

DRAFT
MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Conservation Committee
DATE: April x, 2019
SUBJECT: Cliff House Beach Management Plan

Introduction

In July 2018, the Town replaced the steps at Cliff House Beach. While the neighborhood was generally supportive of the stair replacement, many residents had expressed concerns with the growing intensity of use at the beach. The Town committed to preparing a management plan for the beach. The Conservation Committee is recommending the attached plan be adopted prior to the 2019 summer season.

Background

The Town's increased focus on Cliff House Beach began when the Conservation Committee identified the stairs as a high priority for improvement in late 2017. The Conservation Committee developed a few options and then held a public forum on January 10, 2018, mailing notices to about 300 residents near Cliff House Beach. At the forum, the public reluctantly limited their focus to the stair replacement, and the Conservation Committee agreed to revisit beach management separate from the stairs project. The Conservation Committee recommended replacement of the stairs to the Town Council, which was funded and stairs replaced in July, 2018.

In May, 2018, the Conservation Committee held a public forum to hear from the neighborhood about a management plan. The committee requested the neighborhood to select 2-3 leaders who could represent concerns. Chris Campbell, Wyman Briggs and Tom Meyers developed an online survey and the town mailed notices to the neighborhood inviting them to participate. The results of the survey were presented at the May forum. (See attached June 14, 2018 Conservation Committee memo).

It was the Conservation Committee's intent to put some management rules in place for summer 2018. Based on comments received, the committee developed new rules for dogs on the beach. Those rules cannot be enforced by the Cape Elizabeth Police Department, however, unless the Dog Ordinance was amended, a process that could not be completed before summer. Ultimately, the Conservation Committee recommended that a "soft" sign urging courtesy at the beach be installed, which was approved by the Town Council July 9, 2018.

The Conservation Committee recommendation aligns the proposed management plan for Cliff House Beach with proposed Dog Ordinance amendments.

Management Plan

The Cliff House Beach Management is proposed as an appendix to the Management of Greenbelt and Open Space Plan, approved by the Town Council in 2012. As an appendix, all the existing management policies for open space apply, and an "area specific" plan augments the Management plan.

After discussing a range of subjects, the Conservation Committee decided to address two elements, dogs and fires, in the Cliff House Beach Management Rules.

Dogs

The committee decided, after significant public input, that the size and popularity of the beach during the summer makes it impractical to also accommodate dogs. In line with beach rules in other communities, the rules propose that no dogs be allowed on the beach from 9:00 a.m. - 6:00 p.m. in the summer. Dogs would be allowed after 6:00 p.m., on leash only. Before 9:00 a.m., dogs would be allowed off leash if under voice control, as well as in the off-season.

Fires

It has been the custom for fires to be kindled for cooking and "ambiance" on Cliff House Beach. The neighborhood survey indicated some concern with fires, including smoke and debris left of the beach. Some community members also enjoy a fire on the beach.

The Conservation Committee invited comments from the Fire and Police Chiefs and are recommending that limited fires be allowed. An Open Burn Permit would be required, which would include additional restrictions for Cliff House Beach.

Conclusion

The Conservation Committee (recommends/ does not recommend) to the Town Council consideration of the Cliff House Beach Management Rules.

DRAFT

**Management of Greenbelt and Open Space Plan
Appendix 3**

Cliff House Beach Management Rules

The following rules supplement and/or amend the Town Open Space Management policies for Cliff House Beach in order to better manage the beach for the benefit of all users.

Dogs

The following dog access provisions are recommended, to be implemented under the Dog Ordinance.

Dogs on Cliff House Beach			
	Sunrise to 8:59 a.m.	9:00 a.m.- 6:00 p.m.	6:00 p.m. - sunrise
May 1-September 30	Voice control or on leash	No dogs allowed	Dogs on leash only
October 1- April 30	Voice control or on leash		

Fires

An Open Burn Permit shall be obtained from the Cape Elizabeth Police Department prior to establishing any fire (including within a cookstove or similar device) on Cliff House Beach. In addition to the requirements of the permit, the following rules shall also apply:

1. Adult. A permit shall only be issued to an adult resident of the town.
2. Size. No fire shall exceed a ground area of 2 feet by 2 feet.
3. Time limit. No fire shall be allowed to burn after 11 p.m.
4. Adult. An adult must be in attendance while the fire is burning and until it is completely extinguished and must be in possession of a permit.
5. Complaint. The Cape Elizabeth Police Department may require that a fire be extinguished at any time.



