

Conservation Committee Meeting Minutes
Remote
7:00 p.m., Tuesday, February 8, 2022

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency extended to March 31, 2022.

Present: Jim Tasse, Chair, Matthew Craig, Emily Helliesen Day, Corinne Ketcham, Richard Sullivan.

Staff: Maureen O'Meara, Town Planner

1. Citizen comments.

Ardath Dixon, CELT - She announced that CELT has come to agreement to acquire the town center trail link on the Methodist Church property, which will include 6.5 acres of conservation land.

Chair Tasse commended CELT on this priority trail link, which has been a priority for several years.

2. Minutes. Mr. Moore made a motion to approve the January 11, 2022 minutes, seconded by Ms. Day and approved 4-0-1(Craig abstained).

3. Priority setting. Chair Tasse asked Ms. O'Meara to introduce the discussion. She referenced the FB Environmental Study (2021) identifying greenbelt trail improvement needs, and the permits now obtained for projects on the Town Farm, Gull Crest, Stonegate, Winnick Woods and Cross Hill. There is funding available for purchase of materials. There is probably more work than volunteers available so the committee may want to consider another MCC grant application. It has also been difficult to hire folks to make trail improvements. Other priorities the committee may want to consider are invasives, with 2 pending requests, and a signage upgrade. Priority setting does not have to be completed in 1 meeting. The committee could have a robust discussion about priorities and then staff can prepare, for the following meeting, a draft summarizing priorities for the committee to review and revise.

Ms. Ketcham updated the committee that the Town Farm trail project originally to be done by an eagle scout candidate is back on the "to-do" list as the scout will be pursuing a different project. We have a great list of work and she suggests committee members be prepared with a list of their top 5 projects for the next meeting.

Chair Tasse concurred that the Town Farm trail work is a high priority. Ms. Day agreed and suggested this might be a good MCC application candidate. Ms. O'Meara will get the MCC application deadline.

Mr. Tasse would like to bundle areas into projects, then engage NEMBA or a contractor.

The committee agreed to review materials and be prepared to identify priorities for the next meeting.

4. Greenbelt Trail Management.

Loveitt Woods Access. Chair Tasse asked Ms. O'Meara to update the committee.

Ms. O'Meara reviewed the request by the committee to send a letter to all the abutters to the Loveitt Woods access lot (Willens). A letter with map was sent to all abutters December 21, 2021 inviting them to contact the town to talk about hosting a trail access. No one contacted the town.

Chair Tasse opened the meeting to public comment, limited to 3 minutes per person.

Bill Toomey, 22 Woodcrest Rd - He is a member of the Friends group and sent an email. He wants the Conservation Committee to hold a workshop to allow more dialogue. This public comment format is not ideal for back and forth dialogue.

Chair Tasse asked if he had any alternatives to suggest and Mr. Toomey said this would be part of the workshop.

Kate Blake, 3 Glenden Rd - She has lived here 12 years, before the town purchased the land next door. Trail use has increased with online mapping and social media, with people beyond Cape, and the neighborhood. For security and liability, she put up a fence blocking the trail located on her property. Some are going around the fence and intruding on another property. There is growing resentment and she wants to work with the town to find a location for neighborhood use. The Friends of the Woods don't abut the trail.

Chair Tasse clarified that the State of Maine has some of the strongest protection from landowner liability for public trail use.

Sussi Rowntree, 12 Woodcrest Rd - She would like a workshop held to look at options. She wants to see a way to make landowners happy with the trail there. This is a difficult issue in this format. There is talk of a trail off Oakhurst. Where? Maybe a boy scout troop could build boardwalk.

Chair Tasse sympathizes and agrees this is a critically important trail connection. We have been stonewalled by the neighborhood. Do you have an alternative?

Ms. Rowntree asked if we know any property owners who will work with you?

Chair Tasse confirmed that no one has contacted the town in response to the letter.

Agla Shaw, 8 Woodcrest Rd- She is a “Friends” member. She wants to know about alternatives. Access to these woods is a priority and the neighborhood is in a tough position. She wants to put pressure on the town to find a way forward to create access.

In response to a question, Ms. O’Meara stated that the town is willing to pay for access.

Richard Blake, 2 Ivie Rd - He is Pete’s father. If a workshop is held, would it be open to the public because it sounds private? Questions should be put in written form. This was a nuisance path on their land and the offer to buy back still stands. Litigation will be costly. You should consider buying a house, putting in a trail connection and then reselling it. People have to walk someplace else. There were trucks from Colorado and New Hampshire parked on the street. People walk in with a dog and walk out without a bag.

Zachary Greenfield, 64 Oakhurst Rd - He supports having a workshop open to the public and to cement access that has existed for 66 years. Litigation is not ideal but it is all on the table.

In response to a question, Ms. O’Meara said the town has not used eminent domain for greenbelt access in the past.

