

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Maureen O'Meara, Town Planner
DATE: December 2, 2016
SUBJECT: Canterbury Trail License

Introduction

As part of its implementation of the 2013 Greenbelt Plan, the Conservation Committee approached the Canterbury on the Cape Association about installing a trail on a pedestrian easement held by the Town. Canterbury has concerns about the expanding "rogue" trail system on their property and trespassing through their "village" area. The Conservation Committee and the Canterbury on the Cape Association have jointly put together a License agreement that allows the Town to manage trails on association land.

Background information

Following adoption of the 2013 Greenbelt Plan by the Town Council, the Conservation Committee focused on priority trails, mostly located in the northern portion of town. With the construction of the Cottage Brook development, new trail connections were created to an existing pedestrian easement held by the Town on the Canterbury on the Cape land.

As a courtesy, the Conservation Committee reached out to Canterbury with their interest in installing a trail on the easement. Canterbury responded both with a request and an offer. The association is generally tolerant of trail users on their land as long as they do not enter the village or the pool area. Trespassers in these areas has been a long-standing challenge. The Conservation Committee, town staff and many members of Canterbury have met onsite and at meetings to create a joint agreement that provides for trail access beyond what is currently allowed by the easement. In exchange, the Conservation Committee will manage the trails as part of the greenbelt and use its resources to discourage trespassing. The Conservation Committee is optimistic that the new trail connection to Mitchell Rd will help with management.

License

This is the first time the Town is using a license to partner with a property owner. Either party may terminate the license. The license lays out a common understanding, but more importantly creates a basis that could evolve into a more permanent easement. At this time, the town still retains its original trail easement and the association may terminate the license if the town's trail management does not meet its expectations.

Conclusion

The Conservation Committee supports approval of the license as soon as possible so that its members, in conjunction with the Canterbury on the Cape Association, may begin trail marking and public information to appropriately guide trail users.

