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DRAFT

Open Space and Greenbelt

Management Plan

April 26, 2011

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I. Purpose and Vision Statement

Citizens of Cape Elizabeth have long valued and supported efforts to protect, enhance and expand the Town's open spaces. In response, Town government has acquired ownership or easement rights to 923 acres of open space land that the town is responsible for managing. This is over 10% of Cape Elizabeth's total land area. Recognizing the extent of the Town's open space holdings, the Town Council requested a plan for managing these properties inasmuch as "... the quantity of open space and the use of the greenbelt trails have progressed to the level where a management plan is needed to cohesively guide the town in its stewardship responsibilities."

The plan presented in this document is a blueprint for safeguarding the essential character that defines Cape Elizabeth's open spaces. It identifies and describes parcels in the Town's open space inventory, references applicable laws and rules and sets forth usage, maintenance and public information policies. The plan reflects current conditions and issues. To remain an effective and relevant management tool, it must be reviewed and updated regularly.

Town Council Charge

The Town Council created the Open Space and Greenbelt Management Committee, comprised of the Conservation Commission and Town Council Liaison Jessica Sullivan in 2010 with the following charge:

To prepare for Town Council consideration a plan for management of town open space and greenbelt trails, except for Fort Williams which already has an established management structure.

Greenbelt Plan Vision Statement

In 2001, the Town of Cape Elizabeth adopted an updated Greenbelt Plan that included a long-term plan to establish a town-wide system of greenbelt trails. The vision for that plan follows:

1 To establish a town-wide network of greenbelt trails by connecting the Town
2 Center to important open spaces currently owned or to be acquired and all
3 neighborhoods through a hub-and-spoke system. A greenbelt trail shall be
4 located within a comfortable walking distance to all neighborhoods by creating,
5 marking, mapping, and maintaining trails which provide legal public access, at
6 least a portion of which will be handicapped accessible. Preserved open space
7 and visually attractive areas of Cape Elizabeth will be made more accessible to
8 the public by the greenbelt trails.
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II. Management Plan Land Inventory

This section provides an inventory of land owned in fee by the Town, easements held by the Town, and publicly accessible linkages to Town owned open space. The Town owns many small, seemingly insignificant land parcels. Many of those parcels, however, are important as building blocks for greenbelt trail links. To understand the significance of parcels in the context of the Greenbelt Plan, the open space inventory is organized by area, as follows:

- Northeast
- Stonegate
- Interior
- Trout Brook
- Coastal
- Great Pond
- Southwest
- Gull Crest
- Marsh

- 1 Insert Town wide Area Map
- 2 and individual maps

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III. Land Use/Facility Chart

The following chart groups Town open space as either primary (largest open spaces offering a wider range of uses) or secondary (smaller open spaces with value to the neighborhood or severely constrained by natural physical characteristics). Under each group, individual lots are listed by area.

The main use of this chart is to answer the questions about what activities are allowed in a specific area. "N" means a use should occur on this lot. If the "N" is in bold, that use is specifically prohibited by deed. A "Y" means that the activity is allowed, but may not be recommended. Hunting is shown at allowed in every area not precluded by state law and under state law, the town does not have the authority to prohibit hunting beyond what state law already prohibits. Snowmobiling is generally permitted in areas not precluded by deed and on larger parcels. Trail users should remember that the Cape Elizabeth Greenbelt is a multi-user trail system, including but not limited to hiking, biking, horseback riding, skiing and hunting, and proceed accordingly and with consideration of all users.

The last section of the chart summarizes the facilities that may be found at town open spaces. Overall, town open space is rustic in nature and does not have a lot of groomed or convenience facilities. In particular, "preserves" have no facilities and entrance into these lands is not recommended.

PRIMARY OPEN SPACES The spaces below generally are the largest town open space areas offering a wider range of uses and facilities or are located in significant natural areas where public access is desired	Activities/FACILITIES																						
	Size (in acres)	ATV	Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing(1)	Ice Skating	Mountain Bikes	Snowmobiles (2)	Snowshoeing	Swimming	Trapping(3)	X County Skating	ATHLETIC FIELD	BARBEQUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS
Northeast Area																							
Dyer Woods and Pedestrian Esmts	5.4	N	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	Y
Soaviac Beach	0.3	N	Y	Y	Y	Y	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Stonegate Area																							
Fort Williams (4)	97.2	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Stonegate Trails	86.6	N	N	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	Y
Loveitt Woods	18.0	N	N	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	Y
Plaisted Park (5)	3.5	N	N	Y	Y	Y	N	N	N	Y	N	N	N	Y	Y	N	N	Y	Y	N	Y	N	N
Interior Area																							
Lions Field (5)	25.0	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	N	N	N	N	Y
Columbus Park	1.0	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	N	N	N	Y	N	N	N	N	N
Great Pond Area																							
Broad Cove Trails	20.6	N	N	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	Y
Great Pond Condos Easement	9.5	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	Y
Great Pond Sprague Easements	6.6	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	Y	N	N	N	N	N	Y
Great Pond Fenway Connector	0.1	N	N	Y	N	Y	Y	N	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	Y
Great Pond Golden Ridge Ped Esmt	0.4	N	N	Y	N	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	Y
Great Pond Jordan Pedestrian Esmt	0.5	N	Y	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	N	N	N	N	N	N	Y
Two Lights Pond Pedestrian Esmt	1.7	N	N	Y	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	Y
Two Lights Pillsbury Pedestrian Esmt	0.1	N	N	Y	N	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	Y
Two Lights St. Bart's Easement	1.7	N	Y	Y	Y	Y	N	Y	Y	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	Y
Two Lights Sullivan Pedestrian Esmt	0.2	N	N	Y	N	Y	Y	N	N	Y	N	N	N	Y	N	N	N	N	N	N	N	N	Y

