

**Town of Kennebunkport
Beach Advisory Committee Meeting
32 North Street, Village Fire Station
February 25, 2013 @ 6:30 P.M.**

A Beach Advisory Committee meeting was held on Monday, February 25th, 2013. The meeting convened at 6:30 p.m. in the North Street Fire Station.

Members Present: Robert Sherman- Chair, Richard Driver, Elizabeth Ramsey, Margaret Barry, Paul Hogan, Michael Weston, Stuart Barwise

Others Present: Mr. Larry Mead, Town Manager, Bob Metcalf of Mitchell & Associates, Durward Parkinson, Esq., Bill Junker

Items:

1. Call to Order: Bob Sherman, Chair

2. Secretary's Report: Beth Ramsey

Consider approval of minutes of January 15 meeting

Mr. Sherman noted a typographical error in the January 15th meeting minutes. Mr. Hogan made a motion to approve the corrected minutes. The vote was unanimous in favor of the motion.

Explanation of people's ability to access BAC information on line.

Ms. Ramsey announced the email address to submit questions or comments to the Committee is grbadvisory@gmail.com. Mr. Sherman stated the Committee welcomes and encourages suggestions and comments from the public.

3. Old Business

a. Request to relocate parking spaces at 239-241 Kings Highway

Property Owner: William Forest & Nancie Julian

Represented by: Bob Metcalf, Mitchell & Associates

Mr. Bob Metcalf of Mitchell & Associates addressed the Committee. Mr. Metcalf stated they have redesigned the parking spaces incorporating suggestions made by the Board of Selectmen. Mr. Metcalf noted they have increased the sight distance from the crosswalk to the front corner of the lot to 91 feet. Mr. Metcalf replied the driveway and parking spaces are within the setbacks. Mr. Hogan made a motion the Committee recommend this revised proposal to the Board of Selectmen. The motion was approved unanimously.

b. Communications subcommittee report: Katie Nixon

Ms. Nixon was not in attendance. Ms. Barry gave a brief summary of the work done to date by the subcommittee. A letter was drafted and sent to all Committee members outlining the content of the Goose Rocks Beach Advisory Committee's website which will include links to the Ordinances affecting the beach area.

Mr. Hogan provided all members with a sample draft of the beach signs to be placed at the entrances to the beach. Mr. Hogan explained the information on the signs was viewed to be the key items with more specific information to be available in a brochure to be put in realtors' offices and on the signs' posts. Mr. Hogan added the sign's dimensions would be roughly 12x18 inches and a copy of the sign will be posted on the website.

Mr. Sherman asked about adding any fines associated with beach rule violations to the signage. Mr. Sherman also raised the issue that there is a discrepancy on the existing beach signs and the town ordinance regarding pets. Mr. Mead offered the opinion that the best policy to get people to act as responsible dog owners (i.e. picking up waste, quieting their dog) is if it becomes part of the culture. The Committee members discussed the exact wording of the ordinance and the signs presently at the beach.

For clarification, Mr. Weston read a section of the Town's Dog Ordinance which states: "1.) It shall be unlawful for any person owning, keeping or harboring a dog, whether licensed or unlicensed, either to bring such dog onto or to permit such dog to remain on any beach in the Town of Kennebunkport between the hours of 8:00 AM and 6:00 PM, from June 15 through September 15. This section shall not apply to seeing-eye dogs. 2.) It shall be unlawful for any person owning, keeping or harboring a dog, licensed or unlicensed, to allow it to run unleashed in the Village Residential, Village Riverfront, Village Dock Square, Cape Arundel, Goose Rocks, Cape Porpoise West, Cape Porpoise East and Cape Porpoise Square zones, as defined in the Kennebunkport Zoning Ordinance as amended."

After much discussion, the Committee agreed to keep the same wording on the new beach signs as is currently posted regarding dogs. All Committee members agreed to focus on the education process for this coming summer season rather than enacting new regulations. Mr. Barwise received a message from Mr. Fessenden the current beach signs state "Dogs must be on a leash".

c. Check in on board member email addresses

Mr. Sherman announced his email account is not functioning properly. All other committee members reported no issues with their email.

***d. Report: Beach Ordinance and applicability of beach rules: Richard Driver,
Mike Weston***

Mr. Weston submitted a draft of proposed language for a second Beach Use Ordinance to allow the committee to include the entire beach in the ordinance.

Mr. Weston also discussed the changes in storing watercraft on the beach. In discussions with Mr. Mead and Mr. Driver, Mr. Weston suggested installing storage racks for kayaks near one of the beach entrances that the Kennebunkport Conservation Trust owns. Mr. Weston clarified the kayak storage rack would be a low rise rack (only 2 or 3 feet high) so as not to block any homeowner's view.

