

**Ocean Access Committee
Meeting Minutes
January 14, 2015
Cumberland Town Offices – Council Chambers
6:00 P.M.**

I. Call to Order: The meeting was called to order at 6:00 p.m.

- II. Roll Call: Present:** Denny Gallaudet, Chair, Maureen Connelly, Vice-Chair, Charles Adams, Jeff Perry, C. Ingrid Parkin, Sandra Gorsuch-Plummer, Tom Gruber, Council Liaison, George Turner, Council Liaison
- III. Absent:** Charles Adams, Lew Incze, Sandra Gorsuch-Plummer, Penny Asherman, CCLT, Jessica Joyce, Alternate
- Staff:** Bill Shane, Town Manager, Pam Bosarge, Administrative Assistant

IV. Approval of the December 10, 2014 Minutes:

Ms. Parkin moved to approve the minutes of December 10, 2014.

Mr. Perry seconded.

VOTE: Unanimous 4-in favor

V. Wildwood Association Presentation

Mr. John Ferland introduced Ms. Suki Curtis of 8 Pine Lane.

Ms. Curtis thanked the Committee for their invitation, stating she is not a physical abutter she can see the property from her house. Mr. Curtis gave an historical overview of the Wildwood neighborhood.

Mr. Ferland reviewed the letter from the Wildwood Associates, Inc. dated August 21, 2014 to the Chebeague and Cumberland Land Trust outlining a vision and perspectives on the Payson Property. The letter is part of the permanent record.

The Committee thanked Mr. Ferland and Ms. Curtis for their presentation.

The Committee commented that all of the residents of Cumberland have opinions on this property and Wildwood is not the only neighborhood in town with a vital interest.

Mr. Ferland agreed stating he would have like the process to have included neighborhood meetings prior to public hearings. I am not faulting anyone, there was a limited opportunity, but my feeling was the process was upside down. I agree Wildwood is only one of many neighborhoods with an interest.

Mr. Gallaudet asked if there were any other public comments.

Ms. Patty Temple and Mr. John Temple of 28 Birch Lane stated they are direct abutters and had three points:

- Hunting – The Payson's didn't allow hunting; would hunting be allowed on the property.
- Signage: Maps showing the property borders and rules and regulations would be helpful.
- Managing the use of numbers what usage amount can the property sustain?

- Cumberland only residents or open to the public.

Mr. Gallaudet stated the original plan had the town planting a buffer between your property and the meadow, at the last meeting the Committee came to a consensus there will be no parking by your property other than handicapped access.

Ms. Temple stated she would like to reserve judgment on the need for additional buffering and determine if buffering is needed based on usage.

Mr. Quinby stated he felt it would be easier to monitor usage if only town residents used the park.

Mr. Ted Chadbourne asked if there was potential for swimming, and asked if the beach could be cleaned to allow swimming.

Mr. Turner stated he didn't think there would be swimming unless off from the pier, the shore is a sensitive ecological area.

Mr. Temple asked if there was a trail map.

Mr. Turner stated anyone walking the property would stay on the trails the trees are too thick to blaze any new trails.

Mr. Temple asked if people can use the property.

Mr. Shane stated you can't drive on it. The police have been patrolling the property; if people are walking and being respectful they won't be ticketed.

Mr. Temple asked if people were allowed to walk on the Bateman property.

Mr. Shane stated that is another lawsuit in relation to the gift of the trails to the Land Trust. There was a trail presented to the Planning Board that is on hold until the litigation is solved. The town is in a lawsuit as well. This committee will continue to work on the use policies and develop plans and continue going forward with approvals. We still need to go before the Land Trust and the Planning Board for approvals. Originally we were planning a parking lot in the meadow, which was pre-committee. The Land Trust brought in Forrest Bell who we had at our first meetings. He was very clear in showing a sensitive area. We have agreed to mow an eight foot area in the summer for a walking path. The committee has been clear they want to pull the parking up towards Route 88. I agree this should be listed as a park and not a beach. The biggest issue is off street parking, parking along Route 88 is possible, but it would block walking and biking on Route 88. The more practical thing is a small parking area at the beginning of the property, which would be invisible from Route 88 and not visible to the beach. I hope to have this area flagged so as a committee we can look at the area. I anticipate we will be in litigation for most of this calendar year. We filed a motion to dismiss last Friday; it will take probably two to six months for resolution on that motion to dismiss. If that fails we could be six to eighteen months before resolution. Anything we do at the property is at our own risk. What I advised the

Council is we don't do any significant improvements in the property, we won't cut down trees or create parking lots on the property. We can work with the development of the approved Bateman plan. This gives us time for better signage; when construction begins for developing the Bateman plan it will be a conflict with cars and constructions. The road remain posted. The only cutting near the water will be the view sheds for the subdivision. As part of the Planning Board approval all trees need to be flagged prior to cutting and approved by the Town's engineers.

Mr. Quinby stated if I enter the property should it be through Route 88, and where should we park.

Mr. Shane stated Route 88 is flat, and that would be a better place to park.

Ms. Connolly stated there is one maybe two parking spaces for the stonewall trail, there are currently construction trucks parking in the area.

Mr. Shane stated he will check with the Land Trust he doesn't know if their easement allows parking in that spot. We would like to not have people drive into the property.

Mr. Ferland noted a potential need for additional buffering from the trail at the edge of his property as designated through the Planning Board process.

Mr. Shane stated it is an area to look at should it require additional buffering.

Mr. Ferland thanked the Committee for its time and opportunity.

Mr. Gallaudet stated from the punch list in the letter two things come to mind we might not be on the same page are:

- The bathrooms being relocated all the way up by the parking lot; that is a long way for little children to run to go to the bathroom.
- No vehicular access beyond the parking lot; I think the feeling is that all citizens should have access and there will likely be vehicular access for handicapped residents.