		Activities/FACILITIES																				
PRIMARY OPEN SPACES The spaces below generally are the largest town open space areas offering a wider range of uses and facilities or are located in significant natural areas where public access is desired	Size (in acres)	ATV	Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing(1)	Ice Skating	Mountain Bikes	Snowmobiles (2)	Swimming	Trapping(3)	X Country Skiing	ATHLETIC FIELD	BARBEQUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS
		Whaleback Trails	5.2	N	N	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	N	N	N	N	N	N
Gull Crest Area																						
Gull Crest	177.0	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	N	N	N	Y
Gull Crest Fowler Rd Corn Ped Easmt	0.2	N	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	Y
School Campus (6)	64.8	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	Y	Y	N	Y
Marsh Area																						
Cross Hill Trails	105.0	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	Y
Leighton Farms Trails	6.8	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N	Y	Y	N	N	N	N	N	N	Y
Spurwink Marsh Esmt	16.5	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	Y
Town Farm	150.0	N	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	Y	N	N	N	Y
Winnick Woods	71.0	N	N	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	Y	N	N	Y
		Activities/FACILITIES																				
SECONDARY OPEN SPACES The spaces below generally are small and are valued by the adjoining neighborhood or public use is severely constrained by the natural physical characteristics of the lot	Size (in acres)	ATV	Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing(1)	Ice Skating	Mountain Bikes	Snowmobiles (2)	Swimming	Trapping(3)	X Country Skiing	ATHLETIC FIELD	BARBEQUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS
		Northeast Area																				
Abaco Park	0.4	N	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N
Abaco Pedestrian Easement	0.2	N	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N
Holan Preserve	3.1	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Me Rd lot	0.1	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Stonybrook Park	0.2	N	N	Y	Y	Y	N	Y	Y	Y	N	Y	N	N	Y	N	N	N	N	N	N	N
Stonegate Area																						
Arlington Lane Easement	3.0	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cranbrook Easement	6.8	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Shore Road Pond	1.1	N	Y	Y	N	Y	N	Y	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	Y
Coastal Area																						
Alewive Brook Park	0.3	N	N	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	N	N	N	N	N	N	N	N
Alewive Cove Preserve	0.5	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Davis Woods	7.3	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N
Eastfield Preserve	0.4	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Tarbox Triangle	0.2	N	N	Y	N	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N
Trout Brook Area																						
Ferne Paddy Preserve	3.7	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Queen Acres/State Ave	0.7	N	N	Y	Y	Y	N	Y	N	N	N	Y	N	Y	N	N	N	N	N	N	N	Y
Interior Area																						
Canterbury Pedestrian Easement	0.8	N	N	Y	N	Y	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	N	N
Canterbury Well house	0.03	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hobstone Pedestrian Easement	0.04	N	N	Y	N	Y	Y	N	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N
McAuley Park	0.5	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	N	N	N	N	N	N	N	Y
Patricia Preserve	0.5	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N
Wildwood Easement	7.5	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N

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SECONDARY OPEN SPACES The spaces below generally are small and are valued by the adjoining neighborhood or public use is severely constrained by the natural physical characteristics of the lot	Size (in acres)	Activities/FACILITIES																					
		ATV	Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing(1)	Ice Skating	Mountain Bikes	Snowmobiles (2)	Swimming	Trapping(3)	X County Sliding	ATHLETIC FIELD	BARBEQUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS	
Great Pond Area																							
Broad Cove Preserve	8.3	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
McKenney Point Park	0.1	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N
Gull Crest Area																							
Fowler Rd Corner lot	0.2	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y
Hampton Neighborhood Preserve	0.8	N	N	Y	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Longfellow Park	0.2	N	N	Y	Y	Y	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N
Marsh Area																							
Autumn Tides Park	0.5	N	N	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Park Circle	1.1	N	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N

- (1) Hunting and Fishing are preemptively regulated by the State of Maine. See the Policy Section for more information.
- (2) This does not restrict the operation of snowmobiles on property for maintenance or emergency access.
- (3) State Trapping Rules allow only "cage-type live traps and drowning sets" to be set within 1/2 half mile of the built-up section of a city or town." The Town of Cape Elizabeth has determined that all of the property it owns is within the 1/2 mile trapping limitation zone. Further, setting the type of traps that are allowed by the Trapping Rules on Town property requires written permission from the Town. Licensed trappers will be granted such permission in order to remove animals causing damage to property or for wildlife survey and research purposes.
- (4) Open Space Management of Fort Williams, including permissible uses, are overseen by the Fort Williams Advisory Commission
- (5) No activity is allowed that will damage the athletic fields.
- (6) This applies to only to the natural areas not formally managed as the school campus.

Esmt = easement
N = restricted by deed

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IV. Role of Responsible Parties

General oversight, maintenance, monitoring and restoration of town open space will be conducted by multiple existing departments and groups within the Town of Cape Elizabeth municipal structure. Management of Town open space will be most successful if the appropriate individuals and groups are clear about their role and the role of other parties. Below is a summary of the role of individual groups.

Town Council

The Town Charter states as follows:

The Town Council may acquire property for any Town purpose, in fee simple or nay lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as the Town’s interest may require.

As the holder of the property interest of the Town, the Town Council determines policies for uses of municipal property including but not limited to responses to private encroachments to public open space. Town Council authority is sometimes limited by deed restrictions. The Town Council directs staff, through the Town Manager, to implement its decisions. Town Council decisions are made during public meetings at which the public may provide comment.

Town Manager

The Town Charter states as follows:

1 The Town Manager is the administrative head of the Town and is
2 responsible to the Town Council for the administration of all departments
3 and for the implementation of Town Council decisions.
4

5 As part of the annual budget process, the Town Manager communicates with the
6 Conservation Commission on open space issues including asking the
7 Commission for recommendations for funding for acquisition and for
8 stewardship of open space. In the event of encroachments on town property, the
9 Town Manager implements adopted policies and coordinates the Town
10 response.

