

**Town of Kennebunkport
Beach Advisory Committee Meeting
32 North Street, Village Fire Station
December 5, 2013 @ 6:30 P.M.**

A Beach Advisory Committee meeting was held on Tuesday, December 5th, 2013. The meeting convened at 6:30 p.m. in the Kennebunkport Village Fire Station.

Members Present: Robert Sherman - Chairman, Paul Hogan, Margaret Barry, Mike Weston, Beth Ramsey, Richard Driver

Others Present: Mr. John Fraser, Interim Town Manager

Items:

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6:30 Call to Order: Bob Sherman, Chairman affirms quorum

Mr. Sherman confirmed a quorum for the Beach Advisory Committee was present and read a brief note to the committee from former Town Manager Larry Mead.

6:35 Secretary's Report: Beth Ramsey

Mr. Hogan made a motion to approve the Secretary's report from the October 22, 2013 meeting. Mr. Driver seconded the motion and the vote was unanimous.

6:40 Open floor to questions and comments from guests attending meeting

Mr. Sherman thanked Stu Flavin for attending their last BAC meeting and for his insight and assistance. Mr. Sherman asked the audience in attendance if they had any questions or comments. There were none.

6:45 Status reports from actions established at September meeting:

1. Dogs

Mr. Weston offered his personal recommendation that the leash law remain as is, but ask the Town to change the Ordinance to restrict dogs 300 feet east/west of the piping plover nesting area for the season as defined when the first plover is spotted to the last one has left. Mr. Weston added that there be some notification posted that the area is off limits for dogs and that there are large monetary penalties imposed by the State Department of Inland Fisheries and Wildlife to both the town and the individual if the plovers are harmed.

Mr. Driver agreed with Mr. Weston's recommendation and suggested including the upland sand dunes in the restricted area.

Mr. Sherman asked Mr. Weston for clarification if the dog restriction is defined by no dogs in the plover area or that all dogs must be on a leash in the plover nesting area. Mr. Weston replied he believes dogs should be on a leash but there should be a buffer zone around the plover nesting area where the public is not allowed to bring their dog. Mr. Sherman suggested positioning any signs about the proposed restricted area within a suitable distance before the nesting grounds.

Mr. Hogan offered that a total ban of dogs, regardless of on or off leash, in the nesting area would be easier to enforce.

Mr. Sherman read from a correspondence from the Dept. of Inland Fisheries and Wildlife that their primary recommendation would be to have no dogs on the beach from April 1st to September 15th.

Mr. Hogan made a motion to recommend the Board of Selectmen change the town Ordinance to restrict dogs on Goose Rocks Beach within a 300 ft. circumference of the piping plover nesting area including the upland area for the duration of the nesting season. Mr. Driver added to Mr. Hogan's motion that a violation of the Ordinance would be subject to \$100 fine. Mr. Driver seconded the amended motion and the vote was unanimous. Mr. Weston will contact the Board of Selectmen to be added to the agenda.

Mr. Mulvihill recommended hiring summer community officers who will have a work schedule that includes 6 to 8 AM and after 6 PM to monitor the situation with dogs during the hours they are allowed on the beach. The BAC noted that the Police will need to be contacted about enforcement of Ordinance when the changes are made. The BAC also discussed how the general public will have input and be made aware of the future changes in the Dog Ordinance.

2. Parking

Mr. Hogan provided a summary of the parking issues discussed at the last meeting and offered the following proposals:

- Putting a stop sign at the intersection of Wildwood and Proctor as one is leaving Community House Rd. on the right hand side facing Proctor Ave.
- Put No Parking signs on Community House Rd.
- Clear back the brush surrounding the intersection of Proctor, Wildwood and Community House Rd.

Mr. Driver suggested putting 2 stop signs at that intersection because of the poor line of sight driving up Proctor Ave, especially during the summer months with children riding bicycles. Mr. Hogan responded according to the traffic data provided by Police Chief Sanford and Deputy Chief Moses there have not been any traffic accidents there in years.

Mr. Driver and Ms. Ramsey questioned the recommendations, so Mr. Driver and Mr. Sherman agreed to do a site visit to the area and report back to the committee at the next meeting.

All committee members agreed with the proposal to put “No Parking” signs on Community House Rd. and to trim the brush surrounding the intersection.

