

Management of Greenbelt and Open Space Plan May 2012

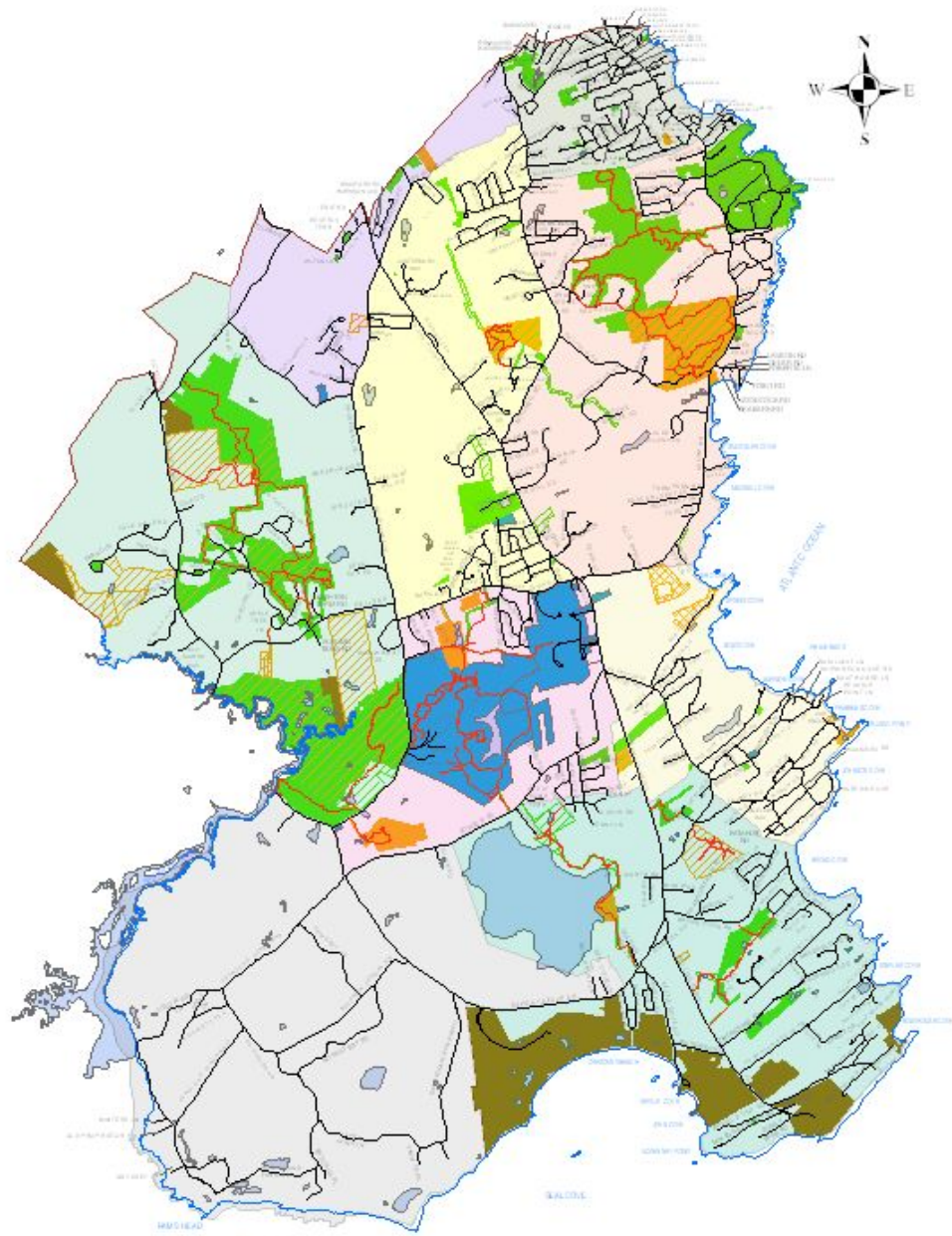


Legend

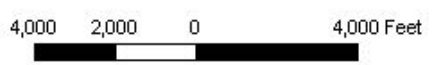
Trails	Public Open Space
Open Space Districts	Town Owned/Governments
Southwest	Town Owned/Commissioner's Public Access
Coastal	Town Owned/Open Space
Green/Pond	Town Owned
Gulf Coast	Land Trust: Commission/Public Access
Interior	Land Trust: Open/Land
Marsh	Land Trust: Open/Land/Donor
Wetlands	Other: Town Owned
Southwest I	State and Federal Land
Seagrass	
Blue/Grey	

Updated February, 2016

4,000 2,000 0 4,000 Feet



- Legend**
- █ **Trail**
 - Open Space Districts**
 - █ Southside
 - █ Coastal
 - █ Open Pond
 - █ Gulf Coast
 - █ Interior
 - █ Marsh
 - █ Wetland
 - █ Southside
 - █ Seaside
 - █ Town Dock
 - Public Open Space**
 - █ Town Owned Land
 - █ Town Owned Land/Non-Residential
 - █ Town Owned Open Space
 - █ Town Owned Open Space and Trust Land
 - █ Land Trust, Game
 - █ Land Trust, Game/Non-Game
 - █ Land Trust, Open Land
 - █ Land Trust, Open Land/Non-Game
 - █ Other Town Owned
 - █ State and Federal Land



Prepared by the
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Executive Summary

The Cape Elizabeth Town Council established the Open Space and Greenbelt Management Committee, comprised of the Conservation Commission and Town Council Liaison Jessica Sullivan, to prepare for Town Council consideration a management plan for town open space.

The Conservation Commission acts as an advisor to the Town Council on town owned open space where no specific group has otherwise been established (ex. Fort Williams Advisory Commission). In that role, the Conservation Commission is the steward of the Greenbelt Trail system and is guided by policies and decisions made by the Town Council. Increasingly, however, there have been gaps between the issue specific decisions made by the Town Council and broad responsibilities of the Conservation Commission. This management plan attempts to establish written open space use and management policies that have been adopted by the Town Council and can guide Conservation Commission stewardship.

This is a **management** plan, not a plan for future open space preservation. Many of the properties included in this plan do not have any restrictions that limit their use to open space. Nothing in this plan establishes restrictions on town owned land that do not already exist. Land without deed restrictions that is managed for open space today may be put to a different use by the Town Council at any time.

The open space inventory includes land and easements owned by the Town of Cape Elizabeth and selected Cape Elizabeth Land Trust properties that relate to town holdings. This plan is applicable *only* to Town of Cape Elizabeth holdings.

In order to advance management objectives, many town parcels have been assigned names in this plan. Naming eases reference to parcels for management purposes and improves the public's knowledge of land that is available for open space today. The names proposed in this plan are subject to Town Council approval and in no way are intended imply or suggest restrictions that do not otherwise already exist.

The most significant part of this plan are the management policies which establish town goals for a minimum standard for trails and state how Town open space should be used by the public. These policies are a starting point and will likely be adjusted as we begin to use these policies and the needs of the town evolve.

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, we recommend a review and update at least every ten years. In addition, we expect that management policies may need to be adjusted once we have more experience with this open space management program or in response to unforeseen circumstances.

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:

To establish a town-wide network of greenbelt trails by connecting the Town Center to important open spaces currently owned or to be acquired and all neighborhoods through a hub-and-spoke system. A greenbelt trail shall be located within a comfortable walking distance to all neighborhoods by creating, marking, mapping, and maintaining trails which provide legal public access, at least a portion of which will be handicapped accessible. Preserved open space

and visually attractive areas of Cape Elizabeth will be made more accessible to the public by the greenbelt trails.

II. Management Plan Land Inventory

The Town of Cape Elizabeth has a fee interest or easement over 923 acres of public open space. Many of the properties include Greenbelt Trails.

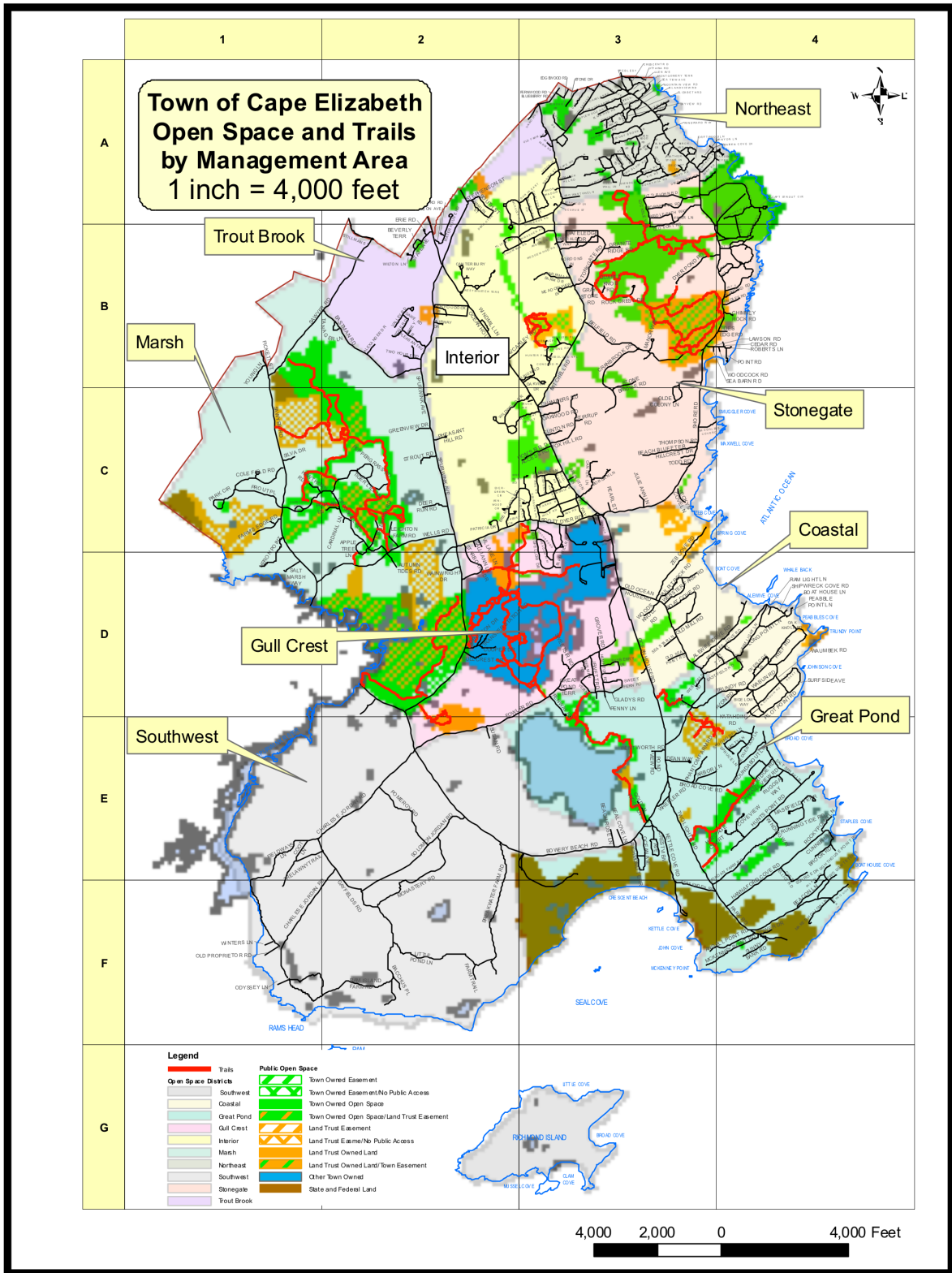
Fee interest means that the Town owns “the most complete set of private property land rights, including mineral rights below the surface, surface rights, and air rights¹.” Holding a conservation easement over property that is owned by someone else means “the grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.” In most cases, conservation easements include the right of the public to have access to the property. Legal public access as used in this plan means either that the Town owns the land in fee without restriction to public access or holds an easement over the property where the easement deed explicitly allows public access. There are some privately owned properties in Cape Elizabeth where the property owner tolerates members of the public using the land for open space recreation. These properties are not included in this inventory of legal public access because rights of the public to access the property are not included in a deed.

Some open space properties host a mix of uses on the property, including open space. For example, Gull Crest includes the Public Works Garage, recycling center, and sewer treatment plant, although most of the property is used for public open space.

Appendix 1 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
- Gull Crest
- Marsh
- Southwest

¹Moskowitz, Harvey S. and Lindbloom, Carl G., The New Illustrated Book of Development Definitions, 1993, p. 113.² Ibid, p. 99.



III. Activity/Facility Chart

Only open space parcels that are managed by the Town of Cape Elizabeth are included in the chart. Open spaces that are related to Town open spaces, but not managed by the Town, are included in the Management Plan inventory (Appendix 1), but are not included in this chart.

Primary/Secondary Open space

The 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 where public access is severely constrained by natural physical characteristics). Primary open spaces are listed first by geographic area, then secondary open spaces, also by geographic area.

Management Groups

As the open space inventory was reviewed as part of this management plan, especially in the determination of what activities would be appropriate on a lot, individual lots with like characteristics were grouped together. The groups were useful because a set of guidelines for use and expectations of facilities available evolved for each group. All lots within the group can be managed similarly. These groups are described below and the management group of each lot is indicated on the Activity/Facility Chart.

Group 1

Group 1 is comprised of lots dominated by significant environmental features such as wetlands and water bodies. The primary benefit of these lots is as a habitat for wildlife and buffering adjacent neighborhoods. The town's intent in these areas is essentially to leave the land in its natural state. A trail might be proposed at some point in the future, especially as a linkage to the greenbelt trail network, however, pedestrian activity and access is not encouraged at this time.

Group 2

Group 2 is similar to group 1 in that little public improvements are found on these lots. They are primarily wooded and casual access by the public is anticipated, but trails may or may not be present.

Group 3

Group 3's most unique characteristic is that most of these lots are small. In many cases, they are also isolated from the greenbelt trail network. Nevertheless, they are valued by the adjacent neighborhood as a natural open space or a gathering space for neighborhood based events. For this reason, these lots are important, even though they often do not directly connect to the Greenbelt Trail network at this time.

Group 4

This group's most significant characteristic is the abundance of trails within these spaces. In some cases, the lot's sole purpose is to provide a trail link. In others, the trails wind through undeveloped woods and meadows that are primarily visited by trail users.

Group 5

This group is made up of the premier town open spaces, for the most part the largest lots which host a multiple of uses in addition to open space. Many of these lots offer parking for visitors who live out of walking range.

How to Read the Chart

The main use of this chart is to answer questions about what activities are allowed in a specific area. The chart should be read as follows:

"Y" means that the activity is allowed. Visitors should be aware that while an activity may be allowed, it may not be recommended. For example, horse back riding is allowed in Loveitt Woods. Due to the uneven nature of the ground and low hanging branches, however, horse back riding may not be a good idea in Loveitt Woods.

"N" means a use should not occur on this lot. For example, boating is not allowed in the Columbus Lot.

N means a use is specifically prohibited by deed. For example, snowmobiles are prohibited by deed in the Great Pond Condos easement.

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 should proceed accordingly and with consideration for 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 has few groomed areas or convenience facilities.

OPEN SPACE USE CHART

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	Management Group	Page Number	Size (in acres)	Activities/FACILITIES																															
				Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing(1)	Ice Skating	Mountain Bikes	Snowmobiles (2)	Swimming	Trapping(3)	X-Country Skiing	ATHLETIC FIELD	BARBECUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS												
Northeast Area																																			
Dyer Woods	2/4	35	5.4	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
Cliff House Beach	3	39	0.3	Y	Y	Y	Y	N	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N													
Stonegate Area																																			
Fort Williams (4)(7)	5	45	97.2	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y													
Stonegate Trails	5	50	86.6	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y													
Robinson Woods II Public Access Esmt	5	48		N	Y	N	Y		N	N	Y	N	Y	N	Y	N	N	Y	N	N	N	Y													
Loveitt Woods	5	44	18.0	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y													
Plaisted Park (5)	5	46	3.5	N	Y	Y	Y	N	N	N	Y	N	Y	N	Y	Y	N	Y	Y	N	Y	N													
Interior Area																																			
Cottage Brook	4	56	12.6	N	Y	N	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y													
Lions Field (5)	5	59	25.0	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y													
Columbus Lot	3	55	1.0	N	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	N	N	Y	N	N	N	N													
Great Pond Area																																			
Broad Cove Trails	4	76	20.6	N	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	Y													
Great Pond Condos Easement	4	79	9.5	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y													
Great Pond Sprague Easements (7)	4	82	6.6	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	Y	N	N	N	Y													
Great Pond Fenway Connector (7)	4	80	0.1	N	Y	N	Y	Y	N	N	Y	N	Y	N	Y	Y	N	N	N	N	N	Y													
Great Pond Golden Ridge Ped Esmt	4	77	0.4	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
Great Pond Jordan Pedestrian Esmt	4	81	0.5	Y	Y	N	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N	N	N	Y													
Two Lights Pond Pedestrian Esmt	4	85	1.7	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
Two Lights Pillsbury Pedestrian Esmt	4	87	0.1	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
Two Lights St. Bart's Easement	4	88	1.7	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	Y													
Two Lights Sullivan Pedestrian Esmt	4	86	0.2	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
Whaleback Trails	4	89	5.2	N	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	N	N	N	N	N	N	Y													
Gull Crest Area																																			
Gull Crest	5	93	177.0	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	Y													
Gull Crest Fowler Rd Conn Ped Esmt	4	91	0.2	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	Y													
School Campus (6)	5	97	64.8	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	N	N	Y	Y	Y	Y													
Marsh Area																																			
Cross Hill Trails	4	102	105.0	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	N	N	N	N	N	Y													
Eastman Meadows	4	104	10.0	N	Y	N	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y													
Leighton Farms Trails	4	107	6.8	N	Y	Y	Y	Y	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y													
Spurwink Marsh DOI Easement	4	109	16.5	N	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	N	N	N	N	Y													
Town Farm	5	110	150.0	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	N	N	Y	N	N	N	Y													
Winnick Woods	5	112	71.0	N	Y	N	Y	Y	Y	N	Y	N	Y	Y	N	N	N	Y	N	N	N	Y													

OPEN SPACE USE CHART

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			Management Group	Page Number	Size (in acres)	Boating	Dogs	Events	Hiking/Walking	Horseback riding	Hunting/Fishing	Ice Skating	Mountain Bikes	Snowmobiles (2)	Swimming	Trapping(3)	X County Skiing	ATHLETIC FIELD	BARBECUE	BOAT STORAGE	PARKING	PLAYGROUND	PICNIC FACILITIES	RESTROOMS	TRAILS
Northeast Area																									
Abaco Lot	3	32	0.4	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
Abaco Pedestrian Easement	3	33	0.2	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
Baker Lot	3	34	0.2	N	Y	Y	Y	N	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y	
Dyer Woods Pedestrian Easements	3	36	0.0	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	Y	
Holan Lots	1	37	3.1	N	N	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Ivie Rd lot	1	38	0.1	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Stonybrook Lot	3	40	0.2	N	Y	Y	Y	N	Y	Y	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
Stonegate Area																									
Arlington Lane Easement	1	42	3.0	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Cranbrook Easement	1	43	6.8	N	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	49	1.1	Y	Y	N	Y	N	Y	Y	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	Y	
Coastal Area																									
Alewife Brook Lot	3	69	0.3	N	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Alewife Cove Lot(no road access)	1	70	0.5	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Davis Woods	2	72	7.3	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Eastfield Lot	1	71	0.4	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Trout Brook Area																									
Ferne Peddy Lots	1	65	3.7	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Queen Acres/State Ave	3	66	0.7	N	Y	Y	Y	N	Y	N	N	N	Y	N	N	Y	N	N	N	N	N	N	N	Y	
Rice Lot	2	67	0.2	N	Y	N	Y	N	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
Interior Area																									
Bothel Pedestrian Easement	2	52	1.4	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Canterbury Easement	1	53	0.8	N	Y	N	Y	N	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
Canterbury Tank House Lot	1	54	0.03	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hobstone Pedestrian Easement	4	57	0.04	N	Y	N	Y	Y	N	N	Y	N	Y	N	N	Y	N	N	N	N	N	N	N	N	N
McAuley Lot	3	60	0.5	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y	
Patricia Lot	1	61	0.5	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Tarbox Triangle	3	62	0.2	N	Y	N	Y	Y	N	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Wildwood Easement	2	63	7.5	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Great Pond Area																									
Broad Cove Lot	1	75	8.3	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
McKenney Point Lot	3	83	0.1	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Gull Crest Area																									
Fowler Rd Corner lot	3	92	0.2	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	Y	
Hannaford Lot	1	94	0.8	N	Y	N	N	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N
Longfellow Lot	3	95	0.2	N	Y	Y	Y	N	Y	N	Y	N	Y	N	N	N	N	N	N	N	N	N	N	N	N
Scott Dyer Rd Connector Easement	4	98	0.8	N	Y	N	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	Y	N	N	N	Y	
Marsh Area																									
Autumn Tides Lot	3	101	0.5	N	Y	Y	Y	N	Y	N	N	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N
Eastman Meadows Ped/Pkg Easements	4	105	0.6	N	Y	N	Y	N	N	N	N	N	Y	N	N	Y	N	N	N	Y	N	N	N	Y	
Park Circle	3	108	1.1	N	Y	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	N	N	N	N	N	N	N	N	N

OPEN SPACE USE CHART

(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.

(7) Portion of trail is handicapped accessible

No ATVs are allowed on Town property per ordinance, except for maintenance

Y means allowed, but may not be recommended. N means this activity should occur on this lot.

N = restricted by deed

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 any 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 responses to private encroachments to public open space, and naming of town land. 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:

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

As part of the annual budget process, the Town Manager communicates with the Conservation Commission on open space issues including asking the Commission for recommendations for funding for acquisition and for stewardship of open space. In the event of encroachments on Town property, the

Town Manager implements adopted policies and coordinates the Town response.

Conservation Commission

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

All volunteer efforts to alter greenbelt trails or open space are reviewed by the Conservation Commission. The Conservation Commission undertakes many maintenance and construction improvement projects on greenbelt trails. Activities that fall within policies already adopted by the Town Council may be approved by the Conservation Commission. Project proposals that are not within previously approved Town Council policies are reviewed by the Conservation Commission, which then provides a recommendation for Town Council consideration.

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

Town Planner

The Town Planner reports to the Town Manager and provides staff support to the Conservation Commission, Planning Board and other committees as assigned.

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

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

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

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

Public Works Department

The Public Works Department performs the bulk of routine greenbelt trail maintenance per the Conservation Commission Annual Maintenance Plan. Public Works maintenance primarily involves vegetation mowing and cutting to keep trails open. The Public Works Department provides support to volunteer trail maintenance efforts, such as the delivery of materials to trail sites and the removal of debris placed next to the road. Public Works also plows parking lots associated with open space parcels.

Code Enforcement Officer

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

Private Property Owners

All Town owned open space abuts privately owned land. Private property owners may act as volunteer monitors of town owned land and report any damage to trails or open space to the Town Planner or other Town employee. Private property owners who experience trespassers on their property from Town open space may also report these activities to the Town Planner, who will bring it to the Conservation Commission to address. Private property owners should not make any alterations to Town owned land without obtaining permission from the Conservation Commission. One exception to this policy is if a tree falls blocking a greenbelt trail. The portion of the tree blocking the trail may be removed by a trail user without permission and with the thanks of the Conservation Commission. Private property owners have requested permission to remove invasive species on Town property, which has been granted, and have also volunteered to conduct vegetation trimming on nearby trails, which is appreciated by the Conservation Commission.

Other Stakeholders

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

V. Management Policies

Town-wide property Management Policies

Open spaces managed by the Town of Cape Elizabeth are 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 desire to promote user safety in a natural environment, 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 are established and maintained primarily as minimally improved pathways. Selected trail improvements will be made to the degree needed 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.

Boardwalks, bridges and other structures will be constructed to carry trails over water or protect native soils and vegetation. On trails where snowmobiles are permitted, structures will be wide enough to accommodate one snowmobile and rider at a time. Trail improvements will not introduce grade changes where they do not naturally exist. The Greenbelt Trail system will comply with the spirit of the Americans with Disabilities Act by striving to make at least ten percent of trails accessible to “other-abled” trail users. The rustic nature of greenbelt

trails makes it problematic to make all trails accessible at the same level as the built environment because preservation of the natural environment is also a goal of the trail system. ADA requirements provide an exemption for nature trails in these conditions. Nevertheless, the Town will not make trail improvements on rustic trails that increase inaccessibility of trails. For example, when boardwalks or bridges are constructed, the ends will include ramps or will merge at grade to the adjacent trail surface.

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

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

Signage

Policy: Town greenbelt signs adhere to a consistent design and prominently state that the trail is provided by the Town of Cape Elizabeth in order to educate the public about the Town Greenbelt system.

Greenbelt trails constructed and maintained by the Conservation Commission are marked at regular intervals with 4 by 5 inch metal signs as seen below.



Larger 8 by 12 inch versions of these signs are placed where they can be seen at major trail heads to make the location of trail systems easier to find. The Conservation Commission will also identify major trailhead locations where prominent 4' x 8' trail signs, similar to the Winnick Woods sign, should be installed.

At primary open spaces, copies of the maps may be placed at the head of the individual trail systems and at significant intersections to help the public navigate the trails in the field. The public will also be able to view copies of these trail maps, accompanied by a brief narrative, electronically on the Town's 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 permission of the Town. 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, by a Town employee or official, or by the Conservation Commission. When a potential encroachment has been identified, the following process shall be used:

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. If the Conservation Commission learns of a possible encroachment, it may gather information as described above and report its findings to the Town Manager.
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 boundary markers, and efforts to recover costs. Appeal

of the Town Manager's determination that an encroachment has occurred may be made to the Town Council.

Vegetation damage and Removal/Invasive Species

Policy: No vegetation will be removed on Town owned open space without the permission of the Town, except for blockage of 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.

Rubbish, Litter, Sewerage and Animal refuse

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

If any domestic animal, dog, horse or other animal brought onto open space defecates on or near open space, the person or persons accompanying the animal are responsible for the immediate removal and appropriate disposal of feces from the open space.

Below is the existing Health and Sanitation Ordinance prohibiting activities on Town land:

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.

Work Alterations/Improvements to Public Land

Policy: Any proposed improvement to Town open space, not including infrastructure improvements funded by the Town Council, must be reviewed by the Conservation Commission.

Individuals or groups that wish to make improvements to Town trails or open space shall first meet with the Conservation Commission and describe the proposed improvements. The Conservation Commission will conduct a field visit to the improvement area, and may request plans or other materials confirming the proposed work. The Conservation Commission will also monitor the improvements.

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

Hunting, Fishing, and Trapping

Town policy on hunting, fishing and trapping is dictated by state and federal law. Highlights of the laws are summarized below.

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

- "The hunting, possession, transporting of any species of wild animal or wild bird, or parts thereof, for which an open hunting season is not specifically provided, and except as provided in the fish and wildlife laws, and except as provided in the fish and wildlife laws, is unlawful."
- "Wild birds and wild animals may not be hunted from 1/2 hour after sunset until 1/2 hour before sunrise the following day. Exceptions: migratory bird, turkey, raccoon and coyote."
- [Shooting] within 100 yards of a dwelling is unlawful.
- Tree hunting stands on private property may not be erected without the permission of the property owner. The hunting platform must include the name of the owner on the stand and steps may only be strapped onto the tree.

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

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

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

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

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

Hunting Stands. In accordance with state law, the Town does assert its right as a property owner to require that no hunting stand be installed on Town open space without obtaining the permission of the property owner. Permission to erect a tree stand will be granted in conformance with the following:

1. The tree stand must be installed in conformance with state law;
2. The tree stand must be installed a minimum of 100 yards from any residential dwelling;
3. The tree stand must be installed a minimum of 10 yards from any Town of Cape Elizabeth trail marked with greenbelt trail signs; and
4. Tree stands to be erected on Town open space shall include the name of the owner on the tree stand.

Traps. State Trapping Rules allow only “cage-type live traps and drowning sets” to be set within one-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.

Camping

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

Miscellaneous Offenses, Article II. Camping on Public Property.

[Adopted eff. 10/13/71, under R. S. 1964, T. 30, Sec. 2151.]

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

Horses

Policy: Horses are allowed on designated greenbelt trails. Due to the extreme sensitivity of a horse's nature and its inherent unpredictability, all other trail and open space users shall heed all warnings and requests from horse riders, whether mounted or on foot. Dogs must be restrained in the vicinity of horses.

In 2011, there are approximately 130 horses owned and boarded in Cape Elizabeth. The majority of these are boarded at 4 farms.

Pets

Policy: All dogs must be leashed on groomed Town property. In natural open space areas, greenbelt trail users who are accompanied by their pets must maintain control of their animals at all times so as to prevent their harassing or otherwise interfering with wildlife or other users. With the above restrictions, dogs are allowed off-leash in open space areas. (See also the Rubbish, Litter, Sewerage and Animal Refuse Policy)

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

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

Motorized Vehicles

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

- snowmobiles in accordance with the Uses and Activities Chart, Sec. III.
- vehicles performing authorized construction and maintenance work
- emergency service vehicles

Fires and Alcohol

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

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

Social Gatherings/weddings

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

Closure of Open Space

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

Property Management Policies for specific parcels

Fort Williams Park

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

Riverside Cemetery Trustees

The Riverside Cemetery Trustees is also a volunteer board appointed by the Town Council with oversight over the Riverside Cemetery. Riverside Cemetery is also exempted from the management policies of this plan.

School Campus and Gull Crest

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

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.

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 Department of Public Works to determine how much maintenance the Department of Public Works has the resources to assume for that year. Where maintenance needs exceed Department of Public Works 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 identified as the most critical. The next order of priority will be problems located on heavily used trails that seriously compromise use.