11
12 Conservation Commission
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14 The Conservation Commission is an advisory 7-member board appointed by the
15 Town Council. It is the steward of the greenbelt trail system and provides advice
16 to the Town Council on all town open space, except for Fort Williams Park. The
17 Conservation Commission prepares, for Town Council consideration, policy
18 documents, and recommended updates for the greenbelt plan and for master
19 plans for other open space/conservation lands. Annually, the Conservation
20 Commission reviews the condition of greenbelt trails and identifies needed
21 improvements. It recommends to the Town Manager funding needs for the
22 acquisition and stewardship of open space.
23

24 All volunteer efforts to alter greenbelt trails or open space are reviewed by the
25 Commission. Activities that fall within policies already adopted by the Town
26 Council may be approved by the Conservation Commission. Project proposals
27 that are not within the previously approved Town Council policies are reviewed
28 by the Conservation Commission which then provides a recommendation for
29 Town Council consideration.
30

31 The Conservation Commission also responds to Town Council requests for
32 recommendations.
33

34 Town Planner
35

36 The Town Planner reports to the Town Manager and provides staff support to
37 the Conservation, Planning and other committees as assigned.
38

39 The Town Planner maintains and updates records of the Town's open space
40 including copies of all deeds and master plans and where possible provides these
41 documents online on the municipal website. The Town Planner also provides
42 mapping using the Town Geographic Information System (GIS).
43

1 The Town Planner meets with volunteers and guides them through the
2 Conservation Commission meeting/review process.

3
4 The Planner implements decisions of the Conservation Commission, including
5 purchase of materials and contract labor for greenbelt trail work, preparation of
6 policy documents, recommendations and other duties as required.

7
8 The Planner coordinates with the Public Works Department on greenbelt trail
9 maintenance and collects information regarding possible encroachments on
10 public land, including arranging for a surveyor to identify property lines.

11 Public Works Department

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13
14 The Public Works Department performs the bulk of greenbelt trail maintenance,
15 including annual maintenance per the Conservation Commission Annual
16 maintenance plan. Maintenance primarily involves vegetation mowing and
17 cutting to keep trails open. The Public Works Department provides support to
18 volunteer trail maintenance efforts, such as the delivery of materials to trail sites
19 and the removal of debris placed next to the road. Public Works also plows
20 parking lots associated with open space parcels.

21 Code Enforcement Officer

22
23
24 The Code Enforcement Officer reports to the Town Manager and regularly
25 conducts field inspections. In the course of inspections, the Code Enforcement
26 Officer may notice potential encroachments on town owned land, which he will
27 report to the Town Manager for further investigation.

28 Private Property Owners

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31 All town owned open space abuts privately owned land. Private property
32 owners may act as volunteer monitors of town owned land and report any
33 damage to trails or open space to the Town Planner or other town employee.
34 Private property owners who experience trespassers on their property from town
35 open space may also report these activities to the Town Planner, who will bring
36 it to the Conservation Commission to address. Private property owners should
37 not make any alterations to town owned land without obtaining permission from
38 the Conservation Commission. One exception to this policy is if a tree falls
39 blocking a greenbelt trail, in this instance a private property owner may remove
40 the tree from the trail only without permission and with the thanks of the
41 Conservation Commission. Private property owners have requested permission
42 to remove invasive species, which has been granted, and have also volunteered

1 to conduct vegetation trimming on nearby trails, which is appreciated by the
2 Conservation Commission.

3

4 Other Stakeholders

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6 The Conservation Commission has sometimes been contacted by non-resident
7 trail users, student volunteers or other groups. The Conservation Commission
8 welcomes volunteer efforts. These groups should meet with the Conservation
9 Commission before making any alteration to Town open space.

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V. Management Policies

Town-wide property Management Policies

Open spaces owned by the Town of Cape Elizabeth are intended for the benefit and enjoyment of all citizens and visitors. Town policy is to impose as few restrictions on use of these properties as possible, consistent with the need to maintain user safety, minimize conflicting uses, protect the natural features and generally exercise proactive stewardship of a valuable and enduring Town asset. When using town open space, members of the public should respect the rights of abutting private property owners and stay on town open space.

Existing Ordinances, State laws and Regulations

These management policies supplement existing federal, state, and local laws. Highlights of existing laws are noted below in association with the policy to which they most closely relate. Open space users are responsible for abiding by all applicable laws.

Trail Conditions

Policy: Greenbelt trails will be established and maintained primarily as minimally improved pathways. Any manner of trail improvement will extend only so far to provide trail users with a rustic, enjoyable experience while minimizing impact on the natural environment. Typical trail widths will be 4 to 6 feet wide with a minimum vertical clearance of 8 feet. On wooded trails where snowmobiles operate, curved trail sections may be wider. Almost all trail surfaces will be the existing soil or grassy vegetation that is mowed periodically. Bark mulch, gravel and similar materials may be applied when the use of the trail degrades the trail surface. Water bars, shallow swales or drainage pipe may be employed for erosion control purposes.

