



KENNEBUNKPORT Town Review

A newsletter for the residents of Kennebunkport

Number 23

Spring 2015

Mat Lanigan Bridge construction

By Laurie A. Smith,
Town Manager

The Mathew J. Lanigan Bridge, which connects Kennebunkport and Kennebunk over the Kennebunk River, is a vital link in our transportation network. The bridge was constructed in 1933 as a swing span bridge, but it no longer opens for boat traffic. At over 80 years old, the bridge is a fine example of Yankee ingenuity, standing on the 1896 granite abutments. However, recent inspections have shown that the bridge is structurally deficient, effected by widespread steel corrosion in beams, and in need of rehabilitation. The Maine Department of Transportation (MeDOT) notified the towns that the bridge has been programmed for reconstruction in 2017.

Due to the extensive amount of seasonal tourist/business traffic, both vehicular and pedestrian, MeDOT decided from the start that it will be best to restrict con-

struction of the project to off-season times. Other areas of significant concern include how best to maintain traffic and access to businesses during construction. Because of these concerns, MeDOT requested that a local advisory committee with members representing the Towns of Kennebunk and Kennebunkport be created. The Selectmen from both communities appointed representatives, and the Mat Lanigan Bridge Advisory Committee held meetings in 2014 and early 2015.

After a thorough set of tests in late fall, the engineers stated that they were 85-90 percent certain that the abutments currently supporting the bridge are sound and can



The present Mat Lanigan Bridge.

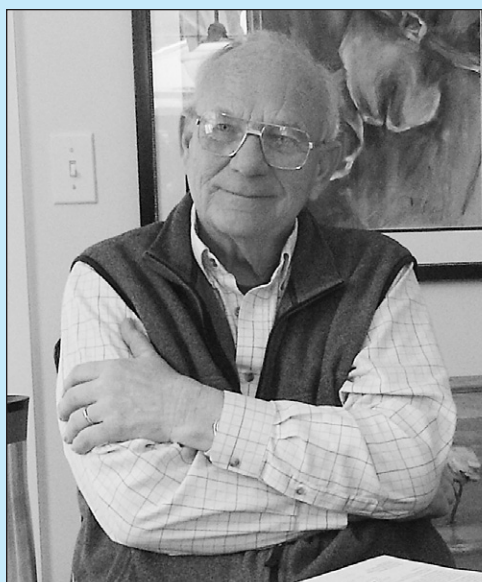
be used to support the new bridge. This news has a tremendous impact on the project and the projected timeline. Whereas, originally the project was anticipated to take up to three construction seasons, detours, and one-lane bridge closures, engineers are currently looking at complet-

ing the project within one season, likely from January to May 2017, with only a 30 to 45-day full bridge closure needed.

Engineers presented three bridge construction alternatives. The one that seemed to find the most favor was option C, which

See **BRIDGE CONSTRUCTION** page 3

Bob Palmer, the arborist for our town for several decades, has been selected for the Frank Knight Excellence in Community Forestry Award. It will be presented to him at the Maine State Arbor Day Celebration on May 18, this year, held in Kennebunkport.

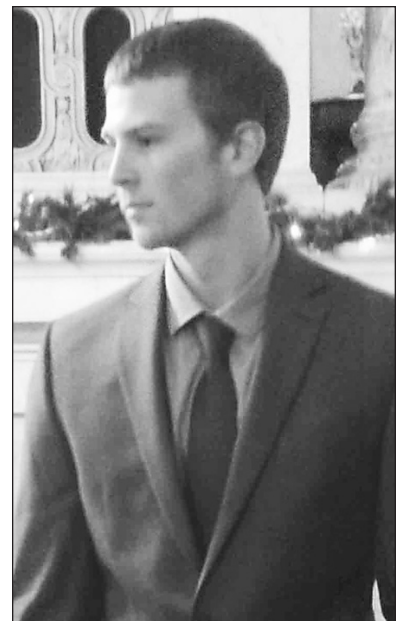


New officer attending Maine Criminal Justice Academy

By Police Chief Craig Sanford

With the retirement of Officer Robert Caron, change came to the Kennebunkport Police Department. After an extensive process, Daniel Place from Berwick, Maine was chosen to bring the agency to full staff. Daniel recently graduated from Southern New Hampshire University majoring in Justice Studies. Before that, Daniel graduated from Lakes Region High School growing up in Naples.

During the summer of 2014, Daniel was employed by the York Police Department as a reserve officer patrolling the beach. He has many hobbies, but one important one is enjoying a good round of golf. He may not have much experience working in law enforcement, but he has grown up exposed to the life of a law enforcement officer. His father, Tim Place, is a long-time Game Warden with the Maine Inland Fisheries and Wildlife. His dad currently holds the rank of Lieutenant and commands Division B out of Sidney, Maine.



See **NEW OFFICER** page 4

Daniel Place

TOWN OF KENNEBUNKPORT
P.O. BOX 566
KENNEBUNKPORT, ME 04046

PRST STD
US Postage Paid
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Kennebunkport, ME

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Land Use Ordinance revisions June 2015

By Werner Gilliam, Director of Planning and Development

Land Use is an ever evolving issue that requires us to constantly review our practices and ordinances. The proposals that are before the voters this June are a combination of aligning ordinance with common practice, setting standards in place for the future, recognizing issues in a modern world, and protecting local character.

