

Conservation Committee Meeting Minutes  
7:00 p.m., Tuesday, October 13, 2020

As a result of the COVID-19 virus, the Conservation Committee conducted the meeting via Zoom remote access as provided by Maine law. Zoom allowed all Conservation Committee members and members of the public to hear all discussion and hear votes, which were taken by roll call, as required by law.

Present: Jim Tasse, Chair, Matt Craig, Emily Helliesen Day, Christophe-Heijn De Vries, Corinne Ketcham, Bruce Moore, Mitch Wacksman

Maureen O'Meara, Town Planner

1. Public Comment.

Karen Rea, 7 Glos Way, Cottage Brook Condominium Association - She would like to discuss plantings in town open space. The committee will address this under item #6 on the agenda.

2. Minutes. The minutes of the September 8, 2020 meeting were approved by a vote of 7-0.

3. Cliff House Beach Park Management review. Mr. Tasse explained that public comment would be allowed in accordance with committee rules limiting each speaker to 3 minutes, and allowing everyone a chance to speak. The item opened with a presentation from the neighborhood.

Tom Mikulka, 4 Mountainview Rd, gave a powerpoint presentation based on a survey created by the neighborhood and public noticing provided by the town (496 residences were mailed a notice). 133 responses were received from 37 different streets. The presentation included a map of where respondents lived, and showed wide representation from the northeast part of town.

Mr. Mikulka reviewed survey responses to questions 2-5 for which a majority of respondents disapproved of the increase in use and traffic at the park. Questions 6-9 focused on possible solutions. Respondents supported a parking sticker program that limited parking on Sea View and Glen Ave to Cape residents from May 1 to September 30 and supported installing bike racks. Respondents did not support designating 2 parking spots for loading/unloading or a beach parking zone for nonresidents on Shore Rd. Both Mr. Mikulka and Tom Meyers thanked the committee and Police Chief Paul Fenton for the opportunity to do the survey and comments provided.

Chief Fenton was asked to share his insights after designing police shifts (10 4-hour shifts) at Cliff House Beach Park this summer, some of which he filled on the weekend. Augmenting a report he submitted, Chief Fenton noted that crowding of open space, especially coastal areas, has

been town-wide and in part driven by Covid. Parking on Seaview Ave was also impacted by new home construction this summer. In response to concerns with emergency vehicle access, which was still possible, he established emergency no parking on the "Owens peninsula," (west side of Seaview south of Glen Ave intersection and east side of Glen Ave from Seaview intersection to 16 Glen Ave).

Asked about solutions, Chief Fenton observed that Covid has exacerbated conditions with folks looking for access to the outdoors. He noted that the roads and the park are public and the town has goals to be more inclusive. He has learned from experience that parking is like water, and when you limit it in one place, it tends to go somewhere else. Dump stickers are not intended to regulate parking, and will trigger other issues, such as when students home from college or other family members or friends park on the street. He also questions the time commitment from his officers to check for stickers.

Chair Tasse asked about peak usage of Cliff House Beach Park. Chief Fenton observed that usage comes in waves with about 85-100 people.

Were park users practicing social distancing? Chief Fenton said that once signage was added to the stairs, compliance improved. People were outside and about 50% were masked. He questioned if we are talking about permanent solutions for temporary problems.

Mr. Wacksman noted the pictures showing parking on both sides of the road looked tight. Chief Fenton said that he asked an emergency vehicle to test the road and it could pass, but still recommends that parking be limited to 1 side. He noted that people also parking poorly when frustrated.

Chair Tasse opened the meeting to public comment:

Christopher Campbell, 598 Shore Rd - He thanked the committee for providing time to conduct the survey and it is clear the neighborhood feels disenfranchised. It is a profound problem and the town should establish a policy with necessary resources, and also provide for guest passes for kids/guests. The status quo is not acceptable.

Joe Cahoon, 1 Elizabeth Rd - He has lived here 8 years and walks to the beach but did not return the survey. Use of the beach increased before Covid. He does not want parking relocated into his neighborhood, which is tightly packed.