1 Boardwalks, bridges and other structures will be constructed to carry
2 trails over water or protect native soils and vegetation. On trails where
3 snowmobiles are permitted, structures will be wide enough to
4 accommodate one snowmobile and rider at a time. Trail improvements
5 will not introduce grade changes where they do not naturally exist. For
6 example, when boardwalks or bridges are constructed, the ends will
7 include ramps or will merge at grade to the adjacent trail surface.
8

9 In order to preserve trail surface stability and manage trail maintenance
10 costs, the Conservation Commission may restrict use or close a trail for a
11 season or during wet conditions. Notification of a closed trail will be
12 posted at the trail and on the town website.
13

14 Greenbelt trails are used by almost everyone who visits the Town's open
15 spaces. Many trails are heavily impacted by foot traffic, bicycles and, in
16 some places, snowmobiles and horses. Accordingly, virtually all open
17 space maintenance efforts will be directed to the upkeep and
18 improvement of the trail system. The Town of Cape Elizabeth will make
19 all reasonable efforts to maintain the greenbelt trail system within
20 budget limits, however, trail users are expected to use common sense
21 and avoid trails when natural conditions make them hazardous.
22

23 **Signage**

24
25 **Policy:** All town greenbelt signs should adhere to a consistent design and
26 prominently state that the trail is provided by the Town of Cape Elizabeth
27 in order to educate the public about the Town Greenbelt system.
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29 All Greenbelt trails constructed and maintained by the Conservation
30 Commission are marked at regular intervals with 4 by 5 inch metal signs
31 as seen below.
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Larger 8 by 12 inch versions of these signs will be placed where they can be seen at major trail heads, in an attempt to make the location of trail systems easier to find. The Conservation Commission will also review the greenbelt trail system and identify major trailhead locations where prominent 4' x 8' trail signs, similar to the Winnick Woods sign, should be installed.

Recently the Commission funded a project to map all of the Green Belt trails with a GPS system. This information is currently being downloaded into a format that will allow maps of the trails to be created. The use of these maps will be two fold. First, the plan is to place copies of the maps at the head of the individual trail systems and at significant intersections to help the public navigate the trials in the field. Secondly, the public will be able to view copies of these trail maps, accompanied by a brief narrative, electronically at the towns public website at www.capeelizabeth.org

In addition, the public is asked to follow and respect any additional trail signage that may be posted on individual trails, such as signs asking recreational bikers to dismount over wet areas of the trail, or signs prohibiting the use of motorized vehicles on the trail system. Destroying, damaging or removing signs, kiosks or any other structure or improvement placed on Town Open Space by the Town's employees or authorized agents is prohibited under Sec. 12-1-6 of the Miscellaneous Offenses Ordinance.

Miscellaneous Offenses, Sec. 12-1-6. Defacing, Injuring Public

Property. No person shall mark or write on any public building, nor on any fence not his own nor any sidewalk, nor any other public place in this Town.

Hours of Operation

Policy: All town open spaces, except for Fort Williams, are open at all hours for the enjoyment of the public. From the hours of sunset to sunrise, trail users shall limit activities to the quiet enjoyment of the trails.

Encroachments

Policy: The goal of the Encroachment Policy is to protect town owned land for the benefit and enjoyment of public use, for its' own use, and within the context of local ordinances, deed restrictions, and usage easements which the Town has purchased or been granted. No alteration of town property or use for private purpose without the express permission of the Town should occur.

The Town of Cape Elizabeth strives to be a good neighbor in its efforts to maintain and enhance the public's use and enjoyment of the Town's Open Space and Greenbelt Trails. The town wishes to protect the public interest in public property, now and for future generations, and has a fiduciary responsibility to protect these assets. The Town's public property rights shall be respected in the same spirit as those of private property owners.

Encroachment defined. An encroachment is an alteration of Town property by a private party without the permission of the Town. "Private Use Encroachments Onto Municipal Property" or encroachments may include, but are not limited to:

1. Placement of structures; buildings, fences, landscape objects, play equipment
2. Placement of yard and leaf waste
3. Placement of household trash
4. Planting of trees and vegetation
5. Removal of trees and vegetation
6. Unauthorized clearing, mowing, landscaping

When encroachments occur. Encroachments may be reported by a member of the public or by a town employee or official. When a potential encroachment has been identified, the following process shall be used:

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1. Confirm encroachment. Following a complaint or report of a possible encroachment, the Town Manager shall be notified. The encroachment shall be inspected and, if deemed necessary, a professional surveyor will be retained to confirm the property boundary and prepare a sketch showing the extent of the encroachment. When applicable, the deed for the property shall be reviewed for restrictions.

2. Identify party causing encroachment. The Town Manager shall attempt to identify who has caused the encroachment and initiate contact. If the responsible party cannot be determined, the Town may take action to remedy the encroachment under #3 below. If the party can be identified, the Town Manager shall initiate contact and seek voluntary cooperation to remove, repair or replace as necessary.

3. Enforcement. If the Town Manager is unable to obtain voluntary cooperation, legal advice may be sought and all legal remedies available to a property owner may be undertaken by the Town. Remedies may include but are not limited to removal of structures, replanting of vegetation, installation of fencing or other visually prominent property, and boundary markers, and efforts to recover costs. Appeal of the Town Manager’s determination that an encroachment has occurred shall be made to the Town Council.

Vegetation damage and removal/Invasive Species

Policy: No vegetation should be removed on town owned open space without the permission of the Town, except for blockages to town trails.

Greenbelt trails are primarily located in naturally vegetated areas, and often adjacent to sensitive natural resources such as wetlands and ponds. Vegetation will be removed to maintain greenbelt trails. Volunteers are encouraged to partner with the Town to conduct vegetation management, and may remove vegetative barriers across existing trails, such as fallen trees and branches, only where the trail is located, without permission.

The Town also encourages and participates in programs to discourage and remove invasive species. Volunteers have requested and received permission to remove bittersweet on town open space, especially where it is threatening the health of trees.

1 **Rubbish, Litter, Sewerage and Animal refuse**

2
3 **Policy:** The Town of Cape Elizabeth has a Carry-in, Carry-out policy. No
4 person shall dump, deposit or leave any bottles, broken glass, paper,
5 boxes, cans, rubbish, waste or garbage or other trash in any open space
6 areas. Persons must, upon departing, carry out all residual items, waste
7 or trash. No person shall deposit waste water, sewage or effluent from
8 sinks, portable toilets, holding tanks or other plumbing fixtures directly
9 upon or into the surface of the ground or into surface water within an
10 open space area.

