

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Conservation Commission
DATE: January 14, 2011
SUBJECT: Great Pond Boat Racks Year One Review

Introduction

2010 was the first year that the Town of Cape Elizabeth made a boat rack storage system at Great Pond available to town residents. Overall, the program was very well received. The Conservation Commission reviewed the program at the December, 2010 meeting with Seth Sprague and John Greene from the Sprague Corporation, as well as soliciting comments from the Town Clerk, Police Chief and Public Works Director, and provides the following observations and recommendations for next year.

Background

Boat access to Great Pond has traditionally been available in an area not far from the end of Fenway Rd. Over the last several years, the Cape Elizabeth Conservation Commission has worked to legally formalize public access. This included the donation of land at the end of Fenway Rd from Antonio Palanza to the Town of Cape Elizabeth and the negotiation of a replacement easement from the Sprague Corporation to the Town of Cape Elizabeth. The Sprague easement includes the boat launch area. (See attached map)

The original easement referred to "existing trails" with no specific location for public access. The new Sprague easement includes a metes and bounds description of an expanded area that allows both pedestrian access and boat storage. The Sprague Corporation expressed concerns with the haphazard storage of boats along the access path and made the establishment of a formal boat storage area a condition of the new easement. The boat storage provisions include a restriction on the maximum number of boats stored (30) and seasonal storage only (March-December). (A copy of Boat Storage Rules is attached)

In February and March, 2010, the Conservation Commission, with help from a few residents, designed and built boat storage racks to accommodate 30 boats at Great Pond. Thirty permits were issued on a first-come, first-serve basis, at a cost of \$20 per permit established by the Town Council. The boat storage season ended December 5, 2010.

Boat Storage Permits

The Boat storage permit system includes filling out an application for a permit, paying for the permit at Town Hall and obtaining a numbered decal that must be affixed to the boat and storing the boat on the rack slot corresponding with the decal number. Permits were in high demand. The thirty available permits were sold almost immediately. Over 20 people sought permits that were not able to get one.

The Conservation Commission and Sprague Corporation representatives discussed the unmet demand for permits. At this time, both parties agreed that they would monitor the demand for permits for another year before considering possibly increasing the number of boat storage rack slots available. An increase would require amendments to the easement agreement, as well as the construction of additional boat racks. At the same time, the boat rack design resulted in the creation of two "spare" boat slots. The Commission and the Sprague Corporation representatives agreed that these 2 slots could also be offered in 2011, informally increasing the number of slots to 32.

The Commission expressed concern that some permit holders did not use their boat slot. For the 2011 season, the Commission will be undertaking some monitoring to determine if slots are being used and may have additional recommendations at the end of next season.

Finally, the Commission recommends replacing the first-come, first-serve system with a lottery system to determine who receives a boat storage permit. The Commission also clarified that "town resident" shall mean someone who lives in Cape Elizabeth, but does not necessarily maintain their legal residence here.

Boat Removal

The Sprague easement requires that all boats must be removed by the first Sunday in December. Prior to the current boat storage rack program, boats were chained to trees or abandoned along the boat access to Great Pond. Requiring the annual removal of boats avoids the accumulated clutter that previously occurred at the pond and also allows the Conservation Commission time for any necessary maintenance of the boat racks.

At the end of the season, 6 boats were not removed by December 5th. Using the permit application information, boat owners were notified by letter that the boats would be removed by the Department of Public Works and that a fee would be charged. All boats were removed by their owners before December 13th.

The Conservation Commission is pleased that the boat removal ultimately achieved 100%. They are recommending, however, that the Town Council adopt a Boat Removal fee of \$50 if the Department of Public Works has to remove the boat after the season closes. Further, that boat owner will be ineligible to hold a permit the following year. Under the terms of the easement, the Town is responsible for removing boats stored out of season.

General comments

The Conservation Commission reviewed comments from members of the public and town staff regarding this first year of the program. In response to a comment that the \$20 fee is too high, the Commission is not recommending that the fee be reduced. Another suggestion was to charge a separate fee for fall/winter storage. The Commission did not support this suggestion.

It was noted that anyone can use a boat on Great Pond, but will just need to carry in/carry out their boat. This program limits boat *storage* only.

One permit holder cautioned against vandalism of boats. During this season, two boats were removed without the owner's permission. In one case, another boat owner reported a drifting boat with the decal number to Town Hall. The permit system allowed us to identify and notify the boat owner, who retrieved his boat and sent his thanks.

The Conservation Commission received several comments from permit holders who enjoyed boating on Great Pond because they were able to store a boat there.

Conclusion

The Conservation Commission is very pleased with the first season of formal boat storage at Great Pond. As expected, some adjustments to the program are recommended, and monitoring will continue for the 2011 season. The only action requested from the Town Council at this time is:

