

Revised Conservation Commission Minutes

May 14, 2013

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

Guests: Noted below.

Meeting called to order at 6:00 p.m

1. Greenbelt Plan discussion with FOSP open space agricultural priority

The Commission appreciates that farms are places of business.

Penny Jordan of Jordan Farm would like to have a conversation with the Commission.

John Greene was a member of the Future Open Space Planning Committee. He quoted from his comments on that committee. They attempted to create a parcels list, but ultimately decided that it would be preferable to not have a list. He also quoted from the Program section of FOSP regarding the process of identifying potential trail links. He suggested that any discussion of any property that is held in private ownership should be taken up with the private landowner(s) first. The Comprehensive Plan recommends maintaining dialogue with private landowners.

Frank Strout is a member of the Farm Alliance and the Land Trust. He is concerned that when the potential map was published on the website, landowners called the Land Trust to ask them about the trails being suggested. It is important to distinguish who is doing what between the Commission and the Land Trust. Mr. Strout would like it clarified that he is speaking for himself and for the Cape Farm Alliance and not speaking on behalf of the Cape Elizabeth Land Trust.

Frank Miles asked about the process involved in making a map available to the public. It was disconcerting to see trails across private property on a draft map. He sees the importance of a map for internal use, which can then be used to institute discussions with landowners.

The Commission stressed that it is an entity of the town and must make all its proceedings public.

Penny Jordan expressed a feeling that the town is over-stepping. She would like to be notified when a trail across her land is being considered.

John Greene stated that Sprague Corp does not want a trail on its property shown on a map. He does not want to see a Greenbelt Plan with a trail on private Sprague Corp land. It might be possible to reference such a trail in words in vague terms, with the map kept for internal purposes. In general, it could say we would like to link this part of A with this part of B, for example.

The Commission stressed that it has no power to put a trail on private property without the landowner's consent.

Penny Jordan stated that the more casual access that is allowed to the property, the more expansive it gets. People don't always stay on trails, so once it is opened up, there is some risk there. They need to try to find the ways to mitigate risk that could impact their livelihood. If people go off the trails they go around the road and into the fields.

There is a Greenbelt trail across private property going to Gull Crest trail.

Frank Miles suggested that when a trail goes across farmland, it could be fenced off and signs installed.

The Planner stated that the Commission has offered the option of fences along trails.

Bill Bamford of Maxwell's Farm stressed that having people crossing their farm fields can mean a stream of traffic that will not yield to the farmers' business. People come onto their land from out of the woods and refuse to understand that they are on private property, because people tend to see any large open space as public.

The Commission was given some management responsibilities through Ordinance revisions as recommended by FOSP.

The Town trails are on public property. The Commission works with landowners near trails to survey property lines, install buffers, put up barriers. Perhaps collaborating with the town to create public trails can mitigate trespass.

John Greene mentioned that the Sprague Corporation is probably one of the largest farmers in town. They farm themselves and lease land to farmers. Trash can be another big issue on trails. They cooperate with the town on many projects, including trails.

Trails 8A and 8B were discussed. These are an attempt to provide a connection from Spurwink Road in to Winnick Woods. Penny Jordan said her family would not be willing to permit a trail on their property. She recommended considering that trails should be located as far away from the commerce areas of the important elements of working farms, which are: soil/fields; buildings; water; access roads.

The Planner stated that the Greenbelt potential trails map is not utilized for grant applications without landowner permission. The only published map outside of the Plan is the actual Greenbelt trails map. The Draft potential trails map is labeled as a draft in several places.

Frank Miles expressed concern that the public forum not become a landowners' rights issue.

Bill Bamford asked that the Commission continue to stress respect for private property. The Planner will be sure to do so at the beginning of the public forums.

The Planner offered to make No Trespassing signs for landowners upon request.

Meeting adjourned at 7:07 p.m.