

Conservation Committee Public Forum
Cliff House Beach Steps
January 10, 2018

Present: Jim Tasse, Marti Blair, Mark Fleming, Jeremy Gabrielson, Zach Matzkin, Mitch Wacksman

Maureen O'Meara (staff)
Nick and Jeff from Great Northern Docks (GND)

Meeting called to order at 7:00 p.m.

Chair Tasse opened the public forum, which will last up to 1 hour, with the focus on the Cliff House Beach stairs. He made a presentation on alternatives to address the failing stairs at Cliff House Beach. Great Northern Docks (GND) has set up stairs in the room to demonstrate the replacement option. They explained the features of the stairs, including a 30% slope, fabrication of marine grade aluminum, powder coated and ability to replace modules if damaged.

The Conservation Committee is looking at the stairs as a possible public safety hazard on town open space. Mr. Tasse opened the meeting to public comment.

Sigrid Olson, 12 Ocean View Rd - The existing stairs are steeper than the 30% proposed. Where would the proposed stairs land on the beach? Nick explained that they had been onsite. GND would install over the existing stairs. The installation contractor would need to remove some of the concrete at the landing. The stairs below the landing are at a 40 degree angle. We are not taking the stairs out, but chipping at the surface to accommodate the 30 degree angle.

Erik Peterson, 37 Cottage Farms Rd- He asked why the landing was removed? A break in the long run would be a safety benefit. He also wants a railing on both sides. The current stairs have a railing on one side.

Nick said this type of stair allows for adjustability. Our proposal is for a consecutive run, but if you want to add in a landing we can do that.

Mr. Peterson asked for a show of hands for support for a landing. Most people want a landing.

Ms. O'Meara explained that decisions on design is one reason we are having this meeting. The top part of the stairs has a 30% slope, then the landing, then the bottom stairs are at a 40% slope. If a landing is included and the lower section is changed to a 30% slope, then the stairs will land further into the beach and be

more vulnerable to storm damage. Nick noted that during Moon tides, the bottom few steps could be in the water and the rock barrier won't be doing its job to protect the steps from debris.

Peter Rich, 19 Cottage Farms Rd - He asked about code compliance with a 40% pitch? Nick responded that it isn't against code, but there is a certain level of cognition when you are climbing stairs so when you change the pitch, there is more likelihood that someone will fall.

John Craford, 97 Stonybrook Rd - He wants a landing. What about folks with vertigo? The stairs will be harder to use. GND said that they can construct a landing.

Erik Peterson - He wants an answer to the second part of his question about two railings. The open side is a liability issue. Nick said railings can be put on both sides. There will be about 41" width between the railings.

Mr. Peterson asked attendees if they prefer two railings and most raised their hand.

Jess Davis Knowlton, 801 Shore Rd - She doesn't support the landing, because studies show that interruptions in the slope increase falls. A continuous slope may be safer. She asked if using the existing concrete as a base will be safe? Nick agreed with her point about the safety of a continuous run and noted the stair treads are actually 1' wide by 3', so each step is almost a mini-landing. The width of the existing stair tread is 8" to 10", which is not really a break. The concrete for the current railing is not in good shape. There is a lot of concrete in the existing stairs, however, which is solid. The stairs should be a great anchor (as observed on the site). The stairs would be anchored using standard anchor bolts.

Tony Owens, 19 Sea View Rd - He reserves his opportunity to speak about the use issue. The last hurricane undermined the bottom of the stair base. If we take the concrete out to change the pitch, will that undermine the stairs? Nick responded that the concrete will only be removed at the surface. The stairs will land in the same place. Mr. Owens asked what if the bottom eroded as happened in the storm. Nick said that if a Moon Tide covered the stairs, posts can be driven into the ground. The concrete used as an anchor does not have to reach the bottom to function.

Dan Chase, 26 Stonybrook Rd - He asked if we have talked with Code Enforcement? Ms. O'Meara said that when we met with GND onsite, we were criticized for not soliciting public comment first. We have the repair and replace estimates, and we met GND on site to firm up that proposal. If we narrow the

project to replace in the same location, it should be must simpler for permitting purposes. The 30% slope is consistent with codes, but if we keep the landing and make the lower step section 30% as well, the steps will extend further into the beach and be more vulnerable to storm surge. If we keep the landing and also keep the 40% slope for the lower steps, that could be less safe than having a landing. We are asking for input and will still need to check with codes. Thank you all for coming (estimate 60 attendees).

