

Conservation Committee Meeting Minutes  
7:00 p.m., Tuesday, April 9, 2019  
Town Hall Lower Level Conference Room

Present: Jim Tasse, Chair, Emily Helliesen Day, Zack Matzkin, Bruce Moore, Philip Saucier

Maureen O'Meara, Town Planner

1. Mr. Tasse opened the meeting to public comment of items not on the agenda. No one spoke.
2. The minutes of the March 11, 2019 meeting were approved (4-0).
3. Cliff House Beach Management Plan. The committee reviewed the draft Cliff House Beach Management Plan and then opened up public comment.

Ann Clarke, 618 Shore Rd - She did not participate in the neighborhood survey and owns a black lab. Cliff House Beach is often reduced by the tide to a rocky surface and it is impossible to walk a dog on leash on the rocks. The proposed hours don't make sense. She questioned the problems with dogs on the beach. Dogs should be able to go in the water when it's hot. How else will she cool down her dog?

John Pearson, 24 Elmwood Rd - He appreciates the fire proposal and would like clarity on having a cookstove, such as a propane grill or charcoal grill. He does not consider those an open fire.

Mr. Moore asked if the Police Department considers a grill an open fire?

Mr. Pearson said that is an open fire. He would like a small propane grill allowed.

Tony Owens, 19 Seaview Ave - He clarified that the fire issue is about smoke. If you can control the bonfires, no one is concerned with a grill.

Chris Campbell, 598 Shore Rd - He emphasized that the neighborhood comment process has been transparent for over a year. The issues have really been vetted and have been informed by the neighborhood survey. His dog likes the beach, but for the greater good he supports the dog rules proposed.

Tom Meyers, 4 Seaview Ave - He thanked the committee for its work. The process has been more than a year long and he supports the plan. The rules reflect that the beach is for people, not against dogs. He also supports the draft Dog Ordinance. For the Cliff House Beach Management Plan, attaching it to the Open Space Management plan is an elegant solution to get rules in place for this summer. He would like the cover memo to recommend that this be put in place as soon as possible.

The public comment period was closed and the committee resumed discussion. Mr. Tasse asked if cookstoves should be excluded. Concerns were expressed that fire remnants are not cleaned up and fires are built above the high tide line. The committee questioned if a cookstove is considered an open burn permit item. The committee agreed to exclude cookstoves from the open burn permit requirement.

The committee approved the dog rules. Ms. Day wants to confirm that the green grass above the beach is also subject to the rules and Ms. O'Meara confirmed that it is all one parcel owned by the town. She will work to address that in the sign. The Cliff House Beach Management Plan was recommended to the Town Council by a vote of 5-0.

4. Greenbelt Implementation/Management Projects. The committee discussed the trail closure policy. The policy closes trails only to bikes and horses and he would support a more equitable closure for all users, including pedestrians.

Mr. Day noted that Winnick Woods is very wet and soft, and any user could damage the trail. Mr. Moore noted the trails get lots of use and it will be hard to close them. Mr. Tasse noted the policy is unfair and when all users can damage the trail.

The committee discussed if bikes cause more damage. It was noted that walkers walk around muddy areas, widening the trails, which also causes damage. Mr. Moore suggests that more maintenance is needed to make the trails less susceptible to wet conditions. Generally, 3 committee members supported the trail policy applying to all users, with the understanding that this would apply to future years.

The item was opened to public comment.

Heidi Hansen, 313 Fowler Rd - She objects to closing trails to pedestrians without public comment. This should not apply to this year, but perhaps apply next year after hearing more public comment.

Sheila Wellehan, 24 Rocky Hill Rd - She noted that users are treated differently on trails now, such as what is proposed for dogs at Cliff House Beach, hunters, and snowmobiles. Some areas should be closed to all and other areas do not have wet area problems. Closing to pedestrians would be difficult to enforce. For example, runners aren't organized and won't stop using trails. Families are starting to use the trails. The muddiest areas are Gull Crest and people avoid it during muddy conditions. Great Pond can be open to all users. She recommends selective closures based on trail conditions.

Jim Kerney, 1015 Shore Rd - He agrees with a selective policy. He bikes and knows when to keep off trails. People rely on the trails, such as students using them to walk home. Closing trails to walkers has a lifestyle impact.

Tony Owens, 19 Seaview Ave- He agrees with the selective approach. Some trails are ok year-round. Some education on appropriate trail use would be good.

The public comment period was closed. Mr. Tasse noted that it is simpler to close everything to let trails dry out. Mr. Moore suggested identifying areas that tend to be wet and should be subject to closure.

Mr. Tasse suggested inventorying problem areas. Mr. Matzkin said that selective trail closure will be difficult to notify all users. Now we use email lists of specific groups.

Mr. Saucier asked how the current policy works. Ms. O'Meara noted the Open Space Management Ordinance specifies the policy. The Conservation Committee or its Chair recommends closure. The planner takes that to the Town Manager, who decides to close the trails. The Town Manager opens the trails upon recommendation from the committee. It was noted that signage placement is intermittent and enforcement relies on the honor system.