Permission is hereby granted to: _____ Telephone Number _____

Permittee _____ Address _____

To kindle: CAMPFIRE SLASH BRUSH GRASS & PASTURE BLUEBERRY LAND
 OTHER _____

Location of Open Burning: _____ Date of Burn: _____ Hours to Burn: _____

Means of Travel: _____ Boat or Vehicle Registration (Required for Campfire Permit) _____ Number in Party: _____

Specific Number: ADULTS _____ PORTABLE PUMP & HOSE _____ CHARGED GARDEN HOSE _____
SAFETY REQUIREMENTS

BACK PUMP _____ HAND TOOLS _____ OTHER: _____
Specify _____

KEEP CONSTANT WATCH ON FIRE AND MAKE SURE THAT IT IS COMPLETELY EXTINGUISHED BEFORE LEAVING

This permit is granted in the good faith that the fire is carefully watched and controlled by a sufficient force of adults and adequate equipment. You shall be liable for suppression costs if the fire escapes due to negligence or not following the safety requirements listed above. All open burning shall be in conformity to existing laws and regulations of the Maine Forest Service, Department of Environmental Protection and local municipal ordinances. In accordance with Title 12 statutes, the out-of-door burning of plastic, rubber, Styrofoam, metals, food wastes, chemicals, treated wood or other solid wastes, except for wood wastes, is prohibited in all areas of the State. Any person who engages in out of door burning or who fails to comply with any stated permit condition or restriction commits a Class E crime.

Countersigned by: _____ Town Warden or Forest Ranger _____ Time Issued: _____ AM PM Authority: _____
Director
Maine Forest Service

Signature of Permittee _____ Date Issued _____ Signature of Person Issuing Permit _____

FCP001 07/02 STATE LAW REQUIRES PERMIT IN HAND DURING BURNING
IN ORGANIZED TOWNS, VILLAGES AND PLANTATIONS

DRAFT

Cliff House Beach Fire Rules

In addition to the Open Burn Permit requirements, a fire on Cliff House Beach shall also be subject to the following rules.

1. Any fire, including within a cookstove or similar device, shall require an Open Burn Permit.
2. No Open Burn Permit shall be issued unless the permit holder is an adult resident of the Town of Cape Elizabeth.
3. No fire shall exceed a ground area of 2 feet by 2 feet.
4. No fire shall be allowed to burn after 11 p.m.
5. An adult must be in attendance while the fire is burning and until it is completely extinguished and must be in possession of a permit.
6. The Cape Elizabeth Police Department may require that a fire be extinguished at any time.

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Conservation Committee
DATE: June 14, 2018
SUBJECT: Cliff House Beach Interim Management

Introduction

In response to requests from residents, the Conservation Committee hosted a public forum on May 8th to hear comment on possible interim management measures for Cliff House Beach. The Conservation Committee is forwarding recommendations to the Town Council.

Process

At the April 10, 2018 meeting, the Conservation Committee agreed on a process for considering interim management. Interim management is proposed in order to get something in place prior to the 2018 summer season.

The Conservation Committee requested that the neighborhood choose 1-2 representatives to bring forward a summary of concerns and recommended actions. The Conservation Committee set aside time at the May 8, 2018 meeting to receive a presentation from these neighborhood representatives. The committee allowed 15+ minutes for public comment and then provided an opportunity for attendees to "vote" for preferred recommendations.

The neighborhood considered holding a meeting, but due to time constraints instead set up an online survey (see attached). The town mailed out the online survey notice April 27th. (Attached map shows area where notices were mailed).

Public Forum

At the May 8th meeting, Chris Campbell and Wyman Briggs represented the neighborhood with a powerpoint summary of the survey and recommended actions (see attached). They summarized concerns with:

1. Dogs interfering with people's enjoyment of the beach
2. Increased number of cars parking on Glen Ave and Sea View for beach users
3. Increasing number of beach users from beyond the neighborhood
4. Beach fires

As part of the presentation, potential interim management measures were developed. The Conservation Committee then opened the meeting up to public comment. Finally, attendees (27) were asked to vote on the preferred management measures using 3 dots per person. Priorities were identified as follows.

1. A beach sign should be installed that specifies rules for dogs, for keeping the beach clean and for starting fires (26-0 votes).
2. New dog rules should be adopted that no dogs are allowed on the beach after 9:00 a.m. from May 1-October 1. When dogs are on the beach, they must be under control (voice or leash). Dogs are allowed on the beach from 6:00 a.m. -9:00 a.m., from May 1st to October 1st, and all hours off season. (23-5 votes).
3. Speed limit should be reduced to less than 25 mph on Sea View and Glen Ave (22-1 votes).
4. Beach fires should continue to require a permit (22 votes).
5. There should be prohibition on beach parking (22 votes).
6. Parking should only be allowed with a transfer station sticker (14 votes).
7. There should be no change to on-street parking (1 vote). There were no votes for the recommendation that residents provide an update on parking / call the Police or for more research on parking solutions.

Recommendation

The Conservation Committee supports putting interim management measures in place for the 2018 summer season, and then evaluating how those measures worked during the 2018-19 winter. In order to get measures in place as soon as possible, the Conservation Committee focused on measures that would not require an ordinance change to implement.*

The Conservation Committee recommends that a sign be installed at Cliff House Beach as soon as possible as follows:

**Town of Cape Elizabeth
Cliff House Beach**

Attention beach users

This is a small beach and good behavior on the part of all users is necessary for a positive beach experience. To that end:

- Be considerate of ALL users.
- Dogs should be under control.
- Remove all waste (including dog waste).
- Leave the beach cleaner than you found it.
- Consider walking or biking to the beach.