Public comment was closed.

Ms. Ketcham thanked the community for attending. She understands the difficulty with increased access as she lives next to a trail. The Conservation Committee takes this seriously, demonstrated in part by using staff time to send letters. We looked at the potential to move the trail but it needs to abut the property. What types of ideas are there? We can’t just build over wetlands and are dependent on where we are granted access.

Mr. Craig said that 3 people requested a workshop. Can we do that?

Chair Tasse questioned what would come out of a workshop? He is ok with a workshop in principle, but there is no point if there isn’t someone to work with. The Conservation Committee will never stop caring about this, but he questions the benefit of a workshop if there are no new ideas offered.

In response to a question of the committee’s authority to hold a workshop, Ms. O’Meara said that the committee did hold a workshop to discuss the Cliff House Beach Park steps and the Greenbelt plan. Chair Tasse noted these workshops are examples when the committee had some ability to act.

Ms. Day agreed this is a top priority. Can Ms. O’Meara talk to the property owners about mitigation? Ms. O’Meara said she has sent letters and left voice messages, and the Blakes choose to speak with the Town Manager.

With the agreement of the committee, Chair Tasse opened public comment for an additional 12 minutes. He noted that trail use is very similar to sidewalks, which are in many areas.

Kate Blake - She is not looking to work with the town, doesn't want a hedgerow or a fence. Carr Woods is an option. Neighbors walk on Shore Road to get to Casino Beach, so walking on Shore Rd to get access is the same thing. The Austins and Melansons have a double lot. We were offered \$2,000 for an easement. You should consider the Vanes, as the house has renters and the owners live internationally.

Pam Schubert, 3 Woodcrest Rd - Safety has been used to support closing the trail. Is creating a vacant woods also unsafe?

Chair Tasse said the town can create a small loop at the end of the trail so it is still used. All the trail usage studies demonstrate that public access flushes out the negative uses. The Blakes own the land and are not permitting public access.

Colin Alpert, 2 Lindenwood Rd - His question is with no alternatives proposed, what is the next step?

Chair Tasse said we are in a holding pattern until an opportunity presents itself. We have made overtures and there are no next steps. With the specter of litigation, this is not something the committee will pursue. You can go to the Town Council and the committee is happy to say this is a priority. An eminent domain action is difficult and expensive.

Public comment closed.

Mt. Tasse said that the trail closure is extremely regrettable and restoring access is among our highest priorities, but in the absence of a viable path forward, the committee will wait for an opportunity. He made a motion that the Conservation Committee supports reestablishment of access, and will table this until an opportunity is available. Mr. Sullivan seconded the motion and it passed 5-0.

Chair Tasse sympathizes with the neighbors. He doesn't like the trail closure and if you see opportunities, talk to town staff. He thanked the neighbors and wished there was a better outcome.

Mr. Sullivan noted that neighbors can talk to abutters more effectively than committee members.

Spurwink Bridge and Boardwalk. Ms. O'Meara updated that work has started. Trail closed signs have been installed. Committee members encouraged the public not to use the trail during work hours.

Easement monitoring. Ms. O'Meara said that town owned easements should be monitored and if committee members are willing to volunteer, it is a good way to learn about town open space. She has distributed the forms to the committee members who volunteered and asked that monitoring be completed with a target date of end of March.

Mr. Craig asked about follow-up to the CELT monitoring reports. Ms. O'Meara said that some of the encroachments are becoming egregious and CELT has confirmed the property lines, so the town should take action. She has drafted a letter to be sent to property owners with potential encroachments for Chair Tasse to review and sign.

Public Comment:

Ardath Dixon, CELT - She supports sending a letter under the town's authority and would like to see a draft. CELT would like to collaborate on open space monitoring, field visits.

Chair Tasse said he reviewed the letter and it is classic "town-speak."

Ms. Dixon offered to provide more detailed field notes.

Gazette. The committee discussed items to include: priorities for 2022, ask for volunteers, Great Pond boat rack lottery.

Ms. Day suggested that volunteers could include neighborhood and community groups.

Mr. Sullivan said that he and a group meet with Kurt Shoener at Two Lights State Park weekly to do trail work. The town could have a work party on a regular basis.

Mud Season and Trails. Ms. Ketcham noted that we are approaching/in mud season. Ms. Day said it was freezing again soon. The committee agreed that trail users should be encouraged to stay off soft trails like the town farm and walk on the beach, Fort Williams and other hard surfaces. We should also ask for pictures of people, or cats, walking on trails.

Other. Chair Tasse noted that the groomed trails at Gull Crest have thin snow cover, are probably gone now, and the snowmobile broke again.

5. Planning Board review. There is no meeting this month.
6. Next meeting. The next meeting is March 8th. Meeting adjourned at 8:27 p.m.