

TOWN OF CAPE ELIZABETH HARBORS COMMITTEE

Meeting Minutes
February 6, 2018

Present: Chair James Casey (JC), Stephen Culver (SC), Caitlin Jordan (CJ – arrived after meeting had begun) and Katharine Ray (KR)

Absent: Susan Farady (SF),

Staff: Town Engineer Stephen Harding (SH)

Public: Nate Perry (NP – arrived after meeting had begun)

Call to Order: Chair Jim Casey called the meeting to order at 6:15 p.m. with a roll call in which Committee Members JC, SC, and KR were present at that time.

Reports and Correspondence: The Committee had been provided in their meeting packets information which included:

1. Draft January 16, 2017 Meeting Minutes
2. January 21, 2018 email from Jim Morra
3. January 29, 2018 2nd Draft of the Committee Report, tracked changes and clean versions

Citizen Opportunity for Public Comment:

- No members of the public were present at this time to provide comments.

Meeting Minutes: The January 16, 2018 meeting minutes were then approved as written (3 Yes, 0 No, and 2 absent).

Discussion regarding mooring field mapping

- JC began the discussion with a review of the past attempt to map the moorings with Harbormaster Ian Anderson (IA) and Cape Elizabeth Fishermen's Alliance representative NP which had to be postponed due to the extreme cold.
- SH noted that scheduling of this weather dependent trip was problematic if the Town's preferred 7-day notice period was followed. (NOTE: This point was later clarified in the meeting when CJ arrived and stated that the Town's policy is a "reasonable" notice period which could be as short as 48 hours. KR then noted that give the weather restrictions and the likely lack of any public participation, 48 hours would be reasonable).
- JC raised the possibility completing the mooring mapping at a later time when the weather was more conducive to the mapping exercise and issuing a supplemental report that would include the mooring mapping

information. The Committee supported this approach and requested that SH contact Town Manager Matt Sturgis to get his reaction and to determine what steps, if any, need to be taken with the Council to allow the supplemental report to be done.

Review of Public Survey Question 4 Individual Comments

- With the assistance of other Committee members, JC had categorized the 400 individual comments associated with Question 4 of the Public Input Survey. Question 4 asked respondents “Based on your answer to Question 3 (How important is your access to Cape Elizabeth’s shoreline?), Why do you say that?”
- The Committee then reviewed the graphic that JC prepared with the results as shown below.

<u>Category</u>	<u>Percentage of Responses</u>
Reason moved/live in Cape	30 %
Enjoy access to shoreline	22 %
Access for all	14%
Shoreline great asset	12 %
Need to preserve/great asset	7 %
Already enough access	4 %
More/equal access	3 %
Make my living on the water	1 %
Other	7 %

- There was a general discussion regarding the results of this question with the consensus being that although the results were a bit skewed by the public’s opinions regarding the ongoing Surfside Avenue paper street issue that the overwhelming opinion was that the shoreline was essential to residents and the protection of these assets is very important.

Update on status of DMR Licensure request

- JC stated that SF was unable to attend tonight’s meeting, but communicated that she has requested the licensure information from the Maine Department of Marine Resources (DMR), but has yet to receive the data.

Review of the 2nd Draft of the Harbors Committee Report

- The Committee then reviewed the most recent draft version of the Committee Report dated January 29th. CJ entered the meeting during this discussion. The Committee then made a number of corrections to the draft and also noted the following points.
- SC suggested to add discussion in Section 4.3 about the need for a formal easement to allowed uninterrupted use of Boat Cove by commercial fishermen and the Town’s WETeam as background for Recommendation #6 in Section 4.4
- SH had noted that SF had raised the concern that the multiple answer results of Question 7 regarding activities that respondents undertake at the shoreline did not match the category results of the individual responses. The Committee

determined that a Bar Chart would be a more appropriate graphic to use versus a pie chart in this item.

- JC made the overall comment that the public survey indicates that public access is important and that this access will be even more important in the future. The Committee noted that the respondents weren't griping about conditions of the access, but did have suggestions to make improvements.
- JC also that there is a strong sentiment to preserve what access the Town has now. KR stated that the paper street issue was in the public eye during the survey so its presence affected a percentage of the results, however, the overall sentiment came through as to the importance of shoreline access to residences. The Committee also acknowledged that in general a survey on shoreline access would be naturally skewed by residents who find that topic important. Regardless, the number of responses and the nature of the response did reinforce the importance of shoreline access.
- The Committee decided to combine into one category the responses for "keeping" and "accepting" paper streets in the individual responses to Question 11 – "Please tell us how the Town of Cape Elizabeth can improve public access the shore and waters". JC adjusted the pie chart graphic and emailed to SH to insert into the report.
- Under the currently blank Summary and Conclusions section, JC suggested that comments should be made reiterating that the shoreline and harbors are important to Cape Elizabeth and that a recommendation should be added that the Council should not wait another 30 years to revisit this subject. The Committee agreed. KR noted that the Council should not minimize the importance of the shoreline to the people and that the issues associated with the shoreline will change over time. A general discussion ensued with the consensus that the Council should review this issue every 10 years or so.

Review of Comprehensive Plan Marine Resources Section

- SH noted that he had hoped to develop a draft of this section for review at this meeting, but that it wasn't as straightforward an assignment as he had envisioned.
- The Committee discussed this section and suggested that SH speak to Town Planner Maureen O'Meara for guidance. SH should also send to the Committee Maureen's highlighted items from the State's standards for the Marine Resource section which she had previously discussed with the Committee.

Other Items not on the Agenda

- SH discussed research that Sebago Technic's surveyors had done on the Kettle Cove area and showed the Committee a deed sketch which would indicate that the Town right of way may extend to the water such that the current public access ramp may be in the right of way and would not have required an easement from the State. The group reviewed the area parcels from the Tax Assessor mapping on the MapGeo portion of the Town's website.
- SH also shared information from the State of Maine Gary Best who had provided deed information for Kettle Cove and Crescent Beach State Parks. In the Bancroft and Martin deed there is a statement included that "This conveyance is made subject to the rights, if any, which fishermen may have acquired to cross the above-described premises". Given that Sebago Technic's

surveyors had researched the Cumberland County Registry of Deeds and had not found any formal easements for the use of the Kettle Cove Park by the fishermen, the Committee believed that the vagueness of the deed language reinforced the need for the Committee to recommend that the Town receive an easement from the State assuring the right of the fishermen and the Town's WETeam to use that area. The Committee recognized that obtaining such an easement would be a long duration task.

Public Comment:

- NP suggested that in addition to requesting additional information from the Maine DMR that the Committee could also reach out to the Gulf of Maine Research Institute for Cape Elizabeth harbor data. Further, NP suggested that SF may have contacts at GMRI that would facilitate this request. The Committee agreed that this was a good idea and requested that SH contact SF to determine if she could reach out to GMRI.
- NP suggested that the report's Kettle Cove area exhibit also refer to the proposed relocated boat launch as "public access" instead of "recreational access" as is being done in the narrative. NP would like this to be consistent as some commercial fishermen would use this area rather than Boat Cove and he wouldn't want them to be restricted due to a "recreational" use label. The Committee agreed that this was a good suggestion and agreed with NP's logic.

Next Meeting: The next Harbors Committee regular meeting will be held on Tuesday, February 27, 2018 at 6:15 P.M. in the Lower Conference Room at Town Hall.

The meeting was adjourned at 7:39 p.m.

Respectfully Submitted,
Stephen D. Harding, P.E.
Town Engineer