



## TOWN OF CAPE ELIZABETH

P.O. Box 6260  
320 OCEAN HOUSE ROAD  
CAPE ELIZABETH, MAINE 04107-0060

**MICHAEL K. McGOVERN**  
Town Manager

799-5251  
AREA CODE 207  
FAX 799-7141  
E-Mail: [cetm@maine.rr.com](mailto:cetm@maine.rr.com)  
Website: [www.capeelizabeth.com](http://www.capeelizabeth.com)

June 14, 2011

Open Space Management Committee  
320 Ocean House Road  
Cape Elizabeth, ME 04107

Dear Members of the Open Space Management Committee:

This morning I had an opportunity to review your exceptional draft report. It is an excellent document that will certainly serve as a tremendous resource in the years and decades ahead.

There is one specific aspect of the draft report that I wish to comment upon. The report has given names to some parcels that have not previously been so designated by the Town Council. Most of the new names are innocuous and fairly and accurately capture the restrictions that apply to the properties. Yet, in a few instances, properties are given appellations by the committee inferring more restrictions on the parcels than presently exist.

In some instances in past years the Town Council has considered selling a number of the parcels that have been tax acquired and that have no restrictions. They have done so in conformance with the Town's current policy for the acquisition and disposition of municipal property. This policy provides among other provisions requirements that any recommended sale be reviewed by the Conservation Commission and that all proceeds go into a fund to purchase land. For instance, in 2008, the Town sold a parcel on Mitchell Road for over \$100,000 using this process and the proceeds were just used to pledge monies from the Land Acquisition Fund to help the Land Trust acquire the 63 acre Robinson Woods II Parcel. Had the Mitchell Road parcel been designated as a "preserve," it would have been nearly impossible to sell the tax acquired lot in order to utilize the funds for a lot more important to the community's future.

My recommendation is for the draft report to remove any word similar to "reserve" or "preserve" from any parcel that is tax acquired and that has no conservation restrictions.

They could instead be labeled with the naming convention of a street address or geographic descriptive address followed by “Tax Acquired Property.” If you would like to recommend any specific appellations beyond a set naming convention, I suggest you do so with a specific recommendation in your report.

Aside from the tax acquired properties, I also note that your draft report is now designating the land behind the Sherwood Forest subdivision across from Fort Williams Park as “Loveitt Woods.” This parcel without restrictions is both tax acquired and purchased. Again, the appellation you have included has no official standing. The Town has informally been calling this land the “Loveitt Heirs parcel” There has been discussion to place a formal conservation easement over this property, but this action has not yet occurred.

You might wonder why I am sensitive about these proposed designations. First, I am always hesitant to tie the hands of future elected officials when it comes to management of our unrestricted parcels. Second, many years ago, I approved a new entrance sign at Fort Williams that read “Fort Williams Park ” A Town Councilor called me the day after the sign went up asking me when the Town Council had designated “Fort Williams” as Fort Williams Park . An hour later, a public works employee was covering up the word “park” and it was not uncovered until the Town Council voted the new official designation. I do not wish to repeat the same mistake.

Thank you for your consideration of this suggestion.

Sincerely yours,

Michael K. McGovern