

**Town of Kennebunkport**  
**Goose Rocks Beach Advisory Committee**  
**32 North Street, Village Fire Station**  
**Thursday, December 4, 2014**  
**6:30 PM Meeting Agenda**

A Goose Rocks Beach Advisory Committee meeting was held on Thursday, December 4th, 2014. The meeting convened at 6:30 p.m. in the Kennebunkport Village Fire Station.

Members Present: Robert Sherman – Chairman, Margaret Barry, Paul Hogan, Beth Ramsey, Richard Drive, Katie Nixon (via video-conferencing)

Others Present: Ms. Laurie Smith, Town Manager, Police Chief Craig Sanford

Mr. Sherman affirmed the Committee had a quorum of 6 voting members

Mr. Driver made a motion to approve the minutes of the October 22, 2014 meeting. Ms. Barry seconded the motion and the vote was unanimous.

***Discuss and vote on Request for funding Beach Profiling***

Ms. Sherman stated the Southern Maine Beach Profiling organization has approached the Committee asking the Town to continue their program at a cost of \$700.00. Ms. Barry gave a brief summary of the activities the volunteer group performs and recommended to the Committee to continue the town's participation in such a program. Mr. Sherman made a motion to approve a contribution of \$700 be made to the Beach Profiling organization. Ms. Barry seconded the motion and the vote was unanimous.

Mr. Sherman gave a brief summary of the current dog ordinance presently in place and provided some background as to why the Committee was proposing to discuss a change to that ordinance.

***Discuss Proposed Dog Ordinance delivered to BAC by members of the Kennebunkport Community***

Mr. Sherman asked the representative from the Maine Audubon Society and the U.S. Inland Fisheries and Wildlife Department to give a brief presentation on their position with regard to the piping plovers at Goose Rocks Beach.

Ms. Laura Zitsky, Wildlife Ecologist and Director the Maine Audubon's Piping Plover Release, Return and Recovery Project addressed the Committee stating Goose Rocks Beach is one of the state's most important beaches for the plovers. Ms. Zitsky stated she is familiar with the incident in Scarborough and is very uncomfortable with the possibility of Kennebunkport allowing dogs off leash on the beach during plover season. During the non-breeding season, Ms. Zitsky said she had no issues with allowing dogs to run free after the plovers had flown south for the winter. Ms. Zitsky cautioned the Committee that the incident in Scarborough where a dog killed a plover chick in July of 2013, the dog did nothing illegal according to the Town of Scarborough's ordinance; which is why the U.S. Dept. of Fish and Wildlife Office exacted a \$12,000 fine on the Town of Scarborough because their ordinance was not strong enough to support the endangered species that nests on their beaches. Making off leash hours during breeding season exposes the town to potentially subjecting itself to repercussions from state and federal agencies, Ms. Zitsky warned.

Mr. Lacchiatto asked what is the plovers' nesting season? Ms. Zitsky responded the plovers come in late March and the first nest of the season is typically in late April and they leave in August. Mr. Lacchiatto asked if the Audubon Society would have a problem with letting dogs run free on the beach from mid-October thru to March. Ms. Zitsky replied she was comfortable with that proposal.

Ms. Barry asked if the idea of marking areas 300 feet from the nesting area was acceptable. Ms. Zitsky responded there is a problem with the tides so the buffer area gets blurred for some people. Ms. Zitsky also cautioned there is something called a perceived threat for the birds in that plovers view any dogs, leashed or unleashed, as a threat. Also, plover chicks can be found 2 miles away from a nest when they are foraging and flightless.

Ms. Zitsky mentioned that the weekly turnover of visitors and nest sites that can be out of the ordinary complicate the management of GRB. Mr. Hogan asked if there was a reasonable compromise.

Mr. Brad Zitsky, Biologist with the Dept. of Inland Fisheries and Wildlife, addressed the Committee stating it is ultimately a town decision but cautioned that restricted areas really don't work and the government will prosecute to the full effect of the Maine Endangered Species Law.

The audience posed several questions and possible scenarios to Mr. Zitsky while the Committee members discussed several options of allowing dogs off leash at certain times of day during off season.