11
12 If any domestic animal, dog, horse or other animal brought onto open
13 space defecates on or near open space, the person or persons
14 accompanying the animal are responsible for the immediate removal and
15 appropriate disposal of the feces off the open space. In naturally wooded
16 areas, animal waste may be left in the open space as long as it is at least 5'
17 from a greenbelt trail. If the Conservation Commission determines that an
18 undesirable amount of animal waste is accumulating in an area, it may
19 restore the policy of complete removal of animal waste from town open
20 space.

21
22 The following town ordinance may require some clarification to be
23 consistent with the animal waste removal policy on town owned open
24 space.

25
26 **Health and Sanitation Ordinance, Sec. 11-3-12. Consent to**
27 **dispose of waste.** No person shall throw, place, deposit or permit
28 any person under his control or employ to throw, place, or deposit
29 any putrid substance, human or animal excretion, dead animal,
30 night soil, filth of any kind, garbage, rubbish, refuse piles, old
31 lumber, or any unwholesome material in or upon any vacant lot,
32 alley, lane, sidewalk or street, beach, harbor, pond, or stream, or
33 upon any private lot or public grounds within the Town of Cape
34 Elizabeth without the consent of the town health officer or his duly
35 authorized representative.

36
37 **Work Alterations/Improvements to Public Land**

38
39 **Policy:** Any proposed improvement to town open space, not including
40 infrastructure improvements funded by the Town Council, must be
41 reviewed by the Conservation Commission.
42

1 Individuals or groups that wish to make improvements to town trails or
2 open space shall first meet with the Conservation Commission and
3 describe the proposed improvements. The Conservation Commission will
4 conduct a field visit of the improvement area, and may request plans or
5 other materials confirming the proposed work. The Conservation
6 Commission will also supervise the improvements.

7
8 Any work that falls within existing policies and plans approved by the
9 Town Council may then be authorized by the Conservation Commission.
10 Proposed improvements that exceed the scope of the Conservation
11 Commission's role as steward of the Greenbelt system shall be forwarded
12 to the Town Council with the Conservation Commission's
13 recommendation.

14 **Hunting, Fishing, and Trapping**

15
16
17 **Policy:** Hunting, fishing and trapping in Town open space areas are
18 allowed in accordance with all Town and State laws and regulations.

19
20 **Hunting Stand.** In accordance with state law, the Town does assert its
21 right as a property owner to require that no hunting stand be installed on
22 town open space without obtaining the permission of the property owner.
23 Tree stands to be erected on town open space shall include the name of
24 the owner on the tree stand. Permission to erect a tree stand will be
25 granted in conformance with the following:

- 26
27 1. The tree stand must be installed in conformance with state law;
- 28
29 2. The tree stand must be installed a minimum of 100 yards from any
30 residential dwelling; and
- 31
32 3. The tree stand must be installed a minimum of 10 yards from any
33 Town of Cape Elizabeth trail marked with greenbelt trail signs.

34
35 **Traps.** State Trapping Rules allow only "cage-type live traps and
36 drowning sets" to be set within one-half mile of the built-up section of a
37 city or town." The Town of Cape Elizabeth has determined that all of the
38 property it owns is within the 1/2 mile trapping limitation zone. Further,
39 setting the type of traps that are allowed by the Trapping Rules on Town
40 property requires written permission from the Town. Licensed trappers
41 will be granted such permission in order to remove animals causing
42 damage to property or for wildlife survey and research purposes.

43

1 **State Laws.** The Town has obtained legal advice that it does not have the
2 authority to prohibit hunting on town owned land. Hunting, fishing and
3 trapping is regulated by the State of Maine. Adherence to all state laws
4 and regulations shall be the responsibility of the persons who wish to
5 engage in hunting, fishing, or trapping on Town open space. A complete
6 summary of state law is not provided here, however, the following
7 general hunting provisions¹ should be noted:
8

9 •“The hunting, possession, transporting of any species of wild animal or
10 wild bird, or parts thereof, for which an open hunting season is not
11 specifically provided, and except as provided in the fish and wildlife laws,
12 and except as provided in the fish and wildlife laws, is unlawful.”
13

14 •“Wild birds and wild animals may not be hunted from 1/2 hour after
15 sunset until 1/2 hour before sunrise the following day. Exceptions:
16 migratory bird, turkey, raccoon and coyote.”
17

18 •[Shooting] within 100 yards of a dwelling is unlawful.
19

20 •Tree hunting stands on private property may not be erected without the
21 permission of the property owner. The hunting platform must include the
22 name of the owner on the stand and steps may only be strapped onto the
23 tree.
24

25 ¹State of Maine Hunting and Trapping 2009-2011 Laws and Rules
26

27 **Local Laws:** Use of firearms in Cape Elizabeth is limited by the Firearms
28 Ordinance as follows:
29

30 **Firearms Ordinance, Sec. 9-1-1. Prohibition of Discharge of**
31 **Firearms.** The discharge of firearms, air rifles or pistols is
32 prohibited in all areas of Town excepting the salt marshes, property
33 owned by the Spurwink Rod and Gun Club, and property under
34 federal jurisdiction, and excepting the use of such weapons at
35 military exercises or in the lawful defense of person, family or
36 property of any individual or entity. Use of rifles except on target
37 ranges authorized by the Police Department is prohibited within all
38 areas of the Town.
39

40 **Federal Laws.** On federal land, discharge of firearms is allowed. In
41 addition, discharge of firearms on land located below the low water mark
42 of coastal lands is allowed.
43

1 **Camping**

2
3 **Policy:** No camping is allowed on town owned open space without the
4 written permission of the Town. A camping permit is required.