In response to sentiments expressed by the Town Council that a more proactive approach to monitoring municipal property boundaries should be undertaken to reduce encroachments, the Conservation Commission will supervise an annual open space boundary survey program. As funding permits, the goal is to professionally survey the boundaries of at least one-tenth of the Town's open space properties each year. Within six months of completing a boundary survey, the Commission will determine if boundaries appear vulnerable to encroachment

and will recommend marking those boundaries with fencing, boulders or other means that are resistant to casual removal.

Maintenance Projects

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

1. Department of Public Works. The Conservation Commission will coordinate with the Department of Public Works to determine the resources the department can devote to the project list. [For example, the Department of Public Works installed all the piers supporting the Spurwink River bridge and boardwalk.]
2. Private contractors. Some projects require skills or specialized equipment that are not typically available in the Department of Public Works. The Conservation Commission will determine when contracting out work is needed to complete a project. [For example, the Conservation Commission contracted out the installation of the Great Pond boardwalk and retained a professional surveyor prior to remedial work on the Whale back trail head.]
3. Volunteer Labor. When appropriate, the Conservation Commission will commit to completing a project, and may also solicit volunteers. [For example, the Conservation Commission designed and built the Great Pond Boat Racks.]
4. Budget. Where a project has costs that exceed the annual budget, the Conservation Commission will describe the problem, assess the consequences of not addressing the situation promptly and obtain an estimated cost for the work.

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

Open Space lot names

In order to advance management objectives, many town parcels have been assigned names in this plan. Naming easels reference to parcels for management purposes and improves the public's knowledge of land that is available for open space today. The names proposed in this plan are subject to Town Council approval and in no way are intended imply or suggest restrictions that do not otherwise already exist.

Maintenance by Others

There are several parcels included in this management plan that include a mix of formal uses and greenbelt trails. On these parcels, this plan focuses on the greenbelt trails only. This management plan does not address parcels or facilities

for which formal management entities already exist. [For example, Fort Williams is overseen by the Fort Williams Advisory Committee and athletic fields are scheduled by the Athletic Director.] Existing facilities and open spaces that are already formally managed include the following:

- Athletic Fields
- Land Trust properties
- School Campus
- Fort Williams
- Other Town lands

Volunteers

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

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

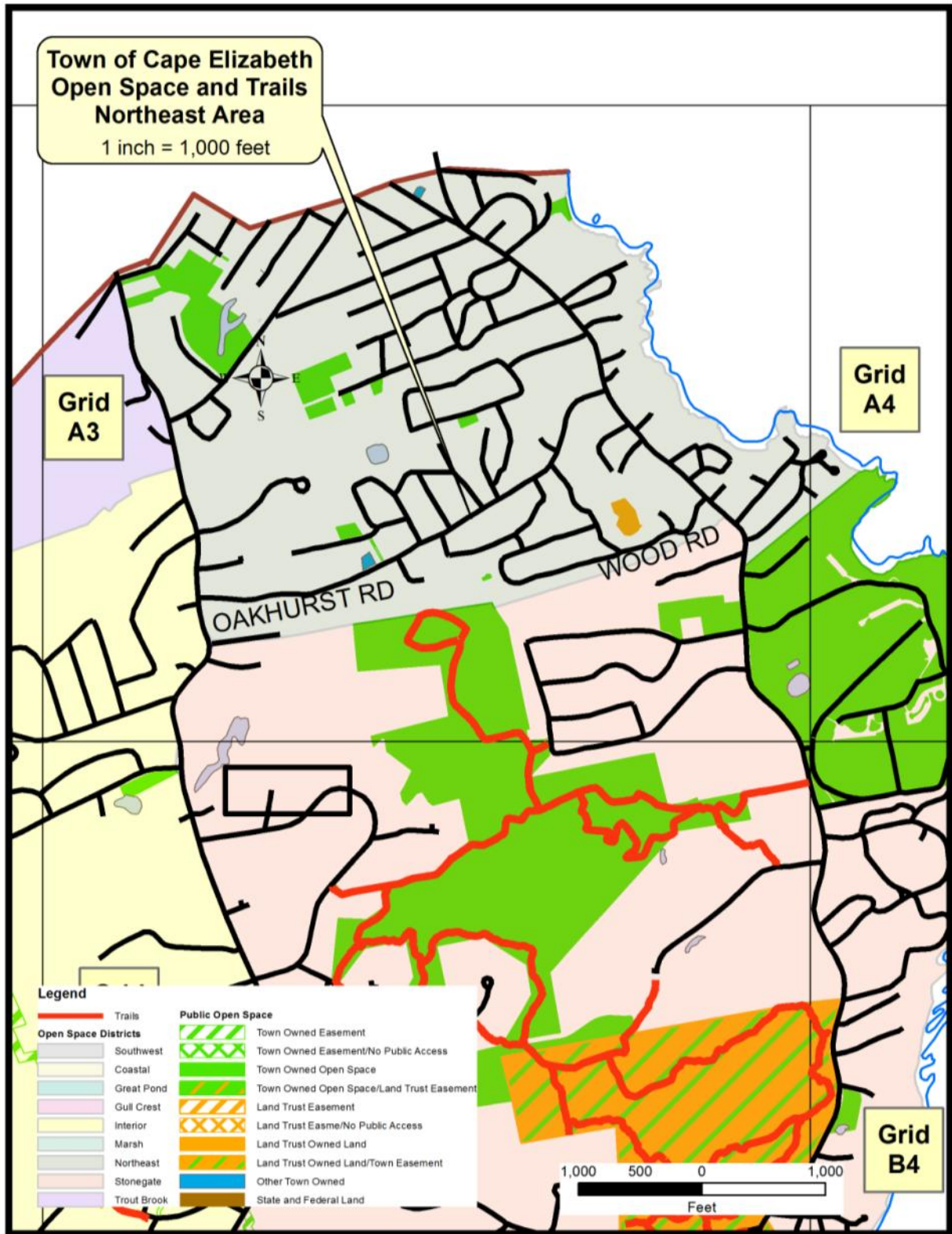
The Town website should include a prominent Open Space and Greenbelt Trail presence. The Town trail map, and individual area or trail maps, should be easily located and able to download for trail users.

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

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.

More information regarding public information efforts is located under Signage in the Maintenance Policies section.

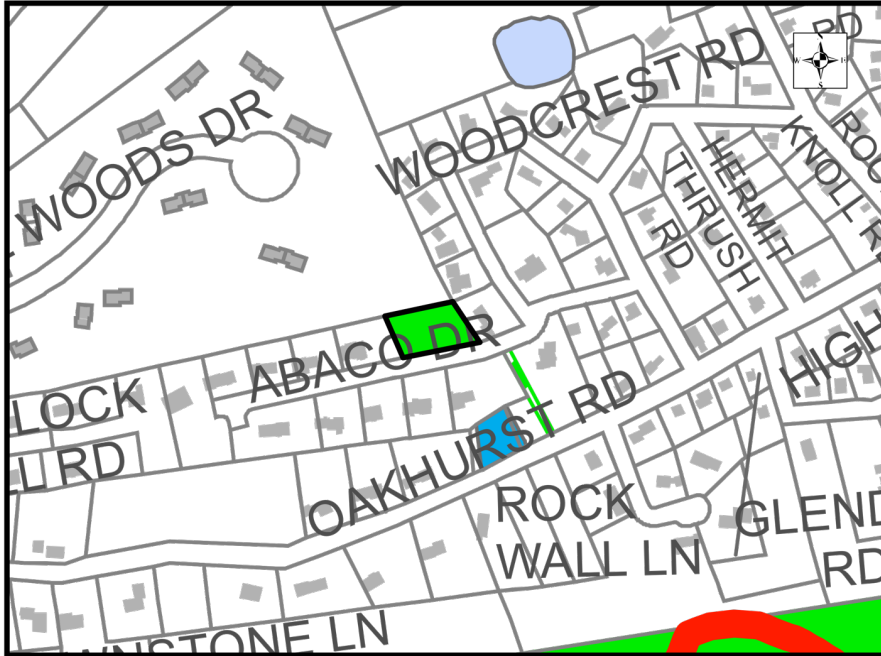


Prepared by the Planning Office 5/5/2011

Name: Abaco Lot

Location (Map/Lot): The lot is located on Abaco Drive (U33-74-14).

Fee owner: Town of Cape Elizabeth



Date of Town Ownership: 2001

Type of acquisition: Acquired through development review of the Hemlock Hill Subdivision

Deed restrictions summary: The property is restricted to passive uses such as walking, jogging, hiking, sightseeing, bird watching, harvesting forest products, and general education. No buildings except for boardwalks, steps and signs are allowed. Snowmobiles, all-terrain vehicles, motorcycles, trail bikes and similar vehicles are prohibited.

Public Access location: Access for the public is available from Abaco Drive.

Street Map Grid reference: A3

Physical characteristics: The lot is .39 acres and includes woods and a stream.

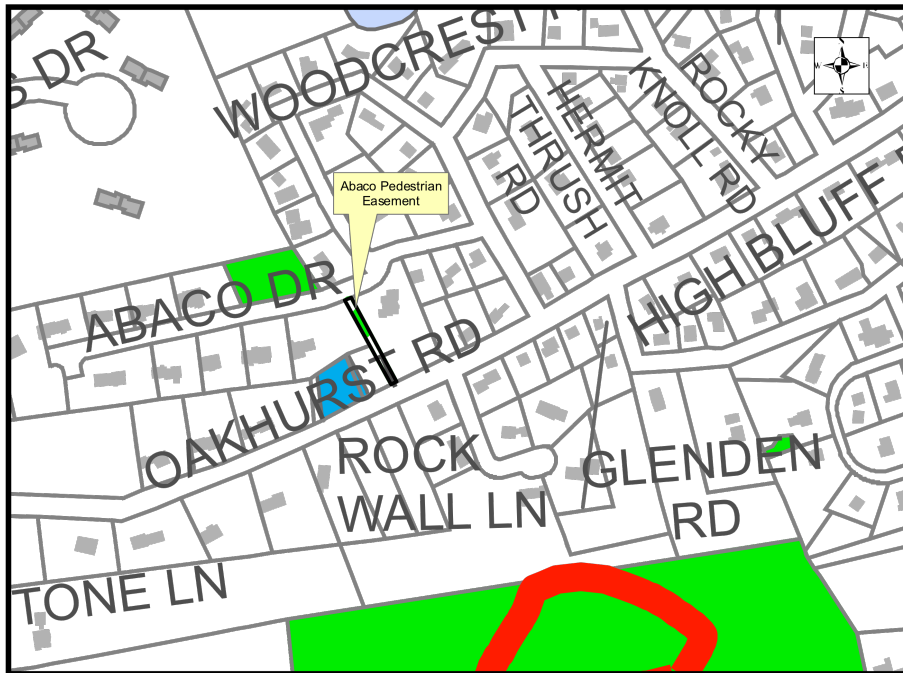
Improvements: None.

Open Space: The dominant use of the lot is open space.

Name: Abaco Pedestrian Easement

Fee owner: The easement is located along the side property line of two properties, currently owned by Deborah Mann and Mary Staszko.

Location (Map/Lot): The easement is located on the west side of Deborah Mann's property located at 2 Abaco Drive (U33-74-8) and the east side of Mary Staszko's property located at 4 Abaco Drive (U33-74-9).



Date of Town Ownership: 1999

Type of acquisition: Acquired through development review

Deed restrictions summary: The purpose of the easement is to provide access over and across the property for public recreational activities of walking, jogging, skiing, hiking, sightseeing and harvesting or gathering of forest products and general educational activities.

Public Access location: Access for the public is available from Abaco Drive and Oakhurst Rd.

Street Map Grid reference: A3

Physical characteristics: The easement is 8,896 sq. ft. and sits on top of a sewer line easement and is predominantly wetland. The wetland connects to a larger complex located south of Oakhurst Rd.

Improvements: No pedestrian improvements. A sewer line is located in the same easement area.

Open Space: The dominant use of the space is for sewer utility line, with pedestrian access a potential subordinate use.

Name: Baker Lot

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The lot is located on Ocean View Rd at the southwestern corner of the paper street portion of Baker Rd (U3-92).



Date of Town Ownership: 1977

Type of acquisition: Tax acquired

Deed restrictions summary: None

Public Access location: Access for the public is available from Ocean View Rd and the paper street portion of Baker Rd.

Street Map Grid reference: A3

Physical characteristics: The site is 8,662 sq. ft, wooded and dry.

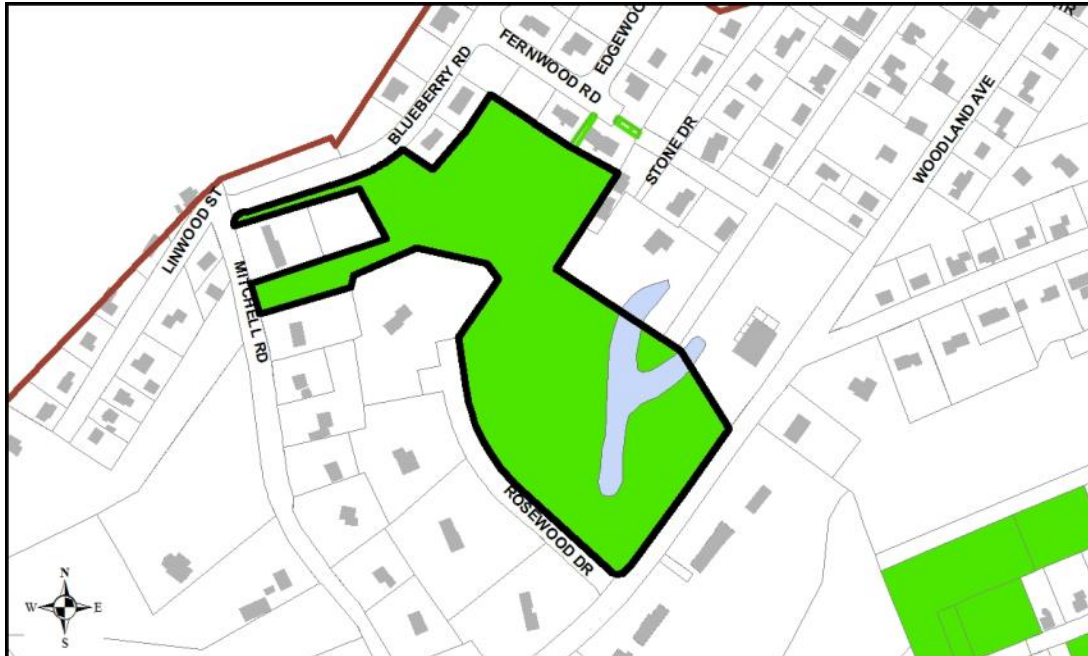
Improvements: There is an existing trail extending from Ocean View Rd onto the paper street portion of Baker Rd and then onto this lot.

Open Space: The dominant use of the lot is open space for the neighborhood with trail connection potential. The lot is buildable and the Town Council previously considered and then rejected selling the lot for new home construction.

Name: Dyer Woods

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The lot has frontage on Woodland Rd, Mitchell Rd, Blueberry Rd, Rosewood Drive and a pedestrian access easement from Fernwood Drive (U43-17-20).



Date of Town Ownership: 2004

Type of acquisition: The land was acquired through development review.

Deed restrictions summary: The land shall be restricted to drainage and public recreational activities such as hiking, hunting, fishing, sight-seeing, bird watching, skiing, biking, picnicking, swimming, education and trail maintenance. No structures other than boardwalks are allowed. No all terrain vehicles, or other motorized vehicles allowed. No dogs off leash allowed.

Public Access location: Access for the public is available from Fernwood Rd, Blueberry Rd, Woodland Rd and Mitchell Rd.

Street Map Grid reference: A3

Physical characteristics: The lot is 5.36 acres, includes Ledgewood Pond, and is wooded. It is a good bird habitat.

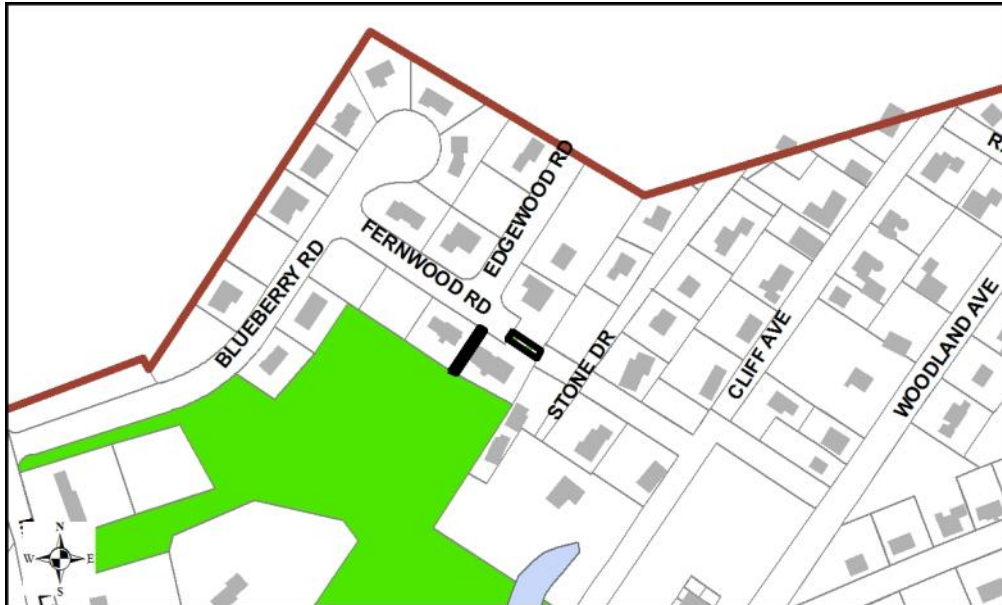
Improvements: A rustic trail system extends from Fernwood to Rosewood Dr.

Open Space: The dominant use of the lot is for open space, with two detention basins for stormwater control.

Name: Dyer Woods Pedestrian Easements

Fee owner: Nicholas and Jo Anne Richio

Location (Map/Lot): There are two pedestrian easements on the lot located at 7 Fernwood Rd (U34-17-6). A 10' wide easement is located on the northwest side of the lot and connects Fernwood Rd to Dyer Woods. A 15' wide easement is located on the southeastern side of the lot and connects Fernwood Rd to another easement that connects to Stone Drive.



Date of Town Ownership: 2004

Type of acquisition: Acquired through development review

Deed restrictions summary: Restricted to pedestrian traffic for access for recreational activities such as hiking, hunting, fishing, sight-seeing, bird-watching, skiing, educational activities and research, biking, picnicking, swimming, trail maintenance and similar activities. No structures, other than boardwalks and no fires, no dogs off-leash.

Public Access location: Access for the public is available from Fernwood Rd and Dyer Woods.

Street Map Grid reference: A3

Physical characteristics: The northwest pedestrian easement is 10' wide and 86' long for a total of 860 sq. ft. It is located between two homes in a landscaped yard, framed by evergreen shrubs. The southeast easement is 15' wide and 56' long for a total of 845 sq. ft and is also located between homes in a landscaped yard.

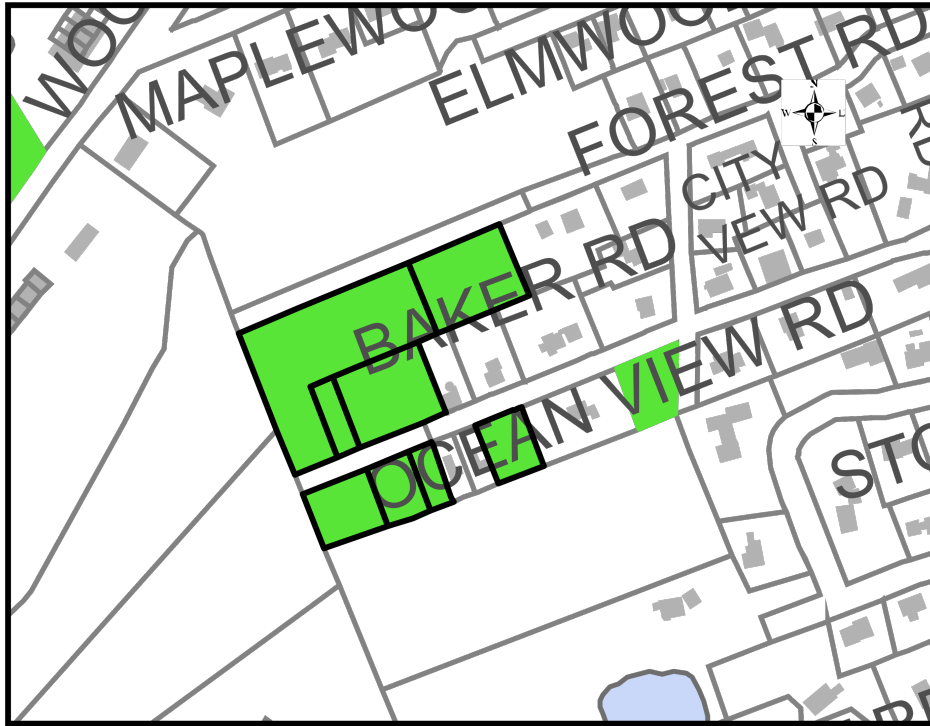
Improvements: The northwest path is defined by evergreens.

Open Space: The dominant use of the area is private yard and both easements facilitate public access to Dyer Woods.

Name: Holan Lots

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): These lots are located at the western end of Forest Rd and Ocean View Rd (U3-92, U3-94, U3-97, U3-98, U3-99, U3-100, U3-110, U3-111).



Date of Town Ownership: 1970, 1977, 1970, 1957, 1975, 1977

Type of acquisition: Donation and tax acquired

Deed restrictions summary: None

Public Access location: Access for the public is available from Ocean View Rd, and Forest Rd.

Street Map Grid reference: A3

Physical characteristics: The total area of the above lots is 3.08 acres, with all but .2 acres contiguous. The area is heavily vegetated wetland, presumably with wildlife habitat value.

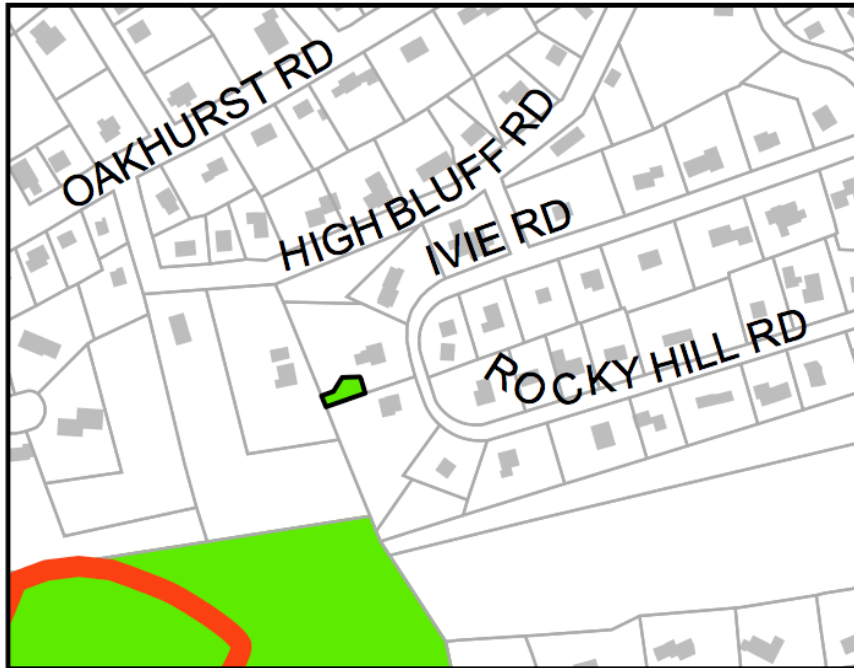
Improvements: None

Open Space: The only use of the space is as a densely vegetated wetland open space.

Name: Ivie Rd lot

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The tiny lot is located at the back of a lot located on Ivie Rd. It has no road frontage (U4-22)



Date of Town Ownership: 1958

Type of acquisition: Tax acquired

Deed restrictions summary: None

Public Access location: None

Street Map Grid reference: A3

Physical characteristics: The lot is 2,184 sq. ft. (.05 acres) and wooded.

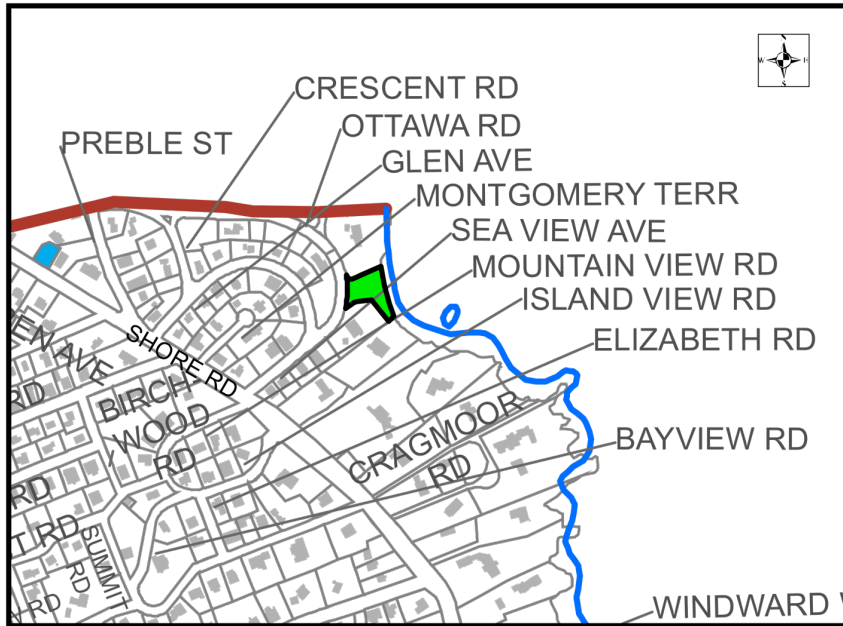
Improvements: None

Open Space: Unknown

Name: Cliff House Beach

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The beach is located between Seaview Ave and the Atlantic Ocean (U2-63).



Date of Town Ownership: 1961

Type of acquisition: Donation

Deed restrictions summary: The dedication is for public use and to be used as a public way.

Public Access location: Access for the public is available Seaview Ave.

Street Map Grid reference: A3

Physical characteristics: The lot is .26 acres and a sandy beach on the Atlantic Ocean.

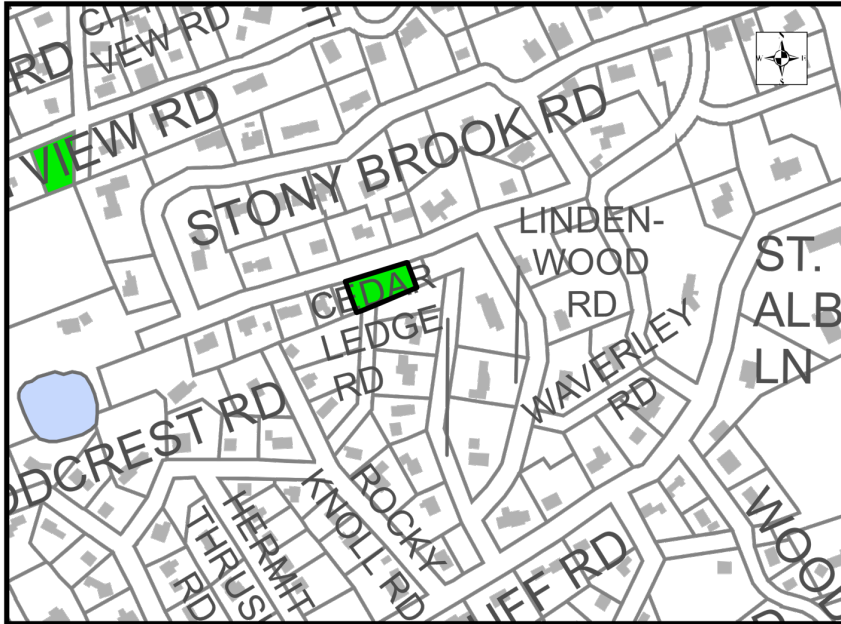
Improvements: Stairs extend from Seaview Ave to the beach.

Open Space: The dominant use of the lot is as a public beach, primarily serving the neighborhood.

Name: Stonybrook Lot

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The lot is located on the southern loop of Stonybrook Rd (U3-125).



