

Conservation Committee Meeting Minutes
Cape Elizabeth Town Hall
7:00 p.m., Tuesday, October 11, 2022

Present: Corinne Ketcham, Chair, Matt Craig, Stacey Dietsch, Emily Helliesen Day, Christophe De Vries, Bruce Moore, Richard Sullivan.

Staff: Maureen O'Meara, Town Planner

1. Call to Order. Acting Chair Matt Craig opened the meeting at 7:00 p.m. (Chair Ketcham had been delayed 15 minutes).
2. Public comment. Acting Chair Craig asked for public comment on items not on the agenda and no one present wanted to speak.
3. NEMBA Fall Ride Event request. In order to allow Chair Ketcham time to arrive and be present for the Planning Board review item, the committee took up the NEMBA (New England Mountain Biking Association) Fall ride event application out of order. Ted Kerkam, representing NEMBA, referenced materials submitted to the committee and presented the ride as similar to what the committee has approved for rides in the Spring.

Mr. Sullivan asked how long the route would take to ride and Mr. Kerkam said 2 hours.

Mr. Moore asked what would happen if more than 20 rides show up? Mr. Kerkam explained that pre-booking is required and that experience is less than 20 each day.

Ms. Day asked if the ride can be split into 2 groups if more than 20 show up. Mr. Kerkam agreed but said that number is uncommon.

Mr. Moore noted last week's Friday rain, resulting in wet trail conditions Saturday which can be rough on the trails. Do you dismount in wet conditions? Mr. Kerkam said the ride will be cancelled in overall wet conditions. In muddy spots, we go around and flag that spot for potential maintenance. We will volunteer to do trail maintenance.

Ardath Dixon, Land Trust, was recognized. She confirmed that CELT has approved the portion of the ride on CELT land with 2 revisions. The ride will be on Eastman Road instead on the Maxwell Farm and on Route 77 instead of the Pond Cove playground.

Ms. Dietsch asked about publicity for other trail users. Mr. Kerkam said they do encounter other trail users and encourage respectfully sharing the trails.

The committee agreed that the trail rides should appear in the Gazette.

Mr. Craig asked about potential parking conflicts at Gull Crest or with Household Hazardous Waste Day? Parking has not been in short supply for other events.

Ms. Day made a motion, seconded by Mr. Moore, to approve the event request and the motion passed 6-0.

4. Planning Board review. The committee decided to hear a presentation from Jim Fisher regarding the open space plan for Carr Woods, then allow public comment, and then discuss the plan.

Chair Ketcham invited Jim Fisher, Northeast Civil Solutions, to make the presentation. Also attending for the project were Bill Gerrish, project engineer, Dave Sherman, legal counsel, and Andrew Carr, applicant. Mr. Fisher reviewed the proposed north, south, Woods Rd and west trails. Mr. Carr is willing to provide a perpetual easement. With the informal Glenden Road trail access gone, these trails offer a benefit to the community and the applicant would like the committee to make a positive recommendation to the Planning Board.

Chair Ketcham opened the meeting to public comment.

Lise Pratt, 32 Wood Rd – She is opposed to these trails (except for the west trail) as they add little value compared to the environmental cost, vegetation disturbance and wetland impacts. The trails would be open to the public and impact abutters. There is no history of use at the Woods Trail. The north trail has unsuitable bedrock terrain and makes a robust buffer impossible. The trails are proposed to work a loophole in the open space regulations.

Katie Blackburn, 14 Rocky Hill Rd – With retaining walls and housing, it is not clear how to install a trail and have buffering. There are already links to Shore Road, and visitors to Fort Williams Park might walk on trails near our homes.

Erik Johanssen, 2 Rocky Hill Rd – He referenced his letter. The trails are proposed to meet the open space minimum required. The committee should do a site walk and see the steepness of the ledge. A trail is located in a detention pond and there is no reason to have it there when there is a sidewalk nearby. Buffering will be compromised and this is just an attempt to keep the same number of condo units.

Pat MacBride, 18 Wood Rd – She supports a site walk and requests a clearer map because this is off scale. There is an easement to 12 Woods Rd and a review by the Town attorney should be done. What deed changes have occurred since 1988?

The committee began discussion. Mr. Craig asked about the project status in the review process and Ms. O'Meara summarized, noting that the committee does not have to make a recommendation at this time and may want to wait until a complete set of plans are submitted to the Planning Board as part of final review. At that point, the committee would be expected to make a recommendation to the Planning Board.

Mr. De Vries asked how the trails relate to buffering? Ms. O'Meara said that information should be included in the final plan set. Mr. De Vries expressed concern that the buffer not be damaged by adjacent trail use. He wants to see the landscaping plan to see how the trails blend in.

Mr. Sullivan asked if the trails are not approved, what is the open space impact?

