

# **Town of Cape Elizabeth Harbors Committee Report**

Prepared for:

**Town of Cape Elizabeth Town Council**

Harbors Committee Members:

Chair James Casey, Citizen Appointment

Stephen Culver, Citizen Appointment

Susan Farady, Citizen Appointment

Caitlin Jordan, Town Councilor

Katherine Ray, Former Town Councilor

Staff Liaison:

Town Engineer Stephen Harding, P.E.

Sebago Technics, Inc.



1<sup>st</sup> Draft Jan 7, 2018

# Table of Contents

---

## Narrative:

Section 1.0	Comprehensive Executive Summary
Section 2.0	Introduction
Section 3.0	Coastal Waters and Harbor Ordinance Review
Section 4.0	Kettle Cove/Crescent Beach State Park Area Assessment
Section 5.0	Moorings Map Update <b>TBD</b>
Section 6.0	Public Water Access Inventory
Section 7.0	Comprehensive Plan Marine Resources Section Draft <b>TBD</b>
Section 8.0	Other Related Matters Consideration
Section 9.0	Summary and Conclusions

## Appendix:

Attachment A	Tracked changes Word document with recommended changes to Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE
Attachment B	Cape Elizabeth Fishermen's Alliance November 2017 Recommendations for the Town of Cape Elizabeth
Attachment C	Cape Elizabeth Shoreline Access Survey Results
Attachment D	Department of Marine Resources Licensure Data <b>TBD</b>
Attachment E	Mooring Field Information <b>TBD</b>
Attachment F	Kettle Cove/Crescent Beach Site Plan Exhibit <b>TBD</b>
Attachment G	Comprehensive Plan Marine Resources Section <b>TBD</b>

## Harbors Committee Report

Additional report information to be added are visuals on Kettle Cove area and possibly Paper Streets; Public Survey & Licensure data Pie Charts and Bar graphs; Photos, etc.

### **1.0 Comprehensive Executive Summary:**

*At the behest of the Town Council through assigned charges, the Harbors Committee has conducted a comprehensive review of issues related to Cape Elizabeth's shoreline and harbors. The Committee, in concert with the Town Harbormaster, completed its first charge by reviewing the Town's Coastal Waters and Harbor Ordinance and recommending a modest amount of changes.*

*To complete another charge, the Committee was assisted by Town Staff, the Cape Elizabeth Fishermen's Alliance, State of Maine representatives, and neighborhood residents to develop a list of recommendations for the betterment of the Kettle Cove/Crescent Beach State Park area. Paramount within the recommendations is to relocate the recreational boat launch area to a nearby location that had been used in the past. While improving the recreational boat launch access, the existing recreational boat launch ramp can then be repurposed to pedestrian beach access only.*

*By implanting these changes, pressures related to the primary Boat Cover launch in the Kettle Cove State Park area can be relieved and its use refocused exclusively for local commercial fishing fleet and the Town's WETeam. Other recommendations presented by the Committee in relation to the Crescent Beach/Kettle Cove area involve steps to implement the changes, document access rights with the State of Maine, and other improvements to the area.*

*To address a charge related to the updating of mooring maps, the Committee coordinated with the Town Harbormaster...TBD*

*The Committee also underwent an inventory of public water access by visiting the shoreline and conducting a public shoreline access survey to gauge the public's perception of the coastal access within Cape Elizabeth and receive input as to what improvements should be considered. The results of the inventory has been provided based on entity control between the federal government, the State of Maine, the Cape Elizabeth Land Trust, and the Town of Cape Elizabeth. Although public access to the ocean is somewhat limited, the results of the survey strongly indicates that the residents consider access a very important aspect and essential to the character of Cape Elizabeth.*

*Finally to complete its last charge, the Committee has coordinated with the Town Planner and conducted research and reviewed relevant matters to develop a draft Marine Resource Section of the Comprehensive Plan to assist the Comprehensive Plan Committee....TBD*

*The last extensive review of the Town's harbors was undertaken almost 30 years ago and this current study often builds upon that past work and revisits many of the same issues that were examined back in 1988. The Committee has been pleased to undertake this effort on behalf of the Town Council and trusts that this information will assist the Town in future actions related to the Town's coastal resources and opportunities.*

