

# TOWN OF YORK, MAINE



## REPORT OF THE CAPE NEDDICK BEACH TASK FORCE 08/22/11

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# ***Report of the Cape Neddick Beach Management Plan Task Force***

## **Introduction**

In January 2011, York's Board of Selectmen appointed a task force to help assess the current patterns of use and determine the future use and management of Cape Neddick Beach. During its deliberations, the Task Force identified the public's principal interests in the beach, reviewed several property deeds to clarify issues of ownership of the beach, conducted interviews with the three households whose private property comprises Cape Neddick Beach, and contacted all abutters of the beach to determine other concerns that local residents might have. Members of the Task Force also met with town departments (Public Works, the Police Department, the Assessor's Office, and the Parks and Recreation Department) and made their own observations at the beach.

In the course of our work, we discovered an extraordinary generosity of spirit on the part of the property owners at the beach. Without exception, the property owners raised no objection to the public enjoyment of the beach, asking only that the beach remain substantially a local or neighborhood beach and that the predictable problems associated with beach maintenance be addressed cooperatively between themselves and the Town. We came to believe, therefore, that the wise management of the beach rests upon this partnership between the Town and the private property owners. The findings and recommendations which follow are a framework for that partnership.

## **The Principal Issues**

The Cape Neddick Beach Task Force understood its charge from the Board of Selectmen to include investigation of possible conflicts with private property owners, the need for public facilities (including restrooms), traffic and pedestrian patterns near the beach, (including parking and sidewalks), and the level of services to be provided to the beach (including lifeguards, cleaning, and trash collection). It was our further understanding that the goal of the management plan was not to call for more study of the area but to respond to specific concerns with specific recommendations.

What follows is a summary of the findings of the Task Force as well as a series of recommendations pertinent to the charge given to the committee by the Board of Selectmen.

### **A. Ownership of Cape Neddick Beach**

#### **Findings:**

The Task Force met with the York Tax Assessor and reviewed deeds and maps regarding ownership of Cape Neddick Beach. After reviewing these documents in detail it is our conclusion that the area of soft sand recognized as Cape Neddick Beach is privately owned. There are four principal properties:

**Report of the Cape Neddick Beach  
Management Plan Task Force**

71 Shore Road (map 18 lot 17), 85 & 89 Shore Road (map 13 lots 38 and 45) and 5 Agamenticus Avenue (map 13 lot 45A). This was also confirmed by the property owners. Copies of these deeds are attached to this report. It is important to note that the beach has a long history of public use and that it is in the town's interest that this access be preserved and protected.

**We recommend that:**

1. The Town acknowledge the private ownership of Cape Neddick Beach and further, that the Town take no steps either to challenge or to alter the status quo.
2. The Town establish and actively pursue an enduring, cooperative and mutually beneficial partnership with the owners of the land comprising Cape Neddick Beach.
3. The Town do nothing that will increase the extent of public access or use of the Cape Neddick Beach. The Task Force believes that the beach should remain an essentially local, neighborhood beach.

**B. Public Facilities**

**Findings:**

It is in the public interest for the Town to protect the public health and the safety of visitors to Cape Neddick Beach. For this reason, the Task Force believes the Town must protect the quality of water flowing in the Cape Neddick River and into the Gulf of Maine. With this in mind, it is important to note that there are no restroom facilities (public or private) available for beach goers at Cape Neddick Beach. Further, currently no land has been designated for the construction of public restroom facilities. Public sewer is not available in this area of Town. Construction of restroom facilities in this area is a priority for the Task Force.

**We recommend that:**

1. A seasonal portable toilet be constructed and placed in service from Memorial Day through Labor Day beginning on a trial basis in 2012. This facility should satisfy the following four conditions:
  - a. It should not be visible from Shore Road.
  - b. It should not intrude on private residences.
  - c. It should be easily accessed from the beach.
  - d. It should be constructed in such a way as to satisfy both safety and aesthetic standards.

**Report of the Cape Neddick Beach  
Management Plan Task Force**

This facility should be maintained by the town on a regular and frequent basis throughout the summer. Because the Task Force believes that sanitary facilities are critical to the quality of the beach, we recommend that the town obtain permission from at least one of the land owners for its placement on their land.

2. Water quality at Cape Neddick Beach be monitored by regular testing of water quality. Further, steps to ameliorate degraded water quality should be taken.

