

Conservation Commission Minutes  
July 9, 2013

Present: Garvan Donegan, Zach Matzkin, Richard Bauman, Jim Tasse, Marti Blair, Town Manager Mike McGovern, Town Planner Maureen O'Meara

Guests: Noted below

Meeting called to order at 7:10 p.m.

1. Public Comments, limited to 15 minutes total.

Connie Pacillo, 3 Reef Road and 1 Reef Road. She has a deeded right-of-way to walk Trail #26 whenever she chooses. She believes it is our duty to preserve open space whenever we can. She has streets on both sides of her and does not feel endangered. They have been collecting signatures and it is important to note that some people have changed their position, plus some people have left comments. She read a letter from Paul McKenney who had a paper street through his lot, and feels that people on Surf Side do not pay taxes on their paper street. The public rights are important.

Betsy French, 14 Pilot Point Road. She has collected 129 signatures in support of Trail #26 through a door-to-door campaign. People are in support of building good will in the community.

George Foley, 9 Pilot Point Road. He questioned where the outcome of Trail #26 would be on Pilot Point Road. He is in support of Trail #26. The Town Planner answered that this has not been decided, it would need to be worked out. The current maps show only conceptual locations.

Penny Jordan, Jordan Farms, Wells Road. She requested that any trails, even conceptual, that cross her land, be removed from any maps, even conceptual.

Kim Kripps, 10 Pilot Point Road. She feels the Greenbelt shows forethought and planning, and we should look at generations down the road. Surf Side being ocean front offers a rare opportunity in Cape Elizabeth.

Sara Lennon, Cranbrook. She urges that the trails be voted on individually now, rather than as a conceptual block. Be clear, be specific, vote on each one. Secondly, she urges, don't over-reach, which could lead to a backlash. Thirdly, spend the town's tax dollars wisely and don't get too involved with properties that will be very costly to work with.

Nyssa Kourakos, 15 Two Lights Terrace. She would like to have a sense of timing regarding when these issues will be addressed.

Martha Scott, 211 Two Lights Road. She has lived for 16 years two doors up from the Lobster Shack, which brings a plethora of people to her neighborhood and it has been enjoyable for the most part. The end of Two Lights Road is extraordinarily dangerous, many neighbors walk

down there, while customers of the Lobster Shack drive down that road at a very fast speed. Two years ago a child was hit at the Dyer intersection. She does not support a trail starting at the end of that road, if it is going to bring more traffic down there. On July 4th, cars were lined up and she had difficulty getting out of her driveway. If there is another place to initiate that trail, it would be safer.

Kelly McDonald, Light House Point Road. She lives in a small, compact neighborhood, with one road being a private lane. She would like to see a volume study of the numbers of people who would be brought in by a trail, and would also like to have a study of crime done.

Steve Misterovich, 10 Beacon Lane. The road in front of his house is narrow, people park on his lawn to go to the light house. He is opposed to a trail in the Two Lights area.

2. Minutes of the May 14, 2013 Conservation Commission meeting, the May 30, 2013 Public Forum, and the June 11, 2013 Public Forum were reviewed and approved.

3. Correspondence.

(a) Correspondence regarding Surf Side Road: Mr. Stier (Letter of June 4, 2013) is representing at least one of the property owners on the water side of Surf Side Road. His letter questions our policy regarding town rights in paper streets. Tom Leahy's Letter of July 3, 2013 responds to this. The Town Planner stated that the issue appears to be dependent on the circumstances of each paper street. NCS, Northeast Civil Solutions, was requested by one of the property owners to study the Surf Side Avenue area, their report is contained in Letter of July 2, 2013.

(b) An early report on the maintenance program for 2013 by Public Works was received, a chart was requested.

(c) June 12 letter from Mike McGovern, Town Manager. Mr. McGovern addressed the Commission and stated that the Conservation Commission has followed four core values over 42 years (since 1971), which must be looked at both individually and collectively. They are:

- Planning for the public good
- Transparency
- Cooperation with Property Owners
- Opportunistic Acquisitions

The current Greenbelt Planning process is an example of planning for the public good, looking at what is best for the entire community.

Transparency is a bedrock of how Cape Elizabeth town government works.