Mr. Driver presented a concern of the Police Department in their difficulty discerning what ordinances and regulations apply to which properties. In talking with the Town Attorneys, Mr. Mead stated it would be helpful if there was a single document that could serve as a place of authority for regulation encompassing the entire beach. This document would be a single set of regulations approved by the Selectmen's in consultation with the BAC and would derive its authority from the Beach Use Agreement and both the original Beach Use Ordinance and the supplemental Beach Use Ordinance (BUO II). Mr. Driver stressed there is no intent by this Committee to extend the buffer zone to any other property owners. Mr. Sherman asked Mr. Barwise if he agreed with this proposal to work on the appropriate regulations that encompass the entire beach and present that to the Board of Selectmen to prepare a supplemental ordinance for consideration on the June warrant. Mr. Barwise stated conceptually he does not see a problem.

e. Report: Meeting with Harbormaster (moorings, speed limits), Bob Sherman

Mr. Sherman reported he met with Lee McCurdy, Harbormaster to discuss boat speeds and marker buoys at the beach and in Goosefair Harbor. There currently are marker buoys listing the 6 mph speed limit in Goosefair Harbor. Mr. Sherman added he noticed the more prevalent potential hazard is jet skiers speeding up and down the rivers at high tide rather than in the ocean itself. Mr. Sherman suggested the Committee consider putting No Wake/Speed limit signs at the entrances to the rivers.

Mr. Weston reported the Harbormaster is in the process of charting and assigning mooring numbers in the Goose Rocks area with the intent of relocating any dangerous moorings.

Mr. Sherman made a motion the Committee recommend to the Harbormaster that he place no wake/6 mph speed limit buoys at the entrance of both rivers (Little River & Batson River). Ms. Barry seconded the motion.

Mr. Barwise cautioned the Committee that they may be changing the culture of the beach and would inadvertently alienate people by trying to over-manage the beach. Mr. Hogan agreed with Mr. Barwise's opinion and suggested that in this first year, the Committee try not to make too many changes. The Committee members agreed to conduct further investigation and asked the public to provide their opinions.

No vote was taken.

f. Update: Status of GRB litigation, Larry Mead

Mr. Mead explained in December, 2012 the Plaintiffs filed an appeal of Judge Brennan's decision and in addition filed another motion to the Supreme Court asking that the appeal be dismissed and that the Supreme Court direct the lower court to conduct a trial on the title issues yet unresolved. The Supreme Court declined to dismiss the appeal and instead directed the plaintiffs to include arguments on this pleading in their brief appealing the lower court decision. Mr. Mead added the oral arguments on the appeal of Justice Brennan's decision will not take place in the Supreme Court for many months. Until that time, Justice Brennan's ruling is the law of the land, Mr. Mead concluded.

g. Communication from TMF Advisory Board to BAC re: broadening voting privileges to additional back lot owners, Bob Sherman

Mr. Sherman made a recommendation to postpone the issue for 12 months until the litigation is settled. Mr. Driver agreed with the Chairman but stressed the Committee will ultimately have to address this. The Committee agreed unanimously with Mr. Sherman's recommendation.

h. BAC role or responsibility re issues with public safety implications, Sherman

Mr. Sherman stated within the permissive view of the ordinance this issue should be closed. The Committee agreed unanimously.

i. BAC role facilitating voter participation in electing BAC members, Sherman

Mr. Sherman stated for the record there are 16 beach front owners and 43 back-lot owners, who have signed the Beach Use Agreement but have yet to designate a voter. Mr. Sherman asked the Committee members to make an effort this summer to have all 59 owners designate a voter. The Committee agreed unanimously.

4. New Business

Mr. Sherman announced there will be a presentation from the Maine Department of Inland Fisheries & Wildlife at the next meeting to talk about the plovers.

5. Potential agenda items for next meetings

Ms. Barry emailed a question regarding weddings on the beach. Mr. Mead explained people would have to come to the Town Clerk's office for a marriage license where April Defoe would contact the appropriate parties if necessary. Mr. Sherman added this is an administrative function for the town rather than becoming an item for this Committee to handle. Mr. Sherman stated he has received a request from Melissa Rizzieri, who has purchased property on the beach and is interested in becoming a member of the Beach Use Agreement. Mr. Mead responded that the authority for that is vested under the Board of Selectmen.

6. Confirm next meeting date of March 19

Mr. Sherman stated the next Goose Rocks Beach Advisory Committee meeting will be held on Tuesday March 19th, 2012.

7. Adjourn

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

Submitted by: Patricia Saunders, Recording Secretary