The Town of Cape Elizabeth is currently reviewing beach management policies. If you observe inappropriate behavior or have suggestions, please let us know. Thank you for your help in managing this waterfront resource.

Town of Cape Elizabeth Conservation Committee



The Conservation Committee and attendees agreed that mentioning fires on the new sign might encourage more fires, so agreed to omit that from the sign. The Conservation Committee also did not make a recommendation regarding changing parking rules, which would require amendments to the Traffic Regulations (Chapter 13).

*Subsequent to the meeting, the Police Chief notified the town planner that a sign could be installed with new rules regarding dogs, however, the Police Department would not enforce the rules without an ordinance change. The Town Council has referred to the Conservation Committee a review of the Dog Ordinance. Due to projects already underway, the Conservation Committee will not be able to begin work on review of the Dog Ordinance, and possible related ordinances, until this fall.

**Invitation to participate in
Draft Interim Management Steps
for Cliff House Beach**

WHY: The Town of Cape Elizabeth and the Conservation Committee are providing an opportunity to address issues concerning Cliff House Beach. They would like people in the neighborhoods to assemble a list of issues and methods to address them. 2 or 3 people will present a proposal at the **Conservation Committee meeting May 8, 2018, at 7 p.m., Town Hall.**

HOW: On May 8, the Conservation Committee will open the meeting outlining a streamlined process intended to have interim management steps in place by June 15, 2018. The neighborhood representatives will briefly present the list of issues and proposals to address them. 15 minutes of public comment will be allowed, limited to 3 minutes per speaker. All attendees will then use a process to "vote" for the proposals they prefer. The goal is to have the elements of the interim management steps identified by the conclusion of the meeting.

At their meeting on June 12, 2018 the Conservation Committee will review a complete draft of the interim management steps and provide for additional public input. If there is general support, they will be recommended and implementation will begin as soon as possible after June 15, 2018.

The interim management steps are intended to quickly address issues for the summer of 2018. The outcome will be monitored over the summer, adjusted if appropriate, and evaluated over the winter 2018/2019. It is the hope that a final management plan will be adopted prior to summer 2019.

OTHER BACKGROUND: In January the Conservation Committee hosted a well-attended meeting concerning replacement of the steps to the beach. The project is in the Town's proposed 2018-2019 budget, having received strong support from the neighbors who attended. This invitation was mailed to the same list of neighbors who received notice about the steps to the beach. The list of issues and proposals prior to the May 8 meeting will be developed exclusively by the neighbors independent of the Conservation Committee. This invitation and information collection effort was put together by a small group who have been involved in many aspects of Cliff House Beach (Christopher Campbell, Tom Meyers, and Tony Owens). They want to be certain that issues and proposals reflect ideas from Cape Elizabeth neighbors who use this town facility.

WE NEED TO HEAR FROM YOU BY MAY 4

INVITATION TO PARTICIPATE: You have two ways to guide the issues and proposals presented to the Conservation Committee. The preferred method is listed first.

1. Go to www.quietwater.com/survey and complete a very short survey and offer comments and suggest solutions. Results will be summarized to the Conservation Committee and used to develop interim management steps.
2. Send an email to chb@quietwater.com and identify the issue(s) important to you. Offer solutions if you can. If you have a question, please provide a name and phone number and you will hear back from Christopher Campbell.

Lastly, if you would like to be included in future matters regarding Cliff House Beach - please send an email to chb@quietwater.com You will be sent information as the situation dictates.



Cliff House Beach Interim Management Plan Neighborhood Input for Conservation Committee Consideration

1. Dogs Interfering with people's enjoyment of the beach

Concerns

- a. Dogs run up and frighten or disturb young kids or others who are afraid of dogs
- b. Dog waste not always cleaned-up/removed
- c. Barking or running dogs are generally disruptive

Potential Management Measures

- a. Implement restrictions similar to those at Willard Beach including NO DOGS at the beach after 9am from May 1 – October 1. Dogs permitted off the leash under voice control from 6am – 9am during the summer and daylight hours during the off season
- b. Enforce current Leash Law requirement at the beach

2. Increased number of cars parking on Glenn Ave and Sea View for beach users

Concerns

- a. Increased traffic a concern for local neighborhood kids crossing the street or riding bikes

Potential Management Measures

- a. Post NO BEACH PARKING signs
- b. Issue and enforce permits for parking on Sea View and Glenn Avenue

3. Increasing number of beach users from beyond the neighborhood.

Concerns

- a. Increasing number of users (up to 50+) has made the beach lose its neighborhood feel

Potential Management Measures

- a. Limit non-resident parking availability on Sea View and Glenn Avenue

4. Beach Fires

Concerns

- a. Beach fires can cause irritating smoke and leave a mess behind

Potential Management Measures

- a. Include requirement to obtain a fire permit prior to making a fire on beach signage
- b. Require fires to be made below the high tide mark and for permit holders to keep a bucket of water and shovel on hand to safely put the fire out.