Date of Town Ownership: 1976

Type of acquisition: Tax Acquired

Deed restrictions summary: None

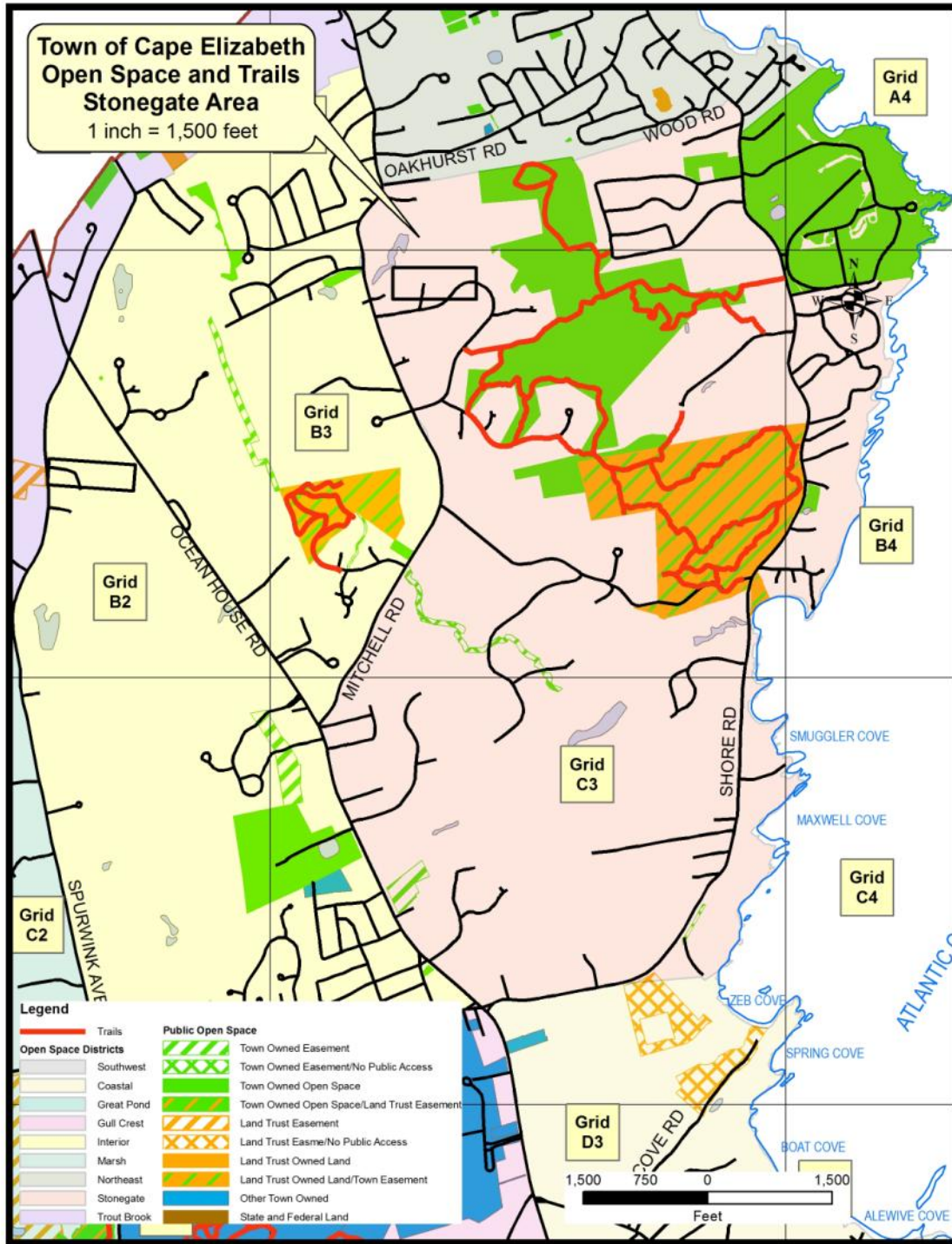
Public Access location: Access for the public is available from Stonybrook Rd.

Street Map Grid reference: A3

Physical characteristics: The lot is .23 acres in size and approximately ½ wooded and ½ forested wetland. When an abutter offered to buy the land, the neighborhood testified that the pond included frogs and other wildlife which the neighborhood valued as open space.

Improvements: None

Open Space: The dominant use of the lot is open space and a dumping location for grass clippings.



Prepared by the Planning Office 5/5/2011

Name: Arlington Lane Easement

Fee owner: Barbara and William Timmons

Location (Map/Lot): The easement is located north of Arlington Lane and Route 77 (U23-1-999)



Date of Town Ownership: 2003

Type of acquisition: Development Review

Deed restrictions summary: The conservation easement prohibits development of structures and allows low-impact recreation for subdivision owners and guests. The public is not allowed to use or enter the protected area, but can view it from Route 77. Vegetation management is allowed. A trail easement has also been provided for public access but rights will not be exercised until a trail connection has been completed to Robinson Woods.

Public Access location: Access for the public is not available.

Street Map Grid reference: C3

Physical characteristics: The easement is 4.17 acres and a combination of open field with shrub brush and is part of the Pond Cove wetland complex, which has been rated moderate/high value for wildlife habitat.

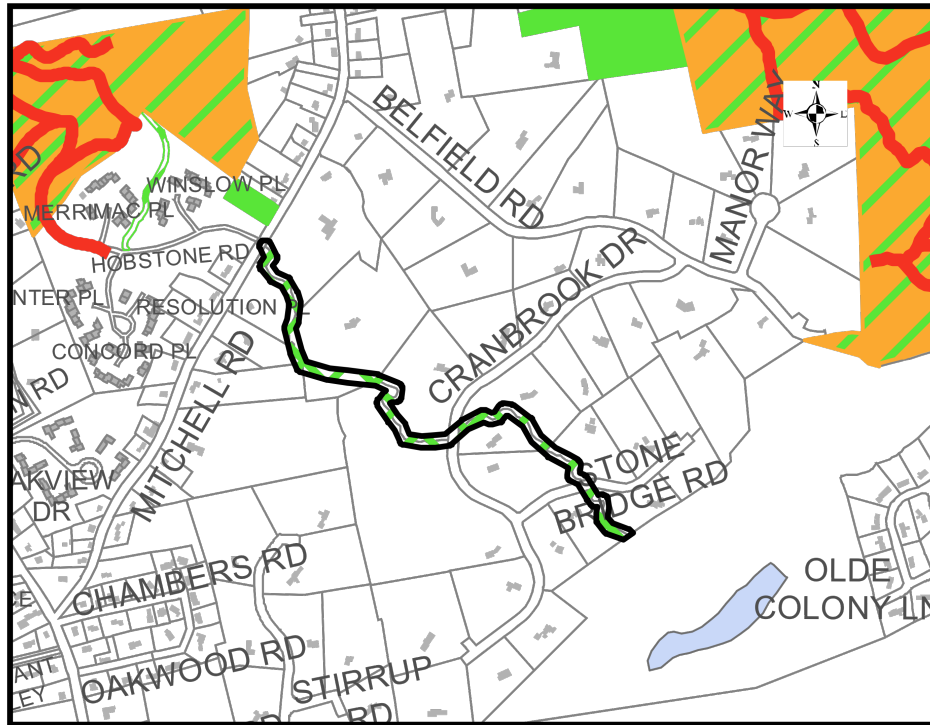
Improvements: None

Open Space: The dominant use of the area is for open space.

Name: Cranbrook Easement

Fee owner: There are several owners who abut the Pond Cove Brook, which flows from Mitchell Rd through the Cranbrook neighborhood, as follows: Rintel (U30-22), Crawford (U30-25), Cloutier (U30-36), White (U30-35), Maclaughlin (U30-37), Harper (U30-50), Hillman (U30-52), Ciraldo (U30-49), Altenberg (U30-45), Caras (U30-44).

Location (Map/Lot): The easement is located on land extending 60' from the Pond Cove Brook.



Date of Town Ownership: 1980

Type of acquisition: Development Review

Deed restrictions summary: The public has the right to view the easement but not to enter the easement area. The property shall be used for conservation purposes only and no structures of any kind shall be located on the easement.

Public Access location: Access for the public is not available.

Street Map Grid reference: B3

Physical characteristics: The easement is 120' wide with Pond Cove Brook at its center and approximately 3.4 acres. The area is wooded or open lawns.

Improvements: None

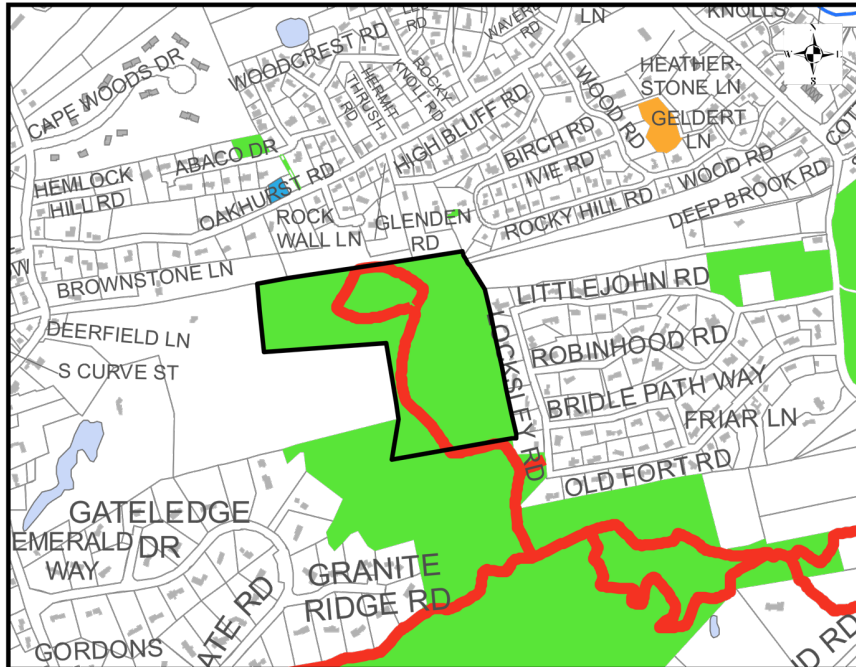
Open Space: The dominant use of the easement is open space incorporated into private lawns.

Updated 12/18/2014

Name: Loveitt Woods

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): Loveitt Woods is located behind the Sherwood Forest neighborhood west of Shore Rd (R1-2).



Date of Town Ownership: 2007 and 2013

Type of acquisition: The property is owned by the Town through a combination of tax-acquired property and purchase.

Deed restrictions summary: The property cannot be developed for commercial or residential use and must be used for public purposes, including recreational use, and is also subject to a sewer line easement granted to the Portland Water District.

Public Access location: Access for the public is available from Locksley Rd

Street Map Grid reference: A3

Physical characteristics: The land is mainly wooded with forested wetlands. It is the northerly end of the Stonegate land complex. Because it is part of a large parcel of contiguous, undeveloped land, it should be a habitat for wildlife.

Improvements: The land includes a loop and several off-shoot pedestrian trails and a bridge.

Open Space: The dominant use of the land is as open space.

Name: Fort Williams Park and Portland Head Light

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): This park is located on Shore Rd (U48-1 and 2).



Date of Town Ownership: 1964, 1993

Type of acquisition: Purchase

Deed restrictions summary: The deed reserves a right for the Coast Guard to access Portland Head Light. Portions of the property are not restricted by deed, but by terms of federal grants received in the past.

The deed to Portland Head Light includes provisions for access by the United States to aids to navigation. There is also a historic preservation covenant which subjects exterior alteration to review by the Maine Historic Preservation Commission.

Public Access location: Access for the public is available from Shore Rd.

Street Map Grid reference: A4

Physical characteristics: The park is 96 acres and a combination of open fields and woods with dramatic views of the rocky coastline of the Atlantic Ocean. A small pond is also visible from Shore Rd. Portland Head Light is 1.2 acres of developed open area with a rocky coastline jutting into the Atlantic Ocean.

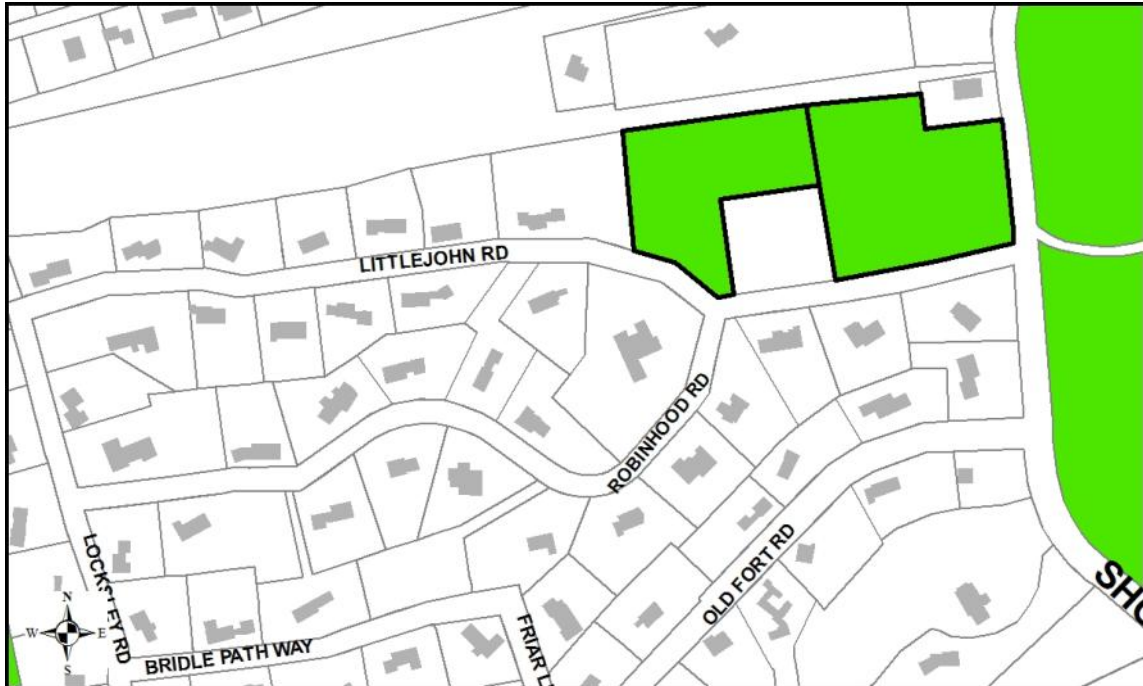
Improvements: This town park includes significant improvements including an internal road system, athletic fields, a playground, parking lots, a cliff-side trail and several office and maintenance buildings. Portland Head Light includes a lighthouse, keeper's quarters converted into a museum, gift shop building and walkway around the property.

Open Space: The dominant use of the park is open space. The dominant use of Portland Head Light is as an aid to navigation with the subordinate use as open space. Both sites also have special scenic and historic significance.

Name: Plaisted Park

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): Plaisted Park is located at the corner of Shore Rd and Littlejohn Rd (U6-89). Another lot is located at the rear of Plaisted Park with frontage on Littlejohn Rd (U6-89A).



Date of Town Ownership: 1975

Type of acquisition: Donation

Deed restrictions summary: The lot shall be used solely as a playground and for recreational purposes and facilities.

Public Access location: Access for the public is available from Shore Rd and Littlejohn Rd.

Street Map Grid reference: A3

Physical characteristics: The lot is 2.2 acres and developed. The rear lot is 1.3 acres and predominantly wooded.

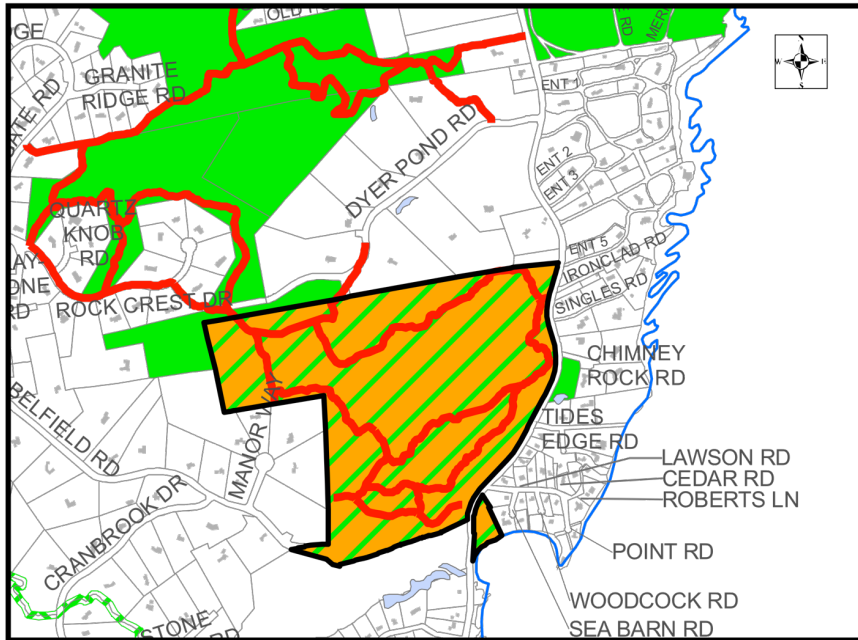
Improvements: The lot has a little league baseball field, concession stand and gravel parking lot. The rear lot has sewer infrastructure.

Open Space: The dominant use of the lot is as a little league ballpark, with sewer infrastructure on the rear lot.

Name: Robinson Woods

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): R2-1, U8-47



Date of Town Ownership: 2000

Type of acquisition: Purchase at discounted price. Town has third party rights of enforcement.

Deed restrictions summary: Restricted to preservation of natural features and a trail network.

Public Access location: Access for the public is available from Shore Rd at the intersection with Belfield Rd and at Pond Cove.

Street Map Grid reference: B3

Physical characteristics: Robinson Woods is 81.9 acres, plus a 1.25 acre parcel on the east side of Shore Rd with access and views of the Atlantic Ocean. The main parcel is wooded wetlands and a pond. The ocean side parcel is also wooded to the water, with unobstructed views of the ocean.

Improvements: A loop trail is located on the main parcel and a trail to the water on the ocean side parcel. The main parcel also includes an information kiosk and gravel parking area, partly located in the right-of-way of Shore Rd.

Open Space: The dominant use of the property is for open space.

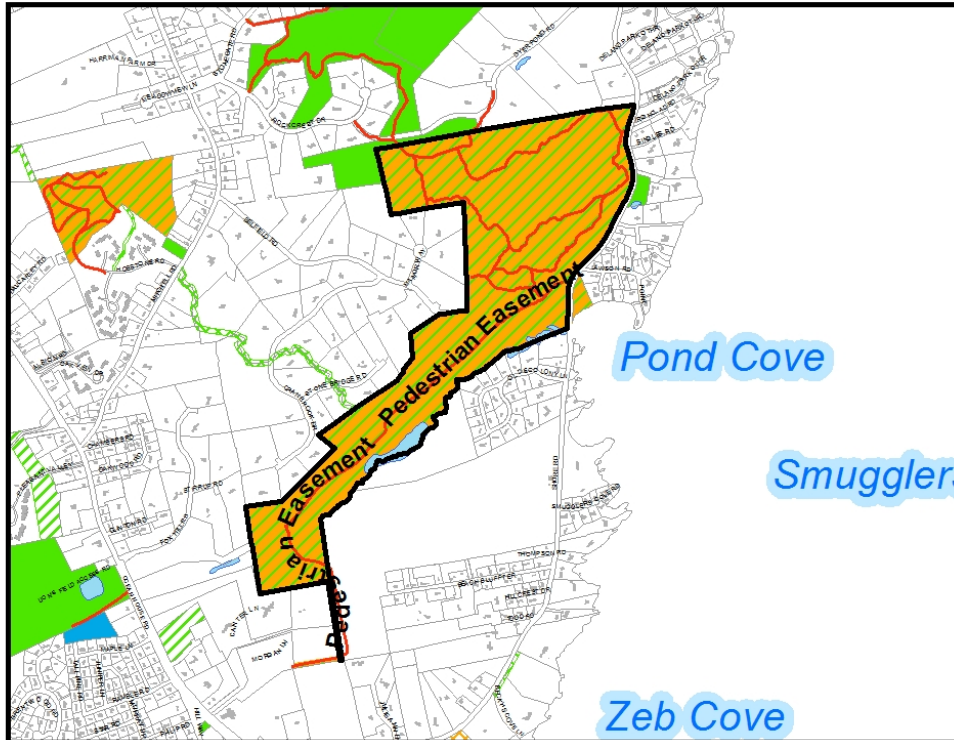
Added 12/18/2014

Name: Robinson Woods II

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): R2-1

Map insert:



Date of Town Ownership: 2012

Type of acquisition: Purchase. Town holds Public Access Easement and third party rights of enforcement.

Deed restrictions summary: Restricted to preservation of natural areas and public access.

Public Access location: Access for the public is available from Shore Rd and the adjacent Canter Ln Pedestrian easement near Ocean House Rd.

Street Map Grid reference: C3

Physical characteristics: Robinson Woods II is 64 acres and a combination of woods, open fields, wetlands and a pond.

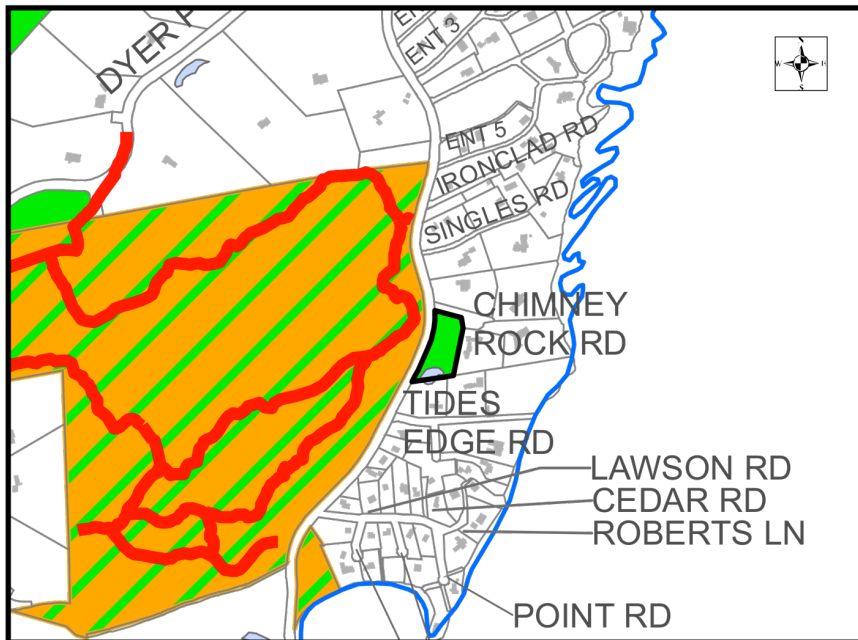
Improvements: A trail extends from Belfield Rd southwest to connect with the Kirk Pond Pedestrian easement. The trail has been improved with boardwalks and a bridge crossing.

Open Space: The dominant use of the property is for open space.

Name: Shore Rd pond

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The pond lot is located at Shore Rd (U8-10D).



Date of Town Ownership: 1979

Type of acquisition: Donation

Deed restrictions summary: The premises shall be kept in a natural and wild state, except that a footpath may be maintained for pedestrians.

Public Access location: Access for the public is available from Shore Rd.

Street Map Grid reference: B4

Physical characteristics: The lot is 1.1 acres and almost entirely encompassed by a freshwater pond, with some adjacent woods, which is clearly visible from Shore Rd.

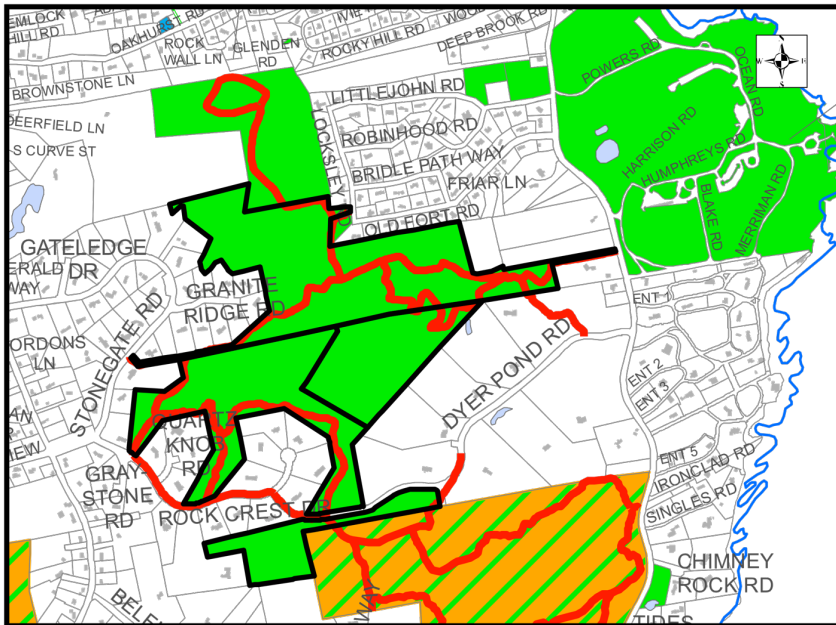
Improvements: None

Open Space: The dominant use of the space is as a pond.

Name: Stonegate Trails

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): The Stonegate open space land extends from Stonegate Rd to Shore Rd and Dyer Pond Rd and connects both to the Loveitt Woods lot and Robinson Woods (U6-18, U6-18C, U51-9, U57-18).



Date of Town Ownership: 1984, 1986, 1994

Type of acquisition: The lots were obtained as part of the development review for the Stonegate and Dyer Pond neighborhoods.

Deed restrictions summary: The property was donated exclusively for public purposes to be preserved for outdoor recreation and education. No structures of any kind are allowed, nor motorized vehicles, including automobiles, trucks, off-road vehicles, snowmobiles, motorcycles and recreational vehicles, except for emergencies, weir maintenance and footpaths.

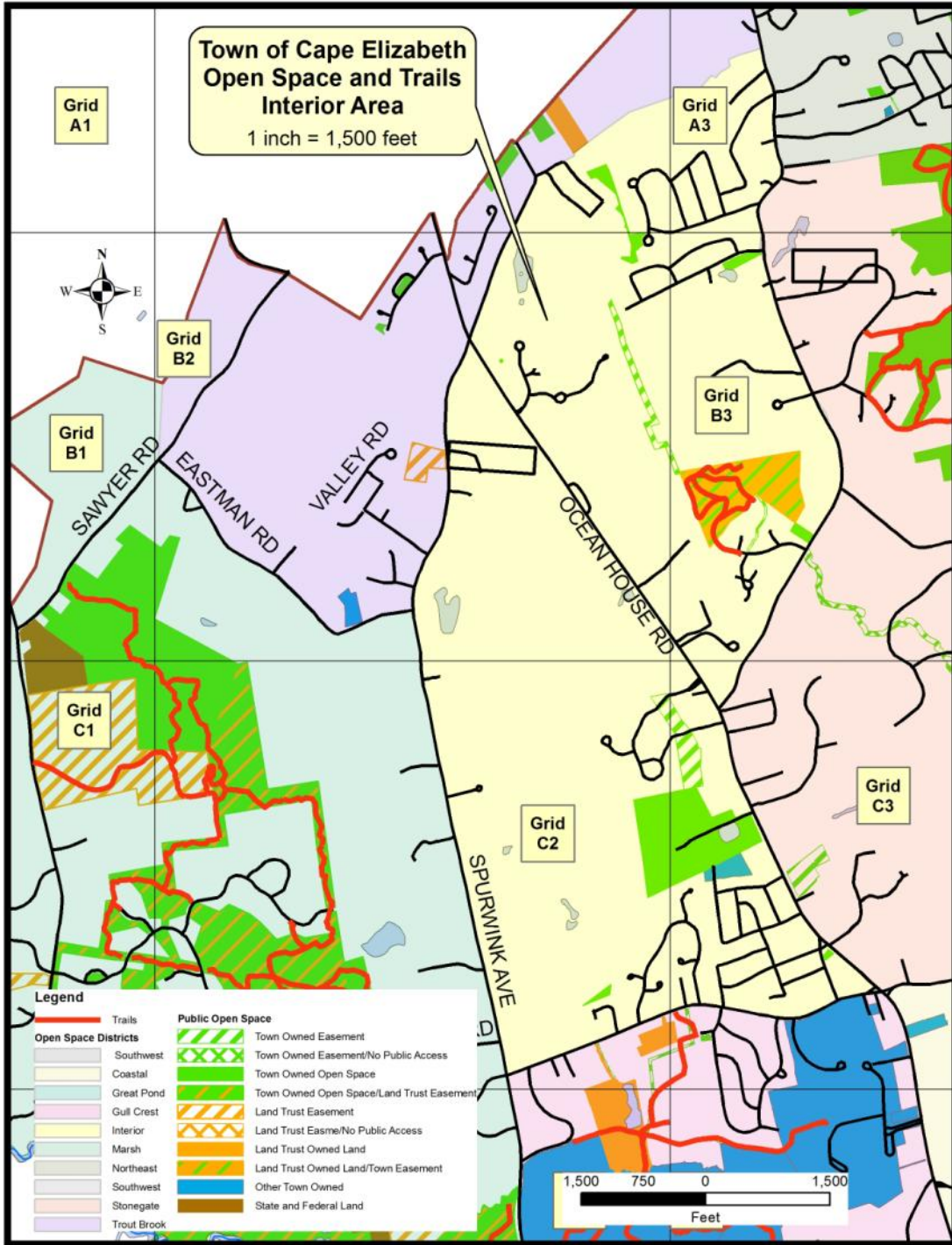
Public Access location: Access for the public is available from Shore Rd, Locksley Rd, Dyer Pond Rd, Stonegate Rd, and Rock Crest Drive.

Street Map Grid reference: A3, B3

Physical characteristics: The lots total 86.6 acres and are a mix of wooded land and forested wetland and include streams.

Improvements: The Stonegate area includes a significant trail system that connects Dyer Pond to the northern end of Cape Elizabeth. Several bridges and boardwalks have been constructed.

Open Space: The dominant use of the space is as open space, although there is also a weir that manages stormwater flows located near Locksley Rd.



Prepared by the Planning Office 5/5/2011

Added 12/18/2014

Name: Bothel Pedestrian Easement

Fee owner: Stephen and Robert Bothel

Location (Map/Lot): U26-6B

Map insert:



Date of Town Ownership: 2009

Type of acquisition: Acquired through development review of the Bothel Subdivision.

Deed restrictions summary: Allows an unpaved foot path no more than 10' in width limited to pedestrian and non-motorized bicycle use during daylight hours. No use of the easement is allowed until the adjacent 50' wide right of way is accepted as a town way.

Public Access location: Access for the public is not available at this time.

Street Map Grid reference: B2

Physical characteristics: The 1.37 acre easement site is wooded and mostly RP1 wetland.

