

**Town of Kennebunkport
Beach Advisory Committee Meeting
32 North Street, Village Fire Station
March 27, 2013 @ 6:30 P.M.**

A Beach Advisory Committee meeting was held on Wednesday, March 27th, 2013. The meeting convened at 6:38 p.m. in the North Street Fire Station.

Members Present: Margaret Barry, Elizabeth Ramsey, Robert Sherman, Richard Driver, Paul Hogan

Others Present: Mr. Larry Mead, Town Manager, Police Chief Craig Sanford, Wayne Fessenden

Items:

1. Call to Order: Bob Sherman, Chair

2. Secretary's Report: Beth Ramsey

Ms. Ramsey asked the Committee if everyone had received the February 25th meeting minutes and if there were any comments. Mr. Sherman noted one correction to be made in paragraph 3e under Old Business. The sentence should read: "There currently are no marker buoys listing the 6 mph speed limit in Goosefair Harbor."

Consider approval of minutes of February 25 meeting

Mr. Hogan made a motion to accept the corrected minutes. Mr. Driver seconded the motion and the vote was unanimous.

3. Presentation by Lindsay Tudor, Maine Dept. of Inland Fisheries and Wildlife

Shorebird Biologist Lindsay Tudor of the Maine Department of Inland Fisheries and Wildlife addressed the Committee stating the piping plovers are federally listed as a threatened species and are state listed as an endangered species. Ms. Tudor illustrated on a map of Goose Rocks Beach where the plovers' nesting habitat is but cautioned that all of Goose Rocks Beach is listed as an essential habitat. Ms. Tudor noted most of the birds are near the Batson River because of its isolated location and the rich supply of food from the river.

Ms. Tudor asked the Committee to consider closing off the nesting area from public use with dogs during the hatching season. Ms. Tudor gave the following explanation in support of her request:

- Once the chicks hatch, they are mobile and could be anywhere on the beach
- The chicks have to achieve 60% of their adult body weight in 12 days
- Being chased by dogs or people will force them to flee and burn more calories

Ms. Tudor provided the Committee members with examples of signage restricting dogs from the nesting area.

Mr. Hogan explained to Ms. Tudor and her colleagues that because of the Beach Use Agreement the beach is more protected from becoming like other beaches in terms of development, access and parking; and thus should not anticipate more people and dogs using the beach.

Mr. Sherman asked if the plovers have more than one nesting event per season. Ms. Tudor replied there is just the one nesting per season and they are at the beach now. Mr. Sherman offered his opinion that it is a small season as such and it would behoove us to limit access for the sake of the birds.

Ms. Tudor stressed that she wants to help the Town protect the area and would provide town staff with training, provide signage of do's & don'ts for beachgoers, and if it's determined that the nesting area prohibit dogs, provide game wardens to keep dogs out of the area.

Ms. Tudor also asked to be a participant in the permitting process for beach campfires. Mr. Hogan suggested the Audubon Society provide the Police Department with a map of where fire permits could be issued that would not affect the plovers. Mr. Charlie Tuggs, Endangered and Threatened Species Coordinator agreed to provide the Police Department with that information noting the residents of the beach have been doing a great job in protecting the plovers.

The Committee agreed to provide educational materials to real estate agencies for renters to be aware of the sensitive areas of the plovers.

4. Old Business

a. Communications subcommittee report: Katie Nixon, Meg Barry

Ms. Barry asked the committee members for comments and approval of the proposed new signs to be posted at the beach. The Committee members suggested two minor changes: 1.) Add the word “property” owner to the line regarding boat storage, and 2.) To match the Town Regulation’s wording for the statement to read “No overnight storage of beach equipment”.

Ms. Barry stated the approved signs would be posted on wood posts with brochure holders at all 9 public access points.

Ms. Barry made a motion the Committee adopts the draft of the sign with the suggested revisions to be posted at all 9 accesses to the beach. Mr. Mead suggested there may be other private Rights of Way where the owner may allow the signs to be posted also. Mr. Driver amended the motion to not limit the number of signs to 9. Mr. Hogan seconded the motion and the vote was unanimous. The Committee agreed to order a minimum of 12 signs.