Question 1–Residential Mixed Use Standard: The Growth Planning Committee has diligently constructed a standard that would allow two residential units to be constructed above a commercial structure without triggering a larger lot size requirement. This standard is being proposed for Free Enterprise, Riverfront, Cape Porpoise East, West, and Square zones. All other current performance standards, such as parking requirements remain in full effect. This article is consistent with objectives found in the Comprehensive Plan that support the creation of more affordable housing options along with supporting small scale commercial activity.

Question 2–Revised Lot Area Definition: The definition of “Lot Area” is being revised primarily to prevent the use of large intertidal areas for lot development calculations.

Question 3–Commercial ADA/Accessibility Issue: With Kennebunkport’s stock of older hotels, inns, and B&B’s, ADA accessibility standards affect many properties. This revision to the performance standards would allow for compliant stairwells and elevator shafts for existing hotels, inns, and B&B’s to be constructed without the need for a variance. A recent review of such a project has shown that the logical location from a cost and building code perspective would have required a variance which currently is difficult if not impossible to obtain. As a result, needed safety upgrades are not occurring at our commercial properties due to local zoning restraints. This amendment would amend those restraints.

Question 4–SLZ Map revision Cape Porpoise Square: Based on a site review by a Licensed Wetland Specialist, staff from Maine DEP, and town staff, this proposal is to correct the Shoreland Zoning Map by removing a section of Stream Buffer over an area that has been misidentified as a stream. This area directly affects property owned by the Church on the Cape, Bradbury Brothers, Atlantic Hall, and Cape Corp Condo Association.

Question 5–Permitted use structures: Currently, the Land Use Ordinance requires Planning Board Site Plan approval for essentially all uses except for residential permitted uses. Over the years, this has not been enforced as it relates to those uses which we identify as “permitted” in various zones. For example, uses such as: Agriculture, Storage and Repair of Fishing Equipment, and Farm Stand while listed as “permitted uses” do not have their associated buildings exempt from Planning Board Site Plan Review under the current Ordinance. The proposed change exempts the review of structures associated with “permitted uses” from Planning Board review and allows them to be permitted and reviewed by just the Code Enforcement Officer which has been past practice.

Question 6–Land Use Ordinance Errors: Base on a significant and lengthy internal audit of the Land Use Ordinance a number of errors were discovered that require voter approval. These revisions are minor house-keeping items such as renumbering and are not considered substantive.

Absentee Ballots now available

Absentee ballots are now available at the Kennebunkport Town Clerk’s Office for the upcoming Annual Town Meeting and the R.S.U. #21 Budget Validation and Bond Referendum Election to be held Tuesday, June 9, 2015, at the Village Fire Station on 32 North Street in Kennebunkport. Because of a new law that went into effect on Sept. 28, 2011, **THE LAST DAY TO OBTAIN A “NO EXCUSE” ABSENTEE BALLOT FOR THIS ELECTION IS THURSDAY, JUNE 4, 2015.** If you have any questions about absentee voting or about this election, please call the Town Clerk at 967-1610.

Dogs and RSU withdrawal on the ballot

By Laurie A. Smith, Town Manager

Question 7 will ask voters to approve a new Animal Control Ordinance, replacing the 1976 Dog Ordinance. The Selectmen worked with the Goose Rocks Beach Advisory Committee and a citizens committee led by Barbara Barwise in drafting a new ordinance. The proposed language adds definitions, the ability to keep a dog under “voice and sight control,” and requires owners to remove and dispose of feces in appropriate receptacles. Probably the biggest change in the ordinance is the allowance of dogs on beaches during certain hours of the day.

- From April 1 to September 30, dogs may be off leash on beaches, but always under voice and sight control between the hours of 6 a.m. and 7:30 a.m. Dogs must be on leash during the hours of 7:30 a.m. to 8:30 a.m. and after 6:00 p.m.
- From June 15 to September 30, dogs are not permitted on the beach from 8:30 a.m. to 6:00 p.m.
- From October 1 through March 31, if under voice and sight control, dogs may be off leash, except for the hours of noon to 2:00 p.m., when they must remain on leash.

Question 8 was brought forward by citizen petition and asks voters whether they are in favor with beginning the RSU withdrawal process, and authorizes the Selectmen to expend up to \$40,000 for this purpose. Should the Town vote in favor of the question, the Selectmen would follow State law, appoint a Withdrawal Committee and begin the process of negotiating a withdrawal agreement with the RSU and developing an implementation plan for educating Kennebunkport students. The funds authorized in the question will be used for legal fees and consultants necessary in the negotiation and planning process. The agreement, once approved by the State Commissioner of Education, would be brought before the Town for final approval at a later date.

Town of Kennebunkport Annual Town Meeting June 9 and 13, 2015

PLEASE TAKE NOTICE

To the voters of Kennebunkport: You are hereby notified that the **Annual Town Meeting** of this municipality will be held at the **Village Fire Station, 32 North Street, in said Town on Tuesday, the 9th day of June, AD 2015, at 8:00 a.m.** for the purpose of acting on Articles numbered 1 and 1a and Questions 1 through 8 (Election of Officers and Referendum Questions) as set forth in the Town Warrant.

The polls for voting shall be opened immediately after the election of the Moderator at 8:00 a.m. on June 9, 2015, and shall close at 8:00 p.m.

The continuation of said meeting will be held in the **auditorium of the Consolidated School, 25 School Street**, in said Town on **Saturday, the 13th day of June AD 2015, at 9:00 a.m.** for the purposes of acting on Articles numbered 2 through 59 (Funding and Non-Funding Articles), as set out in the Warrant.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote, and to accept new enrollments.