**C. Parking and Traffic Patterns**

**Findings:**

1. Currently there are 17 “permit parking only” spaces located on the southern side of River Road close to the intersection of Shore Road and approximately 12 “permit parking only” spaces located on the westerly side of Shore Road between the entrance to the beach and the Cape Neddick bridge. There is a 15 minute drop off and pick up area located on the westerly side of Shore Road directly across from the entrance to the beach. Parking along Shore Road promotes congestion as vehicles are unable to pull completely off the road and the drop off area conflicts with a private driveway. Illegal parking along Wanaque Road as well as in the drop off area on Shore Road are common problems. Because the police are not authorized to ticket people on private property, they are not authorized to enforce parking restrictions posted on Wanaque Road.

**We recommend that:**

1. No additional parking spaces be permitted at Cape Neddick Beach beyond what is currently available.
2. Painted lines be added to areas of currently permitted parking spaces on River Road and elsewhere so that the volume of parked cars can be better regulated.
3. The Department of Public Works establish the Town’s right of way along Shore Road and claim for public use what exists within that right of way.
4. Existing parking spaces on Shore Road be enhanced by denoting them with a gravel covered surface and painted bracketed markings on the roadway.
5. The current drop-off area be relocated to an area where it will not conflict with access to any private driveways.

**Report of the Cape Neddick Beach  
Management Plan Task Force**

6. The Department of Public Works, York Police Department and the Parks and Recreation Department cooperatively improve signage to better regulate parking along Shore Road.
7. The York Police Department provide enforcement of no parking areas on Shore Road and River Road.
8. It be made clear to property owners, that criminal trespassers can be cited by Town Police if property owners file complaints with the Police Department.

**D. Sidewalks, Pedestrian and Bicycle Safety**

**Findings:**

New sidewalks have recently been installed on Shore Road extending from River Road to the entrance of the Cape Neddick Campground. The sidewalk is located on the easterly side of Shore Road from the Campground to Wanaque Road and the westerly side of Shore Road from Wanaque Road to River Road. A crosswalk has recently been painted at the sidewalk crossing. The new sidewalks installed on Shore Road have created a safer environment for pedestrians.

**We recommend that:**

1. No additional sidewalks be constructed in the area around Cape Neddick Beach.
2. Crosswalks on Shore Road be lined and brought into alignment with one another so that crossing Shore Road will be safer for pedestrians.
3. Curbing along Shore Road sidewalks be painted for the safety of bicyclists and pedestrians alike.

**E. Services Provided**

**I. Lifeguards**

**Findings:**

The Town does not currently provide lifeguard services at Cape Neddick Beach. Because the Task Force believes that additional services to Cape Neddick Beach is likely to generate addition public use of the beach, it does not encourage any unnecessary expansion of services.

**Report of the Cape Neddick Beach  
Management Plan Task Force**

**We recommend that:**

1. No lifeguard services be committed to Cape Neddick Beach.

**II. Beach Cleaning**

**Findings:**

The Town does not routinely clean or mechanically rake Cape Neddick Beach. The town however does have an obligation to protect public health and safety.

**We recommend that:**

1. The Town Parks Department dispatch a crew to walk the beach and pick up trash once a week from Memorial Day to Labor Day.
2. Occasional cleaning of seaweed be done by the Town whenever the accumulation of seaweed is out of the ordinary or becomes a threat to public health and/or safety.

**III. Trash Collection**

**Findings:**

The Town currently provides a trash receptacle and empties it daily from May 1st through Columbus Day

**We recommend that:**

1. The Town continue the current practice of daily removal of accumulated trash from the trash receptacles placed at Cape Neddick Beach.

**F. Enforcement of Town Ordinances**

**Findings:**

The Town currently posts Town of York beach ordinance and smoke free beach signs as are applicable to all other beaches. The Task Force believes that because Cape Neddick Beach is private property, local residents are the most suitable enforcers of Town ordinances as they pertain to Cape Neddick Beach. In fact, because the beach is private property official enforcement of Town ordinances is problematic. When people require assistance in maintaining community standards, they should inform the Police Department.

***Report of the Cape Neddick Beach  
Management Plan Task Force***

**We recommend that:**

1. Because management of Cape Neddick Beach is a public concern, current Town ordinances concerning smoking, alcohol consumption and walking dogs on the beaches be posted as applicable to people using Cape Neddick Beach.
2. Community Policing be the first line of defense against violations of community standards.
3. The Director of Parks and Recreation be designated the official liaison between private property owners and the Town.

**Conclusion**

In our judgment, a carefully-constructed and carefully-maintained partnership, such as the one proposed here, not only offers the best likelihood of the continued public enjoyment of the beach, but a model for public-private partnership that will serve our town well for many years.