

**TOWN OF CAPE ELIZABETH  
HARBORS COMMITTEE**

Meeting Minutes  
November 28, 2017

**Present:** Acting Chair Stephen Culver (SC), Caitlin Jordan (CJ) Susan Farady (SF), and Katharine Ray (KR)

**Absent:** James Casey (JC)

**Staff:** Town Engineer Stephen Harding (SH)

**Public:** Nate Perry (NP), Ed Perry (EP), Chris Straw (CS), Jim Morin (JM), Gary Cummings (GC), and Mike Kelly (MK)

**Call to Order:** Steve Culver called the meeting to order at 6:23 p.m. with a roll call in which Committee Members SC, SF, CJ, and KR were present and Member JC being absent.

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

1. Draft October 26, 2017 Meeting Minutes
2. November 17, 2017 cover memo to the Harbors Committee from CEFA's Nate Perry and CEFA's November 2017 Recommendations for the Town
3. Draft November 28, 2017 Time Extension Memorandum
4. Ordinance Chapter 10 Edited at October 26, 2017 Harbor Committee meeting
5. Past meeting comments regarding potential Ordinance changes

**Citizen Opportunity for Public Comment:**

- CS stated that he had been reviewing past Harbor Committee meeting minutes and materials. In his review, he noted that the commercial fishermen licensure information from the Maine Department of Marine Resources (DMR) in one of the early meeting packets appeared to be very low. CJ responded that this information was inaccurate and the Committee now had better data, however, the number of licenses held in Cape Elizabeth was now very high as multiple types of licenses for individual fishermen have now been listed. The latest DMR information was then shown to the group. In response to a CS question, CJ estimated that there are approximately 30 active commercial fishermen in Cape Elizabeth.

**Meeting Minutes:** The October 26, 2017 meeting minutes were approved with no corrections (4 Yes – SF, CJ, KR, and SC, 1 absent – JC).

### **Discussion of Committee's work completion extension request and preparing an explanation letter to the Town Council**

- As it is unlikely in the time remaining that the Committee is going to be able to finish its work by the end of 2017, the Committee discussed at their last meeting to ask for an extension from the Town Council. SH drafted an extension request memorandum to Town Manager Matt Sturgis which included a review of the status of each charge that the Council had given to the Harbors Committee. SC reviewed the memos points and the Committee discussed whether a 3-month extension would be long enough. The Committee decided to request the 3-month extension with the understanding that if they were not done that another extension would need to be requested.
- SF asked SH if he felt that 3 months would be long enough to complete the report and Comprehensive Plan section draft and SH responded that he did feel that there was enough time to complete those tasks. SH did note that in conversations with JC in preparation for the meeting that there was some concerns that Harbor Master Ian Anderson may not be able to complete the mooring location mapping given that weather conditions are now deteriorating
- The Committee voted 4-0 to request the extension and directed SH to finalize the memorandum and provide it to Town Manager Matt Sturgis.
- In a continuation of the discussion, CJ relayed that the Town Council had discussed KR's continued participation on the Harbors Committee even though KR will be leaving the Council in December. This approach was contingent on KR's willingness to continue to serve the Committee. KR stated that she would be pleased to continue on Harbors Committee and there was consensus among the group that this situation would greatly assist the Committee in completing their work.

### **Discussion of CEFA's November 2017 Recommendations for the Town**

- SC began with an overview of the Cape Elizabeth Fishermen's Alliance (CEFA) presented recommendations to the Town. There was a discussion as to whether the Committee should vote up or down on the recommendations or do something else with the information provided. The consensus was that many of the recommendations that were provided were also supported by the Committee as well as others that had spoken earlier before the Committee and that these items would likely be included within the text of the report. For instance, the private commercial uses versus public uses at the Kettle Cove/Crescent Beach area would be a major discussion point in the report and CEFA's position on the matter would be included as supporting material.
- The discussion then ensued on the various aspects of the recommendations and they touch on issues within the Harbors Committee purview such as the overcrowding issues during the summer at Kettle Cove/Crescent Beach and the need to spread out uses.