Attested copies of the Town Warrant as well as Sample Ballots are posted at the United States Post Office, Temple Street; Atlantic Hall, Main Street, Cape Porpoise; Louis T. Graves Memorial Library, Maine Street; Goose Rocks Beach Fire Company, Winter Harbor Road; and at the Town Offices, 6 Elm Street.

Copies of the Warrant and the proposed ordinance amendments can be viewed on the Town’s Website at www.kennebunkportme.gov.

A copy of the Town Report can be picked up at the Town Offices, 6 Elm Street; Bradbury Brothers Market, Main Street, Cape Porpoise; and Graves Memorial Library, 18 Maine Street.

April Dufoe, Town Clerk

Town of Kennebunkport Notice of Public Hearings

PLEASE TAKE NOTICE

A public hearing will be held at the Village Fire Station, 32 North Street on Thursday, May 28, 2015, at 6:00 p.m. by the Kennebunkport Board of Selectmen to take public comment on each of the following topics to be voted on by Referendum Ballot at the June 9, 2015, Annual Town Meeting:

1. Amendment to the Land Use Ordinance concerning Residential Mixed Use Structures.
2. Amendment to the Land Use Ordinance concerning the Definition of Lot Area.
3. Amendment to the Land Use Ordinance concerning Performance Standards of Hotels, Motels, Bed & Breakfasts and Inns.
4. Amendment to the Land Use Ordinance concerning the Official Shoreland Zoning Map.
5. Amendment to the Land Use Ordinance concerning Certain Permitted Use Structures.
6. Amendment to the Land Use Ordinance concerning Errors and Omissions.
7. Amendment to the Dog Ordinance.
8. Withdrawal from R.S.U. #21.

The **Growth Planning Committee** shall also report its recommendation on the Land Use Ordinance amendments.

Copies of the proposed new ordinances and amendments are available for inspection at the office of the Town Clerk and on the Town's website at www.kennebunkportme.gov.

FURTHER TAKE NOTICE

A separate public hearing will also be held immediately following the Board of Selectmen hearing at the Village Fire Station by the **Planning Board** to take public comment on the same proposed Land Use Ordinance amendments referenced above.

April Dufoe,
Town Clerk

Evening hours for voting

The Kennebunkport Town Clerk/Registrar of Voters will hold **evening hours** at the Kennebunkport Town Hall on Wednesday, June 3, 2015, **from 4:30–6:30 P.M.** to conduct absentee voting, to register any person eligible to vote, and to accept any enrollment/address changes.

Bridge construction

from page 1

includes a 45-foot wide bridge—9 feet wider than the current bridge—that would feature a 10-foot upstream (basin side) sidewalk or “esplanade.” The bridge would feature two 11-foot lanes, 2-foot shoulders, and a 5-foot downstream sidewalk as well.

The Committee will meet further, as the plans continue to unfurl.

Topics to be covered in future meetings will include the materials for the bridge, hours for construction, style of railings, pedestrian/bike areas, flower boxes, and the future of the gatekeeper house.

The Town thanks its committee members who stressed the importance of the bridge to daily life and presented the case that led to such a short construction timeline. Committee members include Selectman Sheila Matthews-Bull, Ashley Padget, Richard Smith, Thomas Boak, and Debra Lennon.

Goose Rocks Beach update

By Laurie A. Smith, Town Manager

As part of the budget review process, this year, there was discussion between the Budget Board and the Board of Selectmen about the wisdom of continuing to fund the Goose Rocks Beach litigation. The question was an honest inquiry into the status of the case. The litigation has been ongoing for a number of years, some of the faces have changed, and it is natural for memories to fade over time. The discussion during the budget process was an opportunity to update everyone on the status of the case, as well as remind the group as to how the case began. After all, why are we con-

tinuing to defend the public's right to beach access?

In 2008 Janice Fleming posted a sign near an entrance to the beach stating, “Private Beach-No Public Access.” The Town Manager wrote a letter to the property owner reiterating the long established patterns of open public recreational beach access for generations of residents and visitors. The manager also noted that any issues with inappropriate use of the beach should be reported to the Police Department immediately so the Town could

See *GOOSE ROCKS* page 5

Winter Wonderland?



In the aftermath of our first big snow storm in late January, the Kennebunkport Communications Center received a report of an injured hiker on a trail off of North Street. Kennebunkport Fire and Police Department personnel assisted KEMS in the lengthy extrication of the patient from the remote area. A “mule wheel” device, a special stretcher with a large wheel attached, was utilized to assist the rescuers in navigating the deep snow. The mule wheel was donated to the Town by the Kennebunkport Conservation Trust and Lifesaving Resources, Inc. of Cape Porpoise.

Attention Kennebunkport mooring owners

By Lee McCurdy, Harbormaster

I would like to thank all that came to permit their moorings in a timely fashion last season and give you information on the permitting fee's the Town of Kennebunkport has adopted.

Mooring permitting is an important part of maintaining order and fairness on our waterfront. It also prevents overcrowding, unsafe mooring practices, damage between neighboring vessels, and disputes between boat owners.

As many of you already know, permitting has started and has been slowly working into play for the last few years. Recently, a permitting fee was adopted. This fee will go to the Cape Porpoise Pier budget and be used to offset the cost of

patrolling and regulating moorings in Cape Porpoise, Goose Rocks, Turbats Creek, Paddys Creek, Lands End and anywhere there is a mooring between Walkers Point and Goose Rocks Beach.

The fees set by the Selectmen are as follows: Goose Rocks, Turbats Creek, Paddys Creek, Langsford Road and Lands End are \$30.00 per permit. Cape Porpoise is \$60.00 for deep water moorings and \$30.00 for tidal moorings.

