

Shore Road Pathway Committee  
Committee Meeting of 10-29-2008

Minutes of Meeting

Present At Meeting:

Paul Thelin Committee Chair, Maureen O'Meara, Town Planner for Cape Elizabeth, David Backer, Town council representative, Committee members Josef Chalot, Howard Littlefield, George Morse, Andie Mahoney, Suzanne McGinn, Bill Nickerson, Steve Harding and Paul Burbage of Oest Associates, John Mitchell and Betsy Melrose of Mitchell & Associates Landscape Architect, and Carl Eppich of PACTS

Absent: Dena Desena

The meeting was called to order at 7:10 pm and opened to public comment and questions.

Peter Clifford handed out a Sheet titled Shore Road Safety Statistics which provided a summary of accident data for Shore Road over the past 5 years. He stated that he feels that this path will solve a huge safety issue.

**The meeting was closed to public comment and the chair proceeded to the Agenda Items**

Agenda Item 2: P.T. asked that we hold off until Maureen arrived

Agenda Item 1: the minutes from the previous meeting were accepted and approved with (2) corrections offered by DB

P.T. proceeded to agenda item #4,

The presentation began with the introduction of John Mitchell, his associate, Betsy Melrose, Steve Harding of Oest Associates and his associate Paul Burbage.

John Mitchell presented the preliminary layout proposal in a Power Point presentation. He discussed the overall process to involve the committee as much as possible, and make refinements. He presented the plan of the trail on Robinson Woods to the Land Trust a week earlier than this meeting. They did not commit to the plan yet, but they would like to wait until after the public forum of November 19. They appreciated the design's approach of not cutting trees and avoiding ledge.

J.M. reviewed four of the goals that the design tried to balance:

1. Stay within the right-of-way, except where property owners are willing to share abutting private property.

2. Preserve character of Shore Road by minimizing disturbance of existing features including trees greater than 4" caliper, ledge, and stonewalls
3. Provide separation of pedestrians from vehicular traffic.
4. Minimize alteration of adjacent wetlands

The proposed path is mostly within the right-of-way with 3-5 feet of separation from the edge of paving on Shore Road. The path was placed outside right-of-way where owners suggested they might be amenable to providing an easement to grant egress. J.M. went through the proposal section by section, including (5) photo-simulations. The proposal description follows the path from Ft. Williams to the intersection of Shore Road and Route 77.

### **Section Beginning-A**

The path would utilize existing paths in Ft Williams to reach the gated entrance at the crossing of Shore Road. The crossing point for the path would be at the end of the stone wall, by the prominent drainage swale. The path proceeds on the land side in back of the row of mature spruce trees. Site lines are best available in this vicinity of Shore Road at this location, so it makes sense to cross here.

P.T. asked if there are standards for pedestrian crossings.

S.H. answered that Oest is investigating standards for this situation.

J.M. stated that the rule of thumb is 100 feet of site distance per 10 mph of the posted speed limit so we need approximately 300 feet of site distance on Shore Road (for 30 mph speed limit).

P.T. asked if we need a traffic control device.

J.M. replied that he did not know yet and generally discussed lime green signage and flashing yellow crossing light.

### **Section A-B & B-C**

Photo: (near Gibbs property) road to edge of pavement. J.M. stated that Dr. Roy might be amenable to a grading easement to provide for a retaining wall required on his property. (All easements would need to be negotiated and obtained in the next phase of this project, not this phase). The proposal replaces metal guard rails along the street edge with wood timber guards.

P.T. asked what the retaining walls consist of.

J.M. answered that it would probably be interlocking masonry units which are commonly used for this purpose. It would not be fieldstone. The retaining wall would not be seen from the road at this location.

Photo: (adjacent to Dyer Pond) The area behind the existing guardrail is flat and 4 feet wide. The guard rail would be changed to heavy wood timber and moved

over 1 foot to create a 5 foot wide path. There is a 36" caliper ash tree that will need to be removed in this section.

P.T. asked if there is any impact on the wetlands at this section.

J.M. replied that there was no impact at this section.

J.M. also noted that the 36" caliper ash tree that will need to be removed is in poor condition. He also noted that Mr. Connell (1045 Shore Road) seemed amenable to providing an access easement to go behind the stone wall. A culvert extension will be needed to deal with the drainage of the deep swale. An elevated boardwalk will also be needed in this section. (see match line "C")

P.T. asked what an elevated boardwalk consists of.

M.O. stated that the Conservation Commission has been experimenting with different methods and materials for building boardwalks including "correct deck" and composite wood with aluminum frame.

The path will go around a bit of ledge at this point, just before it enters the Land Trust Property.

### **Section C-D and D-E**

J.M. described the path design for the land trust property. The path would be field located by J.M. with representatives of the Land Trust present. The path would meander around the trees and no significant trees (caliper of 3" or larger) would be cut. There is a pocket of forested wetland (in the vicinity of utility pole 84 and 85) where the path would need to enter the right of way and travel close to the edge of paving for a short distance, and then traverse some ledge and continue down.

