

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

February 7, 2019

6:40 p.m.

Town Hall

Present: Penny Jordan, Chair  
Caitlin Jordan (arrived at 6:50 p.m.)  
Valerie Randall

Staff: Maureen O'Meara, Town Planner

Councilor Penny Jordan called the meeting to order. The minutes of the January 9, 2019 meeting were approved 2-0.

Public Comment

No one present wanted to comment.

Coastal Waters and Harbor Ordinance (Chapter 10) amendments

Chair Penny Jordan introduced the item, noting that the mooring standards are posted on the town website and that draft Out Haul standards have been prepared for review. She asked if people know what "staked out" means? Harbor Master Angelo Mazzone answered yes.

Councilor Penny Jordan asked about out hauls today? Mr. Mazzone said there aren't any in now, but he will inspect any out haul after a permit is issued. Changes in the draft standards include: (1) attaching a buoy to an out haul so people can see the location; (2) requiring stakes to be as close to the high water mark as possible; and (3) using a non-floating line. Councilor Penny Jordan asked if anyone can obtain a permit and Mr. Mazzone noted that weight requirements are included in the standards.

Councilor Caitlin Jordan asked why the out haul must be in use by July 1st? Mr. Mazzone referenced the waiting list for moorings and that if you have a permit, you should use it. Scarborough requires use within 30 days, but Cape is more liberal. Councilor Penny Jordan felt July 1st is adequate to allow people to have the access they want and Mr. Mazzone noted it also allows seasonal people time to get here.

Councilor Caitlin Jordan asked if the date referred to having the out haul installed or having a boat in the water. This is not consistent with current mooring rules, which requires that you must use the mooring at least 2 weeks

every year. Mr. Mazzone said he manages a huge waiting list in Scarborough and applied the same here. The committee agreed to eliminate the July 1st requirement.

Councilor Penny Jordan asked about a time frame for out haul set-up. Mr. Mazzone said once it is installed and approved, it can be used.

Frank Kasilowski, 6 Boat House Ln - He likes the out haul standards. He wants non-floating lines and staking at the high water mark as close to the ground as possible.

Councilor Caitlin Jordan suggested adding a maximum distance above ground at which an outhaul can be staked. Mr. Mazzone recommended staking at the high water mark to avoid how much line extends up the beach.

Nate Perry, Cape Elizabeth Fishermen Association, 10 Pine Ridge Rd- He pointed out, at Peabbles Cove, the line should be up high enough off the ledge so that the line does not chafe.

Mr. Mazzone said he drafted the standard to apply universally. To be functional, in some locations the line may need to be staked higher off the ground. He prefers having discretion. The committee agreed to leave some ability to adjust to the situation. Councilor Caitlin Jordan noted the standards require that foot traffic not be obstructed.

Frank Kasilowski- He noted that at Peaks Island, it is staked at ground level.

Councilor Penny Jordan asked if the out haul should be required to have signage, such as "Do not Tamper," to avoid a dangerous situation. Mr. Mazzone said that a concern is aesthetics and signage make increase visibility. People on the beach live there.

Ms. O'Meara noted that short term rentals are adjacent to the beach, so people who don't live there will likely use the beach.

Councilor Caitlin Jordan considered what people would tend to play with - probably the stake lines - and those will be on the ground. Signage might draw attention and be more of a hazard. Councilor Rand concurred that "not obstruct traffic" in the standards addressed the concern.

Frank Kasilowski - He does not want line suspension over the high water mark.

The committee agreed suspension concerns were covered by the draft standards.

Frank Kasilowski - He asked if the introductory paragraph should state that the Harbor Master should have authority to enforce the standards? Mr. Mazzone said this is the same statement used in the mooring standards. The responsibility is on the mooring holder. He is not a diver.

Councilor Penny Jordan asked how fees would be structured and Mr. Mazzone said the town webmaster is great.

The committee voted 3-0 to recommend the amendments to the Town Council for consideration. Ms. O'Meara will prepare the committee recommendation to the Town Council and, after review by Chair Jordan, forward it for inclusion on the March, 2019 Town Council agenda.

#### Next meeting

No items are pending for the committee. Once there is a referral, the committee will schedule a meeting. The meeting adjourned at 7:10 p.m.