Mr. Moore asked if CELT closes trails. They rely on the town to take the lead and close only to bikes. Mr. Saucier asked about how other towns operate. Mr. Tasse said that Falmouth closes to everyone, Yarmouth closes only to bikes and is receiving the same criticism as here. It was clarified that the closure discussion will not change this year's closure action. Mr. Tasse noted that Fort Williams is always open and Mr. Moore noted the South Portland paved trail.

The committee agreed to review a policy at the May meeting, drafted by the town planner, that closes trails to all users, but only selected trails would be closed and optional trails during the closure would be publicized.

5. Winnick Woods Trail Rehab. Mr. Tasse proposed that additional trail rehab be done in Winnick Woods, specifically from the Meadow trail all around back to the yellow trail. Jamie Wright, who did last year's work, has an opening in his schedule now and may not have another opening until 2020.

Ms. O'Meara reviewed the list of projects with budget estimates included in the February meeting package. She noted that the projects have not been approved. The list was intended to capture the projects the committee has discussed over the last several months and to assist the committee with programming funds remaining in the budget this fiscal year. The committee confirmed that the permits for the trail extending from Pollack Brook bridge to the Spurwink River are all in hand.

The meeting was opened to public comment.

Sheila Wellehan, 24 Rocky Hill Rd - She appreciates Winnick Woods and likes the trail rehab, but she is concerned with adding more rehabbed trails that will attract increased groups of users.

Mr. Tasse noted the rehab was an existing trail.

Ms. Wellehan does not think the new trail is safe as it is too narrow and you can't see around the corner. It disrupted habitat for a small number of people.

The meeting was closed to the public.

Mr. Moore moved to fund up to \$8,000 for Winnick Woods rehab. The motion passed 5-0.

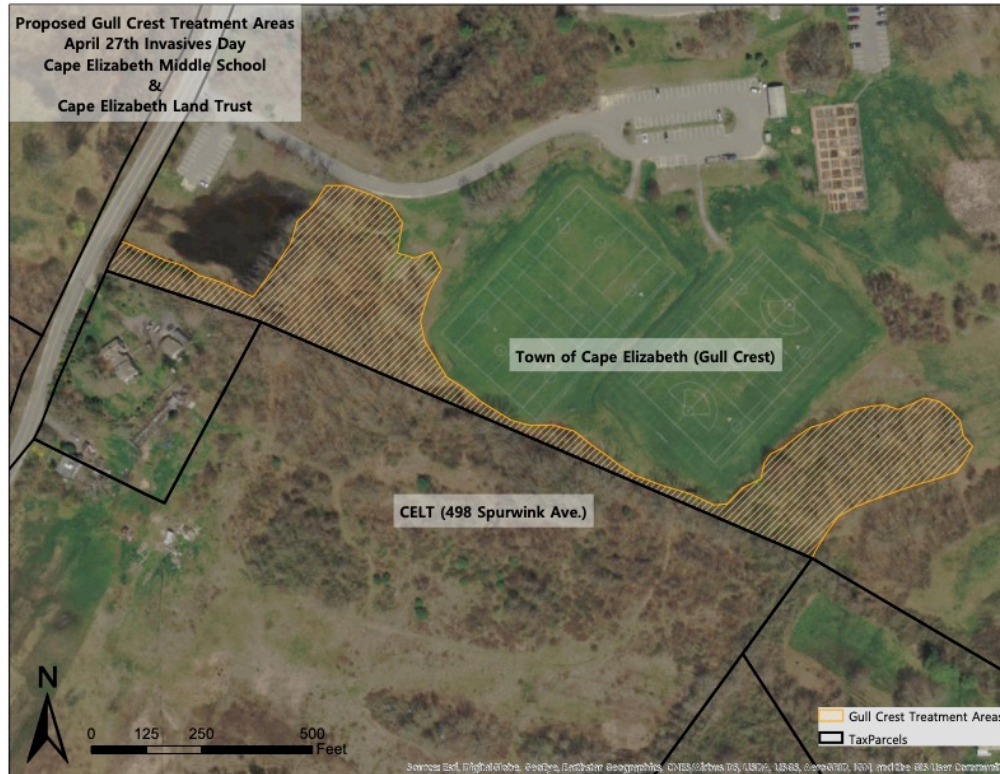
6. Three hills trail, Stonegate. The committee asked Ms. O'Meara to pursue permitting information for the 3 hills trail.
7. Winnick Woods bridge. Ms. Day wants to consider replacing a worn bridge in Winnick Woods. Mr. Tasse suggested scheduling a site visit.

8. Aster Lane buffering. Ms. Day noted an email from a resident asking for replacement plantings in the Cottage Brook open space to replace trees that had blown down. The committee agreed that trying to preserve mature trees is worthwhile even if some may not survive during development. The committee would be willing to entertain an offer from the resident to plant within the open space and further discussion was tabled.
  
