



CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 4-01-02
September 10, 2001
7:30 p.m.

Roll Call by the Town Clerk

Present Absent

Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	6/2002
Henry N. Berry III	110 Two Lights Rd.	X	799-6500	6/2003
Penelope P. Carson	36 Trundy Road	X	799-8029	6/2003
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	6/2003
Mary Ann Lynch	2 Olde Colony Lane	X	741-2709	6/2004
John W. McGinty	86 Brentwood Road	X	767-0139	6/2004
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	6/2002
Town Manager Michael McGovern		X		
Town Clerk Debra Lane		X		

Pledge of Allegiance to the Flag

Reports and Correspondence-

Councilor Roberts thanked all volunteers for their service. Dedicated residents give their time to this community as was recently demonstrated by Gil and Michael Jordan who closed their business to respond to a fire call. The fields at Gull Crest are now being utilized. It is a "joy" to see the fields in use. Councilor Roberts attended a recent meeting of the Zoning Board of Appeal – another demonstration of serving the community.

Councilor Fritz reported on the Household Hazardous Waste Collection Day held September 8. Congratulations to the Recycling Committee, the event was a success. Two additional mercury collection days, sponsored by RWS, will be held on 9/15 in Yarmouth and 9/22 from 9-3 in Portland at the Marginal Way parking lot.

Councilor McGinty reported on the recent Cumberland County Budget Advisory Committee meeting. Councilor McGinty will keep the Council informed on the progress of the upcoming budget deliberations.

Chairman Swift-Kayatta announced that the Annual Town Report 2000 is now available at Town Hall. The new school year began on August 29. Everyone is cautioned to watch out for the children traveling to and from the school campuses.

Town Manager's Report-

- Congratulations to Debra Lane, Town Clerk, on her appointment to the Task Force to Establish a Centralized Voter Registration List. Ms Lane is one of two municipal clerks named to this task force.
- Congratulations to Cheryl Parker, Director of the Museum at Portland Head Light. Ms Parker married Robert Petras at a ceremony held at the Spurwink Church on September 9. Town Clerk Debra Lane was the celebrant.
- Report on Portland Head Light Area Landscaping Project from Land Use Consultants – Tom Emery, Land Use Consultants, presented a PowerPoint presentation of before and after slides.

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 3-01-02 held August 13, 2001

Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #3-01/02 held August 13, 2001 as written.

(7 yes) (0 no)

Public Hearing Draft Greenbelt Plan

Intro - Dan Chase, Chairman Conservation Commission

Commission members present: Michael Pulsifer, David Sterling, Kevin Cameron, Nancy Irving, Mike Duddy, John Herrick.

Chairman Swift-Kayatta opened the hearing at 8:01PM.

Ogden Williams, 5 Beach Bluff Terrace – Mr. Williams supports the plan. He encourages the Town Council to look at options at the Gull Crest property including possible recreation uses for leisure and school competition, and a link to the Town Center and schools. Volunteer labor and scrap material from the Transfer Station should be considered in the master plan of the property.

Tim Youmans, 28 Forest Road – Mr. Youmans supports the views of Mr. Williams.

Mary Beth Richardson, 34 Valley Road – Mrs. Richardson supports the greenbelt plan, including Trail #7 near Maxwell's Farm Market on Spurwink Avenue.

Murray Barton, 3 Gordon's Lane – Mr. Barton supports the plan. He also supports development of the Gull Crest property for student athletic events and a link to the Town Center and schools.

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Cornelia Morin, 16 Sweetsir Road – Mrs. Morin and her family, for years have, enjoyed the “informal trail,” adjacent to her property. Although she supports a “formal” trail, she cautions the Council to be aware of “unanticipated” uses of the trail system, e.g. ATV’s.

Rory Kirkland (?) – A young member of our community told the Town Council how much she enjoys running, skiing and other recreational activities within the Town.

Judy Kline – 10 Bridlepath Way – Ms Kline supports the plan. She encourages more trails for sports teams.

Tim Robinson, 1134 Shore Road – Mr. Robinson expressed his appreciation to the Conservation Commission for their respect of his, and other private property owners of their rights to privacy. He notes, through the experience on his family-owned land, that non-residents do come to our facilities. At this time, his family will continue to allow recreational passage within the designated areas. He cautions the Council at what point will too many visitors and use of the facilities hurt the conservation for plants and wildlife.