5
6 **Miscellaneous Offenses, Article II. Camping on Public Property.**
7 **[Adopted eff. 10/13/71, under R. S. 1964, T. 30, Sec. 2151.]**

8 **Sec. 12-2-1. Permit Required.** No person shall sleep, tent, camp or
9 be housed in a camper, trailer or other mobile home upon any
10 property owned by the Town of Cape Elizabeth after sunset or
11 before sunrise except in accordance with a permit issued by the
12 Chief of Police upon conditions sufficient to assure that adequate
13 water and sanitary facilities will be preserved, that the normal use
14 of the town property will not be disrupted, that the peace and
15 property of any abutters will not be disturbed, and that any liability
16 which the Town might incur has been waived; such permit may be
17 summarily revoked by the Chief of Police, or his duly authorized
18 agent, upon the violation of any of the conditions recited therein.

19
20 **Horses**

21
22 **Policy:** Horses are allowed on designated greenbelt trails. Due to the
23 extreme sensitivity of a horse’s nature and its inherent unpredictability, all
24 other trail and open space users shall heed all warnings and requests from
25 horse riders, whether mounted or on foot. Dogs must be restrained in the
26 vicinity of horses. Horse manure must be removed, but may be moved to
27 a distance of not less than 5’ from any greenbelt trail in naturally wooded
28 areas.

29
30 Cape Elizabeth has a long standing history of horse ownership and horse
31 related activities. In the past, horses provided transportation, either by
32 carrying a rider or by pulling wagons, buggies and sleighs. Horses also
33 assisted farmers in plowing fields, pulling logs and pulling wagon or sled
34 loads of natural resources, such as seaweed to farm fields, as well as
35 commercial goods.

36
37 Today, horses in Cape Elizabeth are primarily kept for pleasure activities
38 as such as horseback riding and pulling holiday sleighs. Today, there are
39 approximately 130 horses owned and boarded in Cape Elizabeth. The
40 majority of these are boarded at 4 farms.

41
42 **Pets**

1 **Policy:** All dogs must be leashed on groomed Town property. In natural
2 open space areas, greenbelt trail users who are accompanied by their pets
3 must maintain control of their animals at all times so as to prevent their
4 harassing or otherwise interfering with wildlife or other users. With the
5 above restrictions, dogs are allowed off-leash in open space areas.

6
7 The Town Dog Ordinance, Sec. 7-1-7, may need to be amended for
8 clarification and consistency with this policy.
9

10 **Dogs Ordinance, Sec. 7-1-7 Dogs to be Restrained on Municipal**
11 **Property.** Any dog within the boundaries of a groomed and/or
12 regularly maintained municipal property including, but not limited
13 to, Fort Williams Park, public roads, municipal sidewalks and
14 athletic fields, will be walked on a leash or tether at all times. The
15 person accompanying the dog in these situations is required to
16 collect any feces dropped by the animal and dispose of same in an
17 area where it will not likely be encountered by any persons. The
18 Cape Elizabeth Poor Farm, Lions' Field excluding the Little League
19 field, and a 20+- acre portion of Fort Williams Park Southerly of
20 Humphreys Road (the road fronting the Parks Maintenance
21 Building) and extending along a line to the rear of the long garages
22 at the rear of Officers Row buildings, (but excluding the fields
23 immediately south of Portland Head Light and in front of Battery
24 Blair) are not considered to be groomed and/or regularly
25 maintained for purposes of this ordinance.
26

27 **Motorized Vehicles**

28
29 **Policy:** No motorized vehicles may operate on Town open space except:

- 30 · snowmobiles in Gull Crest Park and the Town Farm
 - 31 · vehicles performing authorized construction and maintenance work
 - 32 · emergency service vehicles
- 33
34

35 **Fires and Alcohol**

36
37 **Policy:** In accordance with State Law, open burning anywhere in Town is
38 allowed only upon issuance of an Open Burn Permit. Alcohol may not be
39 consumed on Town open space.

40
41 Complete information related to burn permits can be found in the Fire
42 Department section of the Town website (www.capeelizabeth.com).
43

1 **Social Gatherings/weddings**

2
3 **Policy:** Individuals or groups desiring to schedule weddings, or events (
4 which are not just for use of the trails) which include an assembly of more
5 than 20 persons on town open space, not including Fort Williams Park or
6 athletic fields, should meet with the Conservation Commission to obtain
7 permission. Information regarding the date and time of the event, number
8 of attendees, any structures, tables, chairs, etc intended to be used and
9 parking arrangements should be included in the request.

10 11 **Closure of Open Space**

12
13 **Policy:** The Town reserves the right to close open space areas to the public
14 for the purpose of protecting environmental quality or during public
15 safety emergencies.

16 17 Property Management Policies for specific parcels

18 19 **Fort Williams Park**

20
21 The Fort Williams Advisory Commission is a 7 member volunteer board
22 appointed by the Town Council to supervise and provide advice to the Town
23 Council regarding all facets of Fort Williams Park. Fort Williams Park is the
24 premier town-owned open space in Cape Elizabeth and is therefore included in
25 the inventory section of this plan. Fort Williams Park, however, is exempted
26 from any of the management provisions of this plan in deference to the
27 organizational structure already established for the park.

28 29 **School Campus and Gull Crest**

30
31 The school campus and Gull Crest together form the central hub of the greenbelt
32 trail system. Centrally located within the town, both sites also serve multiple
33 purposes. The school campus includes all three public schools and the Town
34 Community Center, as well as the several athletic fields. Gull Crest includes the
35 Public Works Facility, Recycling Center and Community Garden. On these sites,
36 greenbelt and open space uses are secondary to these primary uses, and therefore
37 management policies on these sites take precedence over open space
38 management policies.

39 40 **Preserves**

41
42 Some of the land owned by the Town has been acquired due to its unsuitability
43 for development, often due to natural constraints. Most common are wetland

1 areas. In some cases, the wetness of the area, its lack of connectivity to the
2 existing greenbelt trail system and/or its value as wildlife habitat support the
3 designation as a “preserve.” Preserve areas are valuable elements to the open
4 space system of the town, but pedestrian activity and access is not encouraged.
5 The town’s intent in these areas is essentially to leave the land in its natural state.
6 Designation as a preserve does not preclude future construction of trails in a
7 preserve area as the greenbelt trail network expands.