A reminder to everyone that permits must be renewed by May 1, 2015. In accordance with the Waterfront Ordinance, unpermitted moorings must be removed at owner's expense.

Treasurer Jen Lord standing next to her second CAFR award.



Town receives second financial reporting award

By Laurie A. Smith, Town Manager

The Town was pleased to received word this spring that we had been awarded the Government Finance Officer Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting (CAFR) for the second year in a row. The GFOA established the CAFR Program in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure, and then to recognize individual governments that succeed in achieving that goal.

Reports submitted to the CAFR program are reviewed by selected members of the GFOA professional staff and the GFOA Special Review Committee (SRC), which comprises individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals. Out of almost 500 municipalities in Maine, only 14 receive the CAFR award.

The success we experienced speaks volumes about the knowledge and expertise of our Treasurer Jennifer Lord, who creates and submits the needed reports and data. Her efforts were recognized further at the Maine Municipal Tax Collectors' and Treasurers' Association Annual Conference on May 15, where she was awarded the title of Certified Treasurer. Achieving this certification also requires many hours of dedication and training. She is truly an asset to the Town.

New officer

from page 1

Daniel is scheduled to graduate from the 18-week Basic Academy in Vasselboro on May 22, 2015. Officer Place will then be required to successfully complete the police department's field training program. The field training program pairs the new officer with experienced officers for at least

12 weeks. During this phase of training, the new officer is exposed to all types of calls for service, special needs of the community, department policies, and specialized scenarios—all in preparation for patrolling the Town of Kennebunkport and serving its citizens and visitors.

Pedestrian foot traffic in Kennebunkport

By Craig Sanford, Chief of Police

For the last few years, I have focused on bicycle safety and sharing the roads here in our busy town. After hearing a number of complaints about pedestrian foot traffic, I think it prudent to touch on a couple of our very busy areas and remind people of how important it is to look out for each other.

The first area is Dock Square. Dock Square will eventually fill with shoppers and visitors clogging the parking lots and sidewalks. Many times traffic is at a standstill waiting for people to cross streets in crosswalks. In Maine, vehicles are required to stop for a person in a crosswalk. I have witnessed many an impatient driver rush though a crosswalk pretending never to see someone on foot waiting to cross the street in a clearly marked crosswalk. This year, I can tell you

a member of the police department may be that person in the crosswalk, so be warned. I also see a number of pedestrians walking in the street because of crowded sidewalks some pushing strollers. Though the sidewalk may be small and busy, it is always a wise choice to stay on the sidewalk with safety in mind.

Another busy area is Goose Rocks Beach. We all realize the congestion created by people trying to get that perfect parking spot at the beach, or moms and dads trying to get the family and beach toys out of the car and onto the beach. Many days patrolling on Kings Highway, I must sit and wait for pedestrians in the road either out for a walk or headed to the store, all the while the sidewalk is open. Maine law requires pedestrians

to use sidewalks where available. This seems to be a common sense idea but many folks seem oblivious to the vehicle traffic. Roads are not playgrounds for young children and pets. Parents and relatives should take an active role in educating and safeguarding their loved ones. We can agree that Goose Rocks Beach is a busy area in the warm months. It is important to remember when traveling in the area either on foot, on a bike, or in a vehicle, special attention should be given to following the rules of the road for everyone's safety.

The police department would like to remind everyone that roadways can be very dangerous if speed limits are not followed and rules



of the road are not adhered to. We will be actively monitoring our areas of concern to educate and enforce appropriate laws. We hope your summer is fun and relaxing. With your help and support, I am sure we can keep Kennebunkport safe.

Improvements planned to Silas Perkins Park

By Laurie A. Smith, Town Manager
one time.

As many locals know, Silas H. Perkins Park is less than a quarter acre, public, open space located on Ocean Avenue, diagonally across from the Village Green. The Town was fortunate to receive the property as a donation from Elizabeth Milligan, daughter of local poet Silas H. Perkins in August of 1990. Perkins was the son of a sea captain, born aboard a clipper ship in the Pacific Ocean on August 12, 1880. Called the "People's Poet," Silas was active in the community as a shopkeeper and correspondent for the Associated Press. His poem, "I'm Going Home," was reportedly read on the Roosevelt funeral train, and his poem "Maine" was accepted as the official State of Maine poem at

Today, Silas H. Perkins Park consists primarily of open lawn area, which extends from the Ocean Avenue sidewalk to the riverfront, offering open views of the Kennebunk River. The park underwent some recent construction to install rip-rap and stabilize the riverbank, but it is in need of enhancements. The proposed park improvements will update the park landscape and pay homage to Silas H. Perkins by integrating interpretive design elements and sidewalk improvements within the street right-of-way to create a welcoming presence. Informal seating, with moveable chairs and bench-

es that can be arranged to take advantage of views or friendly conversations is planned. The central lawn area and picnic space will be largely preserved as a passive recreational area. New plantings, many native to Maine, are proposed to enhance the park and to replace overgrown plant materials.

Carol Cook, parks and recreation director, and Michael Claus, public works director, will be heading up the park improvements this spring with the hope of an opening date in early summer. The Town is grateful to the descendants of Silas H. Perkins for their patience and assistance in the park design.