Mr. Chase pointed out that the building code has rise and run requirements. Ms. O'Meara agreed, but noted that the code sometimes has some forgiveness when replacing existing. We still need to check with code requirements.

Peter Rich - Does the \$20,000 estimate include the stairs shown. Yes. Staff noted that the cost for stone work at the bottom is less firm, but currently also includes some stone base work. There are 2 large boulders serving as a landing for the steps at the bottom, cemented in place, and one of them has broken loose and needs to be repaired. Potentially, additional boulders would be placed to create a semi-circle barrier with to protect the base of the steps. The \$20,000 includes the steps and a \$4,000 allocation for boulder work.

Mr. Tasse noted that discussions tonight may add a second railing, a landing, so the cost estimate is just an estimate and may fluctuate.

Chris Hurt, 12 Sea View Ave - If the landing is included and the lower stairs are also at a 30% slope, how many more feet would the base of the steps extend toward the water? Mr. Tasse said 8' to 10', and confirmed a new landing would need to be built. Mr. Hurt confirmed the steps would then be a higher risk for hurricanes, storms, etc.

Lyman Briggs, 3 Mountain View Rd - He is active in the Cape Elizabeth Land Trust, which has installed a similar GND product and had to repairs to the treads. Pedestrian traffic should be ok, but there can be damage with other activity. He suggests using heavier treads and using 10'-20' of concrete for the base. Mr. Tasse noted that it is possible to replace only the very bottom segment if it gets damaged. Nick responded that GND is not using duraflow treads anymore. They are using a new canadian product that is 30% stronger.

Bill Gross, 7 Sea View Ave - He would like an estimate provided for costs to make repairs if, for example, the bottom 10' is destroyed in a storm. Nick noted that a cement base would require a lot more permitting. These steps are considered a temporary structure for permitting purposes, based on our experience working with the DEP (Maine Department of Environmental

Protection). The estimate would depend on the current cost of aluminum and the cost of each tread.

Peter Rich - The proposed stairs are open and flat and will likely collect debris. Vegetation will grow up through them and we will need vegetation management. Nick noted that permitting for these stairs with DEP is much easier because the DEP likes the growth, which can stabilize the slope. In these projects, one of the most important concerns is to disturb as little of the site as possible. Vegetation growth can be maintained with a power tool.

Sigrid Olson - Compared to a regular flight of stairs in a house, how long are the stairs without a landing? Nick estimated that the beach stairs cover an elevation of about 20'. House floors are about 8' high, so these stairs would be about 2.5 flights.

Tom Mikulka, 4 Mountain View Rd - He is concerned with the stair foundation at the bottom. He saw how the base was torn up during the Patriot's Day Storm. The stairs will need a solid concrete base to land on. He also uses a machete to hack back invasives along the stairs and two railings will be make it harder to perform maintenance.

Mr. Tasse noted that the town has someone do greenbelt maintenance and this could be added to his duties.

Susan Payne, 72 Stonybrook Rd - She walks to the beach 2-3 times a week, and sees a lot of people using it. She appreciates the effort and supports the \$20,000 proposal rather than a short-term fix.

Mary Page, 39 Forest Rd - Assuming the project is funded, how long will it take to install the new steps? Nick said the steps could be installed in a day. The concrete amendment is separate, and may also take a day.

Tom Meyers, 4 Sea View Ave - He appreciates the stairs may need replacement. The base needs a careful look, with consideration of higher tides happening.

Mr. Tasse stated that he believes the stairs need attention, so it is a decision of when, not if, and we should deal with them before someone falls and is hurt.

Tom Meyers - Since this is the end of the discussion, he is raising the more pressing issue of the use of the beach and he wants to the Conservation Committee, within its existing scope of responsibilities, to proactively recommend management policies for the beach. He understands the process may

be for the Town Council to ask you to work on management, and this should happen soon.

Mr. Tasse agrees that a management plan is needed, but is not a simple or easy process, and probably don't have staff until 2019. We could have a conversation about that, with interim recommendations to the Town Council. That could result in more actions by the Police Department and Public Works Department.