Mr. Fisher said the trails are a "no brainer." There are hundreds of trees in the buffering plan. The trails are not surfaced with stone dust or paved, but woods trails. The owner may donate the open space to the town. There is no Wood Road trail now, but there is room in the easement for a trail on or to the side of the driveway. Mr. Carr said people walk down the driveway. The applicant would support a site walk.

Mr. Sullivan asked what the distance is from the closest trail to the property boundary line? Mr. Fisher said 4' - 5' to 10'. If people want fences, they can put one up or maybe the applicant would supply vegetation for planting on abutters' property.

Mr. De Vries asked about the open space calculation without the trails? It does not make sense to add a boardwalk in the wetland for the trail when alternatives are close by. Why add a trail in a thin strip of open space if you are meeting the open space requirement already? Mr. Fisher said this opens up the property.

Mr. Sullivan made 3 points. What is the answer on the open space without the trails? The map should be expanded to show existing trails [on adjacent properties] so we can see how this adds to the greenbelt system. It is important to see the trails with the buffer. He wants a site walk, noting that he wants to see where the sloping/grading is at or more than 25%. Mr. Gerrish provided that the open space is at 40% to 45%.

Mr. Fisher noted there is only one trail now and we want to open it up.

Ms. Day said that the committee wants more trails, but walking with condos and houses is not the picture of trails generally supported. She attended the Planning Board site walk and the existing houses are close to the corner stakes for the new buildings.

Mr. Craig sees the most value in the Plaisted trail by creating access to a parking area and connectivity to Fort Williams Park. He is looking at the buffer concerns and some could be addressed by shrinking the Carr [house] lot. The trails have some redundancy, so we should look at expected use and excess impact. The trails are probably there to meet the open space standards. He does not think this subdivision meets the open space standards and recommended more clustering.

Mr. Sullivan asked if the north trail is removed, how does that impact the application? Mr. Fisher said they are still ok.

Chair Ketcham noted that she lives next to a greenbelt trail and has installed a fence for privacy, etc. She agrees with Mr. Craig about the redundancy of the trails. Trails this close make people uncomfortable. Offering more trails is good, but she is a geologist and is skeptical about the north trail and exposed ledge/grades. We need a site walk.

In response to a question, Ms. O'Meara said that the Planning Board will hold a second site walk when the final application is submitted and the committee and public could attend. The site walk will probably held in snowy conditions, so the committee may also consider holding a site walk now. Committee members expressed support for holding site walk now.

Mr. Fisher is willing to host the committee, so a site walk was scheduled for October 20th at 5:00 p.m., with attendees parking on Deep Brook Rd. [The sitewalk was subsequently cancelled by the applicant on October 17th.]

5. Greenbelt implementation

Scott Dyer Rd boardwalk. The committee discussed the damaged, 37' long boardwalk off Scott Dyer Rd. The boardwalk needs maintenance, not extension, and the committee discussed the chronic issue challenge of no labor available to repair/replace/construct boardwalk, and potentially closing the trail if the improvement is not made.

Mr. Craig suggested that this is a transition period for Conservation Committee members to take on some trail work projects that had previously been done by members who have recently left the committee. The committee agreed to meet on October 16th at noon to assess the boardwalk as a committee project.

Spurwink Bridge and Boardwalk redecking. Ms. O'Meara will follow up with the contractor to urge completion of the work.

Greenbelt Gazette. For the next issue, the committee would like a call for volunteers to work on trail improvement projects. Ms. Day suggested that the completion of the Maxwell Woods trail be noted, especially as the trail will need some use to get worn in.

Winnick Woods signage replacement. This is still on the to do list.

Other trail work. Mr. Craig mentioned that the Big Wood Trail in Gull Crest has boardwalk sections that may be hazardous to bike on. Ms. O'Meara updated the committee on the MCC application that has been submitted for improvements to this section. She has been asked to consider pushing the requested work period from fall 2023 to fall 2024 because some of the projects scheduled for the past summer were not completed due to a labor shortage. The committee would like to get the work done sooner, however we may have to adjust expectations.

6. Invasives Policy

The committee noted the previously reviewed draft Invasives Policy and the new draft Invasives project application form. Dave Dancause has used the draft form and submitted today an invasives project at Dyer Woods.

The committee reviewed the draft application form. Chair Ketcham made a motion, seconded by Mr. Moore, to approve the Invasives Policy and application form, and the motion passed 7-0.

The committee discussed the application submitted by Mr. Dancause. There was concern about leaving black plastic bags on site to allow the invasive plant material removed to bake and deteriorate. The committee decided to table the application by consensus to allow more time for committee review and perhaps form Mr. Dancause to attend the next meeting.

7. Spurwink Marsh project. Because this is not a time sensitive presentation, it was tabled to next month.
8. Next meeting. The next meeting will be held on November 8th and include the Scott Dyer Rd boardwalk, the Spurwink bridge and boardwalk, budget preparation, and Big Wood interim Report. The meeting adjourned at 8:55 p.m.