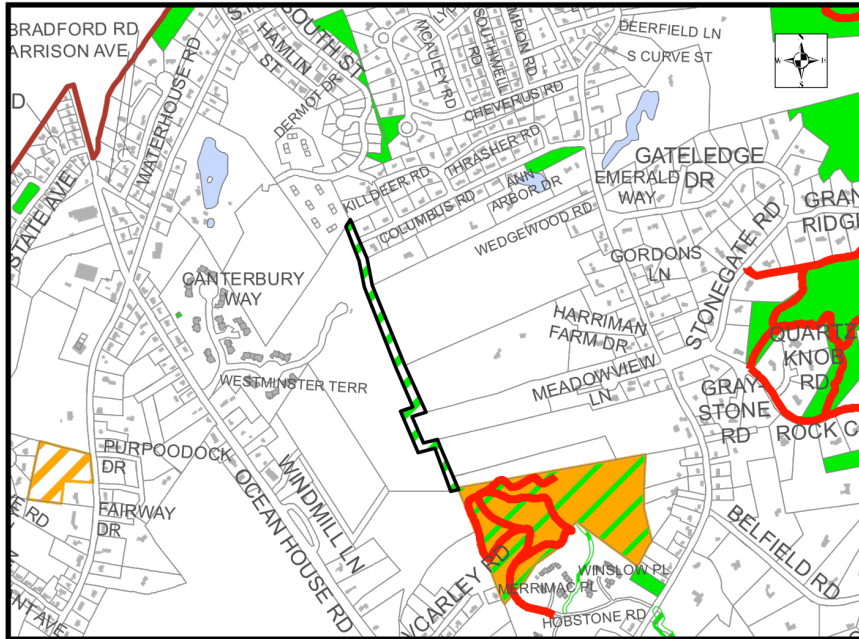
Improvements: None

Open Space: The dominant use of the property at this time is wooded wetland.

Name: Canterbury Easement

Fee owner: Canterbury on the Cape Condominium Association

Location (Map/Lot): The easement extends from the southern boundary of the Canterbury on the Cape land to the end of Columbus Rd (U29-66-999).



Date of Town Ownership: 1982

Type of acquisition: Development Review

Deed restrictions summary: The easement is limited to foot traffic only, skis and snowshoes and does not include the right to pass with vehicles of any type or horses. No construction or placement of structures is allowed and no trees over 10" dbh shall be cut unless they are dead or a safety hazard.

Public Access location: Access for the public is available from the end of Columbus Rd.

Street Map Grid reference: B2

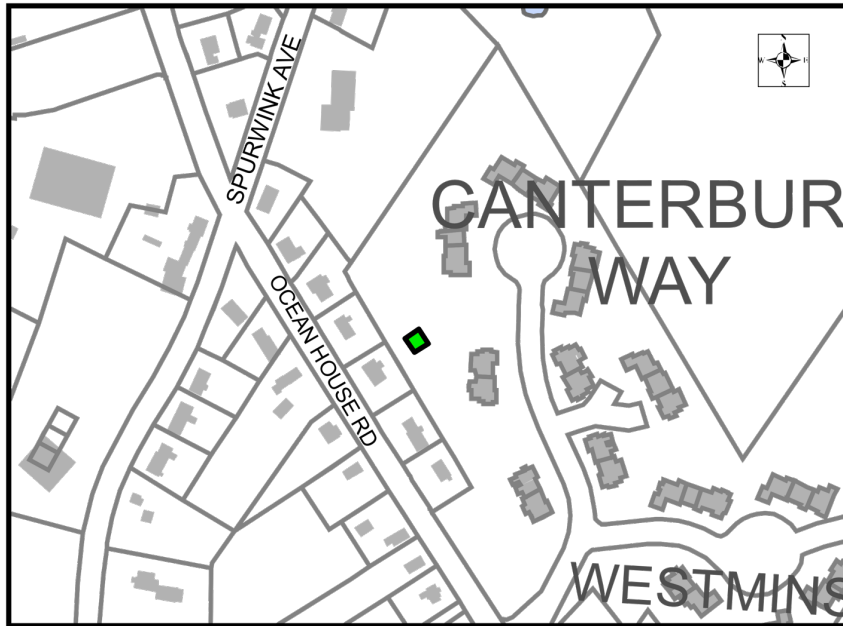
Physical characteristics: This is a 16.5' foot wide pedestrian in a heavily wooded area.

Improvements: Unknown

Open Space: The dominant use of the land is for open space.

Name: Canterbury Tank House Lot

Location (Map/Lot): This tiny parcel is located off Ocean House Rd in the Canterbury on the Cape area (U29-67).



Date of Town Ownership: 1976

Type of acquisition: Tax acquired

Deed restrictions summary: Rights to lay water lines for windmill and well house.

Public Access location: Right-of-way from Ocean House Rd

Street Map Grid reference: B2

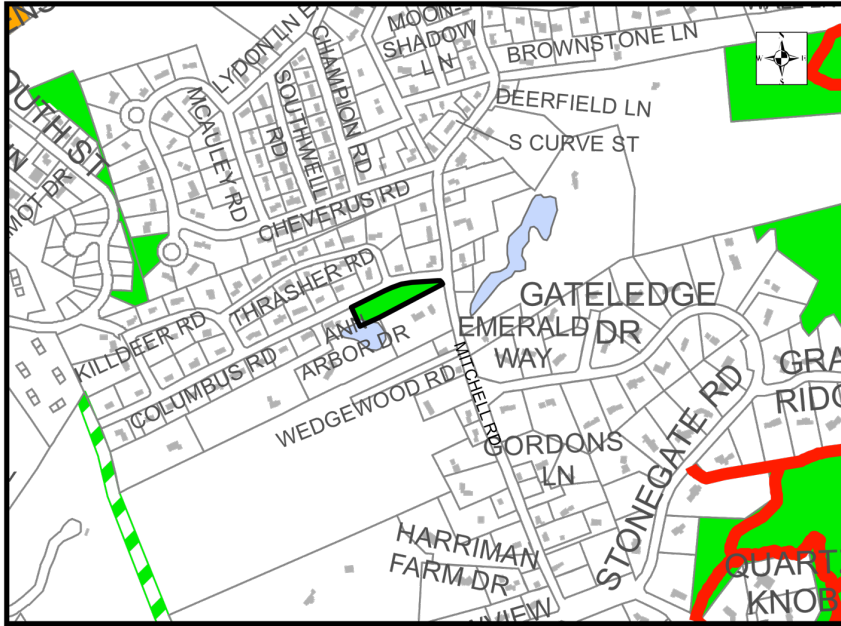
Physical characteristics: This 1,296 sq. ft. parcel (.03 acres) is the site of a former well.

Improvements: Unknown

Open Space: Unknown

Name: Columbus Lot

Location (Map/Lot): This lot is on the southern corner of Columbus Rd and Mitchell Rd (U32-6).



Date of Town Ownership: 1972

Type of acquisition: Development of Mitchell Highlands Subdivision

Deed restrictions summary: None

Public Access location: Access for the public is available from Columbus Rd.

Street Map Grid reference: B3

Physical characteristics: The lot is 1 acre and wooded.

Improvements: There is a small pull-off area, but otherwise the lot is wooded.

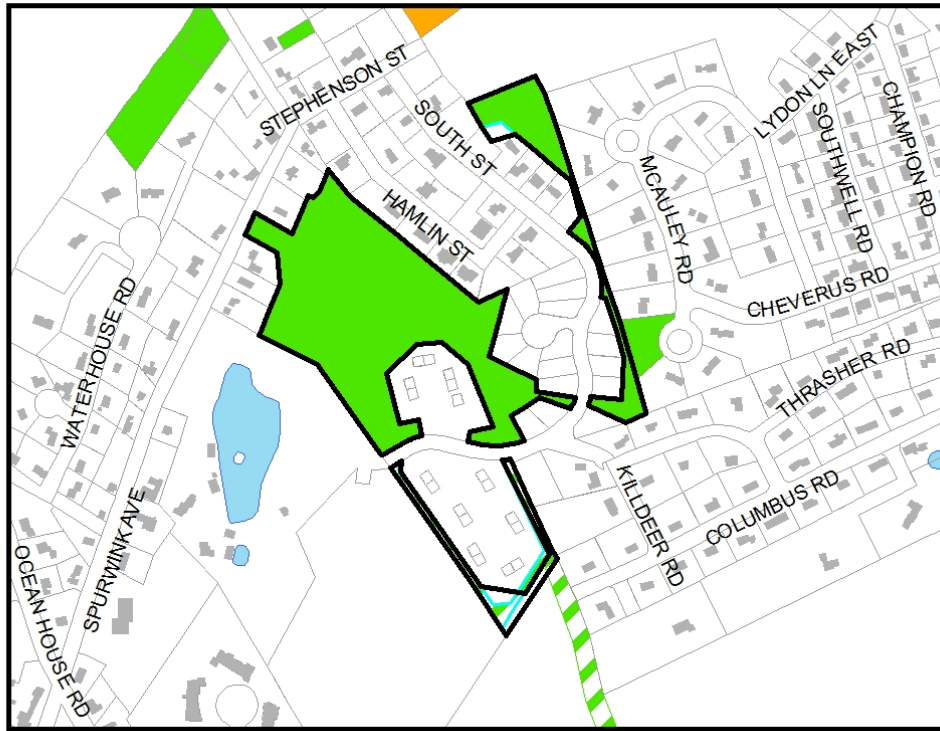
Open Space: The dominant use of the lot is as open space.

Added 2/29/2016

Name: Cottage Brook

Location (Map/Lot): The lots are located on both sides of Aster Lane (U49-59A).

Map insert:



Date of Town Ownership: 2014

Type of acquisition: Acquired through development review of the Spurwink Woods Subdivision

Deed restrictions summary: The land is restricted to conservation and low-impact outdoor recreation.

Public Access location: Access for the public is available from Aster Lane.

Street Map Grid reference: B2

Physical characteristics: The land is 12.58 acres and a combination of old forest and new woodlands and a wetland associated with a stream.

Improvements: Rustic trails are located on the property, including around the west side condominiums.

Open Space: The dominant use of the property is as open space.

Name: Hobstone Pedestrian Easement

Fee owner: Hobstone Condominium Association

Location (Map/Lot): The easement is located on the common land of the Hobstone Condominium development located off Mitchell Rd (U30-100).



Date of Town Ownership: 1982

Type of acquisition: Development Review

Deed restrictions summary: The perpetual right, in common with others, to pass, together with the right to brush out, maintain, repair and relocate within the easement area a narrow, meandering footpath for the use and benefit of the general public. Motor or other mechanized means of travel are prohibited, as well as structures and cutting of timber.

Public Access location: Access for the public is available from Hobstone Rd.

Street Map Grid reference: B3

Physical characteristics: The pedestrian easement is 25' wide and 70' long for approximately 1,750 sq. ft. and located in a wooded area.

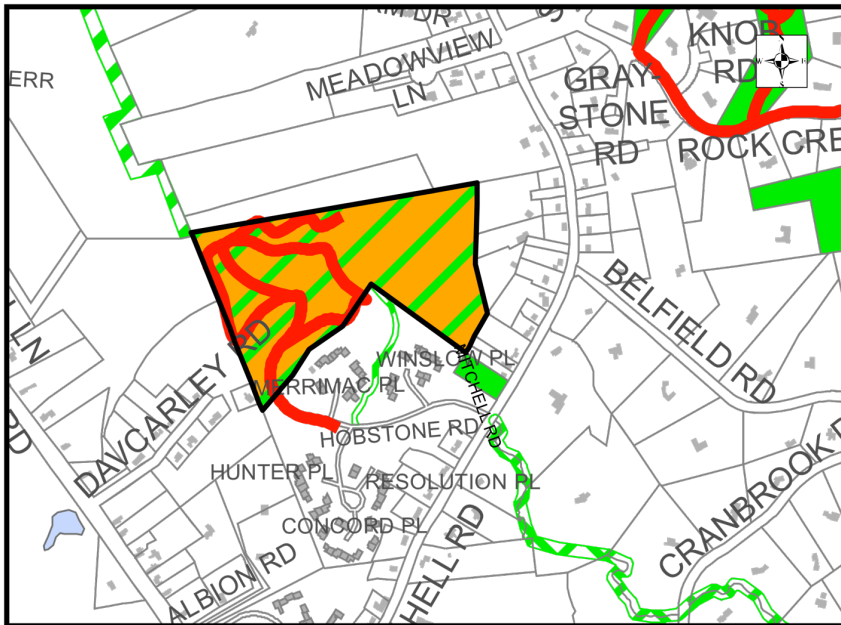
Improvements: Unknown

Open Space: The dominant use of the area is open space.

Name: Hobstone Conservation Easement

Fee owner: Hobstone Condominium Association
Easement also held by the Cape Elizabeth Land Trust

Location (Map/Lot): The conservation easement is located at the end of Hobstone Rd (U30-6).



Date of Town Ownership: 1997

Type of acquisition: Purchase

Deed restrictions summary: The purpose of the easement is to preserve and protect the natural open space, scenic and ecological features and values. The property shall be used only for daytime public access and nonmechanized recreation and conservation. No tents or fires, structures and the Land Trust shall have the right to establish trails, 2 parking spaces, and a rustic shelter not to be used for camping.

Public Access location: Access for the public is available from Hobstone Rd.

Street Map Grid reference: C3

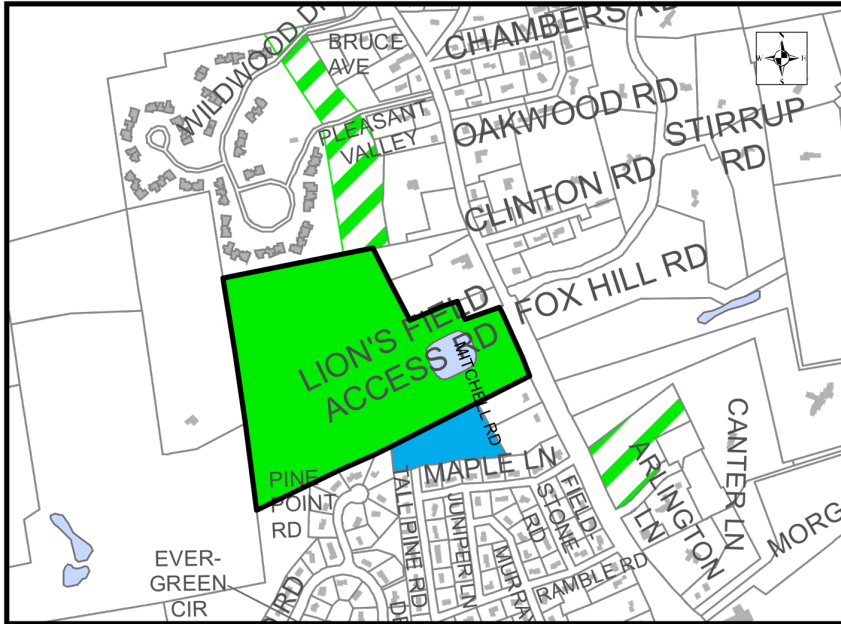
Physical characteristics: The 20.56 acre site is wooded.

Improvements: A loop trail is located on the easement.

Open Space: The dominant use of the site is for open space.

Name: Lions Field

Location (Map/Lot): The lot is located on Ocean House Rd just north of the Town Center (U24-1).



Date of Town Ownership: 1972

Type of acquisition: Donation

Deed restrictions summary: The lot must be called "Lions Field" and its use restricted to "that usual to parks and recreation and limited educational field-study use."

Public Access location: Access for the public is available from Lions Field Access Rd.

Street Map Grid reference: C3

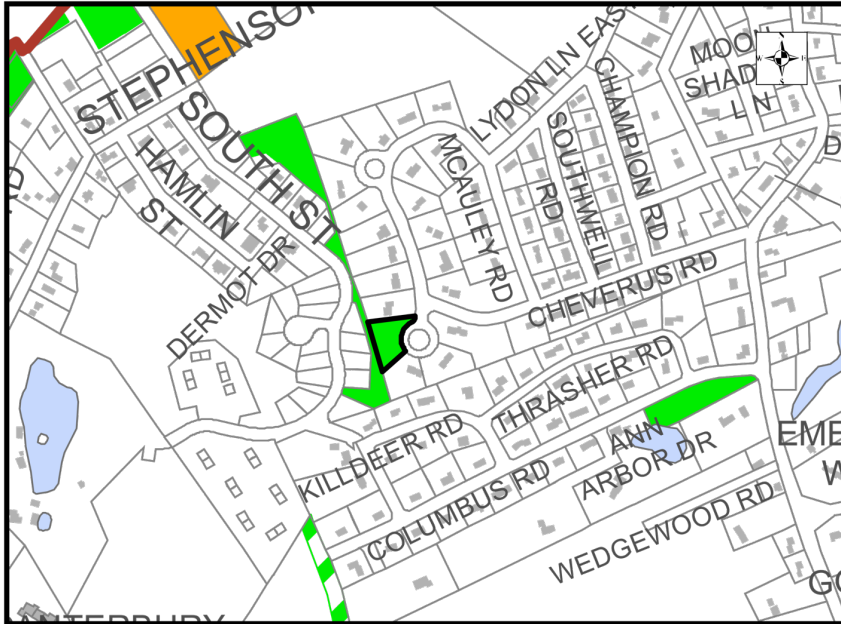
Physical characteristics: The lot is 25 acres and is open field with wetlands, a pond, and woods.

Improvements: The lot includes 2 ball fields, concession stand, storage sheds, skating pond and related internal road and gravel parking areas.

Open Space: The predominant use of the site is for active recreation, although the wetlands provide some wildlife habitat.

Name: McAuley Lot

Location (Map/Lot): This lot is located on McAuley Rd, near the cul-de-sac (U49-4).



Date of Town Ownership: 1984

Type of acquisition: The lot was acquired through development review.

Deed restrictions summary: The lot shall be used for conservation and outdoor recreation use only. No commercial, industrial, residential or mining activities are allowed, nor are any structures allowed except signs. Trees may be removed to establish foot trails.

Public Access location: Access for the public is available from McAuley Rd.

Street Map Grid reference: B2

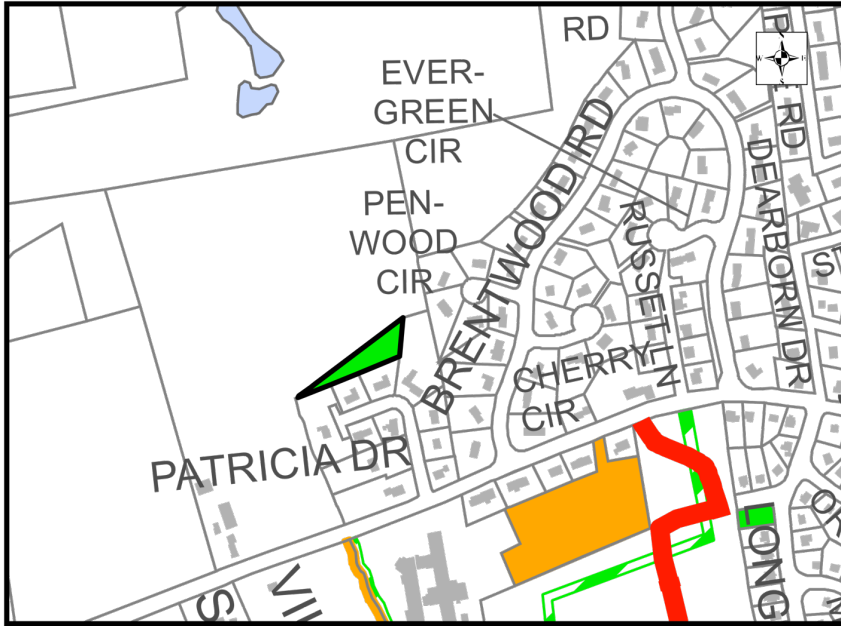
Physical characteristics: The site is wooded

Improvements: There is a trail on the property.

Open Space: The dominant use of the lot is open space.

Name: Patricia Lot

Location (Map/Lot): This lot is located at the rear of the lots on the northern side of Patricia Drive (U35-25A).



Date of Town Ownership: 1970

Type of acquisition: Tax acquired

Deed restrictions summary: None

Public Access location: Unknown

Street Map Grid reference: C2

Physical characteristics: The lot is 21,130 sq. ft. and located in a known wetland area.

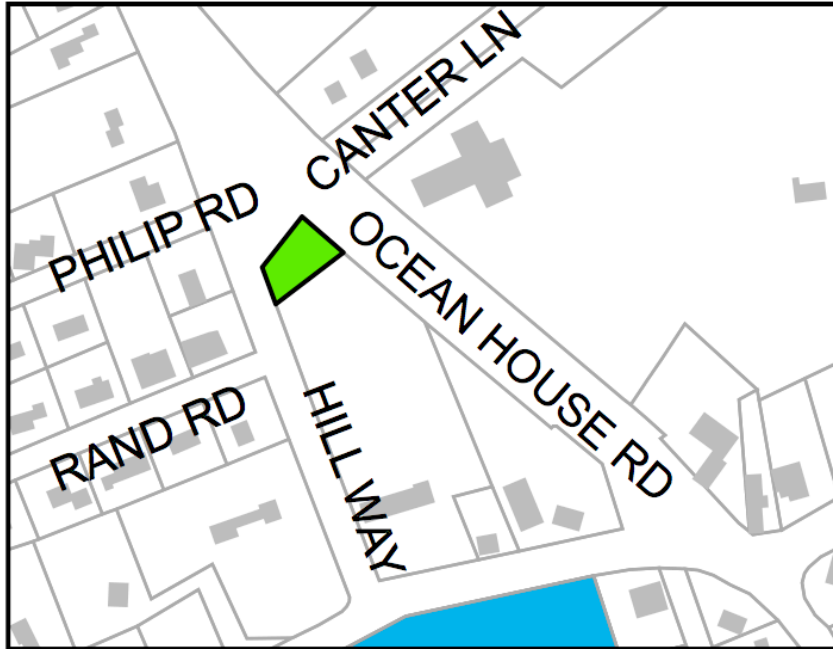
Improvements: Unknown

Open Space: Unknown

Name: Tarbox Triangle

Location (Map/Lot): The Tarbox Triangle is the gateway to the Town Center and is located at the corner of Hill Way and Ocean House Rd (U23-04)

Map insert:



Date of Town Ownership: 1976

Type of acquisition: Donation by York Electrical Holding Company

Deed restrictions summary: The lot must be retained, improved and used by the Town solely for municipal park purposes.

Public Access location: Access for the public is available from Ocean House Rd and Hill Way.

Street Map Grid reference: C3

Physical characteristics: The lot is .17 acres and is a combination of woods and landscaped area.

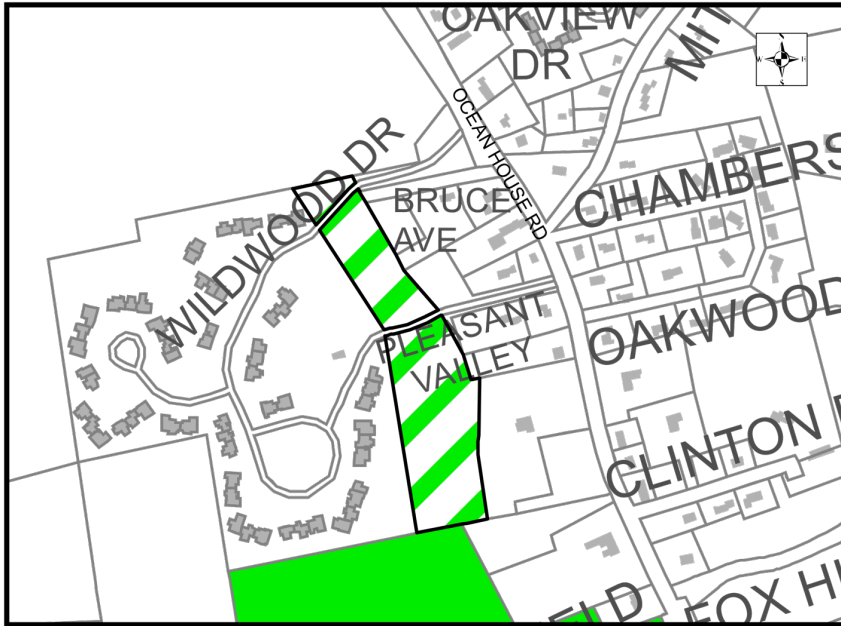
Improvements: The Town maintains a landscaped area that includes the Welcome to Cape Elizabeth sign.

Open Space: The dominant use of the space is park open space and a gateway to the Town Center.

Name: Wildwood Easement

Fee owner: Wildwood Condominium Association

Location (Map/Lot): The easement is located south of Wildwood Rd (U24-9).



Date of Town Ownership: 1981

Type of acquisition: Development Review

Deed restrictions summary: The purpose is to preserve the property for non-destructive, non-mechanized, and non-developed outdoor enjoyment and to perpetuate the natural character of the property. The public may clear, mark, maintain and outdoor recreational trail, including footbridges, for use by members of the public. No cutting of trees and shrubs except to clear and restore the forest cover that is damaged. No structures allowed. Access over Wildwood Drive and Pleasant Valley Ave also conveyed to the public.

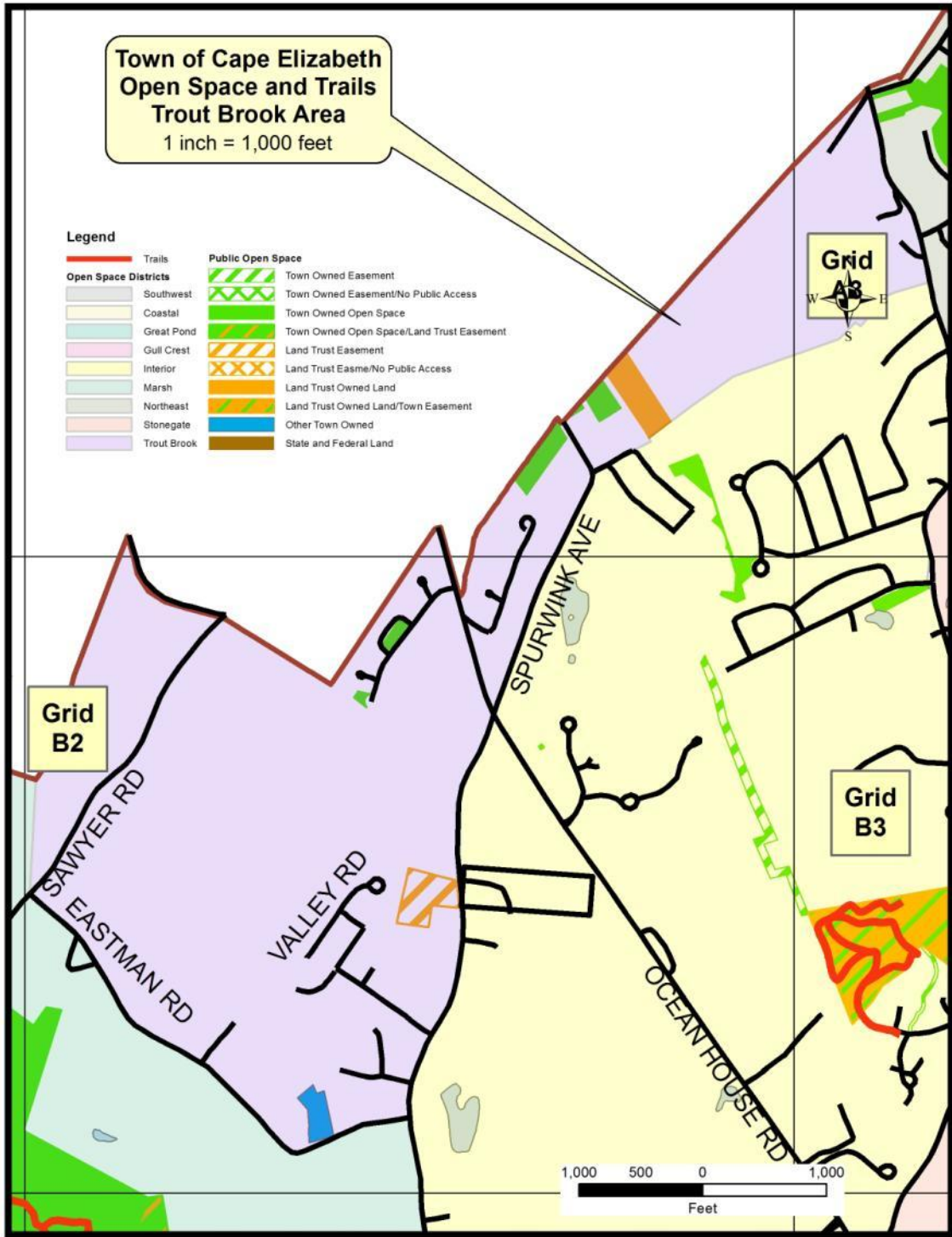
Public Access location: Access for the public is available from Wildwood Drive, Pleasant Valley Ave and Lions Field.

Street Map Grid reference: C2

Physical characteristics: The 7.45 acre easement is wooded with wetlands and a stream.

Improvements: A casual trail exists on the easement.

Open Space: The dominant use of the space is as open space.



Prepared by the Planning Office 5/5/2011

Name: Ferne Peddy Lots

Location (Map/Lot): Two lots are located on North Street (U29-38) and two more off Spurwink Ave adjacent to the South Portland municipal boundary (U29-29 and 29A)



Date of Town Ownership: 2002, 1990, Unknown

Type of acquisition: Donation

Deed restrictions summary: None, unknown

Public Access location: Access for the public is available from North Street and Spurwink Ave.