## **2.0 Introduction:**

### **2.1 Committee Charges:**

The Harbors Committee was an Ad Hoc Committee created by the Town Council with the purpose to conduct a review of issues related to Cape Elizabeth's shoreline and harbors to determine how the Town's coastal resources are serving commercial fishing and aquaculture industries as well recreational boating and other public activities needs. In doing so, the Council directed the Committee to review issues related to the following charges:

- Review the Town's Coastal Waters and Harbor Ordinance and recommend any changes it deems desirable to the town council.
- Meet with state officials to determine options for boat access in the Kettle Cove/Crescent Beach State Park area and develop a long range plan for access.
- Update the maps utilized by the Harbormaster showing potential locations for moorings.
- Inventory public water access.
- Assist the Comprehensive Plan Committee with the marine resources section of the Comprehensive Plan.
- Consider such other related matters as the Town Council may request.

In 1988, the Town's Harbors Advisory Committee published a September 1, 1988 Report which documented its efforts in studying various issues related to the Town's coastal resources. The Harbors Committee developed the preliminary version of current Coastal Waters and Harbor Ordinance that was later adopted and also studied issues related to the management of the Kettle Cove area, mooring locations and planning, and future public boat launch locations as well as a variety of other harbors related issues.

Since the 1988 Harbors Advisory Committee report was finalized, no other comprehensive analysis of the Town coastline resources has been undertaken. Seeing a need for a new assessment of these resources, the Town Council created the Ad Hoc Harbors Committee for the purpose of providing an updated review of issues related to the Town's shoreline and harbors issues.

### **2.2 The Committee Process:**

The Harbors Committee has been meeting regularly since February 2, 2017 in public meeting forums and conducted a land based field review of public coastal access points. The Committee has received input, technical expertise, and guidance from a variety of stakeholders as well as Town Staff and State representatives. The Committee has received several emails and direct comments from private citizens with a focus near the Crescent Beach/Kettle Cove area which generates a higher rate of impact to area residents due to the many ongoing and, often conflicting, activities in that neighborhood.

In order to gauge interest and receive public input from users of the Cape Elizabeth shoreline users, the Committee conducted an on-line public survey through Survey Monkey which

raised several questions regarding the various activities being conducted along the shoreline and their importance to the respondents of the survey. The survey also asked for opinions on various topics associated with the Town's coastal resources and ways in which they may be improved. The survey's findings are discussed within the context of Section XX of this report and the full results of the survey are included within Attachment C in the Appendix of this report.

The Cape Elizabeth Fishermen's Alliance (CEFA), which is a consortium of local commercial fishermen and aquaculturists, has participated in the meetings routinely providing testimony and insight into activities and interests associated with Cape Elizabeth's commercial fishing fleet. In addition, CEFA also provided the Committee with their November 2017 "Recommendations for the Town of Cape Elizabeth" document which outlines recommendations that CEFA would like to have implemented by the Town. This document is discussed within the context of Section XX of this report and CEFA's recommendations document is included within Attachment B in the Appendix of this report.

With the assistance of Town Manager Matthew Sturgis, the Committee also has communicated with representatives of the State of Maine Department of Department of Agriculture, Conservation Forestry Bureau of Parks and Lands. Kurt Shoener, who is the Manager of Crescent Beach, Two Lights, and Kettle Cove State Parks, and Gary Best, who is the Acting Regional Parks Manager, have participated in two meetings with the Committee to share their insight into the State's programs and direction related to the Crescent Beach/Kettle Cove area.

The Committee has been served on an ongoing basis by Town Engineer, Stephen Harding, acting as the Committee's Town Staff liaison. In addition, Town Manager Matthew Sturgis and the Town Harbormaster Ian Anderson have been frequent participants in Committee meetings and have made valuable contributions to the process. Town Planner Maureen O'Meara and Police Chief Neil Williams have also attended Committee meetings to provide their expertise and knowledge into the local coastal issues.

Finally using its connections within the State of Maine Department of Marine Resources, the Committee was able to receive several years' worth of local licensure data for Cape Elizabeth resident fishermen which allows for trends to be established for commercial fishing activities in the fairly recent past and to be projected for the future. **NEEDS TO BE CONFIRMED**

Using the information gathered, the Committee has been able to address each charge that was presented to it by the Town Council. The following report has been organized by Council charge and outlines the Harbors Committee's findings and recommendations to the Council.