Mr Meyers believes this is not as complex and should happen soon. Mr. Tasse said we want to be sensitive to neighborhood concerns and review what authority we have, plus conversations with the Police Department and the Public Works Department. But that is not tonight's conversation.

Tony Owens - We have been respectful of your desire to just speak about the steps, but we are concerned with the use of the beach. He asked attendees to stand if they are concerned with beach use and most attendees stood. We want the steps to be safe, attractive and durable, but it has to be part of a bigger conversation about beach use and management. We lived with 2 years of crazy parking, crazy dogs, etc.

Mr. Tasse said the Conservation Committee was not aware of management concerns until meeting you on the site when assessing the stairs. We will need to review our authority to make recommendations. Maybe we can make some interim recommendations for this summer.

Marti Blair, Conservation Committee member stated that tonight's meeting notice did not include a discussion of management issues, so we should probably not have that discussion now. She encouraged people to let the Town Council know they support the steps for CIP funding, because there are lots of competing needs in the budget. She lives in the area, uses the beach and is looking forward to replacing the current pipe railing.

Most people raised their hands that the steps should be replaced.

Ms. O'Meara introduced herself as the town planner. She recommended that anything beyond the traditional Conservation Committee responsibilities, such as greenbelt trail maintenance, should not occur without a specific referral from the Town Council. There are also limitations to staff time due to current projects. This is not a lack of interest by the Conservation Committee to work on management issues. The Conservation Committee has a lot of work right now, there are practical political limits, and she wants to manage expectations.

Mark Fleming, Conservation Committee member, followed up that the onus is on the public, including approval of funding for the steps. He suggested that concerns about beach management be shared with the Town Council, as well as the Conservation Committee.

Ms. O'Meara asked attendees to indicate support for three options. Option a is a 30% stairs with no landing. Option b is a 30% slope stair to a landing, then 40% slope to the bottom. Option c is a 30% slope to a landing and then another 30% slope stair. Most attendees preferred option a. 1-3 attendees preferred option b. No one preferred option c.

Tom Meyers - He wants to talk about the management plan timeline and politics. He believes the Conservation Committee should make recommendations to the Town Council about open space without a specific referral.

Mr. Tasse suggested the neighborhood may want to prepare a list of possible problems.

Renee Norris, 26 Woodland Rd - She wants to thank the committee for being proactive about the stairs. Something needs to be done, and is concerned if the stairs are destroyed, then it would be difficult to put them back.

Bob Preti, 16 Sea View Rd - He is a 50 year resident of Sea View Ave. He supports creating a management plan soon. His file on the beach goes back to 1972.

Mr. Tasse thanked everyone for coming. The public forum is adjourned and the committee continued its meeting in the Lower Level Conference Room.

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Meeting resumed at 8:15 p.m in the Lower Level Conference Room after the first item, the Cliff House Beach Steps Public Forum, was adjourned at 8:05 p.m. in the Town Council chambers.

2. Cliff House Beach Stairs. The committee discussed the various stair options with Nick, Great Northern Docks (GND). Mr. Gabrielson confirmed that, with 2 railings, there is a clear width of 41". He is concerned with people carrying things down to the beach. He also asked about how far damage to the concrete would travel when the steps are bolted and the bottom steps are damaged by the ocean. Nick recommended that anchoring to the concrete occur on the top 2/3rd of the stairs.

Mr. Tasse asked about the modules. The discussion was for the bottom of the stairs be constructed with a 1, 2 and then 3 step module to facilitate replacing the least amount if damage occurs. Nick said damage would be replaced to the last permanent installation.

Ms. Blair asked about the bottom landing of the steps. Nick said the steps would be anchored by driving pipes into the earth. She asked about the midpoint landing. Nick recommended a single run for public access use. He said that people rarely stop on a landing but rather get down the steps. He has seen landings in private installations, but those often include a bench for viewing.

Mr. Tasse asked for an estimate to add a second rail. Nick suggested \$2,000.

Mr. Meyers suggested that with 2 railings, they can function like skids, and favors 1 railing.