Implementation:

- a. Post small sign at tops of stairs to the beach outlining rules and restrictions
- b. Provide update to Cape Elizabeth Police on existing rules and guidance for enforcement

Cliff House Beach Interim Management Plan

Neighborhood Input for Conservation
Committee Consideration

BEACH LIKE A LOCAL AT MAINE'S LESSER- KNOWN SPOTS

Ray Routhier, Portland Press Herald, June 13, 2017



Staff photo by Gregory Rec

CLIFF HOUSE BEACH

View Avenue, Cape Elizabeth

Do you want to beach like a Mainer? Do you want to be able to get around crowded lots, avoid entrance fees and sunbathe in the shadow of lobster boats? Well, you can, if you know where to go. While the traditional, touristy thing to do is pack up the SUV and head to a big public beach with a big pay parking lot, crafty Mainers have other ways to enjoy more secluded, quiet or slightly out-of-the-way coastal retreats

Dogs Interfering with Enjoyment of the Beach

Concerns

- ▶ Dogs run up and frighten or disturb beach users
- ▶ Dog waste not always cleaned-up or removed
- ▶ Barking or running dogs generally disruptive

Potential Measures

Implement measures similar to those at Willard Beach

- ▶ NO DOGS after 9am from May 1 – October 1
- ▶ Dogs under voice control 6am – 9am and daylight hours during off season

Increased Cars and Visitors

Concerns

- ▶ Increased traffic creates a safety concern – fast drivers
- ▶ Parking congestion
- ▶ Increased users detract from neighborhood feel
- ▶ Increased trash at the beach

Potential Measures

- ▶ Post NO BEACH PARKING signs
- ▶ Issue and enforce permits (transfer station stickers) for parking on Sea View and Glenn Avenues

Beach Fires

Concerns

- ▶ Beach fires can cause irritating smoke and leave a mess
- ▶ Safety issues including leaving hot embers or rocks or possibility of fire getting out of control

Potential Measures

- ▶ Continue requirement to obtain a permit prior to making a fire
- ▶ Require fire to be made below high tide and for permit holders to bring water bucket and shovel to put out fire and clean-up

Implementation

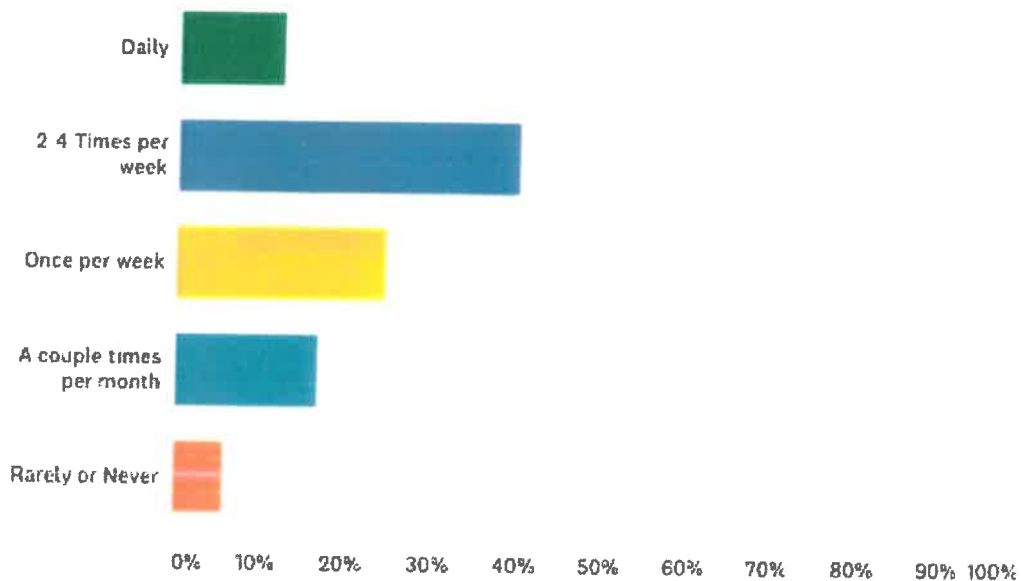
- a. Post small sign at top of stairs to beach outlining dog rules and restrictions
- b. Include info on sign requesting users to help keep the beach clean
- c. Share requirement to keep fires below high tide mark, keep bucket of water and/or shovel on hand, safely put fire out, and cleanup afterward with fire permit applicants and on sign.
- d. Provide update to Cape Elizabeth Police on existing rules and guidance for enforcement
- e. Research and potentially implement options for restricting parking