VI. Update on Alpha One Presentation:

Ms. Parkin stated Alpha One offered to provide resources, and stated a daytime meeting would be best.

Ms. Parkin and Ms. Connolly have agreed to chair a sub-committee to meet with Alpha One.

Ms. Parkin stated Jill Johanning is a licensed architect and expert in ADA compliance. The Alpha One provides information to review access etc. Ms. Johanning will know state and federal law for ADA compliance.

Mr. Shane stated he had a similar conversation with Alpha one and they stated they would be willing to provide information up to a point before they start charging a fee. But what they

expressed is the need for a plan, which we don't yet have. Also Federal Laws are not applicable to the site: ADA access and ramps are not required by law. We as a committee want to be mindful of Alpha One's time and availability.

Ms. Connolly will call Alpha One.

VII. Tentative dates for monthly meetings.

The dates are:

- February 11, 2014
- March 11, 2014
- April 8, 2014

All of these meetings are the second Wednesday at 6:00 p.m. The Committee will meet monthly on the second Wednesday of the Month at 6:00 p.m.

Mr. Gruber stated the Aging in Place committee met at 5:00 in the Council Chambers and they will change to meet downstairs; so the Ocean Access Committee can meet in the Council Chambers.

VIII. Continue to work on Management Plan

Mr. Gallaudet stated this is the second draft, a map has been added and a section on Natural Resources and Historic uses of the Land, with the help of Thomas Bennett, the Prince Memorial Librarian.

Mr. Gallaudet stated Ms. Asherman had previously stated she wanted to add language regarding cooperation with the CCLT and enforcement; we didn't have the opportunity to receive any language as Ms. Asherman will not be participating at the Committee during the litigation.

Mr. Adams was going to write something for passive recreation; he is not present this evening.

Ocean Park Stewardship Principles - # 2 is new and was suggested by Mr. Incze

2. A citizen based Advisory Committee will:
 - a. Monitor use and condition of Ocean Park by available means, such as data / photos and communications from law enforcement, Town staff and Council members, members of the OAC, and the public.
 - b. Solicit feedback from users nearby neighborhoods (this suggestion was added at the meeting) and other members of the public with respect to their experiences, concerns, and suggestions for improved management.

Mr. Gruber suggested we add language that feedback will be solicited by nearby neighborhoods.

- c. Report to the Town council as needed, and provide an Annual Report of usage, condition, changes in condition (both positive and negative in the context of mission statement), evolving concerns, and recommendations.

6. Vehicular and bicycle use will be limited to Beach Road and its turnaround, with parking available near the Route 88 entrance. Handicapped parking will be available at the turnaround.

6 is new language added as a result of the Planning Board Meeting

Ms. Connolly stated she felt programs and facilities should be designed to minimize the need for vehicular traffic with the aim to limit vehicular access to the minimum, with an effort to have little or no traffic. Ms. Connolly would work on how to word this provision.

The Committee discussed limiting almost all traffic with comments that we can't restrict the use to just the people who are able to walk to the water. The use of residents and or non-residents needs to be determined.

The Committee Discussion resulted in the following comments:

- Morse Mountain in Baht has set a precedent with limited vehicular access.
- Discussion with other parks and places on how they reduce traffic.
- Question of what other parks are open to the public and not restricted to residents: Twin Brooks and Rines Forest are open to the public.
- The first year will be a trial period to monitor usage and parking. Parking can be limited with the closing of the gate when the parking lot is full. Mackworth Island turns people away when the parking lot is full.
- How to enforce Town residents only, realizing it may not be an issue.
- If the Town charges a park fee it might be considered a commercial use which would be restricted by the easement.

Mr. Gallaudet will check with Portland Trails to discuss use and limitations on Mackworth Island.

- It should be mentioned there is a conservation easement that requires an annual inspection and report on the uses and how the management plan is working. This language should be added to the plan related to the Land Trust and the Ocean Access Committee. So that annually we would review the report because there are other aspects of the Conservation easement that need to be managed as well.
- Forest Bell's report has a base line study a part of the report. We may need to have him a meeting. There are certain environmental inspections that need to be done prior to hatchings, weather and other things. Mr. Shane will reach out to Forrest Bell.

Mr. Gallaudet will draft language about cooperation with CCLT and ongoing review of the conservation easements.

The Committee reviewed the Current Uses and discussed whether swimming would be a use. Committee comments included the following:

- The sand extends 50 to 75 feet out from the shore and then is mud flats; swimming would be limited to high tide swimming. This area would have to be identified, to restrict boats from going through a designated swimming area.
- Boating would be difficult and Coastal Waters Commission may want to review this and regulate moorings if allowed. A boat would need to be 500 feet from shore for deep water.
- Pier safety: adding a wire mesh netting to prevent children from slipping through the rails; height of the pier and concern of the pier as an attractive nuisance. Coastal Waters had asked should the pier be replaced and what purpose does the pier serve. The Pier could be used for fishing at high tide, not a lot of boating uses off the pier.

The Committee discussed hunting; the town hunting policy has been hunting restricted within 100 yards away from homes.

Committee comments:

- Hunting should be prohibited, due to the proximity of Bateman houses and the trail system.

The Committee discussed the need for a list of prohibitions such as; and reasons for why prohibited for perpetuity.

- No Camping
- No Hunting
- No Fires
- No Lighting

The Committee agreed with the following changes to Current Uses.

- Boating – carry in and out boats
- Cross country skiing
- Snowshoeing
- Swimming – limited to high tide
- Fishing
- Clamming

IX. Adjournment:

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Pam Bosarge
Administrative Assistant