Ms. Laurie Smith, Town Manager thanked the Zitsky's for their guidance from a state and federal perspective and reminded the Committee that our goal is to have an ordinance that reflects the culture of the town.

Mr. Sherman asked Police Chief Craig Sanford how the police department might enforce an ordinance that required voice/sight control of dogs. Chief Sanford said in his research he found everyone had a different definition of what voice control entailed. The Town would be responsible to define Voice and Sight control for the ordinance.

Ms. Ramsey offered the State of Maine defines voice control as "a dog must return immediately to the owner upon owner calling him/her and remain by the side of the responsible party. If a dog approaches within 10 feet of any person other than the responsible party, the dog is not under voice control". Chief Sanford explained it is difficult to answer questions of possible enforcement if the ordinance is unclear.

Ms. Barbara Barwise addressed the Committee to read a quote from the November 12<sup>th</sup> edition of the Portland Press Herald from Ms. Meghan Racey, a spokeswoman for the U.S. Fish and Wildlife Dept. as saying "that the Endangered Species Act has built in flexibility for activities when applicants can demonstrate they have taken steps to minimize impacts". Ms. Barwise interpreted that quote as saying the town also had the ability to write an ordinance that was flexible to accommodate the wishes of its citizens without violating the Endangered Species Act.

Ms. Barwise informed the Committee that along with a small group of concerned citizens, she has drafted an ordinance for the whole Town. She has asked to appear before the Board of Selectmen at their next meeting on Dec. 11, 2014.

Mr. Sherman closed the Public Comment portion of the meeting so the Committee could discuss possible changes to the Dog Ordinance. Using a draft ordinance prepared by Mr. Hogan the Committee discussed each item separately.

The Committee came to a unanimous consensus on the following points:

- The season is defined as June 15<sup>th</sup> to September 30<sup>th</sup>
- A leash is defined as a "handheld device 15 feet in length or less used to restrain a dog"
- The definition of voice control as defined by the State with the following sentence added: "If dogs are barking repeatedly they are not considered to be under voice control".
- Except during the summer season, dogs are permitted on the beach from sunrise to sunset provided they are leashed or under sight/voice control. However dogs must be on a leash between 12noon and 2:00pm.
- During the off season dogs can be on the beach on leash after sunset and before sunrise because of limited daylight hours
- All persons bringing a dog onto the beach must always bring bags or other means of disposal of pet waste with them and they must promptly remove and properly dispose of any pet waste left by his/her dog from the beach.
- The limitations concerned will not apply to service dogs
- Penalties for violation of the ordinance would be set as: 1<sup>st</sup> offense - \$50.00, 2<sup>nd</sup> offense - \$100.00, 3<sup>rd</sup> & subsequent offenses \$250.00
- During the summer season, no dogs allowed on the beach before sunrise.

The Committee decided to designate three seasons as:

- Spring Season – April 1<sup>st</sup> to June 15<sup>th</sup>, Summer Season – June 15<sup>th</sup> to September 30<sup>th</sup>, Winter Season – October 1<sup>st</sup> to March 31<sup>st</sup>

Mr. Hogan summarized the Committee's agreement that starting on April 1<sup>st</sup>, dogs are not allowed at all in the designated plover nesting areas designated from Norwood Avenue west and any other demarcated areas, dogs allowed on leash only. The leash should be a short leash in those areas, Mr. Hogan clarified. From June 15<sup>th</sup> to September 30<sup>th</sup>, dogs will be allowed off leash from 6:00am – 7:30am, on leash from 7:30am – 8:30am and in the evenings during the Summer Season from 6:00pm dogs must be on leashes.

Mr. Hogan offered to consolidated the Committee's findings from this meeting and provide copies of such for each Committee member, Board of Selectmen, and the public for further discussion at the next Beach Advisory Meeting in January.

Mr. Sherman offered to circulate via email, possible dates in January for the next Beach Advisory Meeting.

**Adjournment:** A motion was made to adjourn, it was seconded and the vote was unanimous.

**Submitted by:** Patricia Saunders, Recording Secretary