Cliff House Beach survey: www.quietwater.com/survey

10 questions, 67 respondents

How frequently do you use Cliff House Beach in the summer? (Memorial Day to Labor Day)

Answered: 65 Skipped: 2



ANSWER CHOICES

Daily
2-4 Times per week
Once per week
A couple times per month
Rarely or Never

RESPONSES

12.31% 8
40.00% 26
24.62% 16
16.92% 11
6.15% 4

TOTAL

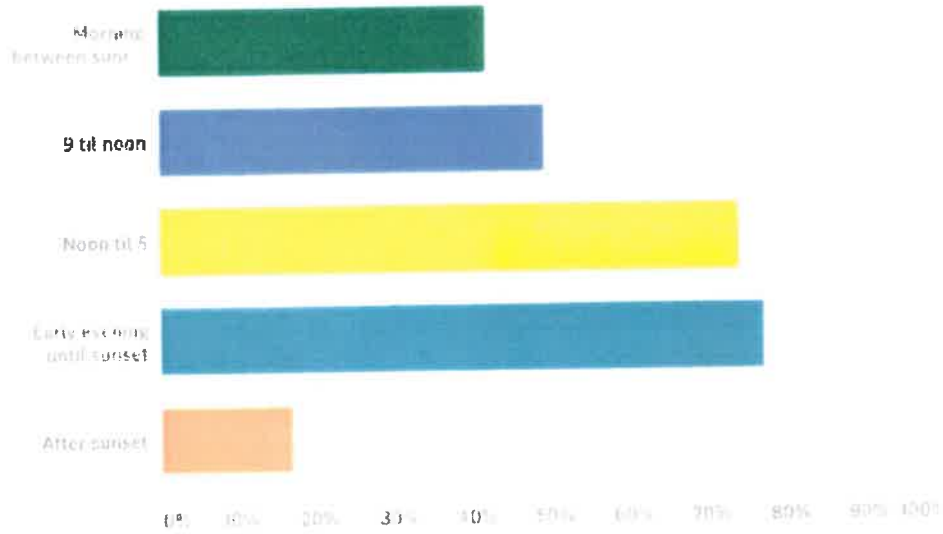
65

Q3



People who live in our house often use the beach (check all that apply):

100% (65) of people



ANSWER CHOICES

- Morning between sunrise and 9
- 9 til noon
- Noon til 5
- Early evening until sunset
- After sunset

RESPONSES

41.54%	27
49.23%	32
73.85%	48
76.92%	50
16.92%	11

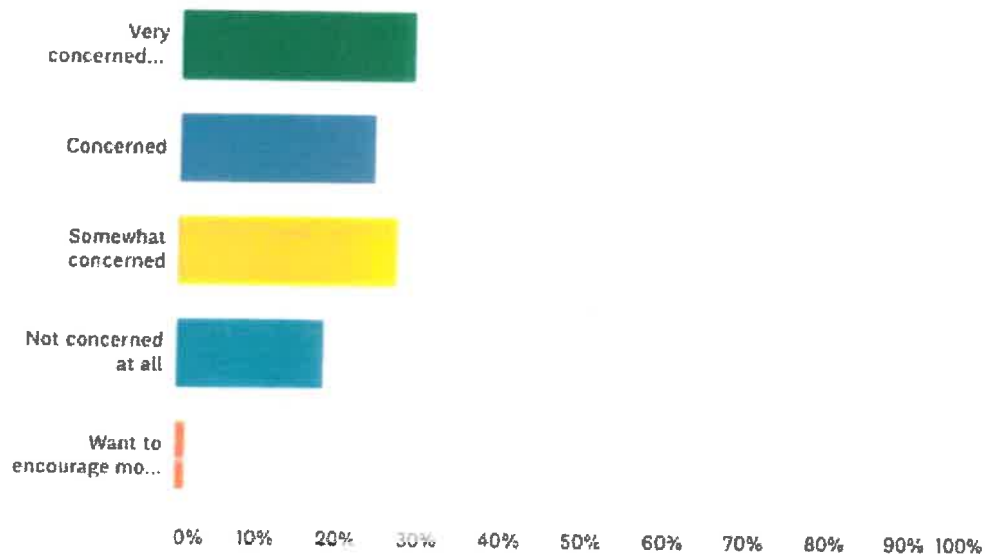
Total Respondents: 65

Q4



How concerned are you about the small size of the beach area and incapacity to handle the number of visitors (current open space management plan describes area as "...a public beach, primarily serving the neighborhood."):