Peter Mullin, 44 Two Lights Road – Mr. Mullin continues to express his objection to the potential Broad Cove easement, as he did in a presentation to the Council in June 2000. Mr. Mullin noted the Conservation Commission’s intent to not interfere with private property rights, however he feels this easement would interfere with the privacy of his family.

John Upton, 4 Julie Ann Lane – Nordic Ski Team Coach – Mr. Upton supports the development of the Gull Crest property for sporting events (practice and competition). This facility could be a “Mecca” for the region.

After hearing no further comments, the hearing was closed at 8:21PM.

Item # 35-01-02 Moved by M. Lynch and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the Vision and Goals statement of the Greenbelt Plan entitled 2001 Greenbelt Plan:

**Vision and Goal Statement
Cape Elizabeth Greenbelt Plan**

Greenbelt

Trail: A blazed or trodden path, located in a natural area, of minimum sufficient width to be passable by a single individual, but may also include improved facilities such as bridges and boardwalks and, in more developed areas, sidewalks.

Vision: To establish a town-wide network of greenbelt trails by connecting the Town Center to important open spaces currently owned or to be acquired and all neighborhoods through a hub-and-spoke system. A greenbelt trail shall be located within a comfortable walking distance to all neighborhoods by creating, marking, mapping, and maintaining trails which provide legal public access, at least a portion of which will be handicapped accessible. Preserved open space and visually attractive areas of Cape Elizabeth will be made more accessible to the public by the greenbelt trails.

Goals:

1. Public Outreach. Conduct a Public Outreach Program that educates residents about the Greenbelt concept, builds consensus about open space and trail locations, and encourages the public to help maintain trails they use. Multiple outreach efforts, such as public notice mailings, newspaper articles and public forums, shall be conducted by the Town to allow for public input and inform the public about greenbelt trail resources.
 - 1.1 Prepare a plan depicting publicly accessible trails and distribute to Cape Elizabeth residents. The Greenbelt map shall be updated annually and widely distributed to Cape Elizabeth residents through the mail, with copies also available in locations such as the Town Hall and Library. Availability of the map shall be publicized on the Town web site as appropriate.
 - 1.2 The Town will be sensitive to the concerns of abutters as the Greenbelt Plan is implemented. Opposition to any kind of trail should not result in abandoning the trail as each greenbelt trail is part of a network designed to provide town-wide, pedestrian walkway facilities.
 - 1.3 The design of trails shall take into consideration security and access for emergency services personnel. Trails must be adequately marked so that pedestrians will not become lost. The Conservation Commission will liaison with Town Public Safety personnel to discourage the public from straying off public paths onto private property.
 - 1.4 Where possible, the trail system shall be planned and built for handicapped accessibility. (Practical handicapped access will likely require parking for handicapped accessible vehicles close to the trail.) While the natural topography of a trail may make it inaccessible to the handicapped, any improvements to the trail, such as the construction of boardwalks and bridges, shall not increase the trail's inaccessibility to the handicapped.

1.5 Trails will have a minimum environmental impact. Trails will be located in areas where the potential of soil erosion is low. If this is not possible, then construction of trails will include boardwalks and bridges needed to minimize erosion or other detrimental effects on the natural surroundings. In all cases, trails shall be located, and if possible relocated, to minimize impacts on the natural environment. Only the minimal improvements necessary to create a greenbelt trail will be installed. A more formal treatment of the trail surface such as the use of bark chips, stone dust or asphalt also may be considered.

2. Maintenance. Maintenance of trails shall be institutionalized with an annual maintenance plan to:

- Identify trail conditions with annual monitoring
- Remove fallen limbs and other debris
- Replace signage as needed
- Repair and/or replace bridges/boardwalks as necessary
- Fund improvements through the Capital Improvement Program

The Conservation Commission shall be responsible for monitoring trail conditions and prioritizing trails for maintenance. Conservation Commission members may also organize trail parties where volunteers perform trail work, however, the bulk of trail construction and maintenance field work shall be done by the Public Works Department and/or contracted out. The Conservation Commission shall be responsible for annually conducting a Greenbelt Program evaluation and submitting a report to the Town Council. A comprehensive update of the Greenbelt Plan shall be undertaken by the Conservation Commission every five years.

3. Trail Expansion. Priority for expansion of the greenbelt trail network shall be as follows:

3.1. Prepare a plan depicting proposed/conceptual trail locations. When new trails are to be constructed, public input will be sought so that trail design will minimize impacts on the abutters. The intent is to encourage participation from abutters in the design of the trail.

