted previously while there are no current issues with houseboats in Cape Elizabeth, this added section will mitigate future potential issues that may arise with houseboats as has occurred with houseboats in other southern Maine communities.

6. Under Article V Section 10-5-17, add limits to the size of vessels covered by the outhaul provisions and requirements associated with an outhaul. The inclusion of this section will assist the Harbor Master to effectively respond to outhaul related issues as they may arise.

We request that you provide this memorandum and the attached tracked changes version of Ordinance Chapter 10 to the Cape Elizabeth Ordinance Committee for their review. We understand that the Ordinance Committee would then send their recommendations to the Town Council for the Council's consideration and possible implementation. Should it be beneficial, the Harbors Committee and the Harbor Master would be pleased to respond to any questions or comments regarding the proposed changes to the Ordinance.

cc: Ian Anderson, Cape Elizabeth Harbor Master

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