Answered: 66 Skipped: 1



ANSWER CHOICES

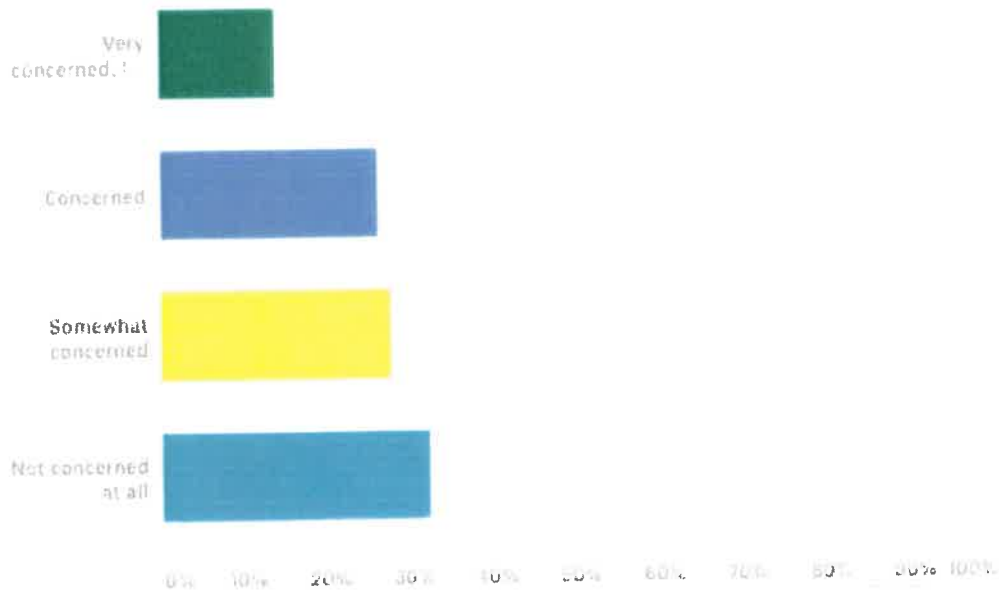
RESPONSES

Very concerned, there are way too many visitors	28.79%	19
Concerned	24.24%	16
Somewhat concerned	27.27%	18
Not concerned at all	18.18%	12
Want to encourage more visitors	1.52%	1
TOTAL		66

[Comments \(41\)](#)

Are you concerned about the type of activities, behaviors or commercial events that take place on the beach (if any, please describe in comments)

answered by: Skipped 0



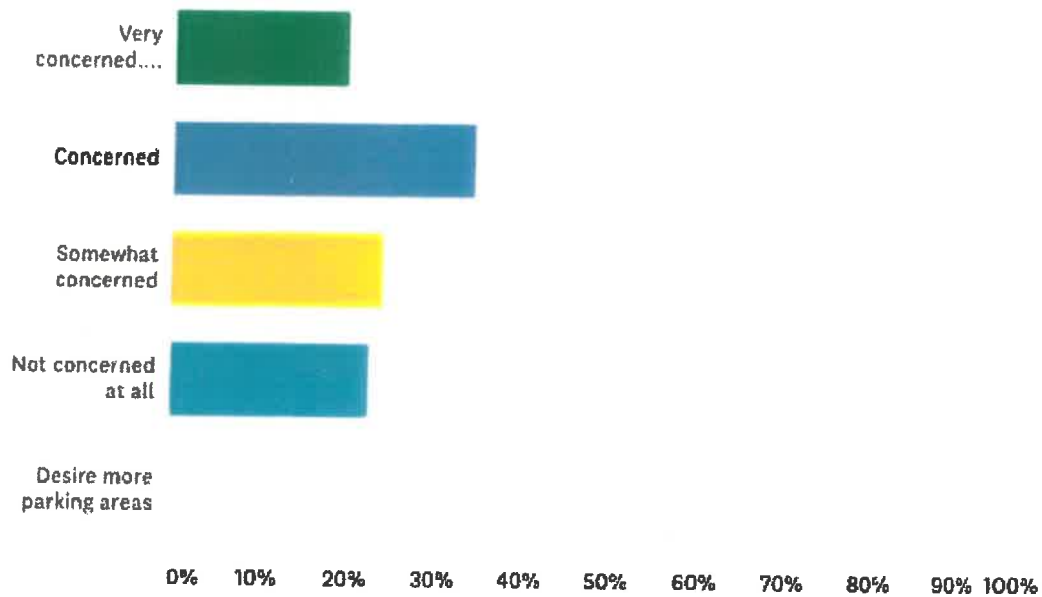
ANSWER CHOICES

RESPONSES

Very concerned. I see all kinds of inappropriate behavior	13.85%	9
Concerned	26.15%	17
Somewhat concerned	27.69%	18
Not concerned at all	32.31%	21
TOTAL		65

Are you concerned about number of vehicles and parking (current ordinance posts no parking from sunset to sunrise at far end of Sea View Avenue):