3.2. Construction of trails on open space already owned by the Town of Cape Elizabeth, including but not limited to:

- Gull Crest Property
- School Campus
- Larrea Parcel
- Cross Hill
- Highlands
- Stonegate

- 3.3. Construction of trails in conjunction with new development by the developer in consultation with the Conservation Commission. In reviewing a proposal for conservation of open space as part of a development, efforts shall be made to connect to nearby, publicly accessible open space.
 - 3.4. Acquisition of land or pedestrian easements, with the cooperation of the land owner, for trails on private property which are heavily used by the public.
 - 3.5. Completion of a greenbelt trail from Fort Williams to Crescent Beach, via the Town Center. Completion of this trail will require the completion of the Great Pond Trail.
 - 3.6. Connection of isolated trail systems into an interconnected, town-wide, hub and spoke trail network.
 - 3.7. Construction of trails in sections of town not currently served by a greenbelt trail with legal public access.
4. Partnerships. Maintain contact with Cape Elizabeth Land Trust, the Maine Farmland Trust, and other appropriate groups to take advantage of common goals that will facilitate development of the Cape Elizabeth Greenbelt.
 5. Trail Locations. Trails shall be located to maximize access to and enjoyment of:
 - Open space in town, land trust, state or federal ownership;
 - Town Center;
 - Scenic areas identified in the Visual Resources Assessment Report, 1989;
 - land acquired in conjunction with new development proposals;
 - wildlife areas, including ponds and wetlands;
 - farmland; and
 - forest lands.
- 5.1 Trails will be well marked so users of the trails will be able to stay on the trails and reduce the impact on the adjacent natural surroundings.

Possible Greenbelt Trail Expansions

Below is a description of the greenbelt trail links shown on the accompanying map. Proposed trail locations were influenced by the following assumptions:

- Link existing public access lands;
- Link all neighborhoods to nearby public access lands;
- Use land that is undeveloped due to wetlands and construct boardwalks;
- Use land that currently provides casual public access;
- Use paper streets where the town has residual rights.

In many cases, proposed trails have been shown on privately owned property. No trail will be constructed by the Town on privately owned property without the express written permission of the property owner. All effected property owners have been notified of this process. The Conservation Commission would like to initiate discussions with private property owners to explore opportunities for greenbelt trails that meet the needs of both the Town and the property owner.

The location of proposed trails in most cases is conceptual only. If the trail is developed, a field assessment will be needed to site the trail. In siting the trail, factors such as avoiding the removal of trees and minimizing wetland locations would be considered.

It is the Conservation Commission's expectation that the greenbelt trails will be used primarily by nearby, neighborhood residents. The Conservation Commission is attempting to make a proposal where all neighborhoods will be near a greenbelt trail. Because greenbelt trail opportunities will be nearby, parking lots are not proposed for any but the trails on large, town parcels.

(7 yes) (0 no)

Item # 36-01-02 Moved by P. Carson and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the proposal to develop a master trail plan for the Gull Crest property submitted by OEST Associates, Inc. dated August 28, 2001 entitled Trail Master Plan – Gull Crest Parcel. Said scope of services shall not exceed \$12,700, funded by the Gull Crest account.

(7 yes) (0 no)

See attachment.

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Item # 37-01-02

Intro – Debra Lane, Town Clerk

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the abatement of personal property taxes, Title 36 Section 841 subsection 3 due to absence and the inability to pay, for the business formerly known as Shear Madness in the amount of \$57.36 as follows:

1997 \$18.56

1998 \$19.08

1999 \$19.72

(7 yes) (0 no)

Citizens' Discussion of Items Not on the Agenda

Manager McGovern introduced the reporters for two new newspapers to Cape Elizabeth, The Cape Current and The Forecaster Southern Edition

Adjournment

Moved by P. Carson and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council adjourns at 8:58PM.

(7 yes) (0 no)

The meeting will be followed by a Town Council Workshop to discuss possible legislation for the Town to ask to be sponsored for the next session of the Maine Legislature.

Upcoming Town Council Meetings:

The October and November Town Council meetings will be on Wednesdays, October 10th and November 14th due to observations of Columbus and Veteran's Days.

Town Council/School Board/Community Center Planning Committee Workshop –
September 25 at 7:30PM Town Center Fire Station

Thursday, September 13 Employee Recognition Day – Town Hall, Thomas Memorial Library and Public Works will close at 12Noon. The Transfer Station will be open.

Debra M. Lane, Town Clerk