

Conservation Commission Minutes  
September 10, 2013

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

Guests: Noted below

Meeting called to order at 7:05 p.m.

1. Public Comments, limited to 15 minutes total.

Stuart Wooden spoke against Trail #23. The trail is not connected, and the owners of the property at Trail #19 are not in agreement with that trail. Neighbors have waterfront access in the area. Legal ownership is an issue.

John Greene, Cape Farm Alliance and Sprague property. There are still two proposed trails on farm properties and the Farm Alliance is opposed to trails on farmland.

Frank Strout, Cape Farm Alliance. The map on the website shows trails on Jodie Jordan's farm property and also on Kelly Strout's farm.

Connie Pacillo, 3 Reef Road. She has been active in collecting signatures of people who are in favor of Trail #23.

Betsy French, 14 Pilot Point Road. This is a rare opportunity to preserve extremely beautiful property to the Greenbelt.

Sarah McColl, Avon Road. It is confusing that her deeded rights to the Surfside Road are supposedly disappearing.

Andrea Adams, 25 Algonquin Road. There are 34 children who live in the area, and Waumbek Road is not considered a town road, it is small and private, with a blind hill. Cars coming in could pose a problem for the children.

Sara Lennon. She stated that controversial trails were voted off the Plan and Trail #23 was left on; she questioned whether there is any plan for a re-consideration.

Marshall Goldman, 27 Pilot Point Road. He sees controversy, limited budget, and legal problems.

Deb Murphy, 24 Pilot Point Road. Surfside Avenue was not vacated in the past, for the reason that there was potential public use. In 2001 it appeared as a possible, potential trail. The intent of the founders of Shore Acres was for open use, not restricted.

Imad Khalidi, 19 Pilot Point Road. He is amazed that this issue is creating animosity between neighbors, and it is time that neighbors talk with each other. Perhaps the neighborhood can sit down and talk together about this.

Sheila Mayberry, 30 Reef Road. She thanked the Commission for its work on the Greenbelt Plan. The town continues to have incipient right to Surfside Ave.

2. The minutes of August 13, 2013 were reviewed and unanimously approved.
3. Review of Greenbelt Plan draft 9-10-2013 - Trails.

Motion: To not reconsider any trails for inclusion in the 2013 Greenbelt Plan.  
Passed, 5-2

4. Potential Eagle Scout project, Nick Piscopo. There was discussion of potential 120 hours of trail work in the Stonegate/Loveitt trail system. The Scout needs a project by December, which needs to benefit the community. The Commission has \$8000 remaining in its budget, which runs July to June. Another possible project is the Outer Loop at Gullcrest, but that is rather small.

Motion: To authorize the Eagle Scout to conduct a project in the Stonegate/Loveitt trail system, at a cost not to exceed \$4000.  
Passed unanimously

That area gets a lot of use by bikers, so it would be good to design a trail that would be of interest to those users, and built to appropriate specifications.

The Eagle Scout was asked to put together a detailed proposal, and bring it back to the Commission.

Site walk scheduled for Tuesday, September 24 at 5:30. Meet at Fort Williams, the middle gate by the pond.

5. Review of Greenbelt Plan draft 9-10-2013 – Priority setting.

Commissioner 1: #5, #1, #2, #3, #4

Commissioner 2: #5, #2, #3, #4, #18

Commissioner 3: #1, #19, #6, #7, #10

Commissioner 4: #1, #2, #3, #4, #5

Commissioner 5: #3, #19, #13, #14, #10

Commissioner 6 spoke against the inclusion of top 5 trail priorities in the Greenbelt Plan

Commissioner 7: #1, #5, #6, #8, #17

The Planner discussed the approach of the prior Conservation Commission in setting priorities in the 2001 Plan as a way of sorting through the large number of projects. There was still the opportunity to consider other possibilities.

An option would be to include the priorities in a cover memo to the Council, rather than in the Plan itself.

It was stated that if the Council approves the Plan, the Commission will need to decide what projects to undertake. The Commission will continue to be opportunistic as well.

Priorities will help with where we put our resources. Prioritizing trails 1-5 would create a loop and benefit underserved neighborhoods, and make connections.

Motion: To include priorities as a non-binding memo to the Council, reiterating that they are all priorities.

Passed, 5-2

The Planner will prepare a memo for review and comment by the Commission, without discussion, and signature by the Chair.

Motion: To set the following priorities, by memo - #1, #2, #3, #5, #6, #10

Passed, 6-1

6. Correspondence: Letter received from Scammons re Greenbelt.

7. Review of Greenbelt Plan draft 9-10-2013 – Narrative.

Page 4: Strike “What is a Greenbelt?” and merge first and second paragraphs. Move the first sentence of the second paragraph to the second sentence of the first paragraph. Add Appendix A citation. Para. 4 add appendix citations. Delete reference to priorities. First para, capitalize Greenbelt Plan.

Page 7: Para. 1, change “is” to “was.”