Mr. Wacksman asked if a second railing could be added later. Nick agreed that could be done. He also suggested a second railing could be installed only for the lower half where the slope of the hill falls off. Mr. Wacksman

suggested the Conservation Committee should make a recommendation. The steps are a safety issue and not acting may result in shutting the beach down.

Mr. Wacksman made a motion to recommend to the Town Council that replacement of the Cliff House Beach steps be included in the CIP budget for an estimated cost of \$20,000 with a single run at a 30% slope and one railing. Mr. Gabrielson seconded the motion and it passed 6-0. Ms. O'Meara will prepare the recommendation for the Conservation Committee Chair review.

Tom Meyers, 4 Sea View Ave - He was previously a City of South Portland Department head and understands local government. He does not want to be the unwelcoming curmudgeon when folks visit Cliff House Beach and he does not view it as "our" beach. He is concerned with activities at the beach that no longer make it pleasant to visit. He believes the Conservation Committee has the authority to get involved in beach management, but understands that delegation from the town council is advisable and will pursue that parallel track. Mr. Tasse suggested organizing a neighborhood group that can put together a list of concerns. A sign with rules of behavior may be a good first step.

3. Citizen Comments.

Justin Strout, Portland resident, representative of the Strout Family Trust- He asked if the committee reviews Resource Protection (RP) permits and was told yes. He asked how that review was done. When does the review occur if the Planning Board is meeting? Ms. O'Meara suggested Mr. Strout be direct with the Conservation Committee about his concern. He stated that he is an abutter to the 19 Wells Rd tower application, which needs an RP permit and the committee may not know that Ms. O'Meara told the Planning Board at the last meeting that their comments do not matter. Mr. Wacksman said the Conservation Committee is advisory and Mr. Tasse asked if the Conservation Committee will see the RP permit.

Ms. O'Meara explained that the 19 Wells Rd application was pulled from the January Planning Board meeting (January 16th) and will likely be on the February 26th Planning Board meeting. The 19 Wells Rd applicants were scheduled to attend tonight's Conservation Committee meeting, but withdrew from the agenda. The RP permit can be reviewed at the February 13th Conservation Committee meeting, which provides an opportunity for the Conservation Committee to provide advice prior to the next Planning Board meeting.

Ms. O'Meara continued that, at the December 19, 2017 meeting, she explained that the Conservation Committee was advisory to the Planning Board, so the Planning Board could have made a decision at that meeting. The Conservation Committee did not provide a recommendation at the December Planning Board meeting because its December 12th meeting was cancelled due to a snowstorm.

4. Election of Chair

The committee noted that Jim Tasse was term limited out from serving another term as chair. Jeremy Gabrielson was unanimously elected chair (6-0).

5. Planning Board agenda review

The committee reviewed the plans for an after the fact Resource Protection Permit for 26 Hannaford Cove Rd. The committee was uncomfortable with the RP2 wetland filling, but also felt constrained that the current owner had not placed the fill. There was a suggestion to assign a fine to the current property owners as part of issuing the permit but this did not have sufficient support.

A motion was made by Mr. Tasse, seconded by Mr. Gabrielson, to allow the RP permit. The motion failed 2-4.

The committee focused on the extent of wetland fill and a desire to restore some of the filled area, while allowing the fill placed immediately behind the house to remain.

A second motion, made by Ms. Blair and seconded by Mr. Fleming, recommended approval with the requirement that the pipe be installed and that fill located more than 30' from the house foundation be removed and restored to wetland with native plants. The motion passed 6-0.

6. Greenbelt Plan Priorities. The committee agreed to push this to the February meeting due to the lateness of the hour.

7. Greenbelt Implementation projects. The committee agreed to move this to the next meeting. Ms. O'Meara recommended that budget items also be discussed at the next meeting and distributed an updated estimate of costs for the Pollack Brook bridge and trail project.

Mr. Tasse updated the Conservation Committee on the purchase of a "snow dog," which can be used to groom snow on trails, by the New England Mountain Biking Association (NEMBA). The Snow dog is 52" by 20". Grooming would benefit fatbikes, walkers, skiers, and all trail users. The Conservation Committee agreed to allow grooming at Winnick Woods as a pilot project and emphasized that these are multi-user trails.

8. The committee pushed the Comprehensive Plan update to the February meeting.

The meeting adjourned at 9:35 p.m.