### **Discussion of the Committee's approach to drafting the Comprehensive Plan Marine Resources Chapter**

- SF reviewed for the members who were not present at the last meeting that Town Planner Maureen O'Meara provided a marked up copy of the State requirements for the Marine Resources section of the Comprehensive Plan. SH showed the Committee a copy of the markup which had been highlighted to

show items that the Harbors Committee should focus on and identified items that will likely appear in other sections of the Comprehensive Plan so the Committee would not need to concentrate on those items.

- SC questioned if the Committee should be thinking more forward into the future and be evaluating more lavish solutions and goals. The conversation shifted to more practical steps. SF noted that the Committee has reviewed the overall harbors situation and that there are no immediate crises. There will be more demand through varied uses in the future in the Kettle Cove area that will need to be addressed, but overall there aren't extravagant solutions that will need to be evaluated. SC expressed that there would need to be steps taken to evaluate boat launching options and developing a long range for Kettle Cove and the Crescent Beach.
- SH showed examples of graphics that the Town staff can provide that Maureen handed out at the last meeting. He also noted that there is a significant discussion in the minutes of the last meeting regarding Maureen's presentation on the Comprehensive Plan section. He also noted that Maureen had emphasized the need to establish recommendations and have goals that can be measurable.
- CJ suggested that the Committee prepare a draft of the report and work through the issues to complete the report and then address the Comprehensive Plan section as a lot of it will have been addressed in the report. The group agreed with this approach.

**Discussion regarding changes to the Harbors Ordinance Section for the purpose of finalizing the changes and preparing a cover memo**

- SH had provided the Committee with past meeting comments regarding potential Ordinance changes as well as a tracked changes version of the "Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE" from the last meeting. This version added definitions for "Houseboat" and "Outhaul" and under the Moorings Section, there was new language regarding houseboats and outhauls. There was also an elimination of the word "extreme" in the phrase "extreme emergency" in the Section 10-4-1 as the Committee felt that the Chapter 10 definition of emergency of the word "emergency" was sufficient on its own and did not need to be qualified.
- SF thanked SH for providing the summary of the discussion of the possible changes that had been discussed. She noted that although the Committee had discussed a wide range of possible changes that the changes really only come down to four or five places in the Ordinance.
- SH asked a question to the Committee and the fishermen present as to a comment made early in the process to change "black can buoy 'C-1'" in Section 10-1-2 (a) to "green can buoy 'C-1'". The group discussed this issue and determined that the reference to the color of buoy should be dropped as it may get repainted to another color in the future.
- The Committee directed SH to prepare a cover memorandum addressed to Town Manager Matt Sturgis to explain the rationale of the tracked changes version of the Ordinance suggested changes. This package would then be forwarded to the Town's Ordinance Committee which reviews the language and then sends it along to the Town Council with recommendations for the Council to consider for implementation.

### **Review of Public Informational Survey verbatim comments and trends**

- The group discussed the need to have everyone present from the Committee to review this topic properly.
- SH noted that he is having someone from his office assist develop an exhibit with a clear summary of the results of the Public Input Survey and can provide that to members of the Committee by the end of the week for their review.
- The Committee decided to set aside this topic and discuss it during an abbreviated agenda for the next meeting in December.

### **Other Items not on the Agenda**

- No items were raised.

### **Public Comment:**

- NP asked the Committee what would happen to the CEFA recommendations. Specifically to what degree would the CEFA recommendations would appear and factor into the Harbors Committee report.
- SC said at a minimum, the CEFA recommendations would appear in the appendix of the report. Although no one knows at this point what the final process would entail, he believed that the report would include discussion of many of the items that CEFA had raised.
- The group then discussed the point that if any interested party felt that their opinions hadn't been heard or properly emphasized then they could go to the Council directly to have their opinion presented.
- At the end of the discussion, SC thanked CEFA for providing their recommendations and for participating in the Harbors Committee meetings.

**Next Meeting:** The next Harbors Committee regular meeting will be held on Tuesday, December 12, 2017 at 6:15 P.M. in the Basement Floor Conference Room at the Thomas Memorial Library.

**The meeting was adjourned at 7:21p.m.**

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