Marybeth Fougere, 7 Birchwood - She has lived here 12 years and enjoyed lots of quiet beach time. It has gotten progressively worse, with this summer the worst. It started with social media promoting the beach and it is sad the information looped out of the area. It was primarily Cape/South Portland beach users, but now there are out-of-staters. It is ok to share the

beach but now it is dangerous. She walked there 20 times and stayed 6 times this summer.

Tony Owens, 19 Seaview Ave - He is a 40 year resident and the neighborhood beach has changed. He supports the survey, the data and the comments. The town has tools, for example Crescent Beach parking restrictions and he supports using the transfer station sticker. Thanks for beginning the conversation.

Genevieve Whiting, 15 Island View Rd - You should look at models in other communities. Higgins Beach limits access. We should preserve the area for the neighborhood and share in a reasonable way.

Chief Fenton said that he has spoken to the Scarborough Police Chief about Higgins Beach and that enforcement requires a full-time reserve force. They do have limited time meters that allow more people to access the beach. Chair Tasse added that Higgins prohibits all on-street parking except for metered spaces.

Tom Meyers, 4 Seaview Ave - He has chatted with folks, and a couple from Hoboken, NJ saw the beach on social media. Visitors are friendly but there are neighborhood impacts. We should look at all the consequences because parking will move with restrictions.

The public comment period was closed and the committee began review of the draft recommendation to the Town Council. Ms. O'Meara asked if the neighborhood survey should be attached to the Conservation Committee recommendation and Mr. Wacksman said it is not the committee's survey. Committee members concurred.

The committee considered a draft recommendation submitted by Mr. Meyers that provided more context. The committee decided to work from the "more spartan" staff draft. Mr. Craig noted that this situation is complex and is this within the committee's purview? Ms. O'Meara responded that the Town Council asked the committee to provide a recommendation, and the committee has been park steward since the steps were installed.

Mr. Moore liked the draft incorporating the chief's recommendations. Ms. Ketcham is familiar with the park and visited it over 60 times this summer. Limiting parking to one side made a significant difference. She supports adding bike racks and agrees some loading/unloading spaces would be beneficial. Ms. Day noted that 1-2 hour time limit spaces would result in more turnover, when the neighborhood wants less people.

Chief Fenton noted that any action will have positive and negative consequences. The committee discussed the challenges of parking enforcement which must be monitored during popular beach use periods.

The committee discussed limiting parking to 1 side around the "Owens peninsula." The committee agreed that one side only parking on Glen Ave should extend from the intersection with Seaview Ave to the 16 Glen Ave driveway. The committee discussed a seasonal v. permanent limitation and Chief Fenton said he recommended permanent because it is a public emergency access issue.

The committee discussed bike racks. Chair Tasse recommended that the bike racks be seasonally installed on the road because there isn't a location on the grass flat enough for the racks to work well. Temporary curb stops can be installed around the racks for protection from vehicle traffic. The committee agreed that 2 parking spaces on the east side of Glen Ave, adjacent to the telephone pole next to the park, be reserved for bike racks (est. 30' long). This can be tested for a season. The committee considered removing additional parking, but it was noted that the survey did not include respondents from the whole town.

The committee discussed and decided not to include the survey with the committee recommendation. It was noted that the entire region is a popular place. The character has changed, which is sad but also reality. We should mitigate neighborhood impacts and protect public access.

The draft will be finalized by staff based on committee comments and submitted to the chair for approval. The committee voted to send the draft recommendations to the Town Council, as amended, by a vote of 7-0. Chief Fenton and the neighborhood were thanked for participating.

4. Water Body Naming Project. The committee received a summary of survey responses posted on the town website for people to suggest names for 18 ponds and 50 streams. Staff suggested the next step is to decide if the Bureau of Names standards will be applied, in which case the names could become permanent on maps, or if the names will just be used on the local town map. There was support for adhering to the Bureau of Names standards. Some of the suggested names do not meet the Bureau standards.