Winter is over—thanks from Kennebunkport public works

By Michael Claus, Public Works Director

The Kennebunkport Public Works Department would like to thank our residents and business owners for working with us through a cold and snowy winter. We realize that shoveling, snowblowing and plowing your driveways, along with clearing roofs and decks was an ongoing task from the end of January through early March. Keeping up with the wind rows of snow in the driveway from the Town plow truck got tired for many as winter ended. Public Works worked with your Police Department to plow and treat the roads as soon as adverse conditions were noted. Our goal of reducing accidents during storms seemed to pay off as February was a fairly safe month for driving even with the harsh winter driving conditions. Once again, thank you to all motorists who took a good look before proceeding around snowbanks and driving to the conditions on the road this winter. We will be out attending to winter plow damage this spring. If you see something you think needs attention, please call us 967-5728.

Spring and summer construction in Kennebunkport

By Michael Claus, Public Works Director

Look for Public Works to be active around town this spring and summer with renovations taking place at Silas Perkins Park, new drainage and sidewalk repair at Union Square on Ocean Avenue, and installation of a new automated parking ticket system at the Dock Square Parking Lot. Elsewhere in town, we will be working with the Water District to repave Langsford Road following water main replacement there. We will be doing drainage work and repaving Spruce Avenue (formerly Mapleview Avenue) along with continuing our paving work on Goose Rocks Road. Ocean Avenue reconstruction will be held off until the fall to allow for water main extension work to be completed.



Ricky Merrill snowblowing sidewalks on Ocean Avenue after a storm.



Public Works cracksealing Guinea Road with the Arundel Public Works. Kennebunkport and Arundel installed over a ton of crackseal material on each of their town roads utilizing joint equipment and personnel.

Goose Rocks

from page 3

directly address the few individuals who raised concerns at the beach.

In June of 2009, the Town Manager received a letter from the law firm of Curtis Thaxter declaring that several Goose Rocks property owners had retained this law firm to reassert their property rights down to the low water mark. The letter,

from attorney Pete Thaxter, stated that his clients believed that Goose Rocks was a private beach. During this same month, Mr. Thaxter sent an additional letter to other Goose Rocks Beach property owners inviting them to join the litigation planned against the Town to assert private property rights over the beach.

By early fall, the plaintiffs had filed a complaint requesting a declarato-

ry judgement and a quiet title action regarding ownership of Goose Rocks Beach.

I want to clarify that the Town was and continues to be a *defendant* in this case, not a plaintiff. Had the Board of Selectmen not responded to the lawsuit, there would be *no public access* to the beach except in the areas owned by public entities.

The quiet title action is a complicated case, partly due to the number of

properties involved and the unique language used in the different deeds. Also, although this is a title action, the court decided to bifurcate, or divide, the case into two parts. The first trial would decide the issue of a public prescriptive easement on Goose Rocks Beach, established over the course of over 100 years of public use at the beach, as well as the "public trust" rights related to recre-

See GOOSE ROCKS page 8

Kennebunkport Parks & Recreation

New Online Registration Software

Check out our new online registration program at www.kennebunkportrec.com. Establish your family account, and registering for programs is as easy as a few clicks of your mouse.

Summer Day Camp

Our day camp will open on June 22 and run through August 14 with programs and activities for pre-school through the 8th grade. We have been graciously welcomed back to Sea Road Church while on-going construction work is completed at Consolidated. We are also looking at running two weeks of post-camp to cover through August 28 if school is not starting until after Labor Day. Compare our program, our flex-

ibility, and our price; you'll be amazed at what we can do. We are the only recreation department in the area that takes children on a daily basis or for the entire summer; so it can even accommodate grandchildren or summer visitors.

Forming a "Dream Team"

It is time to reignite the Kennebunkport Recreation Committee, and we are looking for the best possible people to serve. The Recreation Committee is charged with the assessment and enhancement of Kennebunkport's public recreation facilities and programs in response to the community's needs and priorities. It will work with the Department of Parks & Recreation to help develop a long-range

plan of facilities. We are looking for people with energy, creativity, and the time; and who work well with others. If you have what it takes to be a part of our new dream team, please complete the committee volunteer form.

Disc Golf is Now Available

Our 9-hole introductory course in the wooded area immediately adjacent to Parsons Field beside Consolidated School is now open. We are hoping to host a grand opening and clinic in late spring or early summer. Details will be posted on cable channel 2 or our website.

FMI: 967-4304

www.kennebunkportrec.com

Kennebunkport Public Health

By Judy Barrett R.N., B.S.

Healthy Maine Beach Program: Kennebunkport will participate in the Healthy Maine Beach Program again this summer. Weekly from Memorial Day-Labor Day, trained volunteers and town staff will be collecting water samples for enterococci bacteria and site-specific data. Results and history of our participation in this program are posted on the Town of Kennebunkport's Website. Just click on the "Beach Test Results" tab on the Public Health Department's Webpage. An Advisory is posted if the level of enterococci (an indicator of fecal contamination) exceeds the EPA's exceedance level of 104. During the summer of 2014, 13 Beach Advisories were posted, 5 of which were Precautionary Advisories. We are in need of volunteers for this program. If you are interested in becoming a Maine Healthy Beach volunteer, please contact the Public Health Department at 967-4401.

Again this year, a Precautionary Rainfall Advisory will be posted after an inch of rainfall within 24 hours. The posting will be in place for 24 hours after the rainfall ceases. This will allow two tidal cycles to flush out the contaminants. Boaters are reminded that there is a FREE pump out station located in the Kennebunk River. Kennebunkport is included in the 5 mile restricted area for boat pump outs.