8

9 At this time, the following town lands are proposed as a town preserve:

10

- 11 1. Alewife Cove Preserve
- 12
- 13 2. Eastfield Preserve
- 14
- 15 3. Ferne Peddy Preserve
- 16
- 17 4. Hampton Neighborhood Preserve
- 18
- 19 5. Highland Preserve
- 20
- 21 6. Holan Preserve
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- 23 7. Patricia Preserve
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VI. Property Maintenance

Annual Inspection

The Conservation Commission will annually inspect every Greenbelt Trail to determine if it meets basic safety and usability standards as described in this management plan. Additionally, the Commission will solicit and follow-up on pertinent comments from the public and Town officials related to the condition or suggested improvements to trails.

Annual Maintenance Activities

Routine Maintenance

The Conservation Commission will prepare an Annual Maintenance Plan focusing on vegetation management of greenbelt trails, especially where vegetation continually overgrows trail surfaces and closes off trail corridors. It will determine the nature, frequency and priority of remedial action necessary to properly maintain these areas. The Commission will then coordinate with the Public Works Department to determine how much maintenance the Department of Public Works has the resources to assume for that year. Where maintenance needs exceed Public Works Department resources, the Conservation Commission will consider contracting out services within existing budget limitations and availability of volunteer labor.

In addition to annual maintenance conducted by the Department of Public Works, the Conservation Commission will continue to perform vegetation management and placement of signage as their time allows.

Repairs/improvements/boundary encroachments

The Conservation Commission will also prepare a list of routine repairs, improvements and boundary assessments needed on Greenbelt Trails and town open space. The Commission's list will be in priority order with safety issues

1 identified as the most critical. The next order of priority will be problems located
2 on heavily used trails that seriously compromise use.

3
4 In response to sentiments expressed by the Town Council that a more proactive
5 approach to monitoring municipal property boundaries should be undertaken to
6 reduce encroachments, the Conservation Commission will supervise an annual
7 open space boundary survey program. As funding permits, the goal is to
8 professionally survey the boundaries of at least one-tenth of the town's open
9 space properties each year. Within six months of completing a boundary survey,
10 the Commission will determine if boundaries appear vulnerable to encroachment
11 and will recommend marking those boundaries with fencing, boulders or other
12 means that are resistant to casual removal.

13 14 **Maintenance Projects**

15
16 The Commission will coordinate greenbelt trail and other open space property
17 improvements as follows:

18
19 1. Department of Public Works. The Commission will coordinate with the
20 Department of Public Works to determine the resources the department can
21 devote to the project list. [For example, the Department of Public Works installed
22 all the piers supporting the Spurwink River bridge and boardwalk.]

23
24 2. Private contractors. Some projects require skills or specialized equipment
25 that are not typically available in the Department of Public Works. The
26 Commission will determine when contracting out work is needed to complete a
27 project. [For example, the Conservation Commission contracted out the
28 installation of the Great Pond boardwalk to Great Northern Docks and retained a
29 professional surveyor prior to remedial work on the Whale back trail head.]

30
31 3. Volunteer Labor. When appropriate, the Conservation Commission will
32 commit to completing a project, and may also solicit volunteers. [For example,
33 the Conservation Commission designed and built the Great Pond Boat Racks.]

34
35 4. Budget. Where a project has costs that exceed the annual budget, the
36 Conservation Commission will describe the problem, assess the consequences of
37 not addressing the situation promptly and obtain an estimated cost for the work.

38
39 It should be noted that it is common for greenbelt improvement projects to
40 include a combination of all of the above.

41 42 **Preserves**

1 Several unimproved town open space parcels have been designated as
2 “preserves” in this management plan. Most of these areas are relatively small
3 and are significantly encumbered by wetlands. These parcels are also often
4 isolated from other town open space parcels. Nevertheless, they can be valuable
5 to the immediate neighborhood as a natural area, wildlife habitat, flood control
6 or a landscape buffer.

7
8 Preserves will not be formally maintained. At some future date, the designation
9 of a preserve may be changed if the installation of greenbelt trails becomes
10 desirable.

11 **Maintenance by Others**

12
13
14 There are several parcels included in this management plan that include a mix of
15 formal uses and greenbelt trails. On these parcels, this plan focuses on the
16 greenbelt trails only. This management plan does not address parcels or facilities
17 for which formal management entities already exist. [For example, Fort Williams
18 is overseen by the Fort Williams Advisory Committee and athletic fields are
19 scheduled by the Athletic Director.] Existing facilities and open spaces that are
20 already formally managed include the following:

- 21
- 22 •Athletic Fields
- 23 •Land Trust properties
- 24 •School Campus
- 25 •Fort Williams
- 26 •Other Town lands
- 27

28 Volunteers

29
30 Conservation Commission members are town residents appointed by the Town
31 Council and donate hundreds of hours each year to trail maintenance. In
32 addition, the town maintains a list of resident volunteers (33) who helped during
33 trail work day events. There are also a few town residents who have volunteered
34 to informally “adopt-a-trail” and perform unsupervised maintenance as there
35 time permits.

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VII. Public Information

Management of Town open space will include a program to expand the knowledge of town residents about the public open space available to them. Town residents highly value open space. This has been demonstrated numerous times through public opinion surveys, support for funding to purchase open space, requirements for open space donation as part of new development, and volunteer hours working on town trails.

The public information program should help users enjoy the benefits of the open space they have supported. The program should also promote responsible stewardship of open space. Concepts such as treading lightly on the land and leaving a place the same or better than you found it will help keep maintenance costs in check and address possible concerns of abutters.