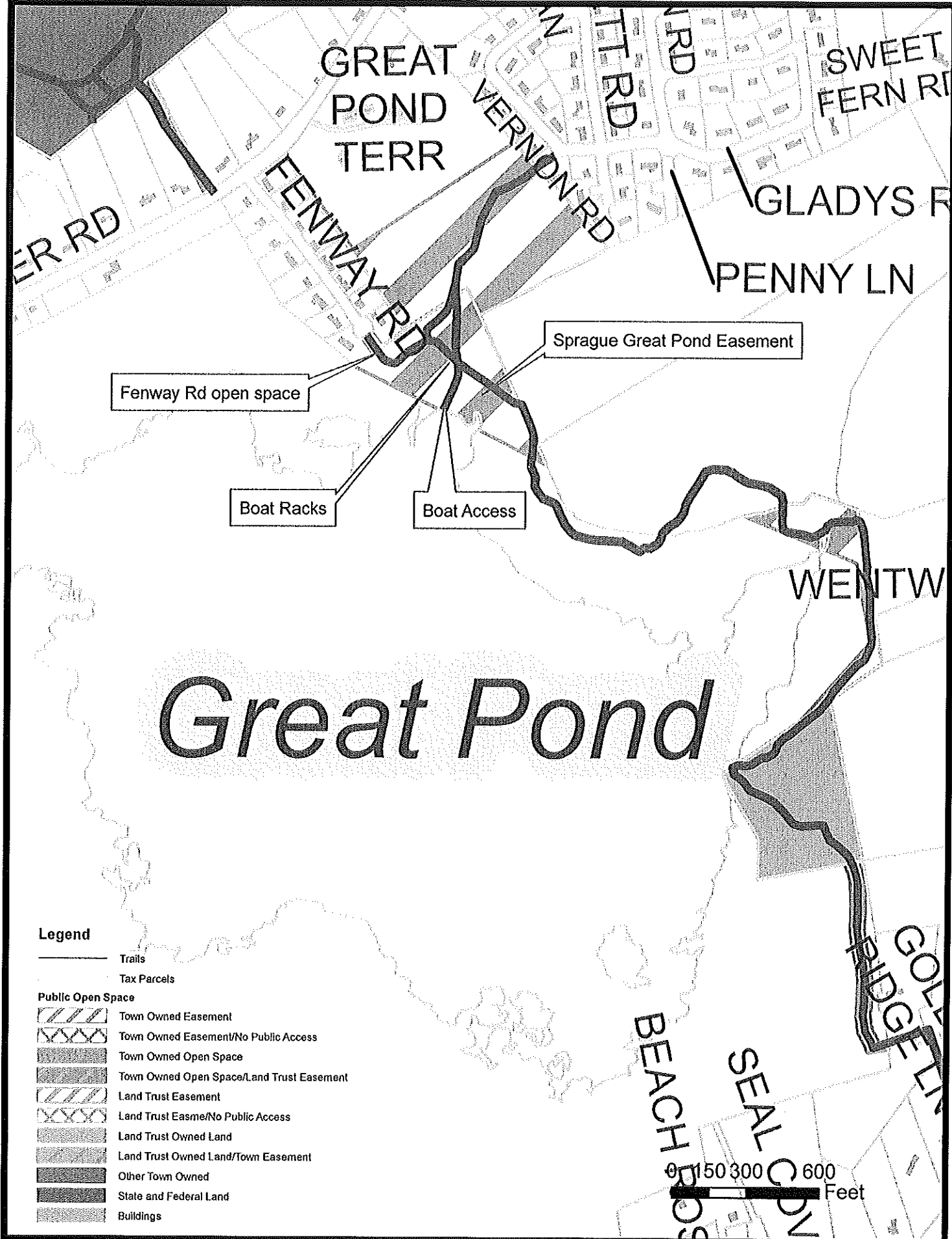
- That a Boat Removal Fee of \$50 be established for boats removed by the Department of Public Works from the Great Pond Boat Racks after the season ends. Further, the boat owner will be ineligible for a permit for the following season.

The Sprague Corporation
Great Pond Boat Storage Easement
Proposed Rules

These rules concerning storage of boats and other watercraft on this property are made by the owner, The Sprague Corporation, in consultation with the Town of Cape Elizabeth and in compliance with the terms of an easement granted to the Town on _____, 2010, for pedestrian access, boat access and boat storage in the vicinity of Great Pond.

1. Cape Elizabeth residents wishing to leave a boat, canoe or other watercraft at Great Pond must register their intention with the Cape Elizabeth Town Manager or his/her designee. Residents will receive a sticker that must be displayed on their boat, canoe or watercraft.
2. Boats, canoes and other watercraft must be carried by hand to the boat storage area. No motorized vehicles are permitted in the easement area.
3. No boat motors or motorized craft are permitted within the easement area.
4. No boat, canoe or other watercraft in excess of 21 feet in length shall be permitted within the easement area.
5. Boats, canoes and other watercraft must be placed in the storage racks.
6. Boats, canoes and other watercraft may not be left outside the designated storage area.
7. A maximum of 30 permits shall be issued and outstanding at any time, with a limit of 1 permit per household.
8. Permits must be renewed annually with the Town.
9. The boat storage area will be available from the last Saturday in March to the first Sunday in December. No boats, canoes or watercraft shall be left in the storage area during the off season.
10. All boats, canoes and watercraft shall be stored in the storage area at the sole risk of their owners. Neither The Sprague Corporation nor the Town of Cape Elizabeth shall have any responsibility for boats, canoes or other watercraft left in the boat storage area.
11. Boats, canoes and other watercraft found not in compliance with these rules will be removed at the expense of the owner.
12. These Rules may be modified or amended with the prior written consent of The Sprague Corporation and the Town of Cape Elizabeth.

The Sprague Corporation
799-0011



Great Pond

Legend

- Trails
- - - Tax Parcels
- Public Open Space**
- Town Owned Easement
- Town Owned Easement/No Public Access
- Town Owned Open Space
- Town Owned Open Space/Land Trust Easement
- Land Trust Easement
- Land Trust Easement/No Public Access
- Land Trust Owned Land
- Land Trust Owned Land/Town Easement
- Other Town Owned
- State and Federal Land
- Buildings