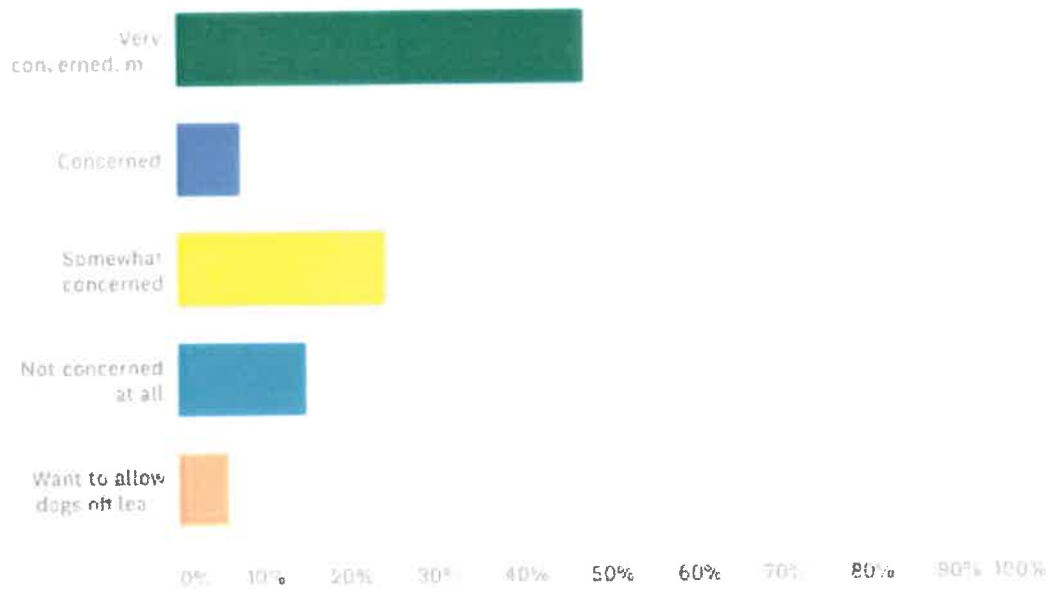
Answered: 67 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very concerned, vehicles are parked all over the place	19.40%	13
Concerned	34.33%	23
Somewhat concerned	23.88%	16
Not concerned at all	22.39%	15
Desire more parking areas	0.00%	0
TOTAL		67

Are you concerned about dogs not being on leashes (current ordinance requires dogs to be on leash or tether at all times):

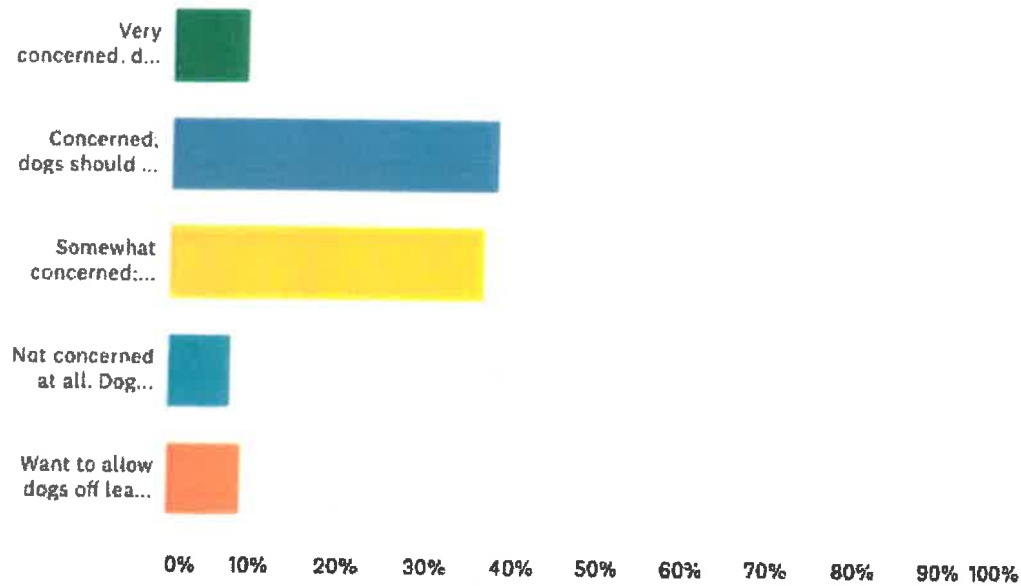
Answered by: 66 (100%)



ANSWER CHOICES	RESPONSES	
Very concerned, many dog owners ignore leash ordinance	46.97%	31
Concerned	7.58%	5
Somewhat concerned	24.24%	16
Not concerned at all	15.15%	10
Want to allow dogs off leash	6.06%	4
TOTAL		66

Are you concerned about an interim dog ordinance at Cliff House Beach (current ordinance requires dogs to be on leash or tether at all times):