### **3.0 Coastal Waters and Harbor Ordinance Review:**

*Charge Item Executive Summary: The Harbors Committee has accomplished this Council charge by engaging the Town Harbormaster, CEFA, and the public. Although the Committee considered a wide-range of possible changes, the final list of recommended changes is specific and limited. To complete their work on this charge item, the Harbors Committee has already*

*sent the proposed changes to the Cape Elizabeth Ordinance Committee for further evaluation. The Ordinance Committee will ultimately forward their recommendations to the Town Council for consideration and possible implementation.*

One of the charges given to the Committee was to review the Town's Coastal Waters and Harbor Ordinance and recommend any changes it deems desirable to the Town Council. To accomplish that charge, the Harbors Committee actively engaged in the ordinance chapter review with the Cape Elizabeth Harbor Master, Ian Anderson, and also received input from the Cape Elizabeth Fishermen's Alliance as well as several Cape Elizabeth residents. In addition, the Committee also had the opportunity to review these proposed changes and the process within which the changes would be considered with Town Planner Maureen O'Meara.

Based on this review process, the Committee prepared a tracked changes Word document regarding potential Ordinance changes to "Chapter 10 – COASTAL WATERS and HARBOR ORDINANCE". This document has been included within the Appendix of this report as Attachment A. While the Committee considered a wide range of potential changes to the Ordinance language, the following fairly modest specific revisions have been recommended to be implemented by the Harbors Committee:

1. Under Article I in Section 10-1-2 (a), change "black can buoy 'C-1'" to "can buoy 'C-1'" as the buoy has been painted green. The Committee has determined that the reference to the color of buoy should be deleted as the buoy may get repainted to another color in the future.
2. Under Article II in Sections 10-2-1(i) Definitions, add a definition for "Houseboat". The definition for a houseboat was proposed in consultation with the Harbormaster based on his experiences in other municipalities. There is currently not a houseboat issue in Cape Elizabeth, however, the Committee and the Harbormaster determined that in adding the definition at this time that future potential issues associated with houseboats could be mitigated before becoming a problem for the community.
3. Under Article II in Sections 10-2-1 (l) Definitions, add a definition for "Outhaul". The need for a definition for outhaul arose from a citizen comment received by the Committee and follow up consultation with the Harbormaster. The new definition will aid in the resolution of any future potential issues with an outhaul.
4. Under Article IV in Section 10-4-1, eliminate the word "extreme" in the phrase "extreme emergency". In the Committee's opinion, the existing Article II definition of the word "emergency" is sufficient on its own and does not need to be qualified. The word "extreme" unnecessarily qualifies an emergency level and adds subjectivity to the description of what constitutes an emergency situation.
5. Under Article V Section 10-5-16, add provisions and requirements associated with houseboats to regulate their use in the community. As noted previously while there are no current issues with houseboats in Cape Elizabeth, this added section will mitigate future potential issues that may arise with houseboats as has occurred with houseboats in other southern Maine communities.
6. Under Article V Section 10-5-17, add limits to the size of vessels covered by the outhaul provisions and requirements associated with an outhaul. The inclusion of this section

will assist the Harbor Master to effectively respond to outhaul related issues as they may arise.

In a December 13, 2017 memorandum to the Town Manager, the Committee provided these recommendations to the Cape Elizabeth Ordinance Committee for their review and further action. It is understood that the Ordinance Committee would ultimately send their recommendations to the Town Council for the Council's consideration and possible implementation.

#### **4.0 Kettle Cove/Crescent Beach State Park Area Assessment:**

*Charge Item Executive Summary: The Committee has accomplished this charge in consultation with the Town Harbormaster and Police Chief, the Cape Elizabeth Fishermen's Alliance, neighborhood residents, and local park representatives of the State of Maine. The conclusion of our work resulted in **eight** recommendations to the Council which range from the relocation of the existing recreational boat launch to a historical boat launch area and the necessary steps to complete the relocation, the repurposing of the existing recreational boat launch to pedestrian only access, improving signage in the area overall, and securing easements for the exclusive use of Boat Cove by the commercial fishing fleet and the Town WETeam. The recommendations also include building upon the current collaborative efforts with the State and documenting future interactions and agreements in writing for posterity.*

##### **4.1 The Current Situation:**

The Kettle Cove/Crescent Beach area is the one coastline area within Cape Elizabeth that currently needs solutions as it represents an ongoing challenge of varying commercial and recreational uses, State and local jurisdictional boundaries and responsibilities, and often conflicting neighborhood interests. These challenges are compounded by the natural conditions and physical space limitations of the area as well as the overall popularity of the area among its users, particularly during the summer months.

