

Conservation Commission Minutes

April 9, 2013

Present: Garvan Donegan, Richard Bauman, Zach Matzkin, John Planinsek, Mitch Wacksman, Marti Blair, Town Planner Maureen O'Meara, Town Councilor Jamie Wagner

Guests: Citizens as noted below

Meeting called to order at 7:03 p.m.

1. Procedural discussion re public comments. It was proposed that public participation tonight be limited to the standard public comment period. We are planning to have a public forum for comments. It does not make sense to have a public forum as part of our meetings. It was suggested that we develop our proposal for public participation early on.
2. Minutes of March 12, 2013 were reviewed and unanimously approved.
3. Nick Bozek, an Eagle Scout candidate, spoke about developing a proposed Eagle Scout project. He would like an outdoor project and would need to have a volunteer crew. There's no set number of hours but it is very labor intensive. He expects to do the planning in two months, and then would do the project over the summer. He would also need to raise funds. Trail signage and maps was suggested as a possible project, including design and installation. The larger trails have many intersections, and it's easy to get lost. The scout may be able to coordinate with the different groups. He could produce the maps working with the Town Planner. Another possibility is the connecting trails from Winnick Woods to Eastman.
4. Develop public participation plan for 2013 Greenbelt Plan. The Planner described the public comment process used for the review of the last Greenbelt Plan. In addition to public notices, we send letters to nearby landowners. It was agreed that we will have two public forums, by geographic sections of Cape Elizabeth (north and south).

Thursday, May 30 and Thursday, June 6 were suggested as dates for public forums. We would use the public forum to present information about the Greenbelt plan and the proposed trails.

5. Public comments.

Jeff Alexander, Reef Road. He does not see the merit in spending resources to build a trail in front of six houses when we already have a great Greenbelt.

John Greene, Cape Farm Alliance. He would prefer not to have trails portrayed on a map town-wide.

Penny Jordan, 21 Wells Road. She recognizes that farm space is often viewed as open space, but farms are a business. They have to adhere to guidelines ensuring food safety, and people and animals crossing the fields compromises their standards. She would like to have owners of property that is portrayed on the map sign a waiver.

Bethany Angle, 3 Young Lane. Farmers and livestock are put at risk if a map is published that shows proposed trails, and people use those trails.

Sarah McCall, 4 Avon Road. She sent an email. She is for the Greenbelt pathway on Surf Side Road in Shore Acres.

Bob Tripler, Trundy Road. Part of the argument against extending a path on the paper street in Shore Acres is because of the private property. He suggests landowners installing a fence on their property.

Tilly Kelly, 96 Breakwater Farm Road. She was surprised to have her driveway on the map of potential trails. They unfortunately had to put gates at the end of the farm road to prevent people from going down there.

Barbara Freeman, 22 Pilot Point Road. She sent an email in support of the path at Shore Acres. She reviewed the narrative of the Greenbelt plan and endorsed the 5 goals.

Jodie Jordan, Old Ocean House Road. He endorses the comments of John Greene and Penny Jordan re trails on farmland.

Stewart Wooden, 33 Pilot Point Road. He has written an email. He assumes the trail at Shore Acres would be expensive, including a survey and on-going maintenance and barriers. The six houses along Surf Side Road have not had to deal with the public.

Hilda Khalidi , 19 Pilot Point Road. She has children and small, young grandchildren. It is a very dangerous location with a precipitous dropoff.

Imad Khalidi, 19 Pilot Point Road. In his country of origin, his land could be taken from him. He came to this country with nothing, and now owns property on Surf Side Road, for which he pays sizeable taxes. If his neighbors want to cross his land, he allows that. He is concerned that outsiders would not be safe on the trail.

Carmen Rinaldi, 4 Atlantic Place. There are a lot of people who are in favor of the path, and a lot of people who are opposed to the path in Shore Acres. Reading from the goals of the Greenbelt, he encourages an environmental assessment of the trail, because there is already erosion there.

David Leopold, 41 Cross Hill Road, new owner of home at 25 Pilot Point Road. He submitted a letter in opposition to the path. He feels clarity is needed regarding safety parameters for the Greenbelt, and it would be helpful to incorporate those into the Plan goals. The second issue is impact on landowners and abutting landowners, and understanding how the Greenbelt Plan aligns with that. The third piece is that the prior vision of the Greenbelt was to have a hub-and-spoke system, which is not included in the proposed plan.

Kara Leopold, new purchaser of 25 Pilot Point Road. As cross country coach, she uses the Greenbelt trails extensively. Under the current policy goals it states that the paths are supposed to be rustic and provide access to open space, she does not feel the trail in Shore Acres satisfies

those goals. She wonders if the public at large can comment on the new goals of the Greenbelt Plan. The path along Surf Side Road would go too close to her swimming pool.

Debra Murphy, 24 Pilot Point Road. When she moved into Shore Acres, the shorefront neighbors on Pilot Point Road welcomed them to use the paper street. She was able to walk by the swimming pool at 25 Pilot Point safely and, as a below the knee amputee, has walked safely on the Surf Side path.