Street Map Grid reference: A2

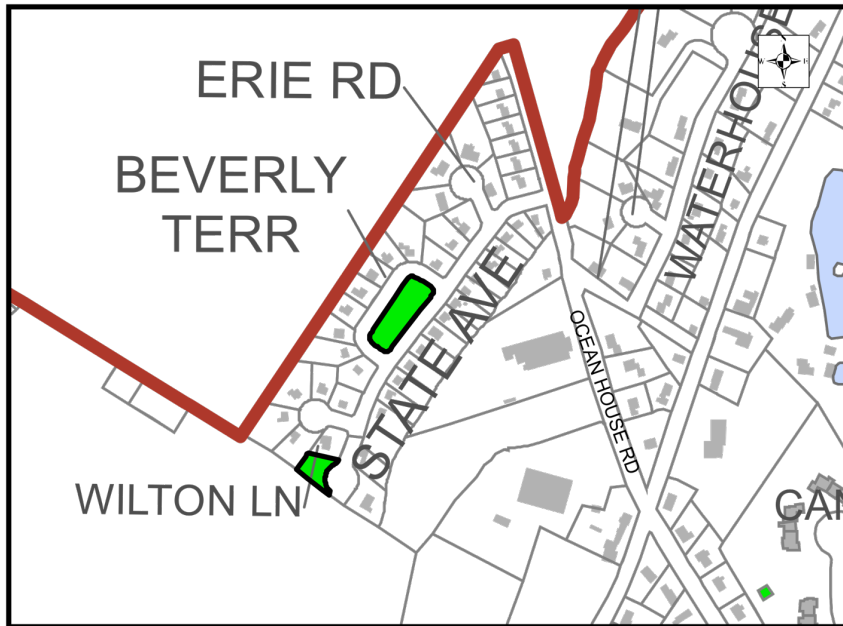
Physical characteristics: The two easterly lots equal 1.2 acres, plus land that would be added because of an adjacent street vacation. The lot is wetland. The Spurwink Ave lots (.47 acres and 2 acres) abut Trout Brook and are a combination of open field, woods, and wetland. The wetlands are part of a larger wetland and brook system, which suggests some wildlife habitat value.

Improvements: The lots west of Spurwink Ave have the Trout Brook interceptor sewer line located along the northern property boundary and a sewer maintenance building is also located adjacent to Spurwink Ave.

Open Space: The dominant use of the lot is open space, with potential wildlife habitat due to the wetland, which is part of a larger wetland complex for the lots east of Spurwink Ave. The lots to the west are predominantly for public sewer infrastructure, but also support open space.

Name: Queen acres and State Ave Lot

Location (Map/Lot): Queen acres is a central common park area located in the State Ave neighborhood (U28-59). There is also a lot at the end of State Ave (U28-33B).



Date of Town Ownership: 1972, 1980

Type of acquisition: Donation, Tax Acquired

Deed restrictions summary: None

Public Access location: Access for the public is available from State Ave.

Street Map Grid reference: B2

Physical characteristics: Queen Acres park is 20,679 sq. ft (.47 acres) and an open field. The State Ave lot is 9,578 sq. ft. (.22 acres) and deemed unbuildable due to size.

Improvements: Queen Acres park is kept mowed. There are no improvements to the State Ave lot.

Open Space: The dominant use of both spaces is open space, although Queen Acres Park can support active recreation.

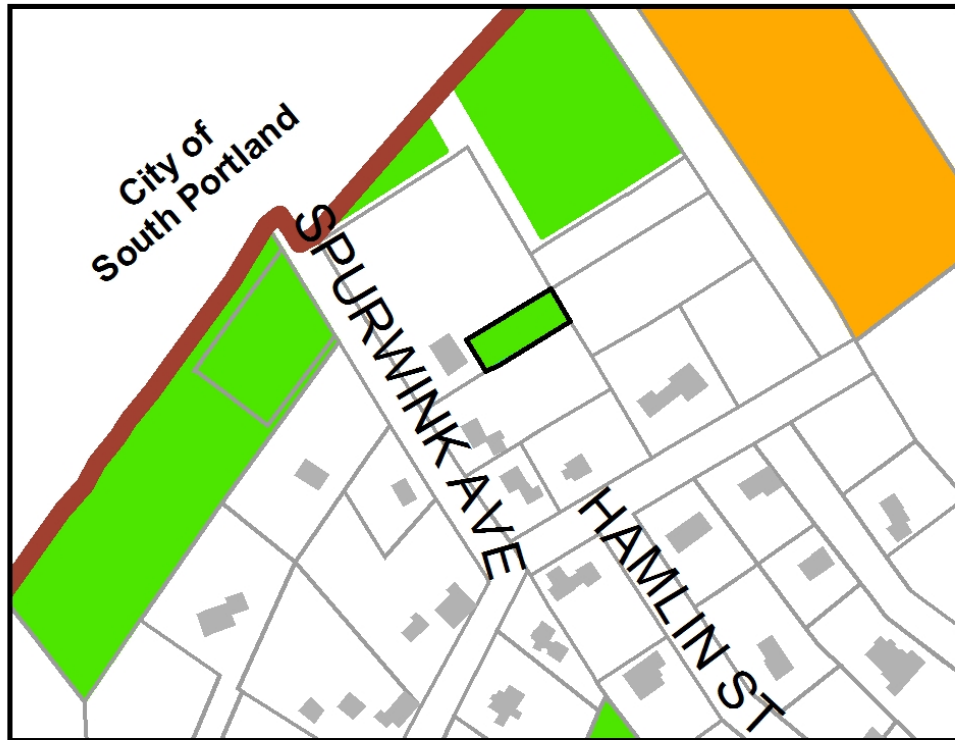
Added 2/29/2016

Name: Rice Lot

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): U29-31B

Map insert:



Date of Town Ownership: 2013

Type of acquisition: The land was donated by the Estate of Cynthia Rice.

Deed restrictions summary: No restrictions are included in the deed.

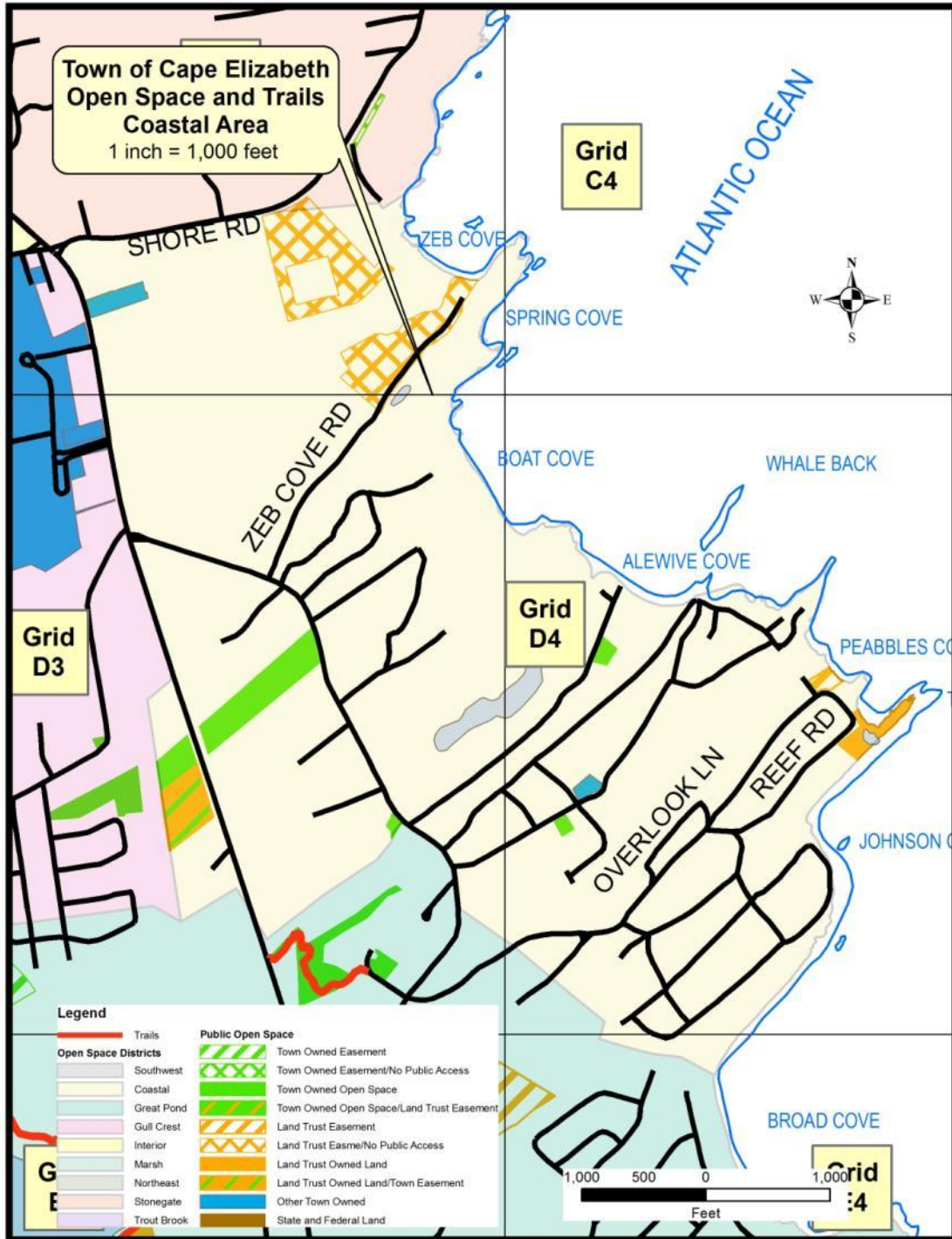
Public Access location: Access for the public is not available at this time.

Street Map Grid reference: A2

Physical characteristics: The lot is 5,000 sq. ft. in size and scrub shrub adjacent to wetland.

Improvements: There are no improvements on the property.

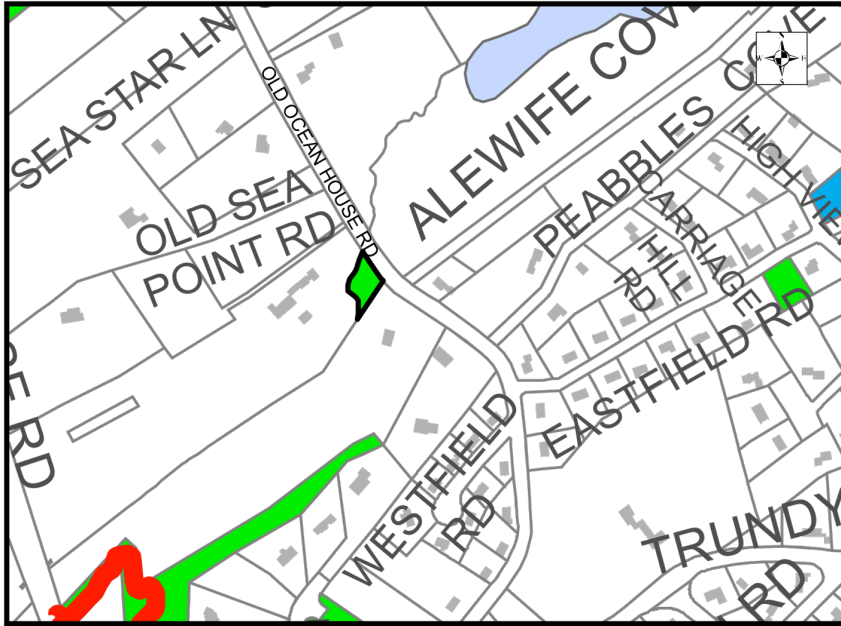
Open Space: The dominant use of the property is open space/wildlife habitat.



Prepared by the Planning Office 5/5/2011

Name: Alewife Brook Lot

Location (Map/Lot): The lot is located on Old Ocean House Rd and on Alewife Brook (R03-2).



Date of Town Ownership: 2004

Type of acquisition: Purchase from the Portland Water District

Deed restrictions summary: None

Public Access location: Access for the public is available from Old Ocean House Rd.

Street Map Grid reference: D3

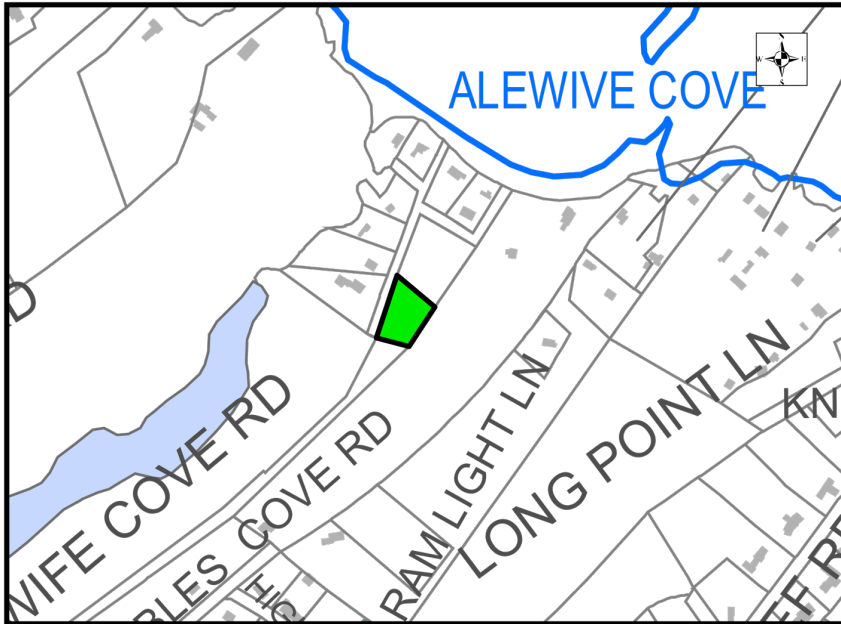
Physical characteristics: The lot is 11,000 sq. ft. (.25 acres) and is open field extending from the road to Alewife Brook. The site provides access to monitor and potentially in the future harvest alewives.

Improvements: There are no improvements on the property.

Open Space: The dominant use of the property is as unimproved open space.

Name: Alewife Cove Lot

Location (Map/Lot): 34 Alewife Cove Rd (R3-3A10)



Date of Town Ownership: 1976

Type of acquisition: Tax acquired

Deed restrictions summary: None

Public Access location: None. Access is available only from Alewife Cove Rd, which is a private road. Only those who have a right to use Alewife Cove Rd may access the property.

Street Map Grid reference: D4

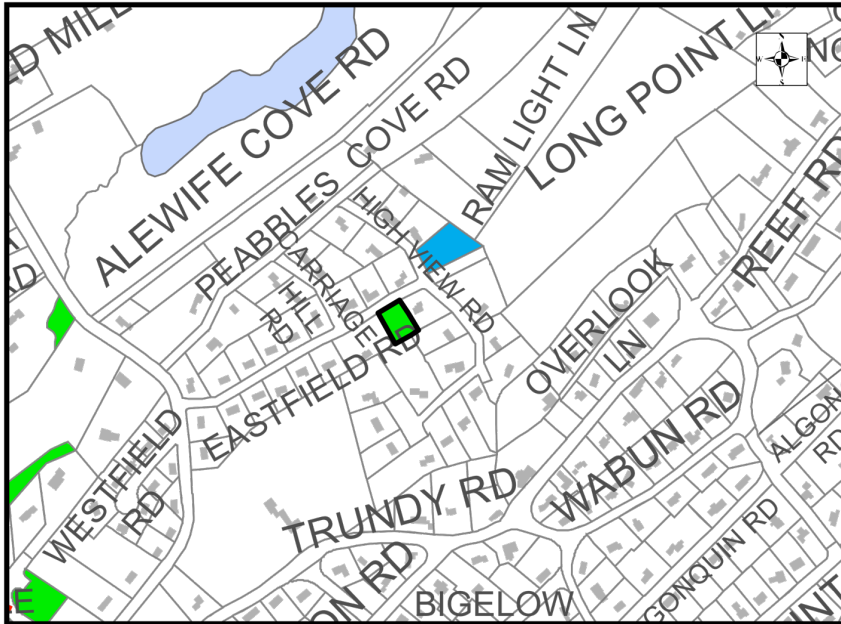
Physical characteristics: The lot is .53 acres and predominantly wetland meadow.

Improvements: None

Open Space: The dominant use of the lot is as open space and flood control, however, access to the lot is over a private road, limiting public access.

Name: Eastfield Lot

Location (Map/Lot): This lot is located on Eastfield Rd (U42-1-29).



Date of Town Ownership: 1995

Type of acquisition: Conveyance as part of a lawsuit settlement

Deed restrictions summary: None, but restricted per zoning and law suit decision.

Public Access location: Access for the public is available from Eastfield Rd.

Street Map Grid reference: D4

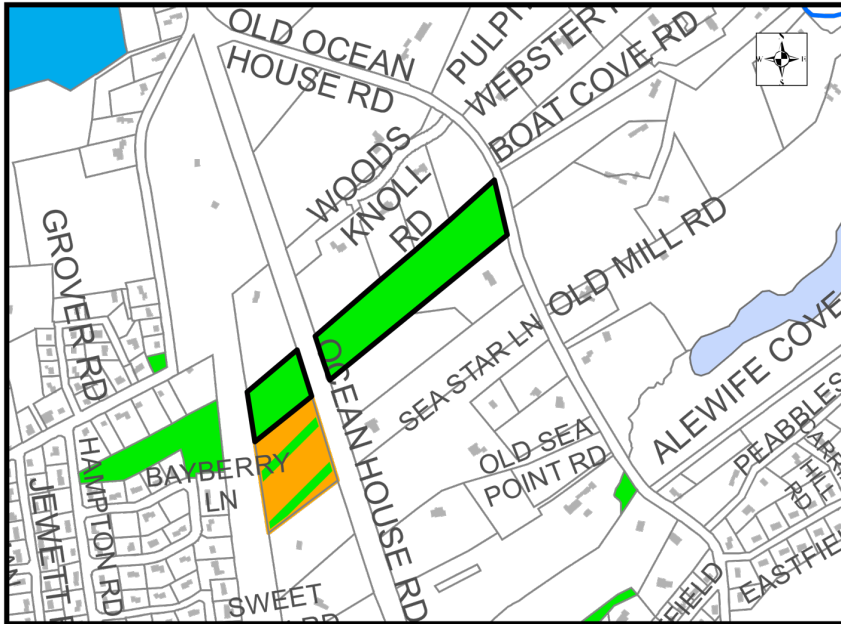
Physical characteristics: The lot is a wetland. It is surrounded by development and may have only limited wildlife habitat value because it is not connected to a larger wetland complex.

Improvements: None.

Open Space: The dominant use is open space.

Name: Davis Woods

Location (Map/Lot): Old Ocean House and Ocean House Rd (R2-13 and 13A).



Date of Town Ownership: 1963

Type of acquisition: donation

Deed restrictions summary: None

Public Access location: Access for the public is available from Old Ocean House and Ocean House Rd.

Street Map Grid reference: D3

Physical characteristics: This parcel is divided by Ocean House Rd. It has a total of 7.25 acres, with 5.25 acres to the east of Ocean House Rd and 2 acres to the west. It is predominantly wooded and wetland.

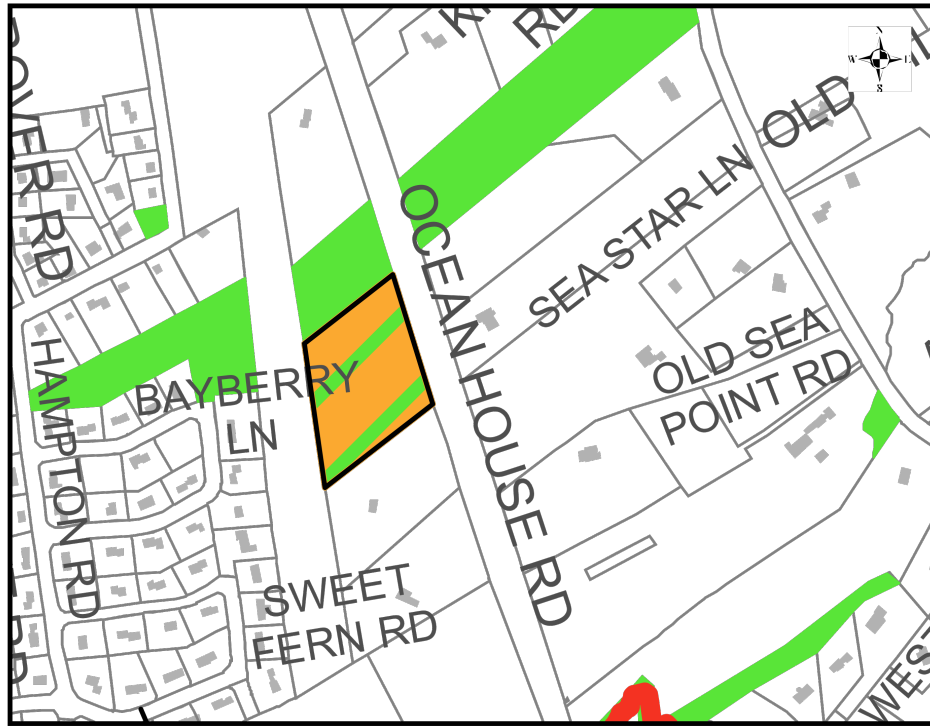
Improvements: There are no improvements on this lot

Open Space: The dominant use of the lot is as open space, more specifically a wooded lot.

Name: Richardson-Poole Easement

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): The easement covers a lot located on Ocean House Rd (R2-15A)



Date of Town Ownership: 1994

Type of acquisition: donation

Deed restrictions summary: Preserve the property in its present state for outdoor recreation by protecting the wooded, scenic character of that section of Route 77. No structures are allowed, although boardwalks are permitted. Public access is limited to daytime, non-motorized use, except that rules may be made to allow other types of use.

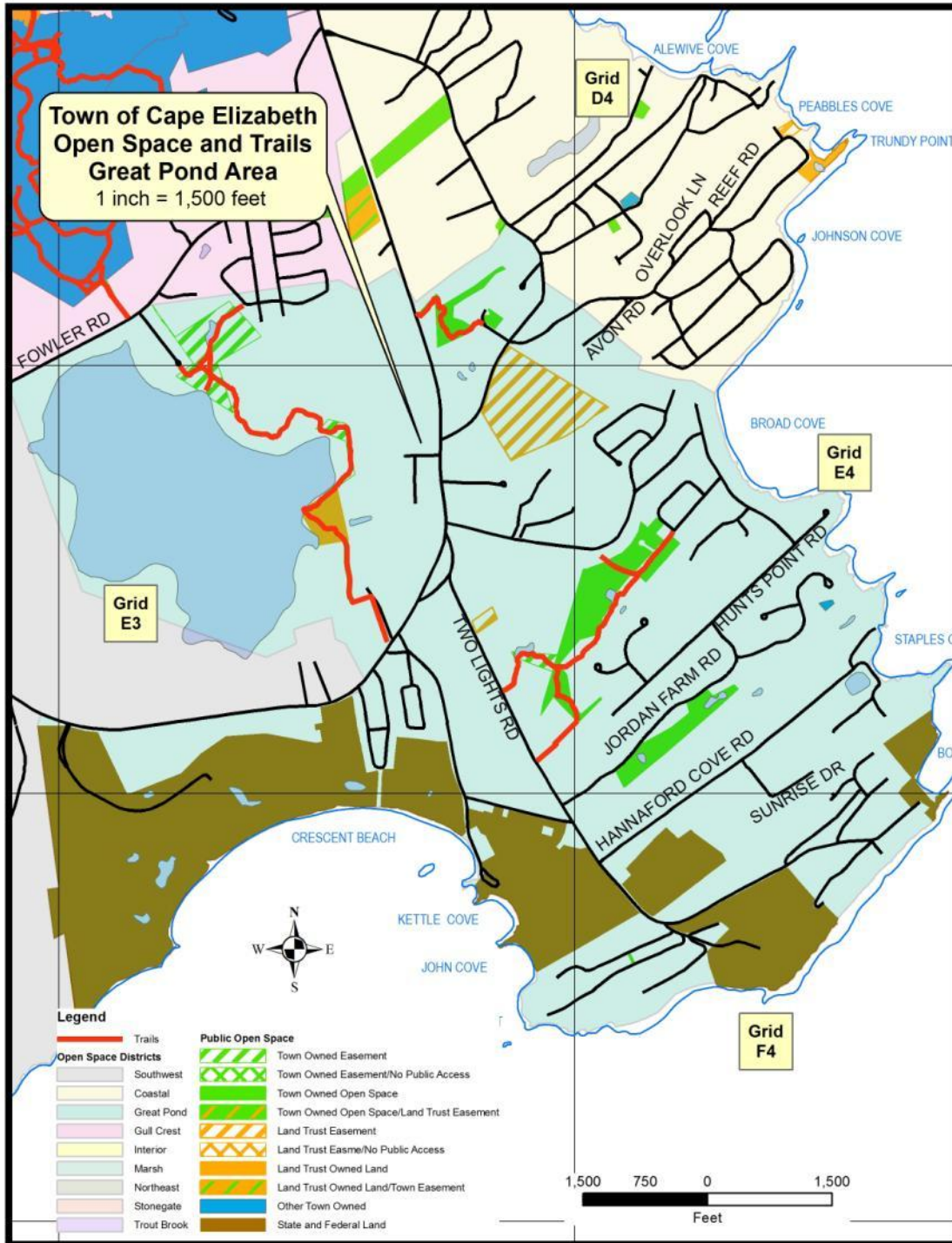
Public Access location: Access for the public is available from Ocean House Rd.

Street Map Grid reference: D3

Physical characteristics: The lot is 3.42 acres and wooded.

Improvements: None

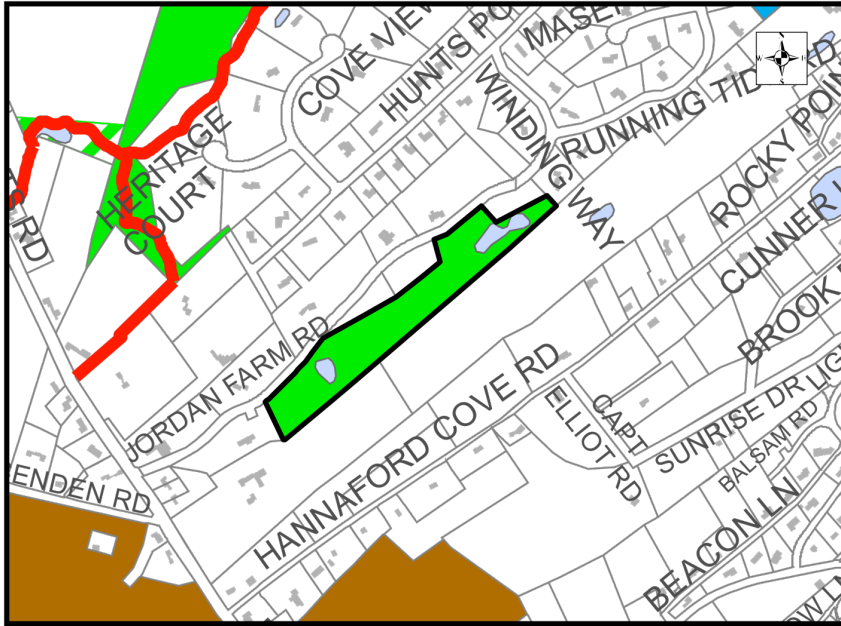
Open Space: The dominant use of the property is open space.



Prepared by the Planning Office 5/5/2011

Name: Broad Cove Lot

Location (Map/Lot): The lot is located on the south side of Jordan Farm Rd (U55-7).



Date of Town Ownership: 1991

Type of acquisition: Acquired through development review.

Deed restrictions summary: The property is restricted to passive use only, such as walking, jogging, bird watching, nature observation and shall not be used for active recreational uses, such as organized sports, playfields, bicycle tournaments, track events. No structures shall be allowed on the property, nor snowmobiles, all-terrain vehicles, motorcycles, trail bikes and all-terrain bicycles. Existing vegetation shall be preserved, except as may be necessary for paths and walkways and existing drainage patterns shall be protected.

Public Access location: Access for the public is available from Jordan Farm Rd.

Street Map Grid reference: E4

Physical characteristics: The site is 8.3 acres and almost exclusively densely vegetated wetland.

Improvements: A trail has previously been marked on the property, but not installed and maintained so that no trail currently exists.

Open Space: The dominant function of the lot is open space.

Name: Broad Cove Trails

Location (Map/Lot): This collection of lots is located at the end of Pine Ridge Rd with access from Broad Cove Rd also available (U36-84, 93-104) and land north of Cove View and Heritage Court Rd.



Date of Town Ownership: 1994, 1991

Type of acquisition: Purchase (\$25,000) and acquired through development review

Deed restrictions summary: None for the lots; the large lot is restricted to passive use only, such as walking, jogging, bird watching, nature observation and shall not be used for active recreational uses, such as organized sports, playfields, bicycle tournaments, track events. No structures shall be allowed on the property, nor snowmobiles, all-terrain vehicles, motorcycles, trail bikes and all-terrain bicycles. Existing vegetation shall be preserved, except as may be necessary for paths and walkways and existing drainage patterns shall be protected.

Public Access location: Access for the public is available from Pine Ridge Rd, Broad Cove Rd and Two Lights Rd.

Street Map Grid reference: E4

Physical characteristics: The lots comprise 6.72 acres plus 13.9 acres, for a total of 20.62 acres, and are located in a forested wetland, which includes at least 1 pond and a stream.

