

Conservation Commission Meeting Minutes – Tuesday, April 11, 2006

Attendance: Commission members Mike Pulsifer, Mike Duddy, Carol Haas, John Herrick, David Sterling, Jonah Rosenfield and Dick Bauman; Town Planner Maureen O'Meara. Seth Sprague and John Greene representing the Sprague Corporation also attended.

Preceding the regular meeting, a Wetlands Training Session was held in the Jordan Conference Room. In addition to Commission members, the session was attended by several Town Councilors, the Town Manager and Planner, as well as representatives from the Zoning Board of Appeals, the Planning Board and the Comprehensive Plan Committee. David Rocque, a Soil Scientist working for the State of Maine, was the presenter. He provided a comprehensive overview of wetland soil and vegetation characteristics and answered a number of questions from the attendees. In view of the time required for Mr. Rocque's presentation and the follow-up question and answer period, Maureen's summary of Cape Elizabeth's wetlands regulations was postponed.

Maureen will send Mr. Roque a thank you letter on behalf of the Commission.

1. Chairman Pulsifer called the regular meeting to order at 7:50 pm.
2. Minutes of March's meeting were accepted as written by a unanimous vote.

3. Correspondence:

The correspondence items referred to in the meeting agenda (John Morton's Nordic ski trail proposal and the Great Pond easement draft) were discussed later in the meeting.

4. **STP Projects.** Maureen asked Commission members to suggest trail projects that Cape High School students would be asked to perform to satisfy their Student Transition Project requirements. Seven or eight students are expected to be available for approximately three weeks in early May. The following projects and project 'supervisors' were suggested:

- Winnick Woods: Clear the parking lot area and haul cut down vegetation to the roadside. Mike Duddy will flag the area to be cleared. Mike will also clear the Winnock trail head with STP students hauling the cut down vegetation to the road. John will supervise the work.

All of the following projects involve cutting back encroaching vegetation and removing debris.

- Pine Ridge – Two Lights: John will supervise.

- Great Pond: Dave will supervise
- Whaleback: John will supervise
- Stonegate: Carol will supervise.
- Leighton Farm: Dick will supervise.

5. **Great Pond Easements.** (Discussion of Agenda item 5, the proposed Gull Crest Nordic Trail was postponed to later in the meeting anticipating the possible arrival of a Cape Nordic Boosters Club representative.) The Commission was provided with a draft of the new Great Pond Easement Deed and a copy of the 1983 easement deed currently in force.

Seth and John explained that the primary purpose of the new document is to provide a much more specific description of the property over which the boat access, boat storage and pedestrian easements are created than does the current version. Several Commission members praised the clear manner in which the draft easement deed is presented and commended the Corporation's willingness to work cooperatively with the Town.

Mike Duddy noted that the new document does not include an easement over the 12 foot strip between Fowler Road and the Sprague Corporation's Great Pond property conveyed by the 1983 deed. After some discussion, the Commission asked Seth to consider including that easement in the new deed, which he agreed to do.

A question was also raised concerning the meaning of 'self-propelled' as it is used in the easement deed to describe vehicles and boats. Seth and John agreed that the intention was to exclude only motorized or otherwise mechanically propelled craft, not sail boats, bicycles, etc. The deed's wording will be modified to reflect that intention.

The draft deed also states that boat storage regulations are to be developed by the Sprague Corporation and enforced by the Town. After questions were raised about this provision, Seth volunteered to have the Sprague Corporation draft the initial regulations and provide them to the Conservation Commission for review. After the regulations are finalized, they will be submitted to the Town Council for approval along with the new easement deed. Future changes to the regulations will be drafted in a similar cooperative effort by the Conservation Commission and the Sprague Corporation.

Seth was also asked to include language in the new deed that permits the Town to install relevant signs on the easement property.

Consideration of this topic concluded with a unanimous vote by the Commission asking Maureen to have the Town's consulting engineers prepare a metes and bounds survey of the property described by the new easement deed.

6. **Gull Crest Nordic Trail.** Since our last meeting, John Morton has laid out and flagged a cross country trail route at Gull Crest. Maps of the proposed trail and accompanying letter to Dave Roberts were supplied to Commission members along with tonight's meeting agenda.

The Chairman asked any Commission members who had walked the trail route for their reactions. Carol did walk a section of it and expressed her belief that trail clearing will remove a significant portion of the forest in the area the trail would traverse. Further, in some areas the outbound and inbound sections of trail are so close that only a small strip of trees would remain between the two twelve foot clearings, thereby magnifying the impact. Dick agreed with Carol's assessment.

A general discussion of the trail proposal followed with various Commission members raising serious concerns about the length of the trail in general and particularly how little of the existing trail system would be utilized. The point was also made that for a considerable distance the proposed trail would be routed over areas where ledge is close to the surface and might not allow a vegetation cover to be maintained. The sense of most Commission members was that Gull Crest did not contain enough suitable acreage for the trail as presented and would be appreciably degraded by it if built.

At this point, the Chairman suggested that additional members should walk the trail before giving the proposal further consideration. Members agreed and plan to do the walk on Saturday at 1:30.

The Commission also agreed that Maureen should determine if the Town Manager would extend a formal request to the Commission to state its position on the trail proposal for consideration by the Town Council. The Commission also plans to invite representatives of the Cape Nordic Boosters Club to attend the next Commission meeting.

7. **Upcoming Trail Events.**

- Cross Hill neighborhood trail meeting. – April 29. The letter inviting neighbors to attend an introductory meeting at Bill Goodkoontyz house is ready to send out.
- Outer Loop board walk project – May 6. Commission members discussed problems that could occur if we attempt to create a boardwalk by attaching decking lumber at right angles to the telephone poles, which have been laid down parallel to the trail. Several alternatives were suggested, one being to lay down landscape fabric between the poles and put wood chips

or stone on top. This idea came from an observation made by David Roque at the wetlands training session. A final determination will be made at the site on May 6.

- Trails Day – June 3. The owners of Grandioats Granola will again be a sponsor at this event.
- A Commission member met with Eagle Scout candidate Randall Hobbs to discuss his bridge project at Winnick Woods and suggested that Randall bring his plans to the Commission at the May meeting.

8. Planning Board meeting. Maureen informed the Commission that the Planning Board will be considering an application for a three lot subdivision on Deer Run Road. The site plan shows two of the proposed lots are partially within the limits of a 250' wetlands buffer zone. Although no construction would be allowed within the buffer zone, the Commission is aware that when subdivision of wetland buffers has occurred, destruction of natural vegetation and consequent degrading of buffering protection is the usual result. The Commission, therefore, agreed unanimously to recommend that the Planning Board require the applicant to redraw encroaching subdivision lot boundaries to avoid the wetlands buffer entirely.

9. The meeting was adjourned at 10:15. Next meeting is Tuesday, May 9.