J.C. asked what the impact would be on the design of the trail if the Land Trust chose not to have the path on their property.

J.M. replied that the path would be significantly more expensive to locate within the right-of-way adjacent to Robinson Woods.

J.M. discussed a seasonal stream (near utility pole #87) that would require a culvert extension. The proposed path here would not impact drainage. The town owns the pond across Shore road which is integral to the local drainage. The idea is to keep water flowing to the pond.

### **Section E-F**

The Path will stop at the parking lot. The way continues across the gravel. After crossing the parking area, the area contains major wetlands, with trees providing some separation. A tree will need to be removed.

### **Section F-G**

A bridge spanning approximately 30 feet will be required to cross water. J.M. met with Cape Elizabeth's Public Works Director, Robert Malley, to discuss the location of the bridge. R.M. requested that the bridge be sufficiently distant from the culverts so that he could maneuver an excavator at the culvert inlet to take care of the dam activity of the resident beavers. J.M. stated that there are different "wood looks" that the bridge could have.

P.T. asked what the impact of the path would be on this area. Should we be concerned that the bridge has an environmental impact?

J.M. replied that the disturbance to this area would be minimal. A bridge was there at one time, and a new bridge would reuse the existing concrete platforms (piers) for support. Dale Brewer, who mapped the adjacent wetlands, suggests it would be of minimal impact. J.M. stated that the bridge would need D.E.P. (Department of Environmental Protection) approval.

P.T. asked how we will know if we need a D.E.P. permit.

S.H. replied that Oest will determine what permits will need to be obtained and the necessary permits do not seem unreasonable. They cannot guarantee that any permit, especially a D.E.P. permit, will be obtainable. They could have a D.E.P. representative come talk to us. Pedestrian safety would have sway in the process, but he can't promise that there will be no pain and suffering involved in obtaining a permit.

J.M. noted that the path in front of McDonough's lot would try to avoid the landscaping and ledge. This would require a minimal separation between the road and path which is achieved with a wood timber guard rail.

David Backer asked why is there a guard rail.

J.M. replied that this area currently has wood bollards to deter parking. S.H. noted that a guardrail too close to the road creates problems for plowing.

Olde Colony Lane area:

J.M.: There is wetlands and a steep slope here. The existing stonewall on the Segal's lot will need to be extended to protect the wetland area adjacent to the path.

P.T. asked if these owners cared about extending stone the stone wall. M.O. said she will ask.

### **Section G-H**

The culvert (between utility pole #110 and #111) will need to be extended 24". There is a 6" caliper maple (south of pole #112) that needs to be removed. It is infested with bittersweet vine and not in good shape. Some of the pavement at the driveway entrance to the barn would be removed. The patch would be loamed and seeded to create the esplanade and the path would be reduced to 4 feet at this point.

### **Section H-J**

Path dips down in back of trees and comes out.

P.T. asked how the committee felt about narrowing the path. Hard paving will hold its width. Softer surfaces will migrate.

### **Section J-K**

J.M.: At the Kinley lot (1159 Shore Road) there are some lower branches on existing trees that will need to be pruned, but no trees are proposed to be removed here. The path is pulled towards right-of-way for drainage purposes. The path will be located to maintain a 12" buffer adjacent to the stone wall. There are some boulders in the right-of-way that Mr. Freedman (2 Todd Road) requested be relocated onto his property. Adjacent to the Barber property Shore Road is shifted. M.O. discussed possibility of replacing plants on private property.

### **Section K-L**

The property owner of 1175 Shore Road discussed their willingness to provide an easement for the path on their property. The existing drainage and swale configuration would be more expensive to deal with if the path keeps within the right-of-way. The alternative is to have the path immediately adjacent to road with no esplanade.

### **Section L-M**

J.M.: We are having a discussion with the property owner at 1199 Shore Road regarding a retaining wall. The path approaching Julie Anne Lane towards the Shore Road and Route 77 intersection would be raised with a retaining wall.

### **Section M-end of path**

J.M.: A four foot wide path is required so as not to have impact on the existing trees. The Shore Road crossing was placed on this plan before the survey work recommended moving towards Ft Williams approximately 70 feet. However, this would impact the 40" caliper oak tree within the right-of-way, so this location seems preferable. The lilac bush along the right-of-way at 1221 Shore Road will need to be pruned in order to maintain desirable sightlines and sight distances to the crossing. The lilac hedge along the right-of-way at 1222 Shore Road (Rand Property) will need to be replanted.

## All Sections

J.M.: There are many constraints to placing a path along Shore Road. This design has minimized tree removal, blasting of ledge, and wetland disturbance. The proposal provides 9,966 feet of path with only 15 trees removed.

The formal presentation ended and J.M. opened the floor for questions

P.T.: Where the path merges with the road is there a demarcation?