Page 11: Last paragraph - Alternative vision statements were presented by a Commissioner.

First alternative: Our vision is one in which the town of Cape Elizabeth preserves open space, maintains the town’s rural character, preserves wildlife habitat, and creates opportunities for residents to enjoy a town-wide Greenbelt trail system which connects open space. This Plan is a guide to the realization of that vision.

Second alternative: By implementing the recommendations and guidelines of this Greenbelt Plan, Cape Elizabeth will preserve ...

Motion: To adopt the first alternative Vision statement.

Passed unanimously.

Page 12: Para. 4, Replace “Greenbelt focus” with “Additions or improvements to Greenbelt open space and trails will be guided by the following criteria.”

Page 12: Combine and condense the first two paragraphs. After “rustic paths” add “and their associated structures that traverse properties where the town has public rights.” Delete “through the woods ... legal public access rights.”

Page 14: Last line, Move “NEMBA” up to paragraph #10 and parenthesis deleted in later references. Add “the” to Bicycle Coalition of Maine.

Page 15: Para. 2 change to “Within the limits dictated by terrain, town resources, volunteer capacity, and the goal of preserving the natural character of the trails.”

Page 16: Para. 4 change to “sensitive alignment of a trail.”

Page 18: Trail 2 should include extension to Ferne Peddy.

A photo of the public participation at a meeting will be included.

Motion: To recommend the 2013 Greenbelt Plan to the Town Council.  
Passed unanimously.

8. Trout Brook remediation grant. The current project focus is the properties owned by the Equestrian Center and the Church of the Latter Day Saints. A submission was made to the 319 grant, with matching funds by the South Portland and Cape Elizabeth (\$2000) Conservation Commissions. One effort would be to redirect rain water from the 17,000 square foot roof of the church onto their landscaping rather than into the brook.

The Equestrian Center would collect water from the roof that currently runs through their manure pile and re-directing it, perhaps as part of the farm. A shed would be constructed for the manure, but it is currently being dropped on a ledge, so a pad and shed would be placed on the ledge. Behind their property, in the drop-off to Trout Brook, there would be two gravel wetlands created which would collect water rather than have it going into the brook. The Equestrian Center would provide \$10,000 in cash plus in-kind services.

Another source of funding is a Community Fee Utilization Program that would be paid into by the developer of Eastman Meadows.

The grant amount will be in the neighborhood of \$75,000. The Natural Resource Conservation Service will donate engineering design services. The Planner is donating in-kind services, and the Conservation Commission as well.

It was pointed out that the manure shed may need to be lined, because they do leak out. It was asked whether anyone is in violation of discharge regulations.

South Portland’s Phase 1 remediation project looks at restoring the stream buffer along the State Ave. properties.

9. Meeting with Riverside Cemetery trustees. The trustees were not in favor of a trail connection along cemetery roads, because of dogs.

10. Winnick Woods trail. A new trail is proposed that would be an outer loop trail along the eastern edge of the property, connect to the new Eastman trail, and connect to other portions of the Winnick Woods trails. NEMBA could build the trail on October 19. Dick Davis could show his property boundary. The Planner will notify the Land Trust.

Motion: To authorize construction of a new outer loop trail in Winnick Woods, connecting to Eastman Meadows, built to sustainable single-track standards, contingent on verifying property lines.

Passed unanimously.

The developer will be contacted for permission for parking and to create a trailhead. Note that bikes cannot be used on the Eastman Meadows trails, only in Winnick Woods.

11. Dyer Woods trail. Fill material was requested to be used to cover exposed roots. Two yards of gravel will be requested to be dropped by Public Works on Woodland Road. A couple of minor re-routes will be made to prevent damage.

Motion: To authorize trail work at Dyer Woods to protect tree roots and make minor trail improvements.

Passed unanimously.

12. Share the Trail signs. The Planner shared a mock-up of the signs. It was suggested that the inside of the triangle be yellow. The Planner will make a dozen copies and give them to Kelly Strout.

13. Public Works seasonal employee projects. The Planner will authorize the implementation of priority projects, for example the muddy spot on the Gull Crest outer loop.

14. Village Crossing "Vinnie Trail." Village Crossing is proposing building a low-impact trail in honor of one of their former residents.

15. Planning Board Review. The Board is working on a revision to the high water line. On October 1 at 7:00 Peter Slovinsky will be making a presentation on climate change, sea level rise, and planning considerations.

Old Hayfield Lane, in Shore Acres, north of Reef Road. One of the paper streets is called Elizabeth Road, and one of the abutters wants to secure rights to the paper street.

16. Council consideration of Greenbelt Plan. The Plan will probably go on the Council's October 7 agenda, when it will be transmitted by the Commission Chair.

17. Question from Jay Chatmas, 5 Wabun Road. He has served on town boards, which have reviewed correspondence. He questioned how the Commission can recommend trails for which

the property owners have expressed objections. The response was that this is a ten year plan at least.

Meeting adjourned at 9:48 p.m.

Next meeting: October 8, 2013