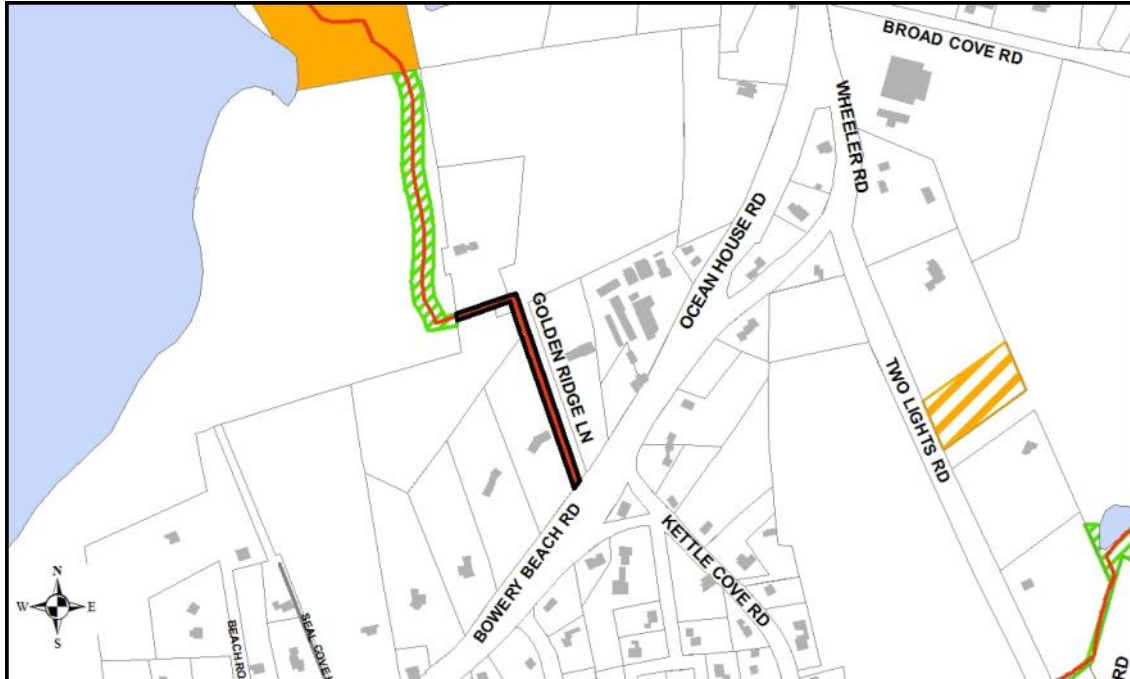
Improvements: The remains of a construction road provides a stable trail base. Additional trails have been constructed.

Open Space: The dominant use of the land is for open space.

Name: Great Pond Golden Ridge Pedestrian Easement

Fee owner: Golden Ridge LLC

Location (Map/Lot): The easement is located on the west side of the Golden Ridge Lane private road right-of-way(U17-50).



Date of Town Ownership: 2005

Type of acquisition: Acquired through development review

Deed restrictions summary: Public access along easement is provided.

Public Access location: Access for the public is available from Route 77 and the Great Pond Trails.

Street Map Grid reference: E3

Physical characteristics: The easement is 15,102 sq. ft. and the path is adjacent to Golden Ridge Lane and lightly wooded.

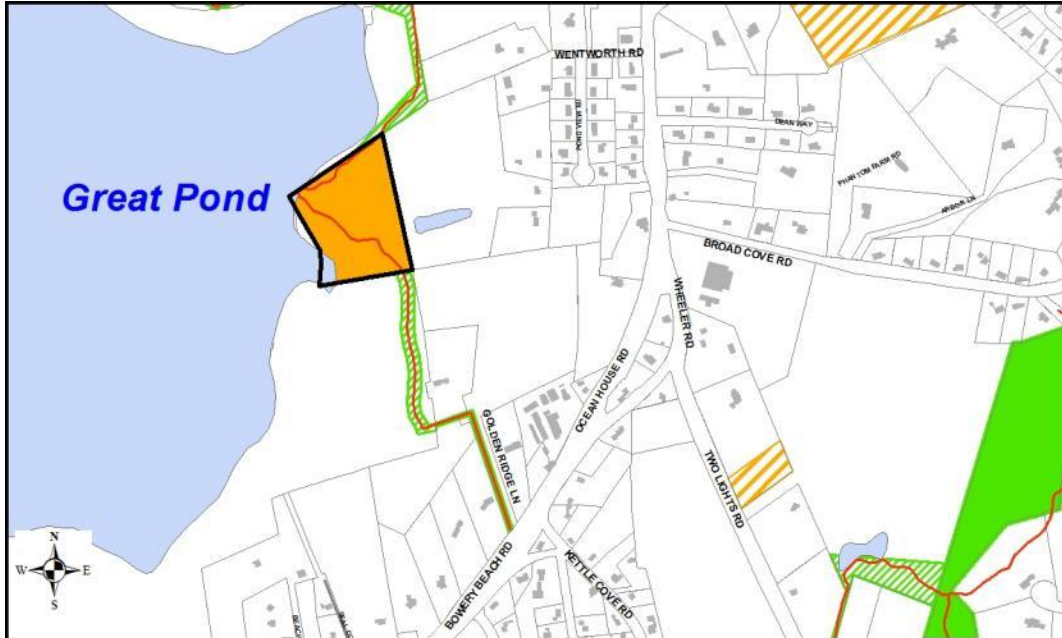
Improvements: The trail has a wood chip surface and culvert.

Open Space: The dominant use of the easement is access to the Great Pond Trails.

Name: Great Pond CELT

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): The parcel is located adjacent to Great Pond with no direct road access (U18-14C).



Date of Easement Ownership: 1990

Type of acquisition: Purchase

Deed restrictions summary:

Public Access location: Access for the public is available from pedestrian easements owned by the Town extending from Golden Ridge Lane and easements extending from Fenway Rd over the Great Pond trail system.

Street Map Grid reference: E3

Physical characteristics: The parcel is 5.9 acres in size and almost completely wooded. It includes a commanding overlook and views of Great Pond from the highest point adjacent to the pond.

Improvements: The parcel includes a trail section that is part of the Great Pond Trail system.

Open Space: The dominant use of the parcel is for open space.

Name: Great Pond Condos Easement

Fee owner: Great Pond Condominium Association

Location (Map/Lot): The easement is located northwest of Great Pond (R6-28-999).



Date of Town Ownership: 1984

Type of acquisition: Acquired through development review

Deed restrictions summary: The public has the right to enter and transit the property for quiet recreational enjoyment, to construct and maintain foot trails, but not to operate motorized vehicles. The property shall be used for conservation and recreational purposes only. The cutting of standing timber is prohibited, but the removal of dead wood, clearing new growth in open fields and selective pruning is allowed.

Public Access location: Access for the public is available from a paper street off Vernon Rd and Great Pond Trails.

Street Map Grid reference: D3

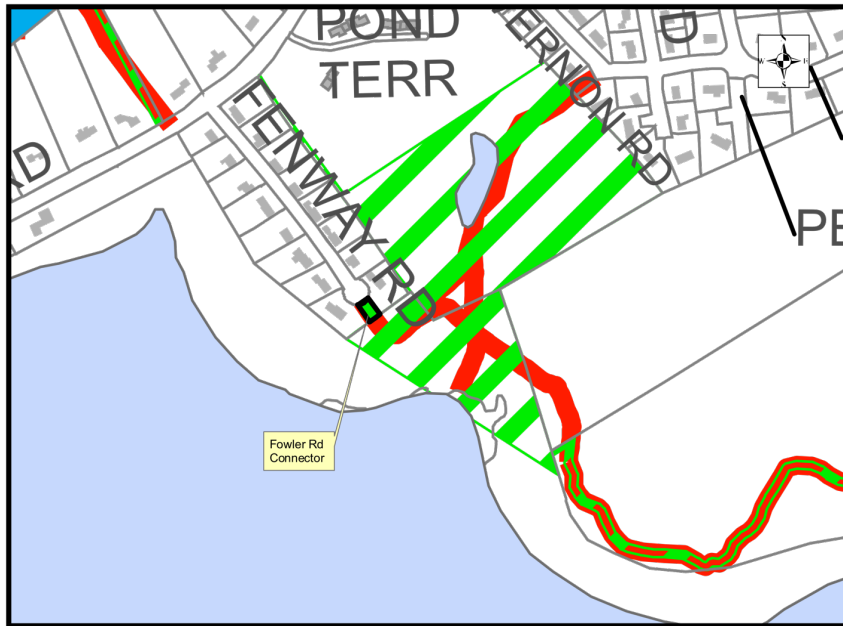
Physical characteristics: The site is 9.51 acres and is a mix of wooded and open fields and includes a spring fed pond and former sand pit.

Improvements: There is a trail extending from Vernon Rd that runs alongside a pond, includes a small bridge, and connects to the Great Pond Trail system.

Open Space: The dominant use of the area is open space.

Name: Great Pond Fenway Connector

Location (Map/Lot): The lot is located at the end of Fenway Rd (U44-35).



Date of Town Ownership: 2002

Type of acquisition: Donation

Deed restrictions summary: Must maintain drainage functions.

Public Access location: Access for the public is available from the end of Fenway Rd and from the Great Pond Trails.

Street Map Grid reference: E3

Physical characteristics: The land is mowed grass.

Improvements: It is maintained as a lawn.

Open Space: The dominant use of the space is as access to open space.

Name: Great Pond Jordan Pedestrian easement

Fee owner: Jodie and Patricia Jordan

Location (Map/Lot): The easement is located on land bordering the northern shore of Great Pond (R3-2A). The easement is 15' wide and meanders along the north side of Great Pond, connecting to the Sprague easement on both ends.



Date of Town Ownership: 2009

Type of acquisition: Purchase

Deed restrictions summary: The right of the public to construct and maintain trails and footbridges and remove debris for the purpose of public recreation. No alcoholic beverages, fires or parking is allowed on the easement.

Public Access location: Access for the public is available from easements extending from Route 77 and from easements at the end of Fenway Rd.

Street Map Grid reference: E3

Physical characteristics: The easement is 15' wide and 1,334' in length for a total of 20,010 sq. ft. and located in a wooded area with periodic views of Great Pond.

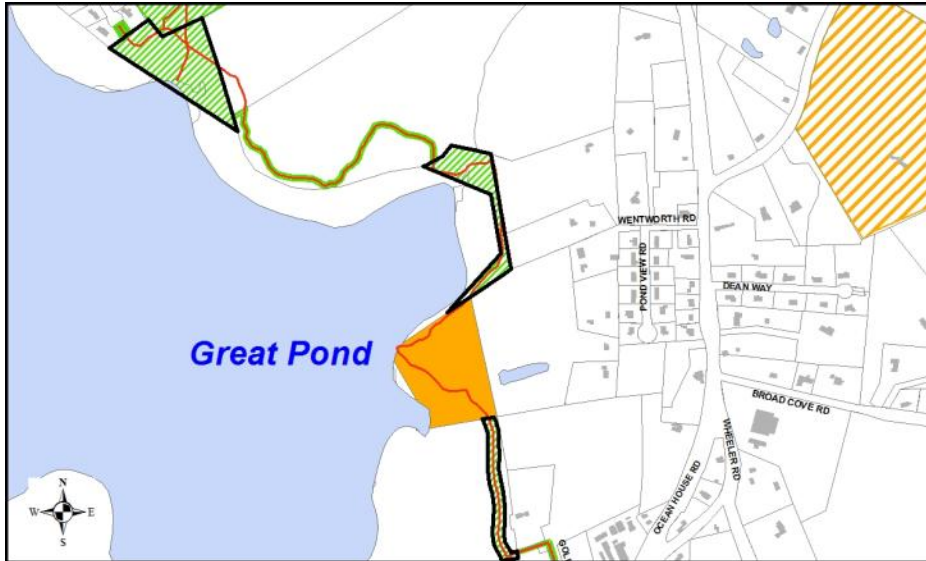
Improvements: The trail has been cleared and includes a bridge and signage.

Open Space: The dominant use of the easement is for open space.

Name: Great Pond Sprague Easement

Fee owner: Sprague Corporation

Location (Map/Lot): The easement extends from the area abutting the end of Fenway Rd to the Glew property and then also from Alewife Brook to Golden Ridge Lane, off Route 77 (R6-29)



Date of Town Ownership: 1983, partial replacement in 2009

Type of acquisition: Acquired through development review

Deed restrictions summary: The public has the right to travel by foot over and across property, provided that no motorized or mechanized vehicles or snowmobiles shall be permitted. Construction and maintenance of public pathways is permitted. Grantee may make minor improvements to trail system and may make major improvements, such as a pile mounted dock system with the approval of grantor. The most westerly portion adjacent to Fenway Rd includes boat storage and access provisions.

Public Access location: Access for the public is available from Route 77 and Fenway Rd

Street Map Grid reference: E3

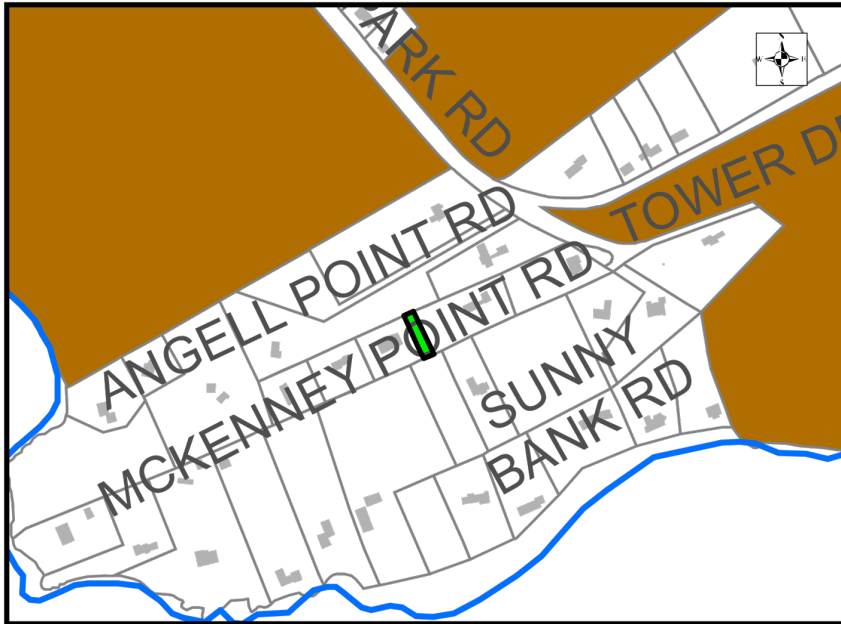
Physical characteristics: The easement area is predominantly wooded, with some sandy areas and many view of Great Pond, Alewife Brook and their associated wetlands. Great Pond is rated high value for wildlife habitat. The easement including boat storage and access is 5 acres, more or less. The Alewife Brook section is 1.6 acres, more or less.

Improvements: The easement include a well-developed trail system, including stone steps and a boardwalk along the water's edge of Great Pond and a seasonal boat rack facility within walking distance to a sandy boat launch area.

Open Space: The dominant use of the area is for open space and recreational, including the best town freshwater boat access.

Name: McKenney Point Lot

Location (Map/Lot): The lot is located on McKenney Point Rd (U41-9).



Date of Town Ownership: 1969

Type of acquisition: Tax Acquired

Deed restrictions summary: None

Public Access location: Uncertain

Street Map Grid reference: F4

Physical characteristics: The site is 4,653 sq. ft.

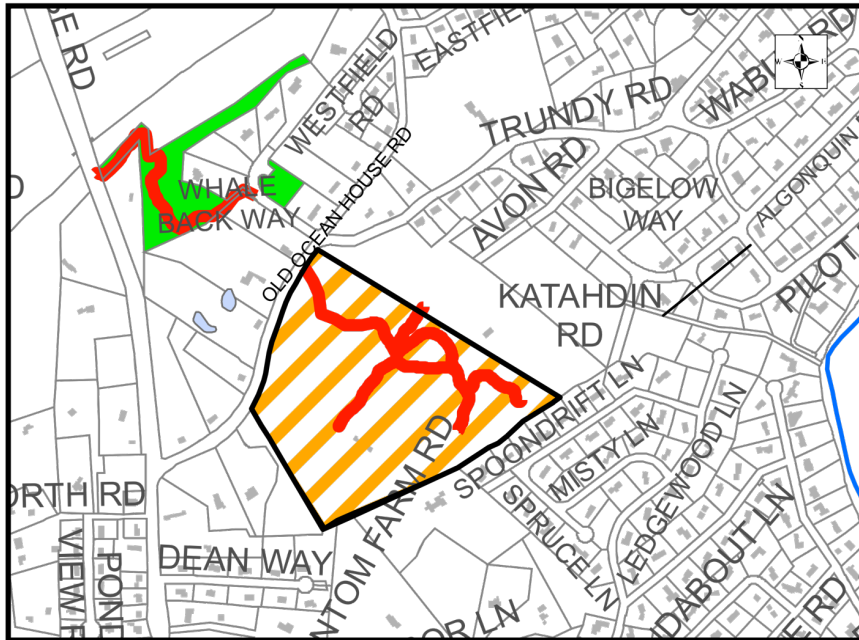
Improvements: Unknown

Open Space: The dominant use is open space.

Name: Turkey Hill Farm Easement - CELT

Fee owner: Turkey Hill Farm LLC

Location (Map/Lot): The property is located at 120 Old Ocean House Rd (R3-20).



Date of Easement Ownership: 2009

Type of acquisition: Donation

Deed restrictions summary: The intent of the easement is (1) to protect the use of the property by the public for hiking, nature observation, cross-country skiing, and low-impact recreation, (2) to preserve the natural, scenic and ecological features, and (3) preserve agricultural, environment educational and forestry activities.

Public Access location: Access for the public is available from Old Ocean House Rd. This property is located across the street from Whaleback Way, which includes Town owned open space and trail connections.

Street Map Grid reference: E2

Physical characteristics: The easement covers 23.69 acres of the 25 acre site and is a combination of open fields and woods.

Improvements: The parcel includes a working farm with related accessory buildings.

Open Space: The dominant use of the space is agriculture and education, with open space as a subordinate use.

Name: Two Lights Pond Pedestrian Easement

Fee owner: Peter and Pam Mullin

Location (Map/Lot): The pedestrian easement is located on the east side of the lot located at 44 Two Lights Rd (U37-5-3).



Date of Town Ownership: 1988 (Third party enforcement rights, easement holder is Cape Elizabeth Land Trust)

Type of acquisition: Acquired through development review

Deed restrictions summary: The purpose of the easement is to foster responsible conservation practices while permitting passive recreational uses. The public has the right to use the property for day hiking and skiing and other forms of passive outdoor recreation during the hours of sunrise to sunset, to establish and relocate appropriate pedestrian footpaths throughout the property. The public may use small, soft-treaded motorized vehicles on the property when necessary to exercise the easement rights, however, the property shall be used for passive, non-motorized recreational and conservation purposes only.

Public Access location: Access for the public is available from Two Lights Rd and the Broad Cove Trails.

Street Map Grid reference: E3

Physical characteristics: The easement is 15' wide 374' long equaling approximately 5,610 sq. ft and is in a wooded and wetland area.

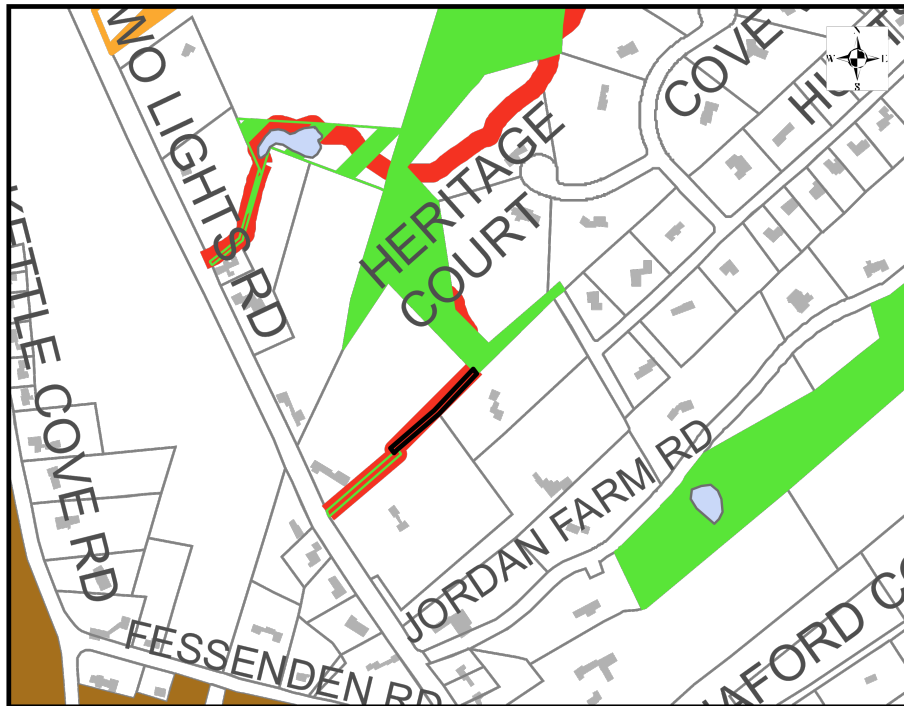
Improvements: The land owners have installed a wire fence along separating the easement from the remainder of their lot.

Open Space: The dominant use of the space is as open space and as part of the lawn area and secondary access of the abutting land owner (Hollidge).

Name: Two Lights Sullivan Pedestrian Easement

Fee owner: Louise Sullivan

Location (Map/Lot): The easement is located on the east side of the lot located at 72 Two Lights Rd (U39-3).



Date of Town Ownership: 2002

Type of acquisition: Donation

Deed restrictions summary: The purpose of the easement is to provide access over and across the property for walking, jogging, skiing hiking and sightseeing, as well as to provide access for general education activities. No structure other than pathways, boardwalks, steps and signs approved for marking by the Cape Elizabeth greenbelt shall be erected or located and no fires are allowed at any time.

Public Access location: Access for the public is available from Two Lights Rd and the Broad Cove Trails

Street Map Grid reference: E3

Physical characteristics: The easement is 20' wide and approximately 340' long for a total of 6,805 sq. ft., more or less. The easement consists of open field and dense scrub wetland.

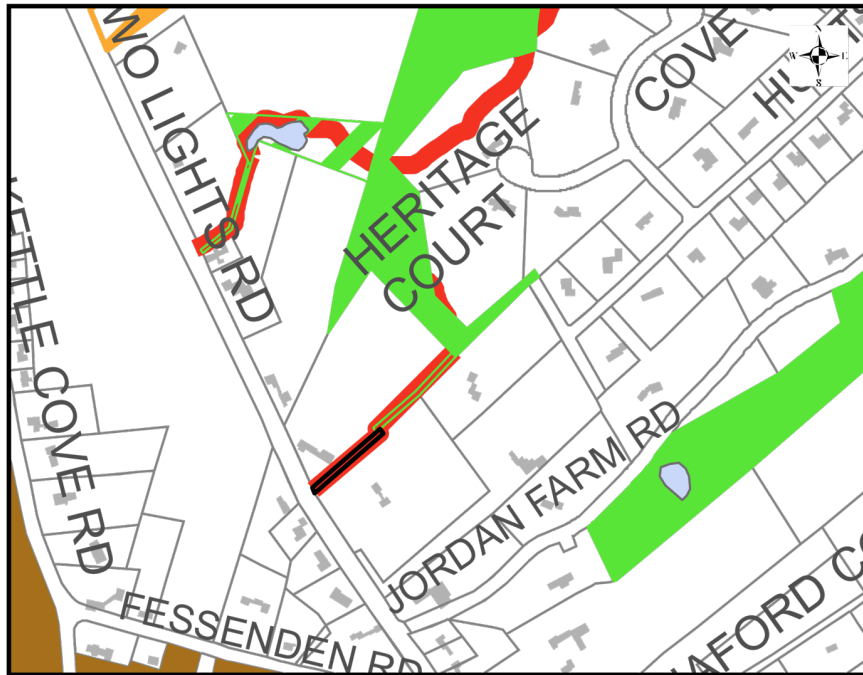
Improvements: The easement is periodically mowed.

Open Space: The dominant use of the easement is open space.

Name: Two Lights Pillsbury Pedestrian Easement

Fee owner: Graham and Susan Pillsbury

Location (Map/Lot): The easement is located on the western side of the lot located at 76 Two Lights Rd (U39-4-1).



Date of Town Ownership: 2002

Type of acquisition: Donation

Deed restrictions summary: The purpose of the easement is to provide access over and across for public recreational activities such as walking, jogging, skiing, hiking, sightseeing and harvesting and gathering of forest products as well as general education activities. No structures other than boardwalks, steps and signs approved for marking by the Cape Elizabeth greenbelt shall be erected and no fires or motorized or mechanized vehicles are allowed.

Public Access location: Access for the public is available from the Two Lights Sullivan Pedestrian Easement and the Broad Cove Trails.

Street Map Grid reference: E3

Physical characteristics: The easement is 15' wide, approximately 368' long and contains 5,498 sq. ft, more or less. The easement is located in a dense scrub/wetland area.

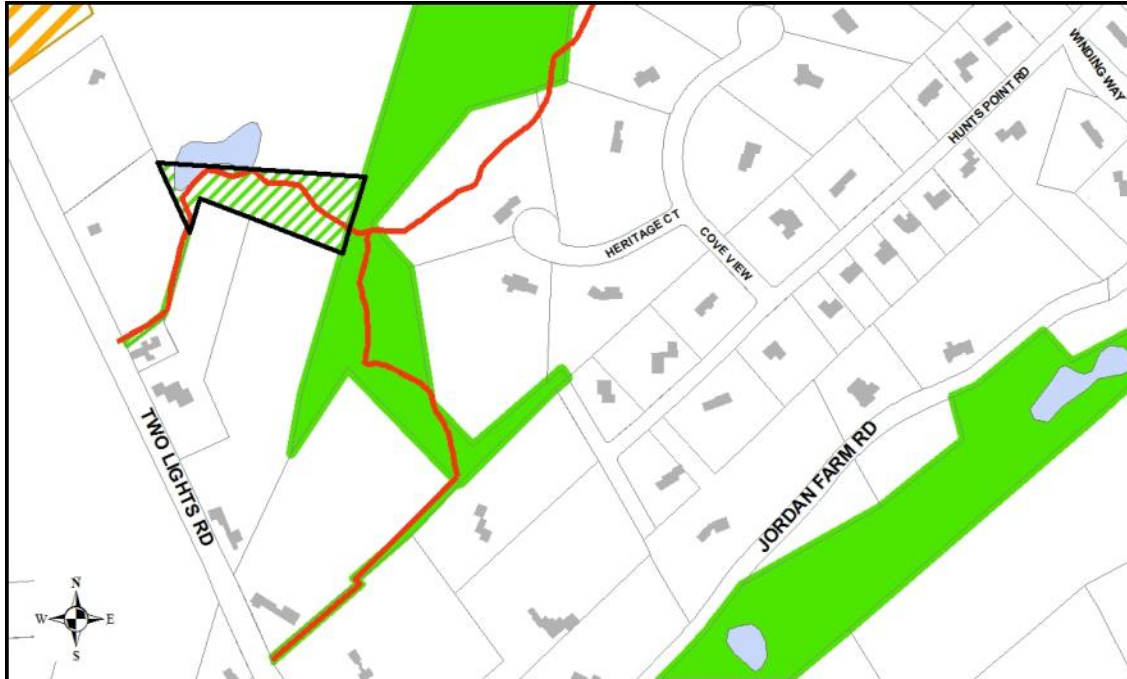
Improvements: A path is periodically mowed.

Open Space: The dominant use of the easement is for open space.

Name: Two Lights St. Bart's Pond Easement

Fee owner: Sangamon Associates

Location (Map/Lot): The easement is located at the rear (southeast corner) of a lot on Broad Cove Rd (U37-4-1).



Date of Town Ownership: 1999

Type of acquisition: Acquired through development review

Deed restrictions summary: The recreational trail easement includes the right to construct and maintain a boardwalk. If the boardwalk falls into disrepair, the grantor reserves the right to either repair the boardwalk or extinguish the easement and allow the land to revert to its former condition.

Public Access location: Access for the public is available from the Two Lights Rd Pond easement and from the Broad Cove Trails.

Street Map Grid reference: E3

Physical characteristics: The easement is 74,150 sq. ft and a forested wetland including a pond.

Improvements: The easement includes a rustic boardwalk system over wetlands and a footbridge over one end of the pond.

Open Space: The dominant use of the easement is for open space.

Name: Whaleback Trails

Location (Map/Lot): The property includes two lots, both with access from Whaleback Way. The larger lot extends to Route 77 (R3-17A).



Date of Town Ownership: 2001

Type of acquisition: Acquired through development review.

Deed restrictions summary: The property is restricted to passive use such as walking, jogging, hiking, sightseeing, bird watching, harvesting and gathering forest products and general education. No buildings or significant improvements shall be constructed except boardwalks, steps, and signs for the greenbelt. Snowmobiles, all-terrain vehicles, motorcycles, trail bikes are not permitted.