J.M.: There is 12 inches of paving between the white line and edge of paving. Keeping the paving for the path level with the road, as opposed to a raised sidewalk, makes drainage easier

P.T.: I don't see the "Spandex cyclists" using this path.

J.M. agreed that the windiness of the path would dissuade cyclists from using the path

Discussion of signage and crossing.

D.B.: What is the actual site distance at the crossing?

J.C.: Could the speed limit be lowered at crossing areas?

S.H.: In theory you could lower the speed limits as you approach the crossings, but in reality you may not affect driver behavior. S.H. stated that the sight distance was probably achievable by trimming back vegetation. S.H. also stated that the required sight lines would be depicted on the November 19<sup>th</sup> presentation plan.

Discussion of paving surface

Asphalt,

Mulch: used by Portland Trails

Stone dust: Cliff Walk at Ft. Williams used a 3/8" aggregate mixed with gravel.

Back Bay used a very fine blend. This material compacts well.

A trail in Robinson Woods could not be hard-paved because of deed restrictions, mulch is the logical choice in this instance.

A.M. asked if you can ride a bicycle on mulch

Betsy Melrose answered that you can if it has been compacted

Discussion followed regarding mulch or stone dust.

G.M. commented that he is happy about preserving the character of Shore Road but is disappointed that sections of the path will only be 4' wide.

P.T. asked if J.M. is prepared for the Nov 19 meeting. J.M. asked the committee if they would like any other photo simulations. Some discussion of crossings. D.B. mentioned the pedestrian warning signs for crossings near the tank farm by the Scarborough high school. J.M. will get the plan on the website a week or so before the meeting.

### **Agenda Item #5**

M.O. discussed Public Forum. The meeting will take place in the Council Chamber. Make sure we have information that will be handed out and a way of collecting public comments. The presentation of today will be repeated. Need to be clear on the process of what has happened and what will happen. People who attend should understand that the committee members are themselves Cape Elizabeth residents.

P.T. asked how we get the word out.

M.O.: discussion of article for the Cape Courier and other papers. M.O. will draft an article and circulate it electronically for committee comment. M.O. suggested we chat up the forum with our friends. Councilor Backer will announce the forum at the next town council meeting.

General discussion regarding arrangement of exhibits at the Public Forum. J.M. will have 5 boards on easels with the path rendered, an exhibit of existing conditions and the photo simulations. Some discussion of whether to televise the forum.

GM discussed positive and negative aspect of televising the hearing. He thought that if it is televised, people would stay home and watch on TV and that we would get better feedback if it's not televised. The committee agreed not to televise the forum.

Discussion of time constraints on public comment. J.M. said his presentation will take 30 minutes. M.O. suggested we pass around a clipboard to record the name of everyone in attendance at the meeting. She also suggested we ask everyone to stand up and announce their name and address as a way to build a sense of "all in this together".

D.B. suggested a time limit on individual public comments. The town council uses a 3 minute limit. The committee noted that everyone should have an opportunity to speak and agreed to the 3 minute limit.

S.M. asked if we will have a cost estimate by Nov. 19. M.O. pointed out that we still have the December 3<sup>rd</sup> meeting to make changes in response to the comments at the public forum. The next step will be to get an opinion of cost, probably for the committee to review at its January meeting.

M.O. discussed overview, 1 minute blurb by each committee member on the principles of path design. General comments, mix of users, children on bikes, pedestrians. Committee members discussed if the concept proposed an appropriate path width. S.H. feels that 5 feet is adequate, but then pointed out that 8 feet of width is a requirement for federal funding. M.O. commented on applying for regional trail funding.

SM asked if we reduce the path width to 4'-0" are we limiting funding opportunities. M.O. thought that we are not because we had never considered federal transportation funding, but rather trail oriented funding.

**The committee business was concluded and the chair opened the floor to the public.**

Gail Atkins: I do not recall that cyclists would be allowed on the path. It needs to be made clear whether or not bikes will be allowed.

P.T.: You are welcome to comment as to whether or not you think bicycles should be prohibited from the path.

D.B.: I don't anticipate legal restrictions on the use of the path. The path itself will restrict and discourage some uses, in the same manner any of the sidewalks in Cape Elizabeth restrict and discourage various uses.

Gail Atkins: I thought the committee charge called for a pedestrian path

M.O. read the charge which contained no mention of pedestrian only path.

Tom Kinley: How deep will you have to dig for the path's sub-base? S.H. replied 8-10" but maybe not even that deep.

Paul Bulger expressed concern about representations of what any of the property owners intend to provide for easements. He also stated that the path as originally formulated would be 5 feet with a 5 foot esplanade. He felt that 4 feet adjacent to the road would not provide safety.

Peter Clifford expressed enthusiasm for the path. He stated that it would be great if the path comes to be and that it addresses many safety issues.

Lisa Hansen commented on the idea that it may be OK to take out a few more trees in order to move the path back from the road and maintain the 5 foot width.

Paul Bulgur stated that the ancient right-of-way was too narrow to achieve our goals.

There were no further comments and the meeting was concluded.