Mr. Moore asked about a recommendation for the Cape Historical Society and Ms. O'Meara said that individual society members provided suggestions. In order to reach consensus, the committee decided that staff will send out a spreadsheet for each committee member to choose their preferred name. The goal will be to recommend 1 name for each water body. The review schedule will be 1/2 of the streams in December, 1/2 streams in January, 2021 and all the ponds in February, 2021.

5. Greenbelt projects.

Mari Balow represents the Runaway Run Club, which submitted an application for a Tiny Trails 5K running event at Gull Crest. It would be one of a series of events which is low-impact and fun. Mr. DeVries noted

that members of the club helped carry wood at the last trail improvement work event.

Mr. Tasse noted that the event proposed to make a donation to CELT. Since it will be run on the town trails, perhaps the donation can be made to the town open space? Ms. Balow said the club is open to that.

Ms. Ketcham asked how the event will avoid a conflict with Lacrosse players who use Gull Crest at the proposed time. Ms. Balow agreed to use the Spurwink parking lot.

Mr Wacksman noted that he was at a club race where profane signs were used, which is unacceptable for a family event. Ms. Balow said that may have been the winter classic and they will take care with signage.

Mr. DeVries observed that the course in May could be wet, slippery and bouncy. Ms. Balow concurred. The committee discussed that the boardwalk has been repaired since then, but the trail may still not be in a good condition for runners. Ms. Balow offered to provide some repair help. The committee explained that the trail was under consideration by the committee for either repair or replacement. Lumber supplies are way backed up and we may not get it done by spring.

Mr. Craig complimented the running series and asked if it is open to the public or club members only. It is open to others. Do we close the trails to other users? Ms. Balow said the runners are aware there is public use on the trail and will be mindful. There was discussion about methods to let the public know that the event will be happening on the Gull Crest trail so that trail users may opt to use a different trail.

The committee reviewed the Open Space ordinance requirements to approve an event. The club was encouraged to look at an alternative route due to the condition of the Outer Loop trail at Gull Crest, to check the Lacrosse schedule and to return to the committee at next month's meeting.

6. Cottage Brook. Karen Rea, representing the Cottage Brook Condominium Association, shared a plan to augment existing open space with additional plantings. She has consulted with Todd Robbins, Tree Warden, and Moody's Nursery.

Chair Tasse asked if native species will be used? Mrs. Rea concurred, noting that their policy is to use noninvasives.

Ms. O'Meara summarized her interactions with the association, coordination of town open space and condo land, and the association's need for planting permission from the committee for work on town open space. Plantings on association land are also shown, but do not require committee approval.

The committee was very supportive of replanting, taking care not to disturb the wetlands, and generally liked the direction of less mowing. The proposal was approved by the committee by a vote of 7-0.

7. Lumber supplies for greenbelt projects. Mr. Wacksman suggested looking at downeast lumber yards for supplies. He agreed to call for information on pricing and availability.
8. Planning Board agenda. Ms. O'Meara provided an overview of the CELT Resource Protection application for boardwalks to be installed at the Pollack Brook Preserve. Philip Mathieu, Stewardship Coordinator from CELT, attended to answer questions.

Mr. Tasse asked when the improvements will be done. Mr. Mathieu hoped to do some work this fall with students, and potentially more substantial work in the spring. They have experienced some lumber shortages, so the bridge will probably not be done before winter. Cindy Krum, CELT Director, said the improvements are in line with the Conservation Committee plan for trail improvements and they are also pursuing MDEP permitting.

The Conservation Committee voted 7-0 to recommend to the Planning Board that the Resource Protection Permit be issued.

Ms. O'Meara provided a summary of a site plan application by the Town of Cape Elizabeth to build a 180' tall telecommunications tower near the bottle shed at Gull Crest. The plan will require the relocation of a section of trail, to be replaced in kind. Committee members had not heard of the proposal before and were most concerned that that the existing trail be relocated.

9. Adjournment. The meeting adjourned at 10:00 p.m.