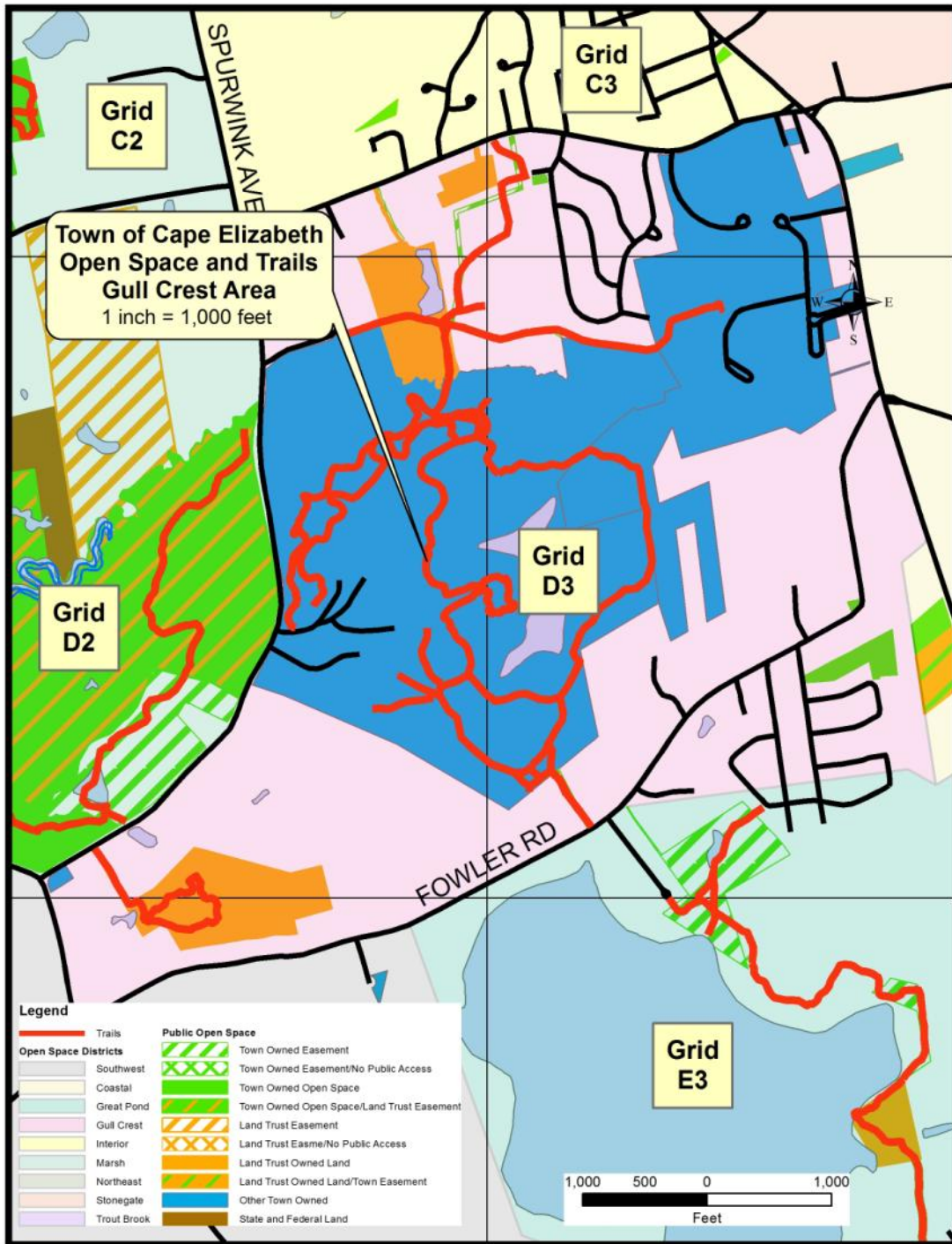
Public Access location: Access for the public is available Whaleback Way and Ocean House Rd.

Street Map Grid reference: D3

Physical characteristics: The site includes 2 parcels totaling 5.2 acres. The .63 acre lot has frontage only on Whaleback Way and the 4.63 acre lot extends from across the street of the first parcel to Route 77. Both lots are heavily vegetated with dense shrubs. The larger of the two lots also includes a wooded area, views of a medium size stream and wetlands heavily used by deer.

Improvements: The larger lot has a trail that extends from Whaleback Way to Route 77. The Route 77 end of the trail is steeply sloped up to Route 77.

Open Space: The dominant use of the land is open space.

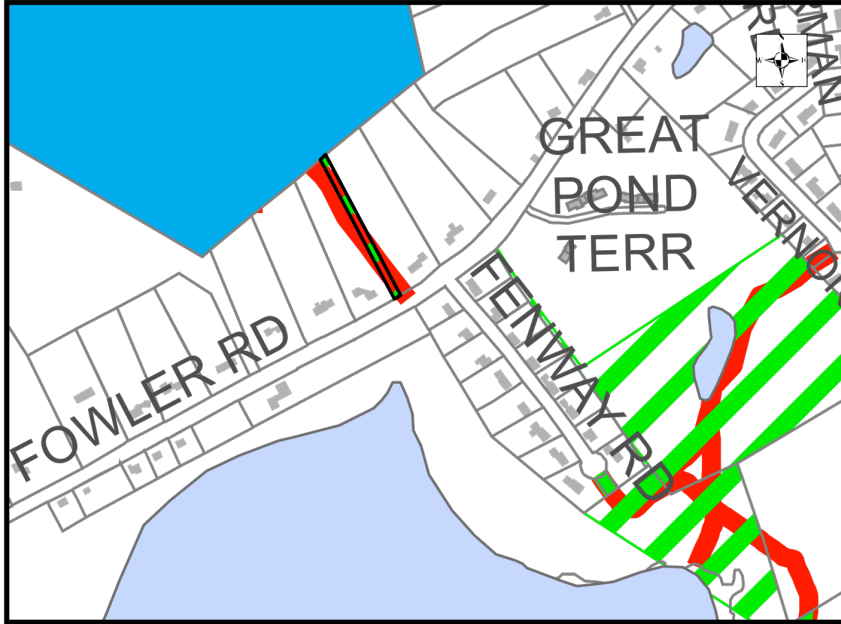


Prepared by the Planning Office 5/5/2011

Name: Fowler Rd Connector Pedestrian Easement

Fee owner: Robert and Becky Malley

Location (Map/Lot): The easement is located on the east side of the lot located at 183 Fowler Rd(U44-31).



Date of Town Ownership: 2003

Type of acquisition: Purchase

Deed restrictions summary: The purpose of the easement is to provide access over and across for public recreational activities such as walking, jogging, skiing, hiking, and sightseeing, as well as general education activities. No motorized vehicles are allowed.

Public Access location: Access for the public is available from Fowler Rd and Gull Crest

Street Map Grid reference: D3

Physical characteristics: The easement is 15' wide by 520' long for a total of 7,793 sq. ft. and a mowed lawn.

Improvements: The easement is maintained as lawn.

Open Space: The dominant use is access to Gull Crest adjacent to a private lawn.

Name: Fowler Rd corner lot

Location (Map/Lot): The lot is located on the inside corner of Fowler Rd, north of Grover Rd (U20-7C).



Date of Town Ownership: 1983

Type of acquisition: Purchase

Deed restrictions summary: None

Public Access location: Access for the public is available from Fowler Rd.

Street Map Grid reference: D3

Physical characteristics: The lot is 8,006 sq. ft. (.18) acres and an open field. Its location could benefit the possible construction of a sidewalk on Fowler Rd in the future.

Improvements: None

Open Space: The primary use of the lot is as open space, especially as a refuge from the road for pedestrians walking Fowler Rd.

Name: Gull Crest

Location (Map/Lot): The lot is on Spurwink Ave (R5-10).



Date of Town Ownership: 1998 (Gull Crest Farm), but also includes easterly portion of old Poor Farm.

Type of acquisition: Purchase

Deed restrictions summary: None

Public Access location: Access for the public is available from Gull Crest Drive, Cooper Drive and Spurwink Ave.

Street Map Grid reference: D2

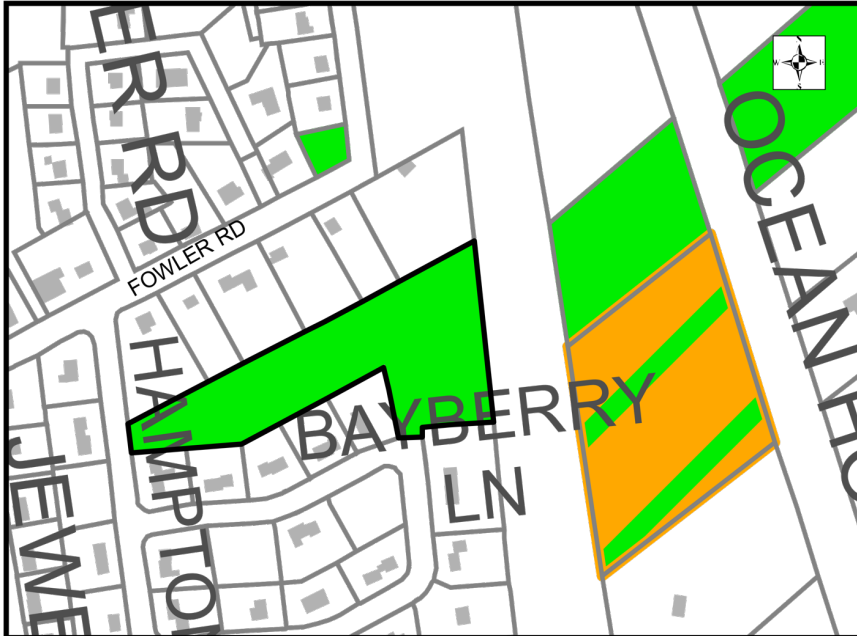
Physical characteristics: The site 162 acres and includes all types of land characteristics from wetlands to promontories.

Improvements: The site includes significant public facility investment, including a sewer treatment plant, town recycling center and Public Works Garage. There is an existing road network and parking areas to support these functions, plus an athletic field. The back portion of the lot includes an extensive trail and boardwalk system.

Open Space: The dominant use of the entire site is public works, including the public works garage, the sewer treatment plant and the town recycling center (located next to the old dump). The subordinate use is as open space, including an extensive trail network, a nordic trail course, an athletic field and community garden.

Name: Hannaford Lot

Location (Map/Lot): The lot is located at the rear of lots on Hampton and Bayberry Lane (U19-6B).



Date of Town Ownership: 1968

Type of acquisition: Donation

Deed restrictions summary: None

Public Access location: Access for the public is available from Hampton Rd.

Street Map Grid reference: D3

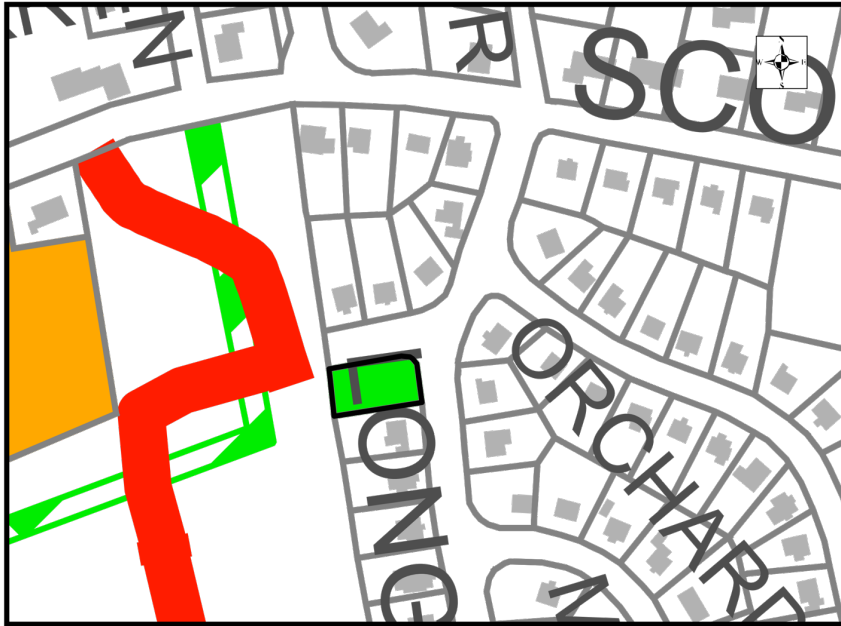
Physical characteristics: The lot is 34,745 sq. ft.

Improvements: Unknown

Open Space: The dominant use of the land is open space.

Name: Longfellow Lot

Location (Map/Lot): This lot is located at the corner of Longfellow Drive (U21-64).



Date of Town Ownership: 1946

Type of acquisition: Donation

Deed restrictions summary: Original purpose was for drainage infrastructure

Public Access location: Access for the public is available from Longfellow Drive.

Street Map Grid reference: C3

Physical characteristics: The site is 6,753 sq. ft. and an open area.

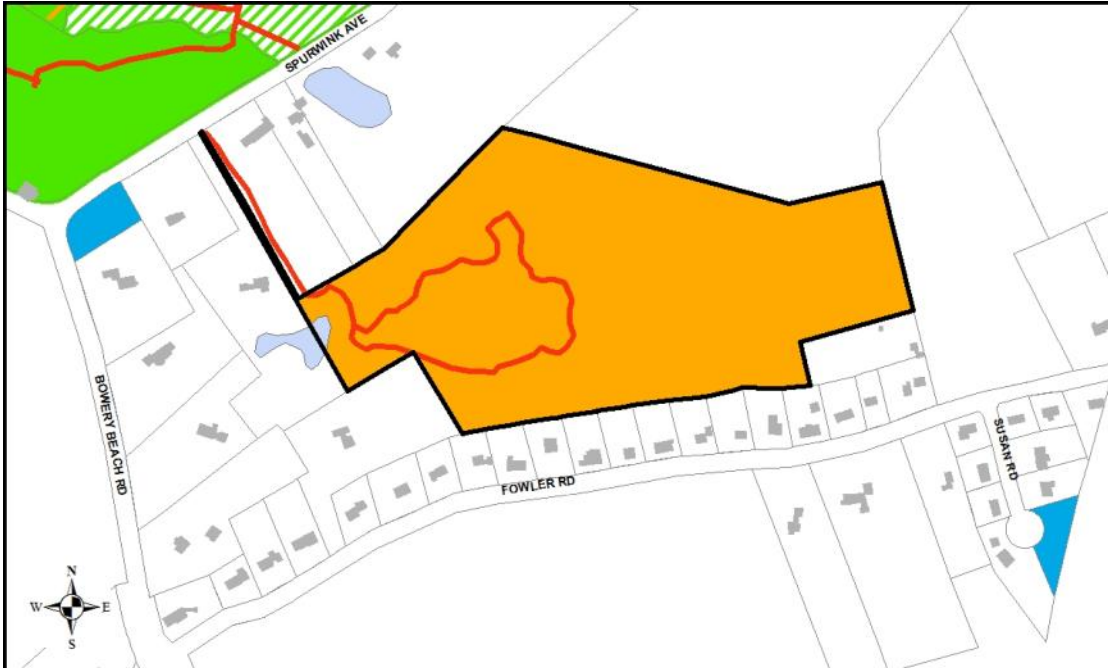
Improvements: May have abandoned 20,000 gallon tank onsite.

Open Space: Dominant

Name: Runaway Farm

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): Runaway farm is located on Spurwink Ave across from the Spurwink Church and Riverside Cemetery (U43-8-5).



Date of Ownership: 1988

Type of acquisition: Donation through development review

Deed restrictions summary: None

Public Access location: Access for the public is available from Spurwink Ave.

Street Map Grid reference: D2

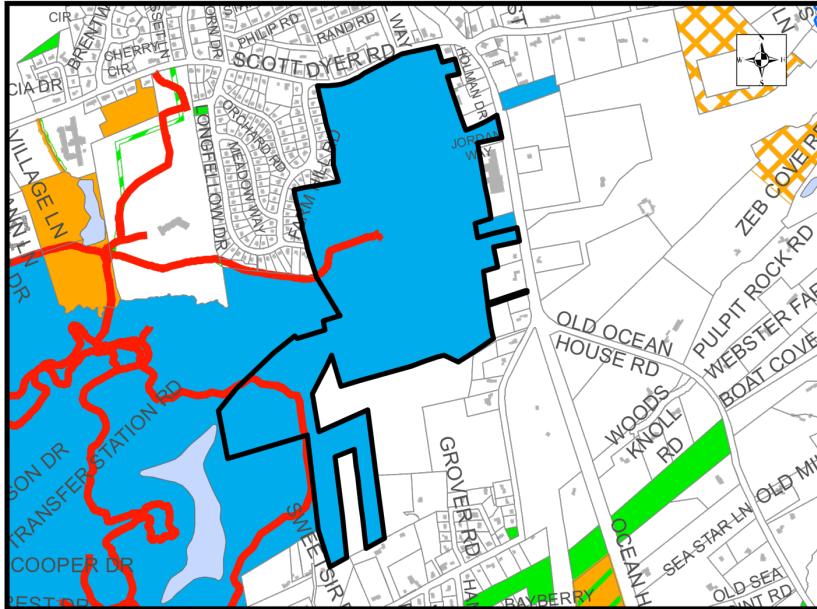
Physical characteristics: The site is 19.3 acres and a combination of woods, open fields and wetlands.

Improvements: There is a loop trail on the property.

Open Space: The dominant use of the land is for open space.

Name: School campus

Location (Map/Lot): The school campus extends from Scott Dyer Rd to Ocean House Rd (U21-12).



Date of Town Ownership: 1930, 1954, 1985

Type of acquisition: Purchase

Deed restrictions summary: None

Public Access location: Access for the public is available Ocean House Rd and Scott Dyer Rd.

Street Map Grid reference: C3, D3

Physical characteristics: The total school campus parcel is 64.8 acres and extends into the Spurwink Marsh. For the purpose of calculating the Open Space impact fee, 40 acres is considered open space. Much of this open space is wetland and connects to Gull Crest and the Spurwink Marsh.

Improvements: The entire school campus includes 3 school structures, the community pool, several parking lots, an internal road system, Hannaford Field, Holman Baseball field, Capano softball field, Rey Moulton baseball field, a multipurpose field, 3 Tennis Courts, 2 playgrounds, an outdoor track and the town center greenbelt trail.

Open Space: The dominant use of the site is for public education and open space is a subordinate use.

Name: Scott Dyer Rd Connector Easement

Fee owner: Health Care Property Investors, Inc.

Location (Map/Lot): The pedestrian easements are located on property at 78 Scott Dyer Rd (R5-2). One easement extends along the sewer line at the rear of the property. Another easement extends from Scott Dyer Rd toward the sewer line and the Town Center Trail. The third easement connects to Longfellow Drive.



Date of Town Ownership: 1999

Type of acquisition: Acquired through development review

Deed restrictions summary: The easements shall be used for conservation and recreational purposes. No structures of any kind are allowed. The public is allowed to walk and ski on the trails. No motorized vehicles are allowed.

Domestic animals must be accompanied by the owner, and leashed or under voice control. Pet waste must be removed. Grantor may relocate easements.

Public Access location: Access for the public is available from Scott Dyer Rd, Longfellow Drive and the Town Center Trail.

Street Map Grid reference: C/D 2

Physical characteristics: Most of the easement area is encumbered with RP2 wetlands in open fields. There are also some transitional woodlands and glimpses of the Spurwink Marsh.

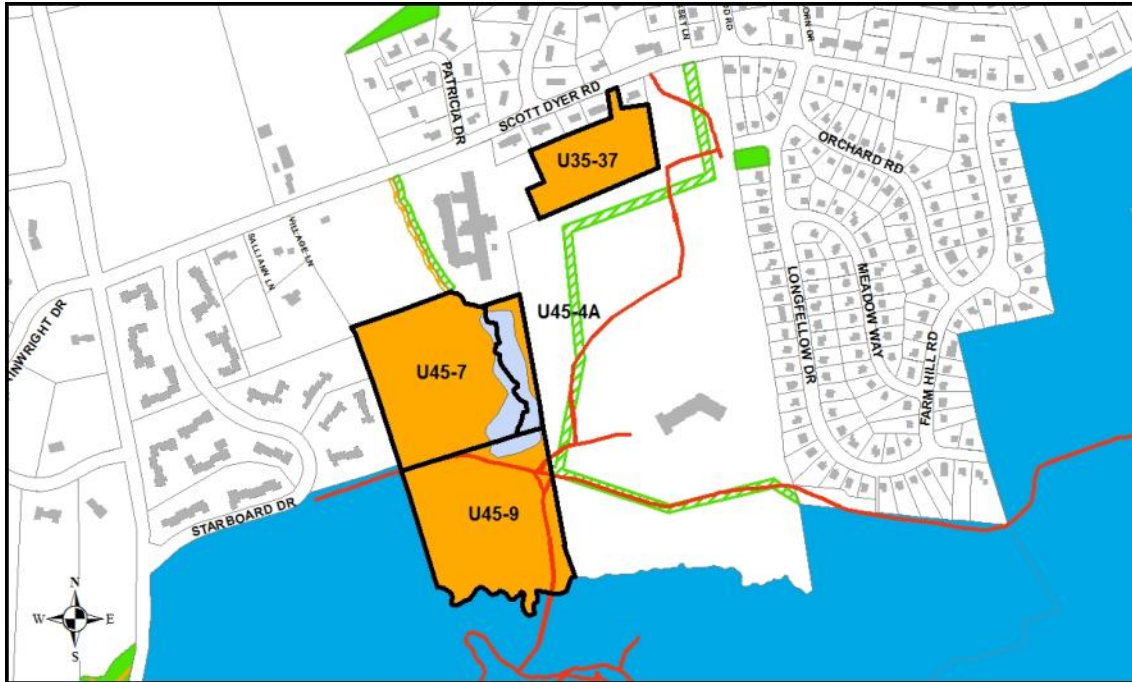
Improvements: Some trail fragments exist that connect to the Town Center Trail. The Village Crossings facility has previously agreed to allow visitors to park in the existing parking lot.

Open Space: The dominant use of the property is the Village Crossings Assisted Living facility with open space as a subordinate use.

Name: Scott Dyer Rd-CELT

Fee owner: Cape Elizabeth Land Trust

Location (Map/Lot): Four parcels are located on the southern side of Scott Dyer Rd(U35-37, U45-4A, U45-7, U45-9)



Date of Ownership: 1990, 1990, 1993, 1987

Type of acquisition: Donation as part of development review, except for the last parcel which was donation.

Deed restrictions summary: "As a condition of this conveyance, ...the land herein conveyed shall never be developed and is to be used for the common benefit of the Inhabitants of the Town of Cape Elizabeth."

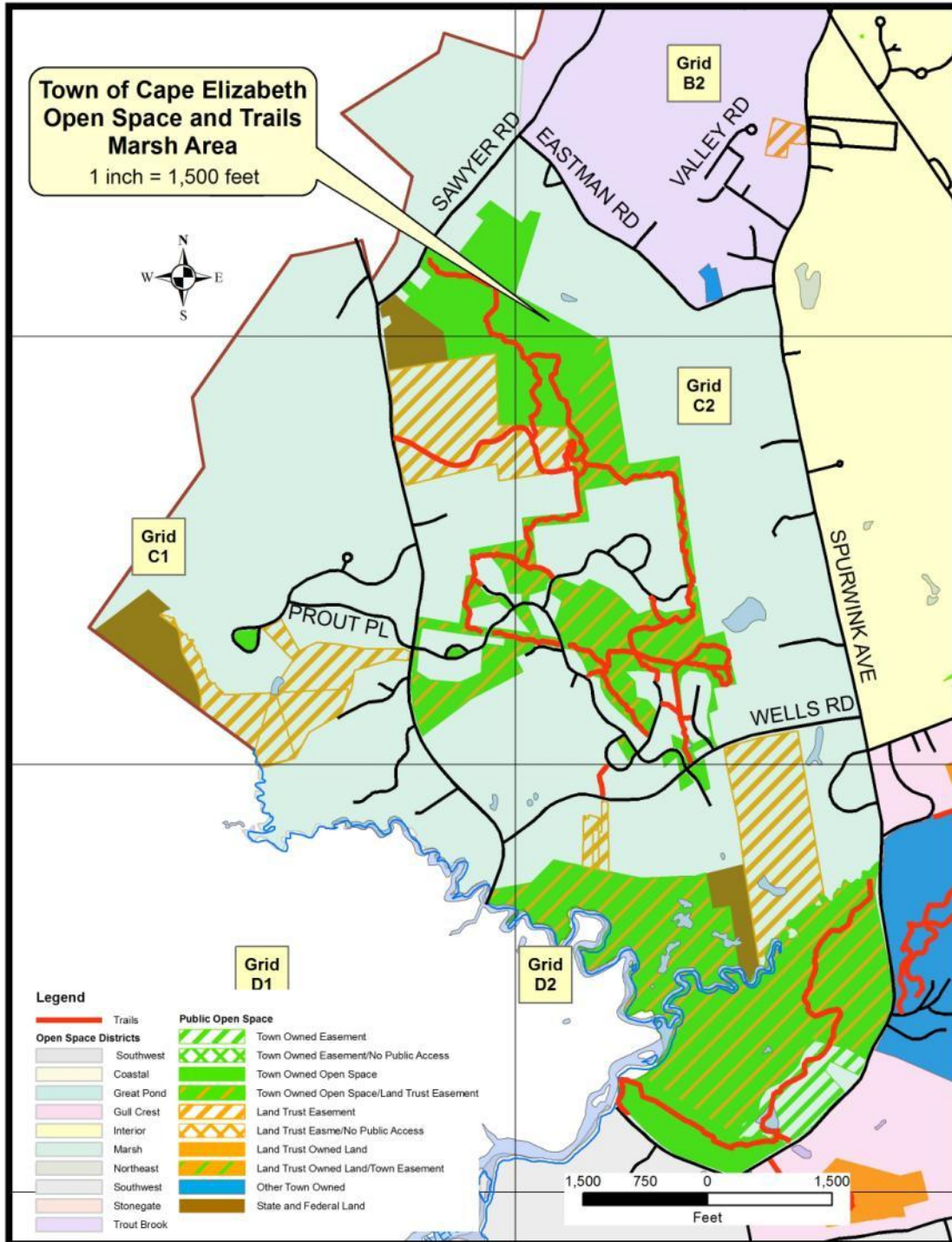
Public Access location: Access for the public is available from Scott Dyer Rd and the Town Center Trail.

Street Map Grid reference: C2/D2

Physical characteristics: The sites are predominantly forested and wet meadow wetlands and a total of 13.23 acres.

Improvements: None, except for the parcels adjacent to the Town Center Trail

Open Space: The dominant use of the lot is as open space.



Prepared by the Planning Office 5/5/2011

Name: Autumn Tides Lot

Location (Map/Lot): The lot is located at the corner of Autumn Tides Rd and Wells Rd (R5-33).

Map insert:



Date of Town Ownership: 2005

Type of acquisition: Acquired through development review

Deed restrictions summary: Activities limited to passive use of the property such as walking, jogging, hiking, sightseeing, bird watching and harvesting or gathering forest products as well as general educational activities. Snowmobiles, ATVs, motorcycles are prohibited.

Public Access location: Access for the public is available from Wells Rd and Autumn Tides Rd.

Street Map Grid reference: D2

Physical characteristics: The lots total 1.46 acres in size and is open field with distant views of the Spurwink Marsh

Improvements: None

Open Space: The dominant use of the lot is open space.

Name: Cross Hill Trails

Location (Map/Lot): This park includes the lands around the Cross Hill neighborhood (U58-1-2, U58-34, 35, 36; U59-35, 36, 37; U60-21).



Date of Town Ownership: 2000, 2007 (U58-1-2)

Type of acquisition: Acquired through development review.

Deed restrictions summary: Snowmobiles not allowed except for maintenance. No buildings, but boardwalks and bridges allowed for trails.

Public Access location: Access for the public is available from Cross Hill Rd, Apple Tree Lane, Hawthorne Rd, Steeplebush Rd and Tiger Lily Lane.

Street Map Grid reference: C2

Physical characteristics: The lots comprise 105.8 acres and is mostly wooded and includes forested wetlands and a pond. The area provides habitat for wildlife.

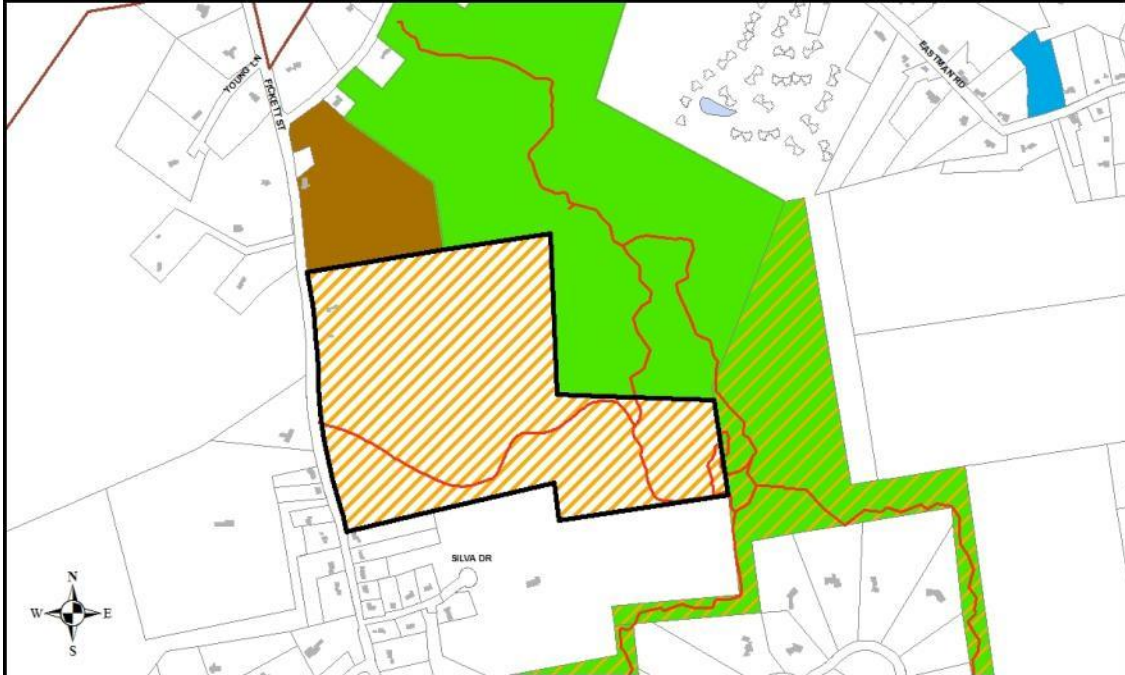
Improvements: The parcels include greenbelt trails, foot bridges and boardwalks.