One of the main issues is the limited area available for commercial fishermen to use the boat launch area of Boat Cove which is within the Kettle Cove property controlled by the State of Maine. While the State prioritizes the exclusive use of this boat launch area to the commercial fleet and the Town's WETeam, recreational users sometimes encroach into this area which creates operational and safety issues much to the detriment of the functional ability of the intended users of the launch to effectively use this area.

The Commercial fleet relies on this launch area to gain access to the ocean to not only launch boats, but also to transfer gear and bring in their catch to transport to markets. While limited use of the nearby sandy beach area of Kettle Cove is sometimes made by commercial fishermen at non-peak periods of recreational use of the beach, these instances are rare and the nearby beach is not a suitable reliable option for the commercial fleet.



Likewise, the Town of Cape Elizabeth WETeam relies on Boat Cove as its only suitable launch site in Cape Elizabeth. While the WETeam can use the nearby sandy beach area of Kettle Cove under ideal situations due to limitations often created by tide and surf conditions, the Boat Cove launch site is the only reliable area for the WETeam's use.

The limited parking area of Boat Cove along with its limited suitable launch area further exuberate any recreational use of these facilities.

Another issue related to the area is the Kettle Cove/Crescent Beach area is the conditions related to the launch area promoted for recreational users. This boat launch is located along a narrow gap between two portions of the Crescent Beach landholdings by the State of Maine. It is located to the north of the State's Kettle Cove Parking Lot and is accessed by a gap in the boulders which line the west side of Kettle Cove Road. The Town currently employs a resident permit system to allow for the recreational use of the ramp and vehicle beach access.

The relatively steep recreational use ramp is maintained by the Town and often requires the replacement of gravel caused by the loss of material to wave action due to the ramp's open exposure to the ocean. The launch's proximity to residences across Kettle Cove Road often creates conflicts with the neighborhood residents when users prolong the unloading of equipment and the launching of recreational crafts or use the launch area inappropriately.

Further, an open drainage course which crosses the beach area nearby to the northwest of the launch site often temporarily erodes a channel which cannot be passed over by most recreational vehicles. This situation creates a very restricted area near the launch site for users and prevents the access of the much wider and protected sections of Crescent Beach to the west.

#### 4.2 The State of Maine Perspective:

During the course of the Harbors Committee's work, the Committee and Town Manager Matt Sturgis have enjoyed an ongoing positive discussion of the Kettle Cove/Crescent Beach area issues with Kurt Shoener and Gary Best of the State of Maine Department of Department of Agriculture, Conservation Forestry Bureau of Parks and Lands. Mr. Shoener manages Kettle Cove, Crescent Beach, and Two Lights State Parks which are close in proximity, but have very divergent needs and uses. Mr. Best is the Assistant Regional Parks Manager who works closely with Mr. Shoener and has been involved at the Cape Elizabeth parks for a long period of time. At one meeting, the Committee also met with Town of Cape Elizabeth Police Chief Neil Williams and the State representatives to discuss State/local jurisdictional and cooperative efforts.

During the discussions, it was noted that it is the State's preference for people to park at Crescent Beach State Park which is one-quarter of a mile away from Kettle Cove if they want to access to Crescent Beach. The State is also now actively directing organized groups to go to Crescent Beach where there is ample parking rather than contribute to the congestion at Kettle Cove. In doing so, the access to the non-



commercial users of Crescent Beach would be reduced and allow the commercial users more exclusive use of Boat Cove.

The State representatives also described the State's overall guiding document of an Integrated Resource Policy for all State parks. This policy focuses on the preservation of the human experience of the parks that they operate as well as promotes the obligation to protect wildlife and their natural habitat from human intervention. For the Kettle Cove State Park, the New England Cottontail and the federally protected Piping Plover species are prioritized and the State is actively pursuing a grasslands policy in the park to protect species that rely on that environment. Therefore despite the appearance of ample land to do so, the State is not planning on expanding the parking lot capacity at Kettle Cove to promote more convenient visitor use.

