

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Conservation Committee
DATE: November 28, 2018
SUBJECT: Land donation at 44 Spurwink Ave

Introduction

Colin Powers, resident at 44 Spurwink Ave, has offered to donate a portion of the property that he owns at 44 Spurwink Ave. The land is wetland abutting Trout Brook and also abutting land already owned by the town. (See attached map)

Conservation Committee review

The Conservation Committee discussed the possible donation with Mr. Powers at the November 19, 2018 meeting. The committee noted that the donation would abut land already owned by the town known as the Ferne Peddy lots. In the 2012 Management of Greenbelt and Open Space Plan, the Ferne Peddy lots (p. 65) are assigned Management Group 1, which is described as follows:

Group 1 is comprised of lots dominated by significant environmental features such as wetland and water bodies. The primary benefit of these lots is as a habitat for wildlife and buffering adjacent neighborhoods. The town's intent in these areas is essentially to leave the land in its natural state. A trail might be proposed at some point in the future, especially as a linkage to the greenbelt trail network, however, pedestrian activity and access is not encouraged at this time. (p. 9)

The Conservation Committee agreed that the land offered has the same characteristics as the Ferne Peddy lots. If donated, the land would remain predominantly in its natural state and would expand the habitat values of the land already owned by the town. Both the adjacent Trout Brook and downstream Sawyer Marsh would benefit from consolidated management as habitat by the town.

It was noted that Mr. Powers owns several nonconforming lots totally approximately 45,000 sq. ft. The minimum lot size in this zone (RC) is 20,000 sq. ft., so it is important that the amount of land donated not decrease the Powers lot to less than 20,000 sq. ft. The Conservation Committee noted that some survey and title work may be needed and Mr. Powers offered to handle that work.

Mr. Powers stated that any possible land swap with the town was separate from this donation offer. For this reason, the Conservation Committee did not discuss the merits of swapping land the town currently owns.

Recommendation

The Conservation Committee recommends by a vote of 4-0 that the Town Council consider acceptance of land to be donated in the area of 44 Spurwink Ave abutting town land, with the note that survey and title work may need to be done.

11/26/2018 CapeElizabeth.org Mail - 44 Spurwink Ave, C.E.



44 Spurwink Ave, C.E.

11 messages

Colin Powers <colin@cumberlandtitle.com> Wed, Oct 31, 2018 at 10:47 AM To: "maureen.omeara@capeelizabeth.org" <maureen.omeara@capeelizabeth.org> Cc: "spurwinkabstractingllc@gmail.com" <spurwinkabstractingllc@gmail.com>

Good Morning Maureen. I am writing to you to see if the Town has any use for a portion of my property at [44 Spurwink Ave](#). The property almost abuts the City of South Portland town line and the land runs along Trout Brook to what I believe is either other town property or conservation area of some type. My parcel consists of a number of 25' wide lots on a plan so it would be easy enough to lop off a 25' or 50' strip(s). My thought was this would / may make a good spot to connect to trails, if possible, however I have not had enough time to dig into C.E. trail maps to see if it has any potential. I also thought the Town may also be interested in the bed of Trout Brook as it passes through my property. Regards.. Colin

Thank you, Colin Powers

Colin Powers
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