Well Water Test Day: Fifty percent of households in the State of Maine are serviced by private wells. Over 1,000 Kennebunkport households rely on a well for their water supply. It is strongly recommended by the Department of Health and Human Services Well Water Division that you have your water supply tested periodically for bacteria, radon, arsenic, copper and lead. Suggested test schedule: dug wells every year and artesian wells every three years. On June 6, we and Nelson Analytical Laboratory are offering our annual Kennebunkport *residents only* a reduced rate on Well Water Test Day. Pick up an information packet and sample kit either at the Public Health Office or in the Police Department lobby. Follow the quick and simple directions for obtaining the sample. Then deliver it to 32 North Street, between 9:00-11:00 AM on June 6. All results are confidential between you and the lab. This simple step can have a huge impact on the health of your family. Please pay in cash or make your check out to Nelson Analytical. Put payment in the sample box along with your water sample. **NOTE:** We do not have a credit or debit card machine.

Lawns for Lobster: Now that winter is over and we are busy fertilizing lawns and gardens, spraying for ants, ticks, slugs and bugs, remember all chemicals used leach into the soil. They can affect you or your neighbor's well water supply, if there is even a tiny crack or break in the system. Please read the directions and use these products sparingly and only if all other methods have failed. Discuss options with your yard maintenance or garden center staff. Read the product precautionary labels before purchasing household products.

Stuff the Bus: Help us fill the Parks and Rec. bus with nonperishable food and household/personal supplies on Election Day, June 9. The number of requests for food assistance does not diminish during the summer. When school is out and children do not receive the free or reduced rate breakfasts and lunch, requests actually increase. Our goal is to stock the Community Outreach Services Pantry shelves so no resident goes hungry. Also, we will have a donation jar present to accept cash or checks. Please make out your checks to Community Outreach Services. These funds are used to purchase food from the Good Shepherd Food Bank.

Summer Lunch Program: This summer, the Community Outreach Program is again offering free bag lunches. Note: no beverages are included. Lunch will be provided on Tuesdays and Thursdays, from July 7 through August 20. For more information, contact the Public Health Department at 967-4401.

Stuff the Backpacks: In no time you will see the back to school ads for supplies. Please help us purchase and fill backpacks for our children in need. Our projected delivery date to the parents is August 15. Items we need in addition to backpacks

are paper, notebooks, pens, pencils, crayons for the younger students, markers, rulers and erasers. When you are shopping this summer, pick up a few supplies and deliver them to the Public Health Office. If you are having friends and family over for a cookout, have everyone bring an item to help fill a backpack.

Drugs and Sharps Disposal: Did you miss the statewide TAKE BACK THE DRUGS DAY? The Kennebunkport Police Department accepts prescription, over the counter, and pet medications year round. Please bring these items to Kennebunkport's secured, collection, green box located in the Police Department's lobby. Do not dispose of them in your trash. Medications flushed down your toilet or sink can have an adverse effect on a septic or sewer system as well as leach into our streams and rivers. Please deliver your sharps to the Public Health Department for safe disposal. The police and dispatchers are not allowed to accept the sharps. Sharps must be in a red plastic HazMat box or a plastic container such as one your laundry detergent comes in. Help us avoid accidental sticks.

Nursing Services: If you find that you are in need of nursing care or have a health/welfare related question, Kennebunkport Public Health can help. The nursing staff provides skilled nursing care for our residents and guests. We can visit you in your home or if you prefer at our office. Remember, we have the FREE durable medical equipment LOAN closet if you find that you are in need of crutches, a walker, commode or shower chair.

Kennebunkport Public Health is a department of the Town of Kennebunkport. Our services are covered under your town taxes.



The Public Works and Kennebunk Light and Power setting the Dock Square Christmas Tree.



Shade Tree Committee – Easement Deed

By the Shade Tree Committee

You have probably driven around Town and noticed those silver round tags on some of the majestic trees that line our downtown streets and neighborhoods...well, those are “TAGGED TREES.” The Town of Kennebunkport is proud to support the Shade Tree Committee in caring for and maintaining those beautiful tagged trees as part of the Town’s tree inventory. Kennebunkport is proud to be awarded Tree City USA for 38 years!!

Some of those trees are on private property, some are on town property, or a combination of town and private property. The Shade Tree Committee along with Karen Schlegel, the newly appointed Tree Warden, will be making strong efforts to obtain written permission via an easement deed as we go forward to care for and maintain our tagged trees. The easement deed reads as follows:

1. The Grantor and Grantee/Town acknowledge that the purpose of this easement is to meet the Town’s objective of providing and maintaining trees—which contribute shade, beauty and clean air to the environment—for the benefit of the Town, Grantor, and the general community.
2. This easement shall be a perpetual easement that runs with the land for the purpose of planting, replanting, maintaining, pruning, or removing any part of the Tree, as hereinafter described, on Grantor’s property (the “Property”) located Street Address, in Kennebunkport, Maine, as more particularly described in a deed to

Grantor, dated _DATE_ and recorded in the York County Registry of Deeds in Book _____, Page _____.