9. Other trail projects. The committee noted projects 1, 2, 4, 6, and 8 on the list. Mr. Saucier made a motion, seconded by Mr. Moore, to authorize up to \$8,000 to move ahead with those projects. The project list follows:

Draft Project list - for discussion		
No	Project	Estimate
1	Spurwink Trail: Complete Pollack Brook Bridge project by extending trail to Spurwink River, build 20' boardwalk	2,500
2	Pollack Brook cemetery recognition: Obtain advice and establish recognition of the cemetery located on the north side of the bridge	750
3	Spurwink bridge and boardwalk decking: Select preferred option and fund as needed	10,000
4	Tiger Lily trail: install new trail link, stabilize and revegetate road connection as needed	\$500
5	Cross Hill trail upgrade: Obtain permitting, replace boardwalk as needed	\$3,000
6	Loveitt Woods trail improvements: replace boardwalk as needed	\$2,500
7	Easement monitoring: perform needed monitoring of town easements, report to state	\$1,080
8	Encroachments: aerial photo analysis, letters to abutters, border markers, etc	2,000
9	Three hills trail, Stonegate: install 2 boardwalks over wet areas	11,000
10	Winnick Woods trails rehab: Additional trails may be rehabbed	\$8,000
11	General replacement: Miscellaneous boards and boardwalks need replacement	3,000
12	Greenbelt Plan implementation: signage, legal fees, materials, survey, permit fees, intern, etc	?
13	Meadow/wetland management advice	500
14	Other	
	<b>TOTAL</b>	<b>44,830</b>

10. CELT Invasives request. Chris Schorn, CELT, explained that 8th grade volunteers will be clearing invasives at the Pollack Brook Preserve, located next to Gull Crest. They would like to also clear bittersweet and honeysuckle on the abutting Gull Crest land, as depicted on the plan below. He committed to leaving the ground vegetated. The invasives will be put on tarps and moved to the community garden area, where Public Works Director Bob Malley has agreed to take it.

Mr. Tasse asked if the debris will be chipped, which might spread invasives. Mr. Schorn said it is not in bloom yet, and if chipped small enough should not spread it. Ms. Day asked Ms. O'Meara to follow up on this. Mr. Tasse supports using best practices on how to dispose. Mr. Moore made a motion to allow removal of invasives at Gull Crest as shown on the map, seconded by Ms. Day. The motion passed 5-0.



11. Great Pond Boat Racks. Ms. O'Meara reported the permits have been issued for the year, after receiving a record 132 applications.
12. Dog Ordinance. Ms. O'Meara the draft, including the voice and site control definition. Mr. Tasse consulted with a Cape veterinarian and also reviewed the state dangerous dog statute. It does not regulate dog behavior on the dog's property.

The meeting was opened to public comment.

Heidi Hansen, 313 Fowler Rd - She has followed the work and thanked the committee. The rules and tools are helpful to the Police Department and the dog community. The research was helpful. She is concerned with the Fort Williams Park changes. The current rules were the product of the Fort Williams Park Committee meetings with the public and consensus

among Town Councilors. She wants the Conservation Committee recommendation to the Town Council not to include changes to Fort Williams Park.

Sheila Wellahan, 24 Rocky Hill Rd - She complimented the Dog Ordinance amendments, but does not support the Fort Williams Park recommendation that has been included in the draft.

Natalie Burns, 33 Cottage Farms Rd - She was not aware until this weekend that changes to the Dog Ordinance were in process, or that the Fort Williams Park Committee was discussing changes. She likes the management levels but disagrees with some changes. The town should have a master list of licensed dogs and provide notice. She was not aware of the Cliff House Beach changes. State law doesn't allow impoundment at the Police Station for 24 hours and the site and voice control definition is flawed. She questions if the Limited Privileges List should list people instead of dogs.

Jim Kerney, 1015 Shore Rd - He likes the Dog Ordinance category scheme overall. He is a member of the Fort Williams Park committee, missed the last meeting, and does not support the proposed change in Fort Williams Park. The current policy has lots of public input and the recent recommendation did not. He wants the original paragraph in the Dog Ordinance regulating Fort Williams restored to the draft.

Tom Meyers, 4 Seaview Ave - He supports the delegated management approach as a good tool. He suggests the Conservation Committee stay out of Fort Williams Park. He hopes the Police Department will follow up with early engagement for enforcement. The map shows that almost all open space is in category 3, voice control, although he doubts a dog can be under voice control when a squirrel runs by. The "naughty list" is an elegant way to have consequences.

Public comment was closed.

The committee clarified that the Fort Williams Park recommendation was included in the draft as part of an effort to incorporate comments from the Police Department, the Town Clerk, and the School Superintendent. The committee was concerned with incorporating Fort Williams Park changes given public comment. The draft was revised at the meeting to reverse those changes. The committee then voted 5-0 to recommend the draft Dog Ordinance amendments to the Town Council. Mr. Tasse will work with Ms. O'Meara on edits to the cover memo.



13. Planning Board Review. Ms. O'Meara apologized that two Resource Protection Permits that will be reviewed by the Planning Board this month were omitted from the agenda. The committee reviewed the 51 Ocean House Rd Resource Protection Permit and voted 5-0 to recommend issuance of the permit. They also reviewed the plans for Ocean House Commons and recommended approval of the RP permit by a vote of 5-0.
14. The meeting adjourned at 9:40 p.m.