Mr. Hogan along with the approval of Police Chief Sanford recommended moving one parking spot at the intersection of Bellewood and Kings Hwy to 251 Kings Hwy. Mr. Hogan explained the new location was the only location that met the parking criteria for distance and visibility and was consistent with the Beach Use Agreement. Mr. Weston made a motion to recommend to the Board of Selectmen moving that one parking space as discussed. Ms. Barry seconded the motion and the vote was unanimous.

3. Trash

Mr. Driver confirmed with acting Town Manager that there is no littering ordinance in the town. Mr. Driver stated the Beach Use Ordinance provides for no littering and potential \$100 fine; however this only applies to the 63 properties and not the entire 2 miles of beachfront.

Mr. Driver stated the complaints at the beach are mostly about the amount of trash and how often it is picked up. It was suggested to increase the number of trash pick-ups during the summer or put out more receptacles and/or larger trash cans. Mr. Driver added the piles of garbage are very unsightly and usually worse on Saturdays when the renters are leaving.

Mr. Hogan suggested adopting the carry in/carry out policy the State of Maine has in place at all state parks. Ms. Ramsey responded she would investigate that suggestion and report her findings at the next meeting. Mr. Sherman asked Ms. Ramsey to find out from the State the reasoning that went into their decision to adopt the carry in/carry out policy and how the transition was accepted by the public.

Ms. Ramsey also stated she will contact the Rotary Club to find out what they’ve done in the past as far as beach clean-up days. In the past, The Conservation Trust organized a Spring clean-up, school children occasionally organize a clean-up, and the Rotary does a fall sweep of the beach.

4. Communication

Ms. Barry stated they have submitted a draft copy of a letter to go out to all GRB property owners using Constant Contact once the addresses have been sorted. The cost of using Constant Contact is \$135/year. Mr. Hogan added there would be 2 emails, one in the Spring and one in the Fall.

Mr. Sherman suggested also sending these newsletters to those renters who visit the beach regularly year after year. Mr. Hogan responded he would contact the realtors to invite their clients to sign up with email accounts.

Mr. Sherman reiterated the goal of the committee is to communicate, educate and advocate for reasonable and respectful recreational use of the beach.

Mr. Driver asked how the Committee was going to reach the vast majority of back lot owners. Mr. Driver suggested asking the Town attorney to review the Beach Use Agreement to see how to make them full members of the Beach Use Agreement. Mr. Driver argued that the back lot owners who are not part of the Beach Use Agreement are not protected and do not have full rights to the beach as the Agreement is written now. Mr. Hogan responded he is not opposed to bringing in everyone to the Agreement but thinks it would be less necessary or valuable to people if the whole beach becomes open based on the Supreme Courts’ decision on Appeal.

There was a lengthy discussion among the Committee members on this subject. Mr. Hogan stated his opinion that he has never objected to bringing back-lot owners as complete members of the Beach Use Agreement but does not agree giving

them voting rights when they have different legal rights. Mr. Driver restated his proposal a year ago was to offer them to be part of the Beach Use Agreement. Mr. Sherman offered to meet with Mr. Hogan and Mr. Driver to discuss the legal questions and community considerations, so that the BAC can better understand all the issues involved.

Mr. Mulvihill asked if they were talking about opening up privately deeded rights to the beach. The Committee agreed that was not what was being argued here. Mr. Fraser suggested the best thing to do is wait to see the outcome of the Appeal.

7:45 Acting Town Manager Update – John Fraser

Mr. Fraser said the search was continuing for a new town manager and there should be a decision by mid-January.

Mr. Sherman stated there were some questions raised about the new FEMA flood maps. Mr. Fraser responded the new maps have been put on the Town's website. Mr. Hogan asked how the new elevations are different. Mr. Weston replied most areas in general went up 2 elevations on the BFE (Base Flood Elevation). The BAC recommended that the Town should consider a Town appeal instead of individuals.

Status of Melissa Rizieri participation in BUA

Mr. Fraser stated they are just waiting to receive the recorded documents.

Mr. Sherman asked about the procedure to elect a new representative to the BAC from the beachfront owners. Ballots will be mailed to BUA beachfront owners.

7:55 Confirm next meeting date

The Committee agreed to not meet in January or February and tentatively agreed to hold the next meeting on March 20, 2014.

Respectfully submitted,
Tricia Saunders

8:00 Adjourn