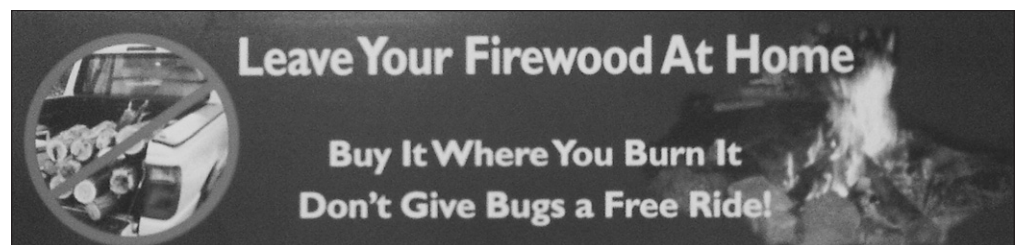
3. This easement shall include the right, but not the obligation, to enter onto the Property for the purpose of planting, replanting, maintaining, pruning, or removing all or any part of the Tree. The easement shall also include a right of access 20 feet wide, for persons and machines, for ingress and egress to the easement area in a straight line from the nearest public way for any purpose related to the subject of this easement. Grantee agrees that, following the completion of any such work, Grantee shall repair any damage to the Property resulting from such work so as to restore the Property substantially to its prior condition.
4. The Tree means any tree which the Town has planted (or may plant or replant in the future) on the Property, and if there is more than one such tree, this agreement applies to each of them. A general description of the Tree referenced herein, including the type of tree, number of trees, town identification number and approximate location on the Property, is attached hereto as Schedule A.
5. Grantor agrees not to

remove or prune the Tree without the Town’s prior written permission, unless such action is required in response to an emergency situation, such as severe storm damage that results in imminent danger to Grantor or any relative, guest, invitee or neighbor of Grantor, Grantor’s property, or the property of any neighbor of Grantor.

6. The Town shall not be responsible for the raking or cleanup of leaves or small branches that may fall from the Tree.

Over the next few months, we will be contacting homeowners who have “tagged trees” to secure appropriate easement deeds. This easement deed document needs to be notarized and will be recorded at the York County Registry of Deeds, which will become part of the property’s deed description. This easement deed will allow the Town to monitor and share in the maintenance of the tagged tree by giving permission to access your property. It also asks you to agree not to remove or prune that tagged tree without prior permission from the Tree Warden.

We look forward to working with the Town and homeowners to maintain our status of TREE CITY USA and keep our Town’s tree canopy green!!



Goose Rocks Beach Advisory Committee update

By the Goose Rocks Beach Advisory Committee

Ever wonder what the Beach Advisory Committee (BAC) has been up to lately? In its second year of service at Goose Rocks Beach, the BAC tackled quite a variety of concerns from the community. Probably the most talked about hot topic became the issue of dogs on the beach.

Last summer, as word spread about dogs killing the Federally protected Piping Plover birds in Scarborough, the Kennebunkport police stepped up enforcement of the 1976 Dog Ordinance, which stipulated dogs must always be on leash. Some dog owners expressed dismay that this change in leash law enforcement meant less freedom for their dogs, and these dog owners began to talk about petitioning for a new ordinance.

In its role as facilitators of communication between beachgoers and the Town, the BAC began by sending an electronic survey to its mailing list of 500 to learn opinions about the dog issues from a larger sample. Not surprisingly, results followed a bell curve, with comments reflecting both extremes—from wanting dogs to be allowed off leash always to completely banning dogs from the beach at all times. Most comments and responses fell somewhere in the middle. The BAC sought to strike a compromise position, which resulted in a proposal for a new Dog Ordinance, presented to the Board of Selectmen (BOS) in February and approved by

the BOS in March.

If passed by town voters, the new ordinance will allow for some early morning limited off-leash time for dogs during the summer, provided the dogs are under sight and voice control. Off-leash times will be expanded during the off-season (when Piping Plovers have left), from September 30 until April 15. In addition, from April 15 – September 30, dogs must always be on leash at the west end of the beach, where Piping Plovers most often make their nests.

Town residents will vote on this proposal on June 9.

The Dog Ordinance wasn’t the only concern the BAC heard from the community. Protecting this beautiful beach’s natural resources in a balanced way as humans use the beach is a priority for many, and will be important in preserving the beach for years. To that end, the BAC is working with the Kennebunkport Conservation Trust to look for solutions to ecological issues, such as protecting the sand dunes.

In the past, kayakers have stored their boats in the dunes, perhaps without realizing that by damaging the dune grass, dunes erode and consequently, so goes the coastline.

The BAC has produced small, tasteful signs, which promote restoration of sand dunes and grasses. Beachfront owners may post these

signs in severe cases of dune erosion or abuse. Property owners may pick up the dune signs at Town Hall and purchase wooden stakes and twine at Port Hardware in the Lower Village.

In addition to protecting the dunes, the BAC natural resources subcommittee and the Kennebunkport Conservation Trust have teamed up to tackle the problem of invasive plants that crowd out native species at the beach and also to educate the community about the problem. The subcommittee has organized a one-day invasive plant clean-up on May 16 from 9 a.m. – 3 p.m. (rain date May 17). Information about the nature and removal of invasive plant species will be shared. All volunteers are welcome and should meet at the Goose Rocks Beach KCT properties (at the end of Proctor Street) with gloves, shovels, pitchforks, and clippers in hand. Lunch will be provided.

As we gear up for another summer at Goose Rocks Beach, we welcome comments and suggestions. The BAC will have two open seats for three-year term positions starting in June—one beachfront owner position and one backlot owner position. The election is in June and a ballot will be mailed to each voting member of the Beach Use Agreement. The town-wide representative position is also open and residents will also vote on this position on June 9.

Goose Rocks

from page 5

ational uses of the intertidal zone (the wet sand portions of the beach). Once the prescriptive easement and public trust portion of the case was decided, the court would then hear the evidence related to the titles at Goose Rocks Beach.