The public information program should be flexible to take advantage of opportunities to reach out and engage the public, but at a minimum include the following:

Town website

The town website should include a prominent Open Space and Greenbelt Trail presence. The Town trail map, *and individual area or trail maps*, should be easily located and able to download for trail users.

Changes on trails, such as temporary closures, maintenance work and special events should be posted on the website. [For example, the seasonal Great Pond Boat storage program is prominently advertised on the website during the permit application period.]

Local Media

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All of the notifications included on the town website should also be forwarded to local newspapers. In addition, there should be annual promotional effort to encourage residents to explore town trails.

Maps

The current trails map is a decade old. This management plan includes an updated map of town owned land and trails. This information should be used to produce an updated Town Trails map. Individual maps for each town trail system should also be prepared. The individual maps should be available on the town website and posted in a durable medium at individual trails. Town trail maps shall be kept up-to-date and re-released as needed.

Signage

The Conservation Commission has produced an inventory of signs for use on trails and at trail heads. The signs have an overall consistent theme and have been used extensively. This management plan would expand current signage efforts as follows:

- A more prominent trail head sign should be developed to assist the public with finding trail access locations.
- More prominent signs should be installed at prominent trail intersections.
- All trails should be inspected every year for replacement of worn-out or missing signs.

Annual Trail Walks/Outreach

The Conservation Commission shall at least annually conduct trail walks for the public. The walks may include experts on aspects of the greenbelt trail system.

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VIII. Related Recommendations

In the preparation of the Open Space Management Plan, the committee identified several related issues that are outside the scope of the plan but are recommended to facilitate open space management. These actions are needed to implement the plan as proposed.

Model Conservation Easements

Included in this plan are model conservation easements. In the past, conservation easements are often drafted by a developer and then reviewed by the town attorney. Upon request, developers are provided with a copy of a recent easement accepted by the Town and use it as a template. Many of the current easements held by the town have the same wording for this reason. In the committee’s review of existing easements, however, the quality of the easements vary widely in terms of specificity and consistency of terms.

Attached are two forms of easement drafted by the town attorney. The first is a standard conservation easement and the second is a pedestrian easement. While having a model easement format will not prevent the town and any willing party from making revisions to the terms of the easement prior to acceptance, a model easement creates a common starting point. It should make it easier to initiate an easement donation from a willing resident, reduce costs of review and produce an overall more consistent legal document.

Related Ordinance Amendments

The Maintenance Policies section (Section V) includes a review of existing town ordinances. Some of the policies recommended will require adjustments to current town ordinances, further described below:

Pet waste

The proposed Animal refuse maintenance policy allows pet owners to leave pet waste in the natural areas of town open space, but not within 5’ of a trail. The following ordinance should be made consistent with the proposed policy.

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Health and Sanitation Ordinance, Sec. 11-3-12. Consent to dispose of waste. No person shall throw, place, deposit or permit any person under his control or employ to throw, place, or deposit any putrid substance, human or animal excretion, dead animal, night soil, filth of any kind, garbage, rubbish, refuse piles, old lumber, or any unwholesome material in or upon any vacant lot, alley, lane, sidewalk or street, beach, harbor, pond, or stream, or upon any private lot or public grounds within the Town of Cape Elizabeth without the consent of the town health officer or his duly authorized representative.

Hunting and Trapping

Most regulation of hunting is pre-empted by state law. Within state law, however, it appears that the town may assert authority over the location of tree stands and traps. The Maintenance Policies Section (V) recommends that, prior to installing a tree stand on town land, permission be obtained from the Town and that permission will not be granted for a location within 100 yards from any dwelling or town-marked greenbelt trail. This plan also recommends that no traps be placed on town land without permission. The Town may want to adopt ordinance provisions that formally implement these management policies.

Dogs

The Maintenance Policies Section (V) recommends that dogs be allowed off-leash in open space areas.

Dogs Ordinance, Sec. 7-1-7 Dogs to be Restrained on Municipal Property. Any dog within the boundaries of a groomed and/or regularly maintained municipal property including, but not limited to, Fort Williams Park, public roads, municipal sidewalks and athletic fields, will be walked on a leash or tether at all times. The person accompanying the dog in these situations is required to collect any feces dropped by the animal and dispose of same in an area where it will not likely be encountered by any persons. The Cape Elizabeth Poor Farm, Lions' Field excluding the Little League field, and a 20+- acre portion of Fort Williams Park Southerly of Humphreys Road (the road fronting the Parks Maintenance Building) and extending along a line to the rear of the long garages at the rear of Officers Row buildings, (but excluding the fields immediately south of Portland Head Light and in front of Battery

1 Blair) are not considered to be groomed and/or regularly
2 maintained for purposes of this ordinance.
3

4 The Dog Ordinance should be updated to align “groomed areas” with current
5 practices. This may include redefining “groomed areas” and allowing some pet
6 waste to remain in natural areas away from the trail, per the Maintenance
7 Policies section.
8

9 Encroachment Survey Funding

10
11 In response to concerns raised by the Town Council regarding a proactive
12 approach to encroachments, this plan recommends that a professional survey of
13 town open space boundaries be undertaken and phased over a ten year period.
14 This program will require an annual appropriation, perhaps in the range of
15 \$2,500 per year.
16

17 Coordination with the Land Trust

18
19 The Cape Elizabeth Land Trust owns several properties that abut town open
20 space and several trails seamlessly connect town and land trust lands.
21 Management of Town open space will be most effective if coordination with the
22 Land Trust on adjacent properties continues.
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24 Volunteer Development

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26 The Conservation Commission has partnered with town residents, student and
27 trail users to make trail improvements. A few residents have informally
28 “adopted” a trail and perform vegetation management and minor repairs. Efforts
29 to expand volunteer efforts, particularly an “adopt-a-trail” program, should be
30 pursued.
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