Answered: 66 Skipped: 1



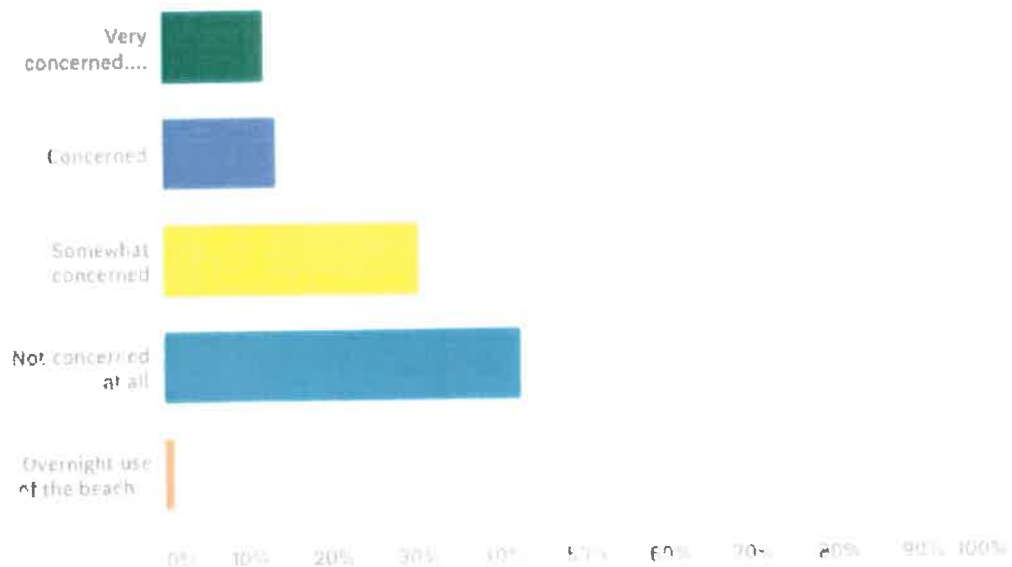
ANSWER CHOICES

RESPONSES

Very concerned, dogs should not be allowed on the beach at any time during the summer.	9.09%	6
Concerned; dogs should be allowed at certain times, but not allowed at other times.	37.88%	25
Somewhat concerned; current leash ordinance might be adequate if dog owners followed the rules at all times.	36.36%	24
Not concerned at all. Dog owners follow leash ordinance when I am at the beach.	7.58%	5
Want to allow dogs off leash at all times.	9.09%	6
TOTAL		66

Are you concerned about the hours the beach is being used (open space management plan allows 24 hours/day with hours from sunset to sunrise"...limit activities to quiet enjoyment...):

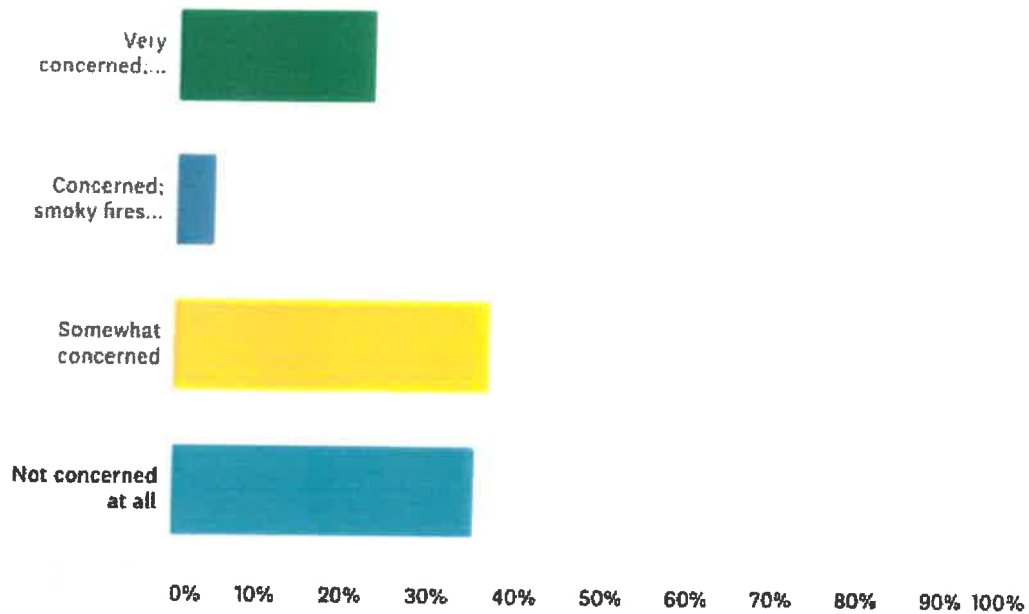
Answered: 66 (100%)



ANSWER CHOICES	RESPONSES	
Very concerned: hours should be restricted after sunset	12.12%	8
Concerned:	13.64%	9
Somewhat concerned	30.30%	20
Not concerned at all	42.42%	28
Overnight use of the beach should be encouraged	1.52%	1
TOTAL		66

Are you concerned about bonfires on the beach (current ordinance prohibits exposed fires except under specific permission from the Fire Chief):

Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very concerned; fires should not be permitted on the beach	23.08%	15
Concerned; smoky fires blow into my neighborhood	4.62%	3
Somewhat concerned	36.92%	24
Not concerned at all	35.38%	23
TOTAL		65