Jay Chatmas, 5 Wabun Road. The last Greenbelt Plan forum was held in March 2001. He attended that meeting and wrote an email on March 22, 2001. The Surf Side trail was discussed at that forum, with many speakers. Parking and safety were considered. He asked what has substantially changed since 2001 to bring this trail back for consideration.

Aaron Anker, 5 Algonquin Street. He feels the Shore Acres community has been “shattered” by this, and has always been told that he has deeded access to the Surf Side paper street. He does not understand what his rights are and how they will be affected by this path. Apparently a permit was granted by the town to allow a landowner to build on the paper street.

It was noted by a Commissioner that through this process we are not building a path, we are deciding whether to include this in the plan.

Maynard Murphy, 24 Pilot Point Road. He sent an email. He feels the Surf Side path would be a wonderful addition to the Greenbelt system. He does not find it hazardous and does not interfere with the swimming pools.

Brian Livingston, 25 Pilot Point Road. He sent an email. The proposed path was not discussed by the Shore Acres Improvement Association. The Association has not taken a position on the path. Membership in the Association is about 50% of the neighbors. There is a second association, the Ocean View Association. He thinks there has been some frustration among the neighbors over the new building that is happening along the waterfront. Shore Acres is special because it is a private neighborhood. Some people are happy with the status quo, and others want an additional trail. The town may be intervening in something that will further divide the neighborhood.

Chris Kleeman, 3 Katahdin Road. He walks the neighborhood, and does not see what an additional trail would add.

David Roberts, 25 Trundy Road. There is a history of people wanting the path, because they have deeded rights.

Bill Jordan, Wells Road. There are neighbors who walk along the farm fields. As the equipment operator, he has problems with encouraging people to walk on the farm through publication of a map.

6. Planning Board Review. The Conservation Commission is requested to comment on the Cape Elizabeth Land Trust’s application for a Resource Protection Permit to construct trails in Robinson Woods II. We are reviewing the portions of the trail that are in RP1, RP2, and RP buffer. They will be removing shrubs to create a four foot wide path, with no mulch. They are

proposing a boardwalk similar to what is at Great Pond, and also bog bridging. The Planning Board is considering this for public hearing on April 22.

It was asked whether the current crossing between the two ponds will be left in place. There are trail building standards that can be followed to ensure safety and prevention of erosion. We could make recommendations to the Planning Board regarding trail specifications. Chris Franklin made a presentation to the Planning Board regarding the proposed trail, and the effort they are making to avoid wetlands.

It was asked whether the Planning Board would be able to prohibit bike riding on those trails. The area gets a lot of bike traffic, and a problem is that the trails are not hardened or located to prevent damage to the trails by bikes. Recognizing that this is RP land, it is important to make sure the trails are not damaging to the wetlands.

Motion: To provide the following comments to the Planning Board:

- (1) Conservation Commission supports the permit
- (2) CELT should use best practices to attempt to harden the trail and mitigate problems with wetness and erosion
- (3) The proposed bridging is acceptable
- (4) The Conservation Commission is available to assist with trail design, installation, and maintenance

Approved unanimously.

7. Cliff Avenue Connector. NEMBA will construct a 10 foot boardwalk along the fence by the condominium association.

8. Winnick Woods Shrublands Management. The area looks good.

9. Seasonal trail closings. The management plan talks about closing trails to bikes in spring. Bradbury Mountain makes a decision on closing to bikes and horses depending on conditions, they have signs that flip up and down for open and closed. We could suggest to the Land Trust that we work together to decide when trails should be closed. It would be good to have an inventory of trouble spots. We will have an agenda item on a future meeting to set a policy. We will try to come up with a map of potential areas for closing.

10. Miscellaneous projects.

Motion: To spend up to \$750 to build a boardwalk on the connector between Stonegate and Robinson Woods.

Approved unanimously.

11. The Planner reviewed the Town Council's desire to have a very transparent process. All correspondence, including emails, comes under the Right to Know Law. The email addresses of Commissioners are not included on the website, emails go through the Planner and are forwarded to the Commission. If a Commissioner has a conflict on a certain topic, generally financial, they should not be part of the conversation and decision. Any time there are 3 Commissioners present, it triggers Right to Know. Policy discussions should not be made by email.

12. It was suggested that we prepare a power point presentation for the public forums. It was also suggested that we invite the Cape Farm Alliance to attend our May 14th meeting to discuss collaboration on the Greenbelt Plan.

13. There was discussion of how best to represent trails and connections on a map that shows the Commission's interest in extensions and connections without specifying the route and without publishing a map that implies trails exist where they do not.

14. Next meeting: April 23, 2013 at 7:00. In order to complete necessary work on the Greenbelt Plan, the Conservation Commission will adhere to the Town Council policy of allowing 15 minutes of public comment at the next meeting.

Meeting adjourned at 10:18 p.m.