

**Shore Road Path Committee Meeting  
December 3, 2008**

**Place:**

Town Hall, Cape Elizabeth, ME

**Present:**

Paul Thelin, Chair, Maureen O'Meara, Town Planner, David Backer, Town Councilor, Dena DeSena, George Morse, Andie Mahoney, Howard Littlefield, Josef Chalal, Suzanne McGinn, William Nickerson, Committee Members. Steve Harding, Paul Burbage of Oest Associates, John Mitchell and Betsy Melrose of Mitchell & Associates Landscape Architects.

The meeting was called to order at 7:02 pm and open to public comment and questions. Roy Strunk had questions about the plan and wanted to know if he should hold his question or ask them now. Paul Thelin told him that this meeting was about changes to the concept plan from information received at the previous public hearing on November 19th. He also informed him that there was time for public comment after the meeting. Roy said he would wait until the second public comment period to ask his questions.

Paul Thelin then asked for a motion to accept minutes for October 29, 2008. Dena DeSena made motion. William Nickerson asked if 24" caliper tree was the same as 24" in diameter. John Mitchell said yes. Josef Chalal seconded the motion and the motion was carried.

Paul Thelin asked for a motion to accept minutes from the public meeting held on November 19, 2008. Minutes were presented by Aniko Varadi & Maureen O'Meara. Motion to accept from William Nickerson and George Morse seconded. Motion carried.

Paul Thelin acknowledged receiving letters from Mr. & Mrs. Rand, Mr. & Mrs. Robinson and H. Pachios. Paul then thanked George Morse for assembling "Frequently asked questions". David Backer stated that it was not a committee issued document and should be circulated for more input. Maureen O'Meara stated that if the document was posted to the website, it would imply that the committee had approved the document. Paul indicated that the document needed more work. Josef Chalal asked if we could update questions and vote on the questions via email. Answer was no. Paul stated that we would show it was submitted, and we would revisit the document at the next meeting and vote on the document at that time.

**Review Public Forum Comments:**

Josef Chalal spoke to the character of Shore Road, indicating such things as physical views of fields, marsh and ocean. The road has its own character and landscape. Some abutters feel that pedestrians might intrude on their privacy.

Joe went on to state that the “path can add to the character of Shore Road. “ On the concept plan, Joe said to remove trees in some locations like Dyer Pond would mean the path would be closer to the road.

Dena DeSena said she walked a lot and has been up and down Shore Road and there are pedestrians already walking on Shore Road. She hopes the Land Trust will help, and added that the path will add a lot of charm even it is only for three seasons.

Paul Thelin heard from the public comment that the path will increase the danger on Shore Road. Dena said that was a hard concept to see as now only one in 10 cars slow down and there is no place to go. Paul Thelin asked if there was a false sense of security with sidewalks close to the road. Suzanne McGinn said a change in elevation would be better. Nickerson said he measured and the road is 11’ from yellow line to white line and then edge is 12” to 18” from white line. Dena agreed that, if there was a curb, you would feel safer. Bill said the sidewalk on the north side of Fort Williams on Shore Rd is 5’ wide and you did not feel encroached upon. Dena said she would like to see over the head of the Cape Stone Man. She likes the concept plan and thinks Shore Road is a wonderful road.

George Morse commented on the path and said “safety is most important”. Perception is that the road is not safe. Reaction to the plan shows the surface path should not be asphalt. George’s own reaction is that the path is too close to the road just opposite Smugglers Cove Road. This section should have a buffer. Howard asked John Mitchell how many more trees beyond 15 would need to be cut down if a 3’ buffer was added. The answer was 27 trees. It was discussed about the area south of Smugglers Cove Rd. Paul estimated it was 130’. The area on the concept plan map drawing 104, B Bowman’s driveway, should be raised. Bill said there is 4’ of path width there.

Andie Mahoney said several people mentioned a potential path on the land side from the old to the main entrance of Fort Williams cross walk. It was discussed that if the committee wanted to explore that option, it would add cost to design work and Mitchell said there was no survey on that section to connect the path ends to the main entrance. Andie said maybe it could be done in tiers as needed. William Nickerson suggested that we do three options, including the waterside main entrance to old entrance sidewalk project previously proposed. The third option would be a path all the way to the land side. Maureen said the Road Safety Working Group had previously recommended to the Town Council building a sidewalk from new entrance to old entrance, but no funds to do this work have yet been allocated.

Paul suggested we take a look at the area on the landside as a committee. This would mean requesting additional funding from the Town Council to collect survey data and expand the concept plan. Considering the current fiscal concerns, the committee chose not to ask for additional funding. The committee agreed that the option of extending the path on the land side could be included as a companion recommendation to the concept plan in the committee’s final report to the Town Council.

Suzanne McGinn asked about locating the trail behind the parking area at Robinson Woods. John stated that it was ok with the permission of the Land Trust, but added that the property line for Robinson Woods was at the entrance to Byers Woods and was down the middle of Belfield Rd. With this limitation, the trail would still be in the parking lot most of the way.

John Mitchell asked about liability if it was a three season path and not plowed. Maureen O'Meara said that there are many paths in Cape Elizabeth that are not plowed now and doesn't think the town has liability simply for not removing the snow, but stated she was not the town attorney.

William Nickerson stated that rural character was in the eye of the beholder. He thought that by getting pedestrians and joggers off the road, it would open up the shoulders for bikers, making the road a lot safer. The reason he got on the board was to preserve the rural character of Shore Road. The concept plan of the path adds to the rural character and will add safety to pedestrians. He would elevate the path by the Robinson Property and across from Becky's Cove Rd.