#### 4.3 Potential Solutions:

The Cape Elizabeth Fishermen's Alliance (CEFA) and residents of the Town have proposed a relocation of the existing Town recreational boat launch ramp to a historical boat launching area further to the northwest off of Kettle Cove Road. The use of the boat launch was curtailed many years ago due to its improper activities and access to the area is currently restricted by a series of large boulders placed by the State along the west side of Kettle Cove Road. It is believed that the gravel placed for the original launch area is predominately still in place and is now overgrown with vegetation.

The State representatives stated that the State would be very much behind the effort to move the recreational boat launch and would not impede its progress, however, any improvements to reuse it would need to be funded by the Town. Further, the improvements would need to be engineered and properly permitted. To do so, there would need to be a comprehensive agreement between the State and the Town that stipulates each party's responsibilities. That agreement would then need to be followed by an easement which would allow the Town to construct and maintain the improvements as well as operate the boat launch.

If this change were pursued, the existing boat launch could be utilized as a pedestrian access point to that section of Crescent Beach and vehicular use of the current launch prohibited.

The clear separation of uses and proper signage stipulating these uses would resolve much of the conflict within the Kettle Cove/Crescent Beach area. By providing an improved recreational boat launch with better access and launching capabilities, recreational users would be more inclined to use the more accessible launch and less apt to attempt to use the more restrictive Boat Cove launch area. Also by moving the recreational boat launch area to the northwest, conflicts with the drainage channel would be mitigated. In addition, the new boat launch location would create a buffer between boat launch activities and the nearby residential homes along Kettle Cove Road.

#### 4.4 Recommendations:

The Harbors Committee recommends that the Town Council take the following steps:

1. Enter into an agreement with the Operations and Maintenance Division of the Maine Department of Agriculture, Conservation Forestry Bureau of Parks and Lands stipulating each parties' understandings and responsibilities associated with the relocation of the recreational boat launch to the historical boat launch area to the northwest off Kettle Cove Road.
2. Follow up with steps to secure an easement from the State of Maine that would allow the Town to construct and maintain the improvements and then operate the new recreational boat launch site.
3. Investigate and seek grant opportunities that could be used to assist in the funding of the new recreational boat launch. The Maine Department of Transportation's Small Harbors Improvements Projects (SHIP) grants have historically included a 50% local match up to \$250,000 in funding. SHIP grants must improve access to an existing access area. Also, the State provide Shore and Harbor Planning grants which dedicate up to \$30,000 with a local match that could be used to begin the planning work for this new launch.
4. Design, permit, construct, maintain, and operate the new recreational boat launch area while repurposing the existing boat launch area to provide safe pedestrian only access to Crescent Beach.
5. Install signage to clearly designate uses and restrictions on Town owned property and encourage the State to clearly designate areas within their control for specific uses and restrictions. Of particular interest would be the parking and associated turnaround area and the boat launch at Boat Cove to be restricted to the commercial fishing fleet and the Town's WETeam exclusive use.
6. As a long term step and to show its commitment to the local fleet and emergency preparedness, work with the State of Maine to secure an easement for the uninterrupted use of Boat Cove for use by the Town's commercial fishermen and WETeam.
7. Continue to support the collaborative activities of the Town's Police Department in providing enforcement and support to the State of Maine resources in the Kettle Cove/Crescent Beach area.
8. Encourage the State of Maine to share and promote their management goals and priorities for the Crescent Beach, Kettle Cove, and Two Lights State Park. Continue to build upon the ongoing cooperative discussion with State of Maine representatives. Clearly document any collaborative interactions and agreements in writing so that mutually accepted policies and procedures will remain constant despite the eventual change in personnel over time at both the local and State levels.

This section needs an aerial view exhibit of current and proposed launch facilities, property demarcation, and cove/beach name labels

#### **5.0 Moorings Mapping Update:**

Charge Item Executive Summary:

This needs to be discussed at the next meeting

## 6.0 Public Water Access Inventory:

*Charge Item Executive Summary: In order to inventory public access points to the shoreline, the Committee utilized local knowledge and conducted a field review of public coastal access areas. These areas are controlled by various entities including the federal government, the State of Maine, the Cape Elizabeth Land Trust, and the Town of Cape Elizabeth. There are several coves along the shoreline that the Town issues mooring permits, however, these moorings are accessed from private property and no direct public access rights exist. Further, the Committee also conducted a Public Shoreline Access Survey to gauge the importance of coastal public access and to gain public opinion as to the condition and potential improvements to these locations. The results of the survey indicate a high value is placed on these public spaces its users and there is a high level of interest in maintaining and improving upon these areas.*

THIS SECTION WILL NEED INPUT FROM THE COMMITTEE –

From the outline of the report:

- Status of public water access
  - Current public access locations
  - Summary of Public informational Survey
  - Ownership and restrictions/barriers/impediments of public access locations
- Future public access possibilities
- Public Input Survey discussions

### 6.1 Federal Properties:

The federal government through the U.S Coast Guard controls the access to the ocean from the lands associated with its facility at the end of Two Lights Road.