Cooperation with property owners means that the town has never acquired a parcel for the Greenbelt without the consent of the property owners. As the Commission is doing its plan, it needs to weigh the public good versus the private property issues, if the property is not likely to become available in "x" number of years.

He recommends weighing the core values, with full transparency, in making recommendations.

(d) A Master Plan was prepared for Trout Brook. Now there is grant money available and there is a proposed project in Cape Elizabeth. The Town Planner met with the two property owners today and they were in agreement, so a Letter of Intent will be prepared.

(e) June 18 letter received from Riverside Trustees. The Trustees are willing to meet with the Commission in response to a request for consideration of re-routing the Spurwink Trail.

4. Public comments on the Greenbelt Plan were received both through Public Forums and correspondence. The Commission discussed the points raised by the public through this process.

Expansion. The Commissioners spoke in favor of this goal for the future, with mention of balancing potential future development.

Connectivity. There was support of the connectivity concept but also concern about the importance of very short trails that might be termed, "dirt sidewalks." Reasonable access was supported. The current wording of the Greenbelt draft plan discusses connections to destination open spaces and important town spaces.

Neighborhood Equity. Public comments have suggested that there are neighborhoods that should not have Greenbelt trails. The question of legal right to public access was expressed. Time frame considerations were also raised.

Public access. There are many trails, which we call "casual trails," which are commonly used but to which there are no public rights. The question is what should be the Greenbelt's Plan's position vis a vis these trails. It was mentioned that where it is feasible, where the private landowner is willing, it would be great to have protection for those trails. The Commission can take a role in trying to preserve informal trails. Whether any trail should be listed on the Plan would be determined according to the same criteria as any other potential trail.

Mapping. The Planner advised that every Greenbelt Plan to date has included a potential, conceptual trails map. It was suggested that there might be a sunset clause on the inclusion of a trail. Reference was made to the Town Manager's comment regarding the 40 year time span that elapsed before a trail was fully completed. There was discussion of the purpose of a map, and how abstractly it can be done, and whether we can express our interest in a trail in a certain area in general terms. There was also discussion of how to describe our interest in a trail that goes through one single property owner's land. A Commissioner stated that good comprehensive planning includes mapping.

Paper Streets. Disagreement was noticed between the attorneys' positions regarding the town's rights in paper streets. We have found paper streets to be a useful way to preserve public access. The paper streets may need to be reviewed on a case-by-case basis. Utilizing the paper street should be considered in the context of cost and other impact.

The Town Planner advised that paper streets are advantageous in terms of reducing cost for trails.

#### 5. Greenbelt Plan Narrative.

Revisions since the last draft include information on accomplishments and how they were achieved since the prior Greenbelt Plan. Three trails – Great Pond, Two Lights, Robinson Woods II - were included as case studies to illustrate what has been done and the process that occurred. A section was added on how implementation happens. There was discussion of placement of the case studies in the document, perhaps they should be positioned with implementation, or as appendices.

The Executive Summary will be prepared later. There was a suggestion that the summary contain the key pieces of the plan.

The Plan has been edited to recognize the Commission's expanded responsibilities regarding open space.

Page 5, line 7: Replace "pedestrian" with "multi-use" access trails.

6. Planning Board Review. The Planning Board is going to include a review of the definition of high water line. The current definition is based on a historical case, this would be replaced by the State of Maine's shoreland zoning definition.

7. Monthly trail walk. Wednesday, July 31 at 5:30, meeting place to be determined.

8. Eastman Meadows. Two Commissioners and the Planner met the developer on the property. He requested that the trail be located as close to the edge as possible. The trail is inside the woods line, twenty feet on average. It will be good to have the trail in there prior to people moving in to the units. There will be access to Winnick Woods, and there will be an opportunity for a new loop in Winnick Woods. GPS of the trail was requested.

9. Dyer Woods. Some refuse pulled out of Dyer Woods is on Woodland Road near the Greenbelt sign for Public Works to pick up. There is a post missing at the end of Cliff Ave.

10. Sea View Beach. The beach is heavily used by dogs. It might be helpful to put a dispenser for plastic bags for dog refuse at that beach. The Town Manager advised that the neighborhood has adopted that beach as its responsibility, and they would need to be consulted in advance.

Meeting adjourned at 9:27 p.m.

Next meeting: August 13, 2013, 7:00 p.m.

