Conservation Committee Minutes
June 13, 2017

Present: Jim Tasse, Marti Blair, Mark Fleming, Jeremy Gabrielson, Robert Petitt, Mitch Wacksman

Maureen O'Meara (staff)

Meeting called to order at 7:01 p.m.

Public Comment

No one present wished to comment on items not on the agenda.

1.   The minutes of May 9, 2017 were approved 6-0.

2.   The committee opened public comment on the draft Paper Street Technical Assessment.

Andrea Adams, 25 Algonquin Ext - She is one of the 7 owners of the Ocean View Association that bought Surfside Ave in 1991. She distributed copies of the deed. She said it is our road and we don't want cars on it. The trail is on private property.

Mr. Tasse asked Ms. O'Meara to explain the legal status of paper streets. Ms. O'Meara explained that the Ocean View Association may own the land under Surfside Ave, but the town can still claim paper street rights over that land, and that a right-of-way right is so burdensome on the land, that the ownership of the underlying land is often not important. She used the example of Route 77, where the ownership of the land under the road is not important because of the road right-of-way.

Mary Costigan, attorney at Bernstein Shur representing the Goldmans - She provided a letter that asserts that the rights in Surfside Ave have lapsed. The neighborhood association does not speak for all property owners.

Marshall Goldman, 27 Pilot Point Rd - He said the association does not speak for the neighborhood. The potential trail was a controversial part of the Greenbelt Plan. He wants the report to address if the Shore Acres Neighborhood Association has rights to build a trail, because there is confusion.

Debra Murphy, 24 Pilot Point Rd - She noted the Costigan letter did not include an important case of incipient dedication where the court ruled that rights were still in effect. A copy of the court decision has been provided to the Conservation Committee.

Private rights are separate from town rights and the neighborhood association is not confused about rights. The neighborhood has divided rights.

Jeff Monroe, 11 Katahdin Rd - He likes using the trail and when there were encroachments on the trail, he spent money to protect his rights as part of the court case. The neighborhood is not deeply divided. We want to walk without harassment. How many times do we have to go through this? The ongoing battles are unnecessary and we should put in a modest trail.

Ken Lane, 5 Beacon Lane - He has maintained the west beacon and thanks the committee for its recommendation on Lighthouse Point Rd. His neighborhood has 3 tourist attractions. 135,000 people were served at the Lobster Shack last year and we don't want 50,000 people on our trail. Chief Williams said the traffic is already a zoo.

Chuck Rzeszutko, 6 Waumbek- He shared pictures of the Cape Elizabeth coastline and said Surfside Ave is a special area. He would feel bad if photographers don't have the opportunity to take pictures of the area, especially before sunrise and after sunset when other parks are closed. He would donate labor and money to help the Conservation Committee protect public access.

The public comment period was closed.

Mr. Tasse asked Ms. O'Meara to explain paper street town rights and private paper street rights. Ms. O'Meara summarized the explanation provided by town attorneys, noted that final interpretations are settled in court, and that the town is focusing on town rights, not private rights.

The committee reviewed the final draft and agreed to include for attachments the determinations by the Maine Department of Environmental Protection (DEP), the United States Army Corps of Engineers (USACOE), the Town Code Enforcement Officer, and the Sebago Technics response to the Northeast Civil Solutions (NCS) report.

A motion was made by Mitch Wacksman, seconded by Mark Fleming, and unanimously approved to submit the report and Conservation Committee recommendation to the Town Council.

3.   The committee received an update on the Pollack Brook project, where Sebago Technics has been retained to assist with engineering of the project. Work on this has been delayed in order to complete the Paper Street Technical Assessment.

4.   The committee discussed replacement of the decking for the Spurwink Bridge and Boardwalk, which has been funded in this year's budget. The committee would like

to get as much wear out of the existing decking as possible, so will plan on issuing a request for proposals in February, 2018, commitment of the funds in Spring, 2018, and replacement in Spring/Summer 2018.

5.   The committee received an update from Mr. Wacksman regarding installing a new trail at Great Pond around the "not so great pond." The entrance needs some improvement and this trail should be added to the list for maintenance. A bollard should be installed at the trailhead and signs added. The Great Pond Preserve II trails and bridges have been installed and are very nice.

6.   The committee discussed continued efforts to mark trails in Canterbury in cooperation with the Canterbury on the Cape Association. The committee will work with the association in July to finish trail marking.

7.   Mr. Wacksman agreed to bring back a Winnick Woods map marked up with suggested trail adjustments.

8.   The committee discussed scheduling 1 trail work event a month. There was general agreement and a discussion of work needed. Projects mentioned included Stonegate bridge repair/replacement, Golden Ridge trail flooding, Seaview Beach steps, Winnick Woods, Cross Hill east side trail and Pollack Brook. The committee is eager to partner with an eagle scout candidate who may be able to take on one of the projects. The committee scheduled the first work event for July 18th, from 5-7 p.m. to work in Winnick Woods. A materials list will be developed and lumber delivered to the Eastman Meadows trail parking lot. A second trail work day is scheduled for August 15th.

9.   At the next meeting, the agenda will include a review of the Greenbelt Plan to update priorities, Pollack Brook, and Seaview Beach steps.

The meeting adjourned at 9:10 p.m.