#### **Dyer Cove**

This cove is accessed from the end of Two Lights Road. The land beyond the paved section of Two Lights Road is owned by the U.S. Coast Guard which allows the public to access the rocky beach via a gravel parking lot beyond the paved roadway. The beach area is generally used for sightseeing, scuba diving, paddleboarding, and kayaking. Although there is some historical use of a past mooring use here, the cove is exposed, frequently choppy, and subject to strong coastal currents. In the Harbormaster's opinion, this cove does not represent a viable opportunity for mooring use.

### 6.2 State of Maine Properties:

The State of Maine owns and operates three state parks within the Town limits. These three parks are in close proximity to one another and are currently managed by one person.

#### **Two Lights State Park**

This park is accessed from Two Lights Road and Tower Drive... (Needs more)

#### **Kettle Cove State Park**

This area is accessed from Kettle Cove Road and includes a paved parking lot for users of the park. The park features recreational and commercial boat launches, a sandy beach area, and supports a variety of coastal activities and wildlife habitat. Despite its open exposure and often rough seas, a large mooring field with a waiting list is located here. The Town's commercial fishing fleet and the Town's WETeam also uses Boat Cove within the park limits. A more detailed discussion of this area with recommendations for improvements is included in Section 4 of this report.

#### **Crescent Beach State Park**

This area can be accessed from either Kettle Cove Road or through its main entrance and parking area off of Bowery Beach Road (Route 77). Beachgoers frequent the beach area and recreational boat and other marine related recreational equipment can be launched from this beach area as well. The beach extends to the east to connect to the Kettle Cove State Park lands.

### 6.3 Cape Elizabeth Land Trust:

Another entity with control along the Cape Elizabeth is the Cape Elizabeth Land Trust (CELT). CELT operate independently from the Town, but its lands are open to the public. CELT properties may also contain additional restrictions associated with their use depending on the specific terms agreed upon during the property acquisition process.

#### **Alewife Cove and Peebles Cove**

This area is located off Reef Road can be accessed on foot by people in the nearby neighborhoods or from vehicles parking alongside the road. There are off road parking spaces that are dedicated to this property. There are Town permitted moorings in nearby coves which are all non-commercial related.

#### **Pond Cove from Shore Road**

This area is accessed from Shore Road. Parking is available on the inland side of Shore Road near the CELT owned Robinson Woods. A short CELT trail starts at Shore Road and the leads onto the rocky beach at Pond Cove. A mooring is sometimes used in Pond Cove, but due to its exposure, it cannot be used in any inclement conditions.

#### 6.4 Town of Cape Elizabeth:

Beyond the very popular and heavily used Fort Williams Park and a few other limited landholdings, the Town actually owns very little coastline access under its control. The Town maintains these properties and restrict their public use from sunrise to sunset.

**CONFIRM**

It should be noted there are often no public access to places where the Town issues moorings, such as at Maiden Cove off Cottage Lane and Staples Cove off Hannaford Cove Road. In doing so, the Harbormaster is not providing any assurances that a mooring holder will have public access to the mooring. While it may not be practical to access a mooring from another harbor, it is theoretically possible. This situation is common along the Maine coast where most moorings in Maine are located near and accessed from privately held adjoining land.

#### **Fort Williams Park**

This **XX** acre property is located off Shore Road and is a former military installation which was taken over by the Town in the **1960's**. It features an iconic lighthouse and is a very popular destination by tourists and residents of the Town. **EXPAND...**

#### **Danforth Cove (aka Cliff House Beach) from the end of Sea View Avenue**

This area is located near the end of Sea View Avenue. The area can be accessed on foot by people in the nearby neighborhoods or from vehicles parking alongside the road. Currently in disrepair, there are steep concrete stairs that allows access from the grass bluff area alongside Sea View Avenue to the beach below.