Open Space: The dominant use of the land is as open space.

Name: Dyer-Hutchinson Easement - CELT

Fee owner: James C. Cox

Location (Map/Lot): The property is located on Sawyer Rd and abuts Winnick Woods, the Cross Hill Trails and the IF&W Federal land (R4-54)



Date of Easement Ownership: 1993

Type of acquisition: Donation

Deed restrictions summary: Includes land for house lot and agricultural uses.

Public Access location: Access for the public is available from Sawyer Rd, and also from the town owned trails at Winnick Woods and Cross Hill.

Street Map Grid reference: C1

Physical characteristics: The easement covers all but 2 acres of a 47.5 acre lot. The site is a combination of woods and a Christmas Tree farm, and also includes a stream.

Improvements: A trail for public use is located on the site, as well as a 2 space parking lot. The site also includes a Christmas Tree farm with accessory structures.

Open Space: The dominant use of the space is for agriculture with open space as a subordinate use.

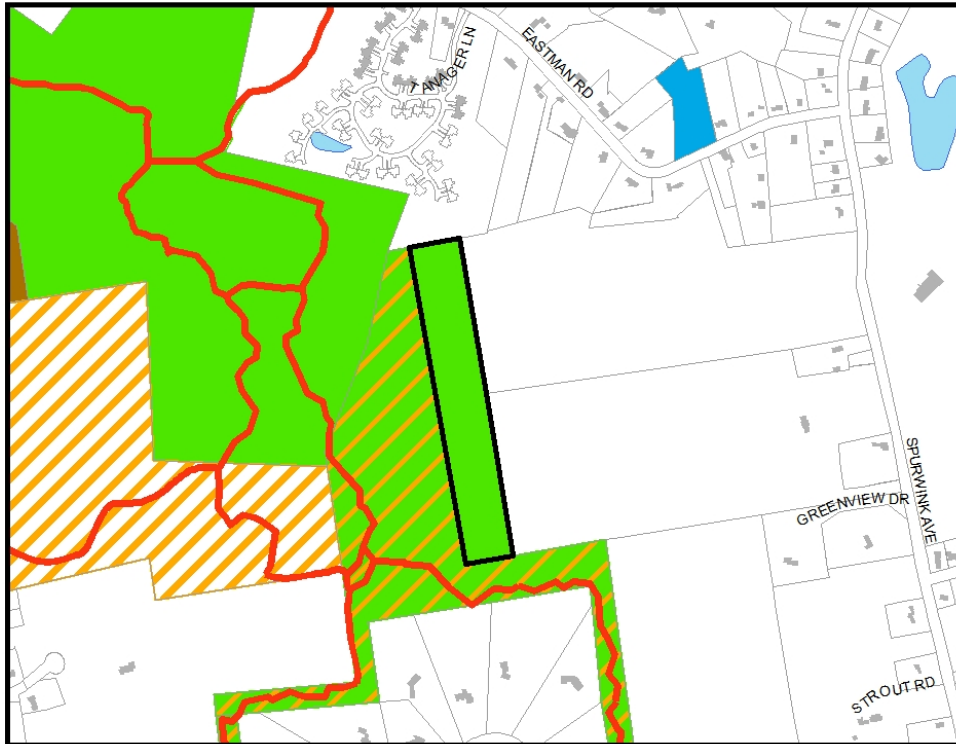
Added 12/18/2014

Name: Eastman Meadows

Fee owner: Town of Cape Elizabeth

Location (Map/Lot): R4 -18-49

Map insert:



Date of Town Ownership: 2011

Type of acquisition: Acquired through development review

Deed restrictions summary: Land is restricted to passive use of the property and prohibits motorized vehicles.

Public Access location: Access for the public is available from the end of Dipper Lane (there is a public access easement on the sidewalk from southern Eastman Meadows entrance from Eastman Rd to Dipper Lane) and from Winnick Woods.

Street Map Grid reference: C2

Physical characteristics: The open space is 9.96 acres and wooded with ledge knolls and forested wetland pools.

Improvements: Trails connecting to Winnick Woods and south to Cross Hill are located on the property.

Open Space: The dominant use of the property is open space.

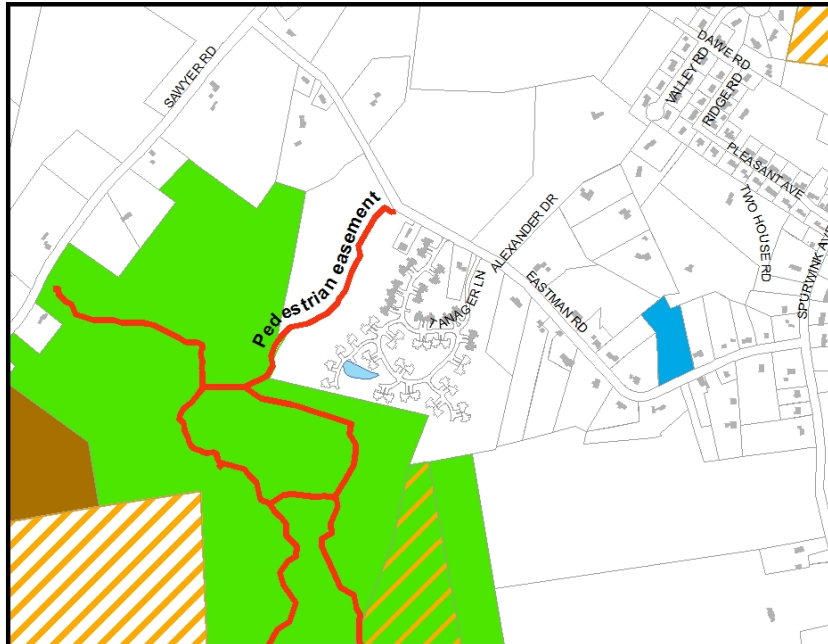
Added 12/18/2014

Name: Eastman Meadows Pedestrian/Parking Easements

Fee owner: Eastman Meadows Condominium Association

Location (Map/Lot): R4-18-999

Map insert:



Date of Town Ownership: 2011

Type of acquisition: The easements were acquired through development review.

Deed restrictions summary: The easements are restricted to parking for use of the easement and limited to one-half hour before sunrise to one-half hour after sunset. The pedestrian easement is located in open space and limited to foot traffic and on the sidewalk from the southern entrance to Eastman Meadows to Dipper Lane.

Public Access location: Access for the public is available from Eastman Rd and from Winnick Woods.

Street Map Grid reference: B2

Physical characteristics: The parking lot is an 8,000 sq. ft. gravel pad. The northerly pedestrian easement is 15' wide by approximately 930' long and located downgrade of the condominiums adjacent to a wetland. The sidewalk 5' wide also about 900' long.

Improvements: The pedestrian trail has a wood mulch base and the sidewalk is paved. The parking area is gravel.

Open Space: The dominant use of the easements are for open space and support of open space use.

Name: Harmon/Joy Easement - CELT

Fee owner: Ed MacColl

Location (Map/Lot): The property is located on the south side of Wells Rd and across the street from the connector to the Cross Hill Trail System (R5-41).



Date of CELT Ownership: 1988

Type of acquisition: Donation

Deed restrictions summary: The public has the right to use the property for day hiking and cross country skiing. The property shall be used for passive, non-motorized, recreational and conservation purposes only.

Public Access location: Access for the public is available from Wells Rd.

Street Map Grid reference: D2

Physical characteristics: The easement is 1.3 acres in size and located on sloping terrain that includes salt water marsh.

Improvements: None

Open Space: The dominant use of the land is open space.

Name: Leighton Farm Trails

Location (Map/Lot): The Leighton Farm open space is located adjacent to Leighton Farm Rd and Wells Rd (R05-32).



Date of Town Ownership: 2003

Type of acquisition: The open space was acquired through development review.

Deed restrictions summary: The property is restricted to passive use such as walking, jogging, hiking sightseeing bird watching, harvesting of forest products and general education activities. No buildings are allowed, except for boardwalks, steps, and signs for the greenbelt. No snowmobiles, all-terrain vehicles, motorcycles, trail bikes or similar motorized vehicles are allowed.

Public Access location: Access for the public is available from Leighton Farm Rd and Wells Rd.

Street Map Grid reference: C2

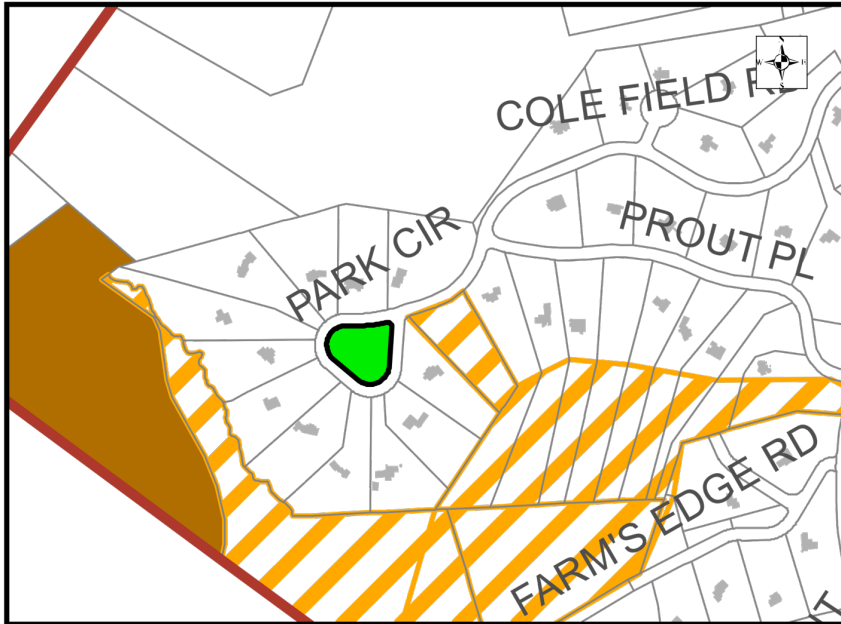
Physical characteristics: The lot is 6.84 acres in size and wooded, except for the area surrounding the pond/detention area. At the high point, some glimpse of the ocean may be possible.

Improvements: The open space includes a trail that extends from Wells Rd to the power lines and connects to the Cross Hill trail network. The back loop of the trail provides a view of "Jordan Pond."

Open Space: The dominant use of the lot is as open space.

Name: Park Circle

Location (Map/Lot): Park Circle is an oversized cul-de-sac located in the center of Park Circle Rd in the Elizabeth Farms neighborhood (U54-9B).



Date of Town Ownership: 1989

Type of acquisition: Acquired through development review

Deed restrictions summary: None

Public Access location: Access for the public is available from Park Circle Rd.

Street Map Grid reference: C1

Physical characteristics: The site is 1.13 acres.

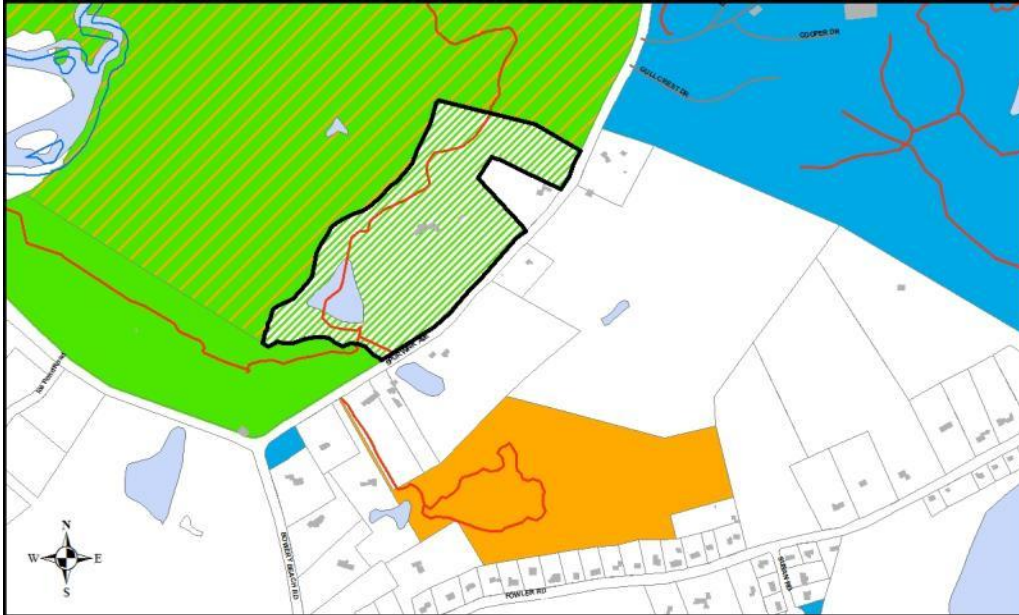
Improvements: Unknown

Open Space: The dominant function is Road/emergency access with the subordinate use as open space.

Name: Spurwink Marsh DOI easement

Fee owner: Dorie S. Barber

Location (Map/Lot): The easement is located at 505 Spurwink Ave (R5-13).



Date of Town Ownership: 1981

Type of acquisition: Donation

Deed restrictions summary: The property is the subject of conservation easements conveyed from the Maine Coast Heritage Trust to the Town of Cape Elizabeth. One easement covers the “northern two-thirds” of the property and reserves a 1 1/2 acre area for development of a square or rectangular shaped single family home and up to 3 accessory structures. The southern 1/3 is conservation land. Both easements allow public access over trails and mention the scenic value of the property due to its proximity to the Spurwink Marsh.

Public Access location: Access for the public is available from Spurwink Ave and on a trail located on the Town Farm.

Street Map Grid reference: D2

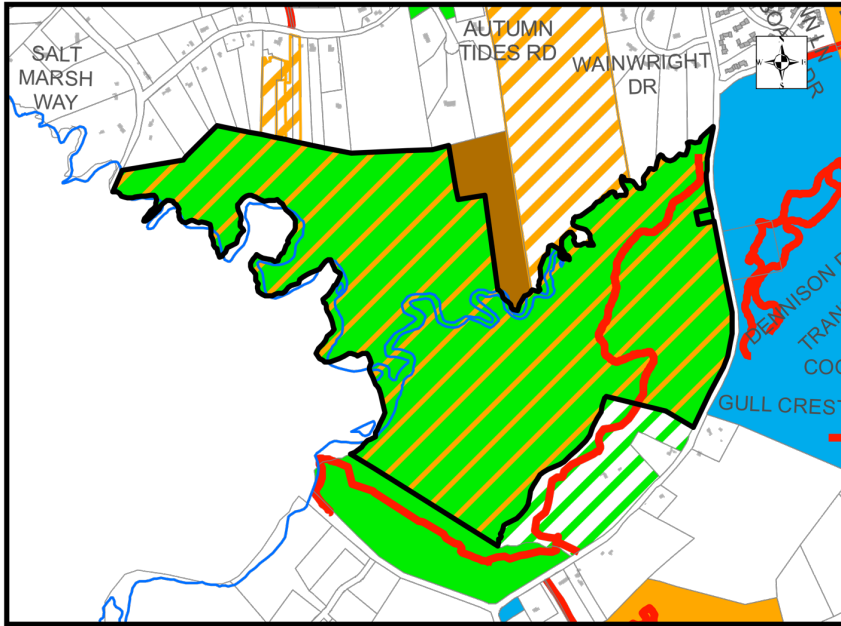
Physical characteristics: Much of the easement (16.5 acres) is located at the foot of the Spurwink Marsh, but also includes wooded areas, mainly adjacent to Pollack Brook, where an old cemetery is also located. The easement offers views of Spurwink Marsh and is frequented by deer.

Improvements: The easement is adjacent to a single family home. The easements include trails extending from the Town Farm, along the Spurwink Marsh and Pollack Brook, to Spurwink Ave. A 51' long bridge previously extended from one side of the easement to Riverside Cemetery has fallen into Pollack Brook.

Open Space: The dominant use of the land is open space, however, there is also an existing single family home that coexists with the easement.

Name: Town Farm

Location (Map/Lot): The Town Farm is located at the southern end of Spurwink Ave and is part of the Spurwink Marsh (R5-11).



Date of Town Ownership: 1800's

Type of acquisition: Purchase

Deed restrictions summary: The land was left to the Town of Cape Elizabeth by Thomas Jordan in his will dated 1825, upon the death of his wife, "for the poor of said town forever." In 1994, the Town of Cape Elizabeth "bought" the "Poor Farm" and put the sale proceeds into the "Thomas Jordan Fund," which is used to benefit the poor. (\$650,000) In 2000, the Town granted the Cape Elizabeth Land Trust a 50 year conservation easement over the Town Farm.

Public Access location: Access for the public is available from Spurwink Ave.

Street Map Grid reference: D2

Physical characteristics: The lot is 150 acres is predominantly open fields, marshland and a small amount of wooded / shrubby area. Expansive views of the Spurwink Marsh dominate the land, which is also rated high value for wildlife by the Maine Department of Inland Fisheries and Wildlife.

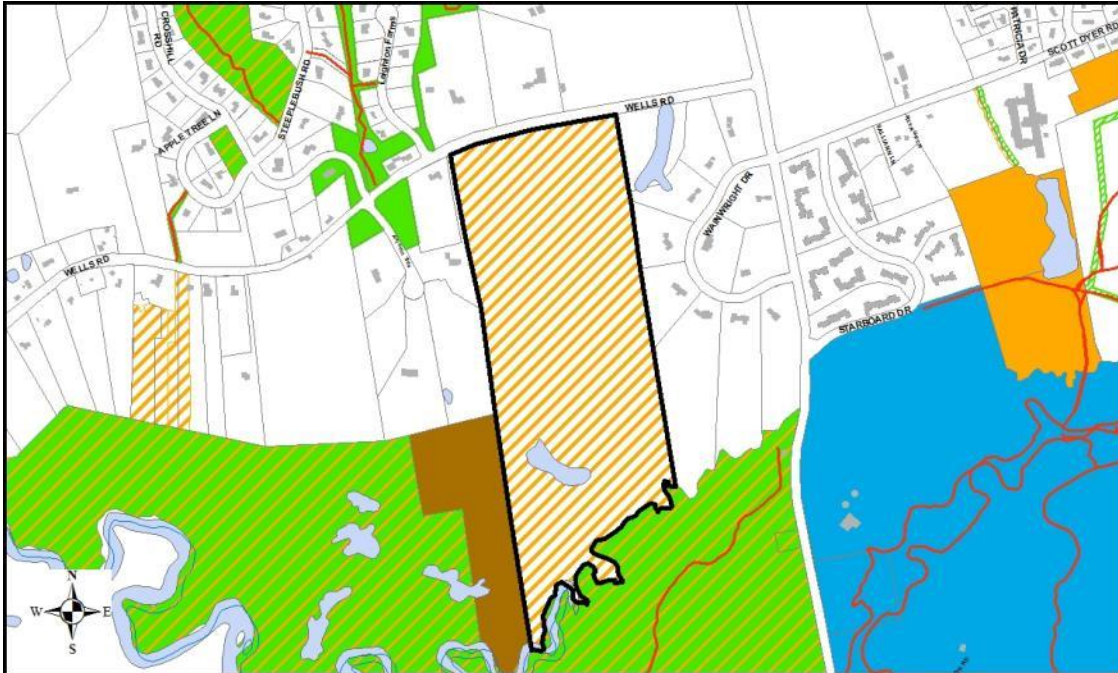
Improvements: The farm is encumbered by a lease granted to the Portland Water District (1985, term 40 years), to accommodate a sewer treatment facility and pump station. A trail rings the edge of the field and connects to trails located on the adjacent IF&W conserved land. There is also a small, 2 space parking area.

Open Space: The dominant use of the lot is as open space. The sewer treatment facilities used only a small portion of the site, however, it is the only sewer treatment plant located in Cape Elizabeth and would be prohibitively expensive to relocate. There have been no user conflicts between the principal use of open space and the public utility.

Name: William Jordan Easement - CELT

Fee owner: Penny, Carol Ann, and William Jordan and Pam Butterfield

Location (Map/Lot): The site is located on the south side of Wells Rd (R5-31) and abuts the Town Farm/Spurwink Marsh.



Date of CELT Ownership: 2004

Type of acquisition: Purchase

Deed restrictions summary: The property is protected for agricultural use and also provides public benefits of preserving the scenic views of the Spurwink Marsh.

Public Access location: Access for the public is available by the grantor so long as such uses are not inconsistent with agricultural uses.

Street Map Grid reference: C2/D2

Physical characteristics: The site is predominantly open agricultural fields.

Improvements: Improvements on the property are consistent with the accessory buildings related to agriculture.

Open Space: The dominant use of the space is agriculture and the subordinate use is for scenic views.

Name: Winnick Woods

Location (Map/Lot): Sawyer Rd (R4-49B)



Date of Town Ownership: 1995

Type of acquisition: Donation

Deed restrictions summary: The property is restricted to passive recreational activities only (e.g. walking, jogging, bird watching, nature observation) and active recreational uses (e.g. organized sports, play fields, bicycle tournaments, track events) are not allowed. No buildings or significant improvements are allowed except in connection with passive recreational activities.

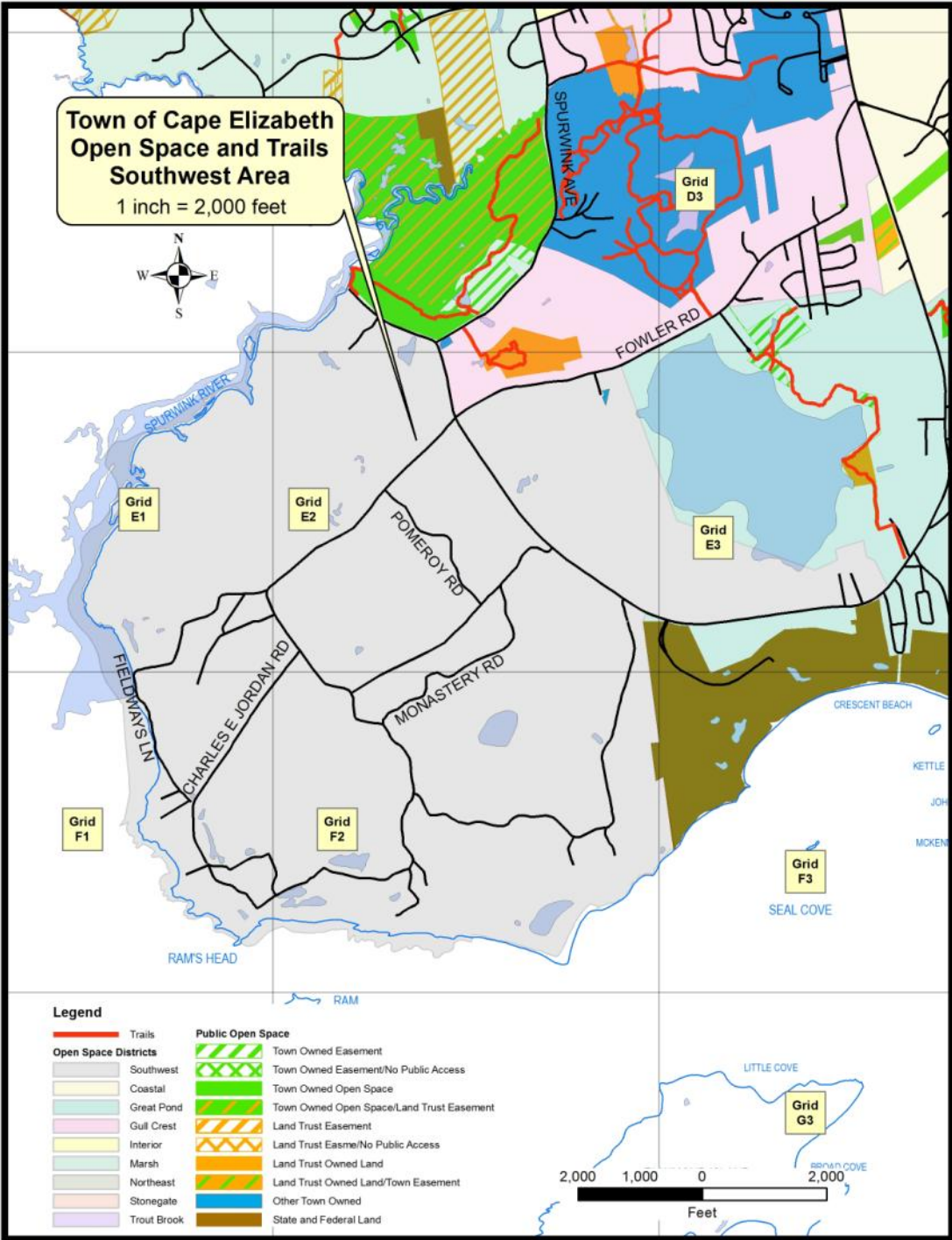
Public Access location: Access for the public is available from Sawyer Rd.

Street Map Grid reference: B1

Physical characteristics: The Town conducted a boundary and wetland survey establishing the lot at 71 acres and including substantial wetlands. Most of the property is wooded, but it also includes a meadow and habitat for the New England Cottontail.

Improvements: Winnick Woods includes an extensive trail system installed by the Town that connects to Cross Hill, and Dyer Hutchinson farm, with planned connections to the Eastman Meadows open space. The trail head is located on the northern side of the property adjacent to Sawyer Rd and includes an information kiosk and 8 space gravel parking lot.

Open Space: The primary use of the lot is as open space for passive recreation.



Prepared by the Planning Office 5/5/2011

Appendix 2
Transmittal to the Town Council

TO: Cape Elizabeth Town Council
FROM: Conservation Commission
DATE: September 30, 2011
SUBJECT: Open Space and Greenbelt Management Plan

Introduction

The Open Space and Greenbelt Management Committee is pleased to recommend the enclosed draft management plan for Town Council consideration.

The Town Council authorized a charge for the committee on April 12, 2010. The committee, comprised of the Conservation Commission and Town Council Liaison Jessica Sullivan, met 19 times plus held 2 public forums, on June 16, 2010 and May 26, 2011. (See attached minutes of public forums)

Highlights of the Plan

The plan focuses on existing open space and how it should be managed rather than future open space growth. Some of the highlights of the plan include:

1. **Management Area concept.** Prior town open space inventories have been organized by type of ownership and map-lot. For management purposes, and to understand the potential value of a seemingly small and isolated lot, land is presented by geographic area. Maps showing each geographic area are included that suggest how individual lots are connected to a larger greenbelt trail network.
2. **Management Groups.** The management plan has created 5 group descriptions and placed each lot in a group. The group organization facilitates consistent management of like parcels. For example, Group 1 includes several parcels where the policy is basically to leave the land as it is with no facilities for public access.
3. **Activities/Facilities Table.** The plan includes a table of open space managed by the Town with a list of activities that are allowed or not allowed and facilities available on each lot. This table has been coordinated with existing deed restrictions and should be a handy reference for residents.
4. **Management Policies.** The plan commits to writing, many for the first time, management policies for town open space. These policies are a combination of custom and practice, state law, and anticipated demands for the future. (See attached email re: hunting)

5. **Encroachments.** The Town Council's decision to commission the management plan was motivated, in part, by the need to address encroachments on town property in a proactive way. The management plan includes specific policies for encroachments, a process to identify and respond to encroachments and a recommendation that the Town Council consider annual funding of approximately \$2,500 to begin an open space boundary survey program.
6. **Updated inventory.** The plan includes a one page description with map of each open space parcel owned by the Town, each parcel for which the town holds an easement, and selected Land Trust properties immediately adjacent to town holdings.
7. **Names.** Each town holding has been assigned a name. In some cases, names refer to the original donors or owners of the land. Assigning a name to each lot should ease reference to lots in the future. As with the entire plan, all names are subject to Town Council approval.

The committee would like to draw specific attention to the following names, which are originating with this plan:

- a. Abaco Lot
- b. Alewife Brook Lot
- c. Alewife Cove Lot
- d. Autumn Tides Lot
- e. Baker Lot
- f. Broad Cove Lot
- g. Canterbury Tank House Lot
- h. Davis Woods
- i. Dyer Woods
- j. Eastfield Lot
- k. Ferne Peddy Lots
- l. Ivie Rd Lot
- m. Hannaford Lot
- n. Longfellow Lot
- o. Loveitt Woods
- p. McAuley Lot
- q. McKenney Point Lot
- r. Park Circle
- s. Patricia Lot
- t. Stonybrook Lot

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.

The Town should also comply with state law requiring monitoring the terms of conservation easements every three years.

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:

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 within 10 yards of any 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 Blair) are not considered to be groomed and/or regularly maintained for purposes of this ordinance.

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

Encroachment Survey Funding

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

Coordination with the Land Trust

The Cape Elizabeth Land Trust owns several properties that abut Town open space and several trails seamlessly connect Town and land trust lands. Management of Town open space will be most effective if coordination with the Land Trust on adjacent properties continues.

Volunteer Development

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

Conclusion

The Open Space and Greenbelt Management Committee made every effort to recommend management policies that adequately protect town open space for the benefit of all residents and reflect community values. The committee strongly encourages the Town Council to review the management plan and to make revisions as needed. The committee looks forward to assisting the Town Council with that review.