Ms. Barry then asked the Committee to review the draft brochure to be posted with the beach signs and in real estate offices in town. Ms. Barry reviewed some of the suggested modifications to the brochure. Ms. Barry also explained the brochures would have a QR code as well as other website links listed for the public to obtain more detailed information.

b. Report: Beach Ordinance II status – Larry Mead

Mr. Mead stated he reviewed the draft of the Beach Use Ordinance II and made the few minor changes mentioned previously. The Committee discussed changing the language regarding beach closure due to high bacteria levels. Mr. Mead agreed to change the wording from beach closures to beach advisories.

Mr. Sherman made a motion the Committee adopt the ordinance as proposed and submit to the Board of Selectmen. Ms. Ramsey seconded the motion and the vote was unanimous.

c. Status report on developing beach use rules for presentation to BOS before May 1 pursuant to BUO I and (in anticipation of) BUO II. Mike Weston, Richard Driver, Paul Hogan, Bob Sherman, Larry Mead

Mr. Driver stated the sub-committee has met and along with Mr. Mead have agreed to use a uniform approach to continue with the same kind of enforcement as previous years. Mr. Mead concurred adding that assuming the Beach Use Ordinance II is passed, there would be one set of regulations that is relevant to both Ordinances.

d. Update: Status of GRB litigation, Larry Mead

Mr. Mead explained the judges have not yet issued a briefing schedule to either side, so it is difficult to predict a time frame yet. Mr. Driver added one of the issues is the court has not released any transcripts of the proceedings.

e. Update of status of request from Melissa Rizzierri

Mr. Mead stated the new property owner has asked to be added to the Beach Use Agreement and will approach the Board of Selectmen about this at their April meeting.

5. New Business

a. Presentation on enforcement of Beach Ordinance: Chief Craig Sanford

Mr. Sherman asked Chief Sanford to explain how his department would address any issues that arose in the Reserved Area. Chief Sanford responded stating firstly, it would depend on the landowner who may choose to address any issues themselves as such and not call the Police Department. Secondly, Chief Sanford explained the following may be one scenario:

1. Landowner chooses not to speak to the individual and calls the Police Department on the non-emergency line
2. Someone on the Police staff (reserve officer, beach patrol) will respond and meet with the caller
3. Police staff will confirm the information that the person(s) are within the 25 foot area
4. Police staff will make contact with the potential violator
5. If the issue is a boat on the property, the police will try to have a friendly conversation with the violator
6. If the police cannot identify the owner of the boat, they will take pictures of the watercraft and try to make arrangements to have it moved.

Chief Sanford offered his opinion that he expects to get a lot of compliance; adding this year will be a learning process for all.

Other New Business

Mr. Sherman asked Mr. Mead to talk about the status of the beach after the storms. Mr. Mead stated with the number of severe storms this past season there has been a significant loss of dunes, some seawall damage on the

west end of the beach, and some areas with large accumulations of seaweed. Mr. Mead noted the seaweed issue is particularly bad in the Norwood Avenue area and the town has been asked to get involved with the removal of the seaweed if it continues to linger. Mr. Mead expressed his hesitation in involving the town and would ask for written permission of the property owners before taking any action. Mr. Mead explained all the town could do is push the seaweed to the low water and hope the tide would carry it out. The time to move the seaweed would be before a full moon with higher than normal tides which would occur at the end of April, Mr. Mead concluded.

Mr. Hogan suggested having someone prepare a statement for the homeowners to sign granting the town permission to clear the seaweed. Mr. Mead agreed with Mr. Hogan's suggestion and asked the Committee to make contact with those property owners before the next meeting on April 15th.

Mr. Sherman stated he has received an email from Ken and Joanne Rowe stating they have experienced some damage to their seawall and asked if the cost for repairs could be covered by the town's beach fund. Mr. Mead replied having been involved throughout the settlement discussions, the one thing that was consistent was that the property owners felt very strongly that the beach walls were theirs and the town has acknowledged that belongs to the property owners. Mr. Driver added in this particular instance the seawall is private property so the public funds could not be used for that purpose. Mr. Hogan agreed with Mr. Driver and Mr. Mead. Mr. Sherman stated he would notify the Rows.

6. Potential agenda items for next meetings

Ms. Ramsey noted the next Committee meeting scheduled for April 15th is also a holiday, Patriot's Day.

7. Confirm next meeting dates of April 15 and May 13

Mr. Sherman asked the Committee to decide which summer meetings were to be held in the Goose Rocks Beach area and what venue could be used. Mr. Hogan suggested using the Community House and offered to contact them for permission. The Committee agreed to try to hold the July and August meetings there.

8. Adjourn

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

Submitted by: Patricia Saunders, Recording Secretary