#### **Surfside Avenue**

This is a paper street that is located off Pilot Point Road which extends along a bluff area overlooking the rocky coastline. During the Committee's review of coastal access issues, there was a separate and spirited review undertaken by the Town Council of the rights associated with Surfside Avenue and the limitations of those rights. After significant

input, study, and deliberations, the Town Council eventually voted to extend its current rights in this area for the foreseeable future. A debate continues to determine the best course of future action.

**Spurwink River Marsh**

This area is located off Bowery Beach Road at the municipal border with the Town of Scarborough. A Rachel Carson Preserve parking lot is located on the Scarborough side of the river which allows visitors to access and to view the Spurwink River. This area provides an opportunity for fishing, but is poor for kayaking due to sand bars and the low water levels due to the fluctuating tides. Access to the Cape Elizabeth side of this area is publicly available through the adjacent Town Cemetery parcel off Bowery Beach and Spurwink Avenue. The Conservation Commission is actively planning to improve and extend a trail to the Spurwink River point area for pedestrian and mountain bike use which would be located beyond the adjacent Town Cemetery active limits. Tidal marshes represent a significant permitting and construction obstacle to improving access to this area.

**PUBLIC SURVEY DISCUSSION and RESULTS – needs input from the Committee**  
 This section needs to be discussed to determine how best to include the results into the report and what would be the findings associated with the survey.

**From the minutes of earlier meetings...**

Question 3 – How Important is your public access to the Cape Elizabeth shore?  
 Summary of the 147 public comment responses to the group as follows:

<u>Response theme</u>	<u>%</u>
Protect Private Property	9
Generally positive comments	33
More access	20
Access fine as is	16
Paper streets – negative comments re: removing	13
Paper streets – positive comments re: keep	1
Improve access	2
Other	6
Total	100%

**Question 4 – Based on your answer to Question 3, why do you say that?**  
 Jim Casey was to summarize the 400 comments and report back to the Committee

Question 7 – Which activities do you engage in on the Cape Elizabeth shore? 71 comments

Categories, numbers and percentage of responses:

Boating related:	6 responses	9%
Nature observation and exploration	18 responses	28%
General recreation:	16 responses	25%

Walking, biking, running, other exercise:	16 responses	25%
Dog-walking:	13 responses	20%

Question 11 - "Please tell us how the Town of Cape Elizabeth can improve public access to the shore and waters?" There were 316 comments

Categories and percentage of responses:

Keep paper streets	13%
Accept paper streets and possibly extend Greenbelt trail using them (Frequent specific mention of Surf Side Ave. and Atlantic Ave.)	13%
Protect private property	4%
More Access	21%
Keep what we have	11%
Better marking of access points and clearly understanding what is public and what is private, possibly with map	11%
Easier boating access for launching and mooring including public Crescent launching at beach ramp	8%
Repair Cliff House steps	3%
More Parking at access points	3%
Other	13%

**7.0 Comprehensive Plan Marine Resources Section Draft:**

*Charge Item Executive Summary: The Harbors Committee met with Town Planner Maureen O’Meara who provided direction on the State requirements for the Marine Resources section of the Comprehensive Plan. Based on this direction and the information that the Committee has developed through their work, the Harbors Committee created the draft version of Comprehensive Plan Marine Resources section for the Comprehensive Plan Committee’s consideration.*

The Harbors Committee met with Town Planner Maureen O’Meara who provided direction on the State requirements for the Comprehensive Plan and the Marine Resources section. She also described the Comprehensive Plan report outline being devised by the Comprehensive Plan Committee so the Harbors Committee could focus on the information that needed to be included in the Marine Resources section. The Harbors Committee then developed the Marine Resources section which is included in the Appendix of this report as Attachment X was created to address this charge item.

**This section will need to be expanded once the Marine Resources Section has been drafted.**

**8.0 Other Related Matters:**



*Charge Item Executive Summary: To date, the Town Council has not requested that the Committee considering any other related matters.*

**9.0 Summary and Conclusions:**

**TBD**

DRAFT

# Attachment A

---

**Tracked changes Word document with  
recommended changes to Chapter 10 –  
COASTAL WATERS and HARBOR ORDINANCE**

DRAFT

# Attachment B

---

## Cape Elizabeth Fishermen's Alliance November 2017 Recommendations for the Town of Cape Elizabeth

DRAFT

# Attachment C

---

## Cape Elizabeth Shoreline Access Survey Results

DRAFT

# Attachment D

---

DRAFT