David Backer complimented John on the wonderful job he has done. We have options for the path that can enhance safety but will require the removal of additional trees or other features. Everything we do in life is a trade off and it might be worth trading off some of the natural features for improved safety. He is not sure how the change in elevation works, but has fears that if two bikes meet, one will go off the edge. Paul Burbage said that the curbs are designed for the raised paths and guard rails are the only there to keep cars off.

David recommended that the report to the council might contain several options. George said like concept plan #1, 3 foot buffer being #2 and options 2+ Main entrance, etc. David said he would like to see the plan revised one more time and address the safety issues raised by the concept plan design.

Paul was concerned that safety had been weighted heavily enough and hopes to get more specific recommendations at tonight's meeting. The plan for guard rails called for only one new guard rail at Pond Cove. Maureen expressed concern that guard rails too close to the road make it hard to plow. It was ok with Bob Malley [Public Works Director] at this spot as there is little snow accumulating at Pond Cove. John stated that a lot of the trees on the Robinson property are on the right of way line.

Josef asked if the land trust land at Robinson's wood was plowable. This needs to be checked out. Plantings were discussed and ruled out due to road salt.

Paul stated a prior comment on a prior study had looked at paving shoulders and then voted against it.

More discussion occurred on the use of the pathway and whether bikes should be allowed. Dena stated that no restrictions should be put up.

Discussion followed on whether the path would attract more people to the Shore Road area. It was stated that those who live in that area would use the path. Dena speculated that folks could park at Fort Williams and walk the path as well.

Paul stated that the original concept plan was ok. An alternative plan and variation of these two plans would include an elevation on the north end of Robinson property and across from Becky's Cove Rd. More discussion followed on the curb and also how many trees would need to be removed. It was discussed that leaving a large tree near the road might be safer. It was also stated that the character of Shore Road might be preserved if the path went around the trees. Safety concerns came up again if the path was heavily used. There was more discussion on the 5' width of the path as well. Discussion around the trees at Robinson Property followed- 9 Oaks, 3 maples 12' crab tree and utility pole would need to be moved. After more discussion, it was decided to take more trees and allow the path to remain 5' wide. The committee agreed not to remove more trees to create a wider buffer width.

Thoughts around the surface treatment for Robinson Woods were discussed. Stone dust was mentioned, however there are concerns that stone dust can migrate and may end up in people's lawns, hampering mowing. All agreed the path would be asphalt, except for the area in Robinson Woods.

Discussion then moved to the crosswalks proposed by south end of Fort Williams. There would be warning signs and pedestrian signs posted to assure safety.

Discussion focused on the crossing near the Town Center. The committee looked at an alternate crossing closer to Julie Anne Lane. It would involve removing 3 oaks, 2 Birch trees and a bit of ledge and moving a utility pole to cross to the ocean side sooner and then run the path on the water side to the Town Center. It was commented that the Oak tree was in poor condition. The committee agreed to move the path to the water side in order to create a wider path with a buffer instead of the 4' wide path adjacent to the Haywood property.

Wetlands were also discussed by Dyer Pond. More research will be done on this topic to widen the path and buffer.

A new schedule was set up for January 28, 2009 to look for approval of the concept plan. February 25 would be the cost estimate and, on March 25(new meeting added), the completed plan would be considered for recommendation by the committee to the Town Council.

There was still concern about misinformation. It was decided to hold a meeting on December 11, 2008 to finalize frequently asked questions before posting them on the web site and to the newspapers.

Discussion followed on whether the concept plan should be posted to the web site. It was decided not to do this due because changes are still occurring.

**Paul Thelin asked for Public Comment:**

Fran Hayward asked about height of retaining wall before a guard rail is needed. The answer was 30". She asked about liability if someone falls off the retaining wall onto private property. It was stated that the retaining walls are meant to hold steep slopes. Specific details are usually addressed during the preparation of construction documents.

Roy Strunk said virtually all his questions were answered. He supports connecting the path to the sidewalk on the north side of Fort Williams and thinks the existing sidewalk looks rural. At the Dyer Pond/Delano area, there may be room to get rid of the guardrail and have it look better.

Lisa Hansen asked what was the conclusion on the Fort Williams crossing to the land side. The committee agreed to move the existing Fort Williams fence and put the path outside the Fort. She noted the existing trodden path connecting the old and new entrance and suggested it be enhanced a bit. She also encouraged looking at extending the path on the land side on the north end to eliminate some of the crossings pedestrians would have to make.

Paul Bulger noted that permits were needed to cross wetlands. He is concerned that individuals with trees along Shore Rd frontage are not being heard. The committee is focused on making its recommendation. He said 222 children live from the park to the school and, with a 20-25 lb pack, how many will actually walk to school? Pedestrians prefer off-road paths and this will be attractive to bikes. Maren Robinson is very interested in promoting the rear woods path and make that more acceptable.

Jim Tasse supports the choice of asphalt and moving the Fort Williams fence. The Bike Coalition of Maine supports the path because it moves pedestrians off the road. The path should be bike free, as a safe bike path should be 10' for bikes. As a rule of thumb, anyone over the age of 11 should not on that path while bicycling. Dan Stewart of the Maine Department of Transportation has noted that facilities like this path reduce the chance of a pedestrian getting hit by a car by 50%. He would support giving greater weight to safety over trees. He lives on the north end and would walk the path. The Southern Maine Area Agency on Aging has endorsed the project.

Fran Haywood asked about cost.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Howard Littlefield