In October of 2012, the Superior Court agreed that the Town had established a public prescriptive easement for recreational purposes over the beach, and that the public trust rights in the intertidal zone included water-related recreational rights. The plaintiffs appealed that decision later that same year. A decision from the Law Court was not released until February of 2014. At that time, the Law Court reversed the judgement of the lower court regarding the prescriptive easement and decided that the lower court should not address the public trust rights until the second half of the trial related to the title issues. As the prescriptive easement claims dealt with generations of public recreational use of Goose Rocks Beach and the public trust issues had state-wide implications, the Town and State of Maine asked the Law Court to reconsider its decision.

After nine months of deliberation, the Law Court did something extremely rare: it retracted its decision that the type of historic use of Goose Rocks Beach was legally insufficient to create a public prescriptive easement and stated that the Town could revisit the public prescriptive easement evidence in Superior Court; however, it would need to do so on a parcel-by-parcel basis. Remember that the court had originally bifurcated the case – part one is the prescriptive easement and public trust trial, part two would be the title trial. The newest decision still moved the public trust issues to part two and created a part three—a reevaluation of prescriptive easement evidence on each parcel.

The question of the day is, where are we now? We are currently awaiting the start of part two—the title trial, which will also readdress the public trust rights in the intertidal zone. The legal work necessary for the title

trial has already been prepared as we were ready for title trial before the court decided to divide the case. Our expectation is that the funding requested for fiscal year 2016 should carry us through the end of the case. After the title trial is complete, the Town may choose to ask the trial court to reevaluate the prescriptive easement evidence on specific parcels (part 3).

An important fact that people may have lost sight of in the litigation is that the Board of Selectmen have always sought ways to communicate and address issues with beachfront residents.

In October of 2009, the Board of Selectmen stated:

The Town remains ready to work cooperatively with property owners to address any inappropriate or unreasonable recreational use of the beach. The Town's policy is to support the maintenance of the status quo at the beach and to continue the longstanding tradition of reasonable public access to and recreational use of this important public resource within our Town. The Town does not wish to engage in protracted litigation over this matter. However, the conditions that have been presented are unacceptable. The Selectmen will continue to defend the public's right to use and enjoy the beach.

The sentiment expressed in 2009, and reiterated in following years, has not changed. In fact, the Town has worked successfully with 63 beachfront residents in establishing a Beach Use Agreement and ordinance that allows continued responsible public use of the beach while giving residents a voice in the future character and use of maintenance of the beach.

After two successful years, the Beach Use Agreement stands as a model throughout Maine for establishing public and private rights in partnership. The Board of Selectmen and Goose Rocks Beach Advisory Committee should be commended for the effective implementation of an unprecedented enterprise that has allowed property owners and citizens to gain much more than a perfected title to a stretch of sand.

TOWNS OF KENNEBUNK, KENNEBUNKPORT & WELLS

Residential Household Hazardous Waste Drop Off Day

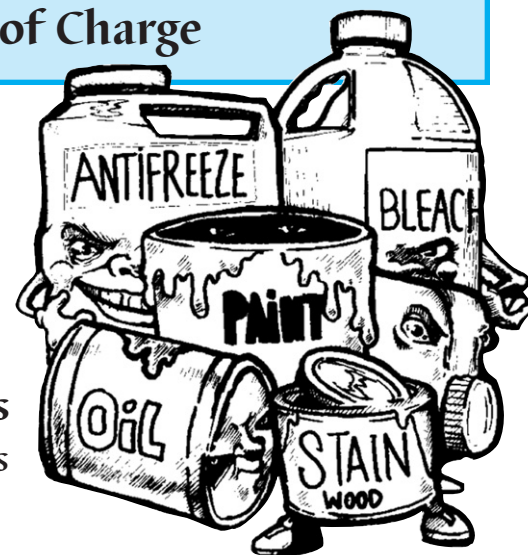
Proof of Residence OR Property Ownership Required

**(Driver's License or Tax Bill)
Arundel Residents are included**

DATE: Saturday, June 13, 2015
TIME: 8 a.m. - 1 p.m.
PLACE: Kennebunk Public Works
36 Sea Road
COST: Free of Charge

What to Bring

Unneeded household hazardous waste in sealed containers (use original containers when possible)



- ◆ Oil Based Paints
- ◆ Stains, Thinners, & Strippers
- ◆ Waste Fuels (Kerosene, Gasoline)
- ◆ Anti-freeze
- ◆ Poisons, Insecticides, Weed Killers
- ◆ Wood Preservatives
- ◆ Cleaners, Spot Removers
- ◆ Swimming Pool Chemical
- ◆ Aerosol Cans
- ◆ Pesticides
- ◆ Mercury Containing Products (Thermostats, Thermometers)
- ◆ Solvents & Varnishes
- ◆ Adhesives, Glues, Resins
- ◆ Engine Degreaser, Brake Fluid
- ◆ Transmission Fluid
- ◆ Hobby Supplies, Artist Supplies
- ◆ Photo Chemicals, Chemistry Sets
- ◆ Dry Cell Batteries
- ◆ Fluorescent Light Bulbs
- ◆ Nicad Batteries
- ◆ Hearing Aid (Button) Batteries

NO COMMERCIAL WASTE WILL BE ACCEPTED

**For More Information, please call
Kennebunk Public Works Department: 985-4811 or
Kennebunkport Public Works Department: 967-5728**

Town of Kennebunkport's New Website

What's the newest thing in Kennebunkport? Our website!
The new website went live on May 1 and is available for viewing at
www.kennebunkportme.gov.

The Town of Kennebunkport is now on Facebook!



The Town is hoping to communicate more directly with citizens and visitors on Facebook.



Please like us at
<https://www.facebook.com/townofkennebunkport>.