

1 **TOWN OF KITTERY**

2 **PARKS**

3 **FIVE-YEAR MANAGEMENT PLAN**

4 **2018-2023**



5

6 **KITTERY PARKS COMMISSION**

7

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36

37

1 **SUMMARY**

2 **Kittery Parks Commission**

3 The Kittery Parks Commission was created when it was evident Kittery Public Works needed support in
4 policy making decisions for town Parks. The Parks Commission provides ongoing citizen
5 recommendations relating to the improvements or development of Town-owned property that is or is
6 likely to be developed into Town parks to ensure the preservation, beauty, and protection of these
7 valuable sites.

8 The Town Manager consults with the Parks Commission on matters of park policy, management, and
9 development. The Parks Commission provides input and recommendations to the Town Council on Park
10 Rules and other park policy matters.

11 The Parks Commission is not involved with all of the Town’s parks. Many of the Town’s parks do not
12 have specific use policies, and/or are overseen by another entity (ex. the Conservation Commission or
13 Kittery Land Trust). The Parks Commission is currently focused on Fort Foster, Seapoint and Crescent
14 Beaches. The Parks Commission communicates with Kittery Public Works, Conservation Commission,
15 Police Department, and the Kittery Land Trust when appropriate on the other park areas.

16 The Parks Commission will work with the Town Manager, Public Works Department, and other
17 committees and organizations to evaluate and identify opportunities for the Commission to assist or
18 provide support for other town parks and open space. These other parks and open spaces include: Legion
19 Pond, Emery Field, Rogers Park, Town Farm (forest), and the new park at the Sarah Long Bridge.

20
21 The following are Town Parks that the Parks Commission does not anticipate having a support role in:
22 Haley Field, Frisbee Field, Memorial Field, Memorial Circle, Frisbee Commons, Remick Preserve,
23 Norton Preserve, Molton (forest), Furbish (forest), Cutts (forest), Fairchild (forest), Martin Rd (forest),
24 Ram Island, Town Landing, Norton Rd (forest), Rice Ave.

25
26 **SECTION I – INTRODUCTION**

27 This plan is intended to define how certain town parks will be managed for the next five years. Included
28 in this document are descriptions of park administration procedures, an overview of the natural resources
29 of the parks, and an evaluation of the parks’ infrastructure. This plan is intended to serve as a “living
30 document” for the Town, so it also includes sections on five-year management goals, annual budgets, and
31 recommended capital improvement projects. Prior to the end of the five years, the Commission is to
32 revisit the plan to determine if amendments are warranted and to establish new five-year goals.

33
34 **1.1 Mission Statement**

35 A mission statement is important for setting the direction for the management plan and related park
36 management activities. The following mission statement was drafted based on input from the public
37 received from user surveys and a public meeting held in 2003.

38 Kittery’s parks are to be managed in perpetuity in a manner that preserves the natural environment while
39 allowing residents and park visitors the opportunity to enjoy the resources found in the parks. Fort
40 Foster, Kittery’s largest park and recreational area, is rich in both natural and cultural resources that are
41 important to the citizens of Kittery.

42 Seapoint and Crescent Beaches are vital recreational preserves for the citizens of Kittery. Both beaches
43 are to be managed in perpetuity in a manner that preserves the natural environment while allowing
44 residents and park visitors the opportunity to enjoy their resources and natural beauty.

45 Kittery Parks Commission is to strive to adhere to this mission statement while implementing this
46 management plan.

1 **1.2 Management Plan Preparation**

2 The Kittery Parks Commission is tasked by the Town Council with developing management plans for
3 selected parks that are used for public recreation.

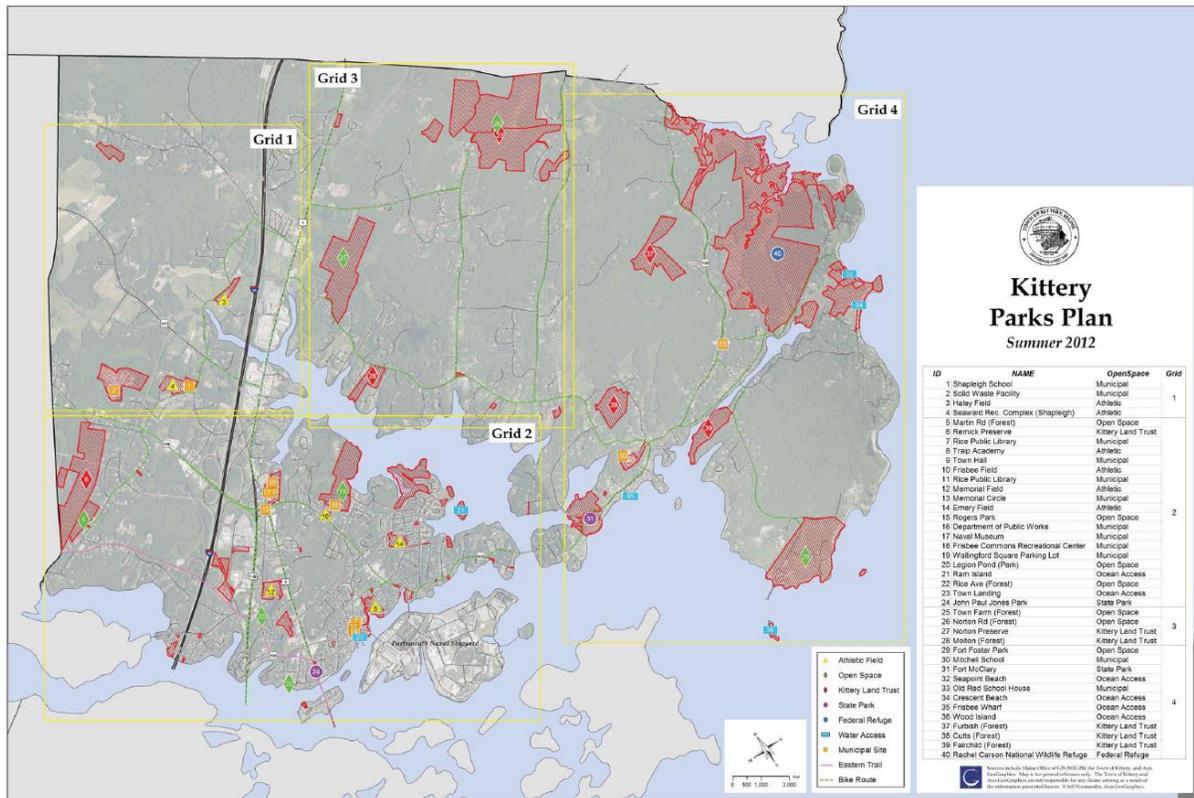
4 Preparing the plans is to involve interviewing members of the Commission, Town employees, and the
5 Town Manager. Public meetings may also be conducted to receive input from citizens concerning
6 management of the Parks.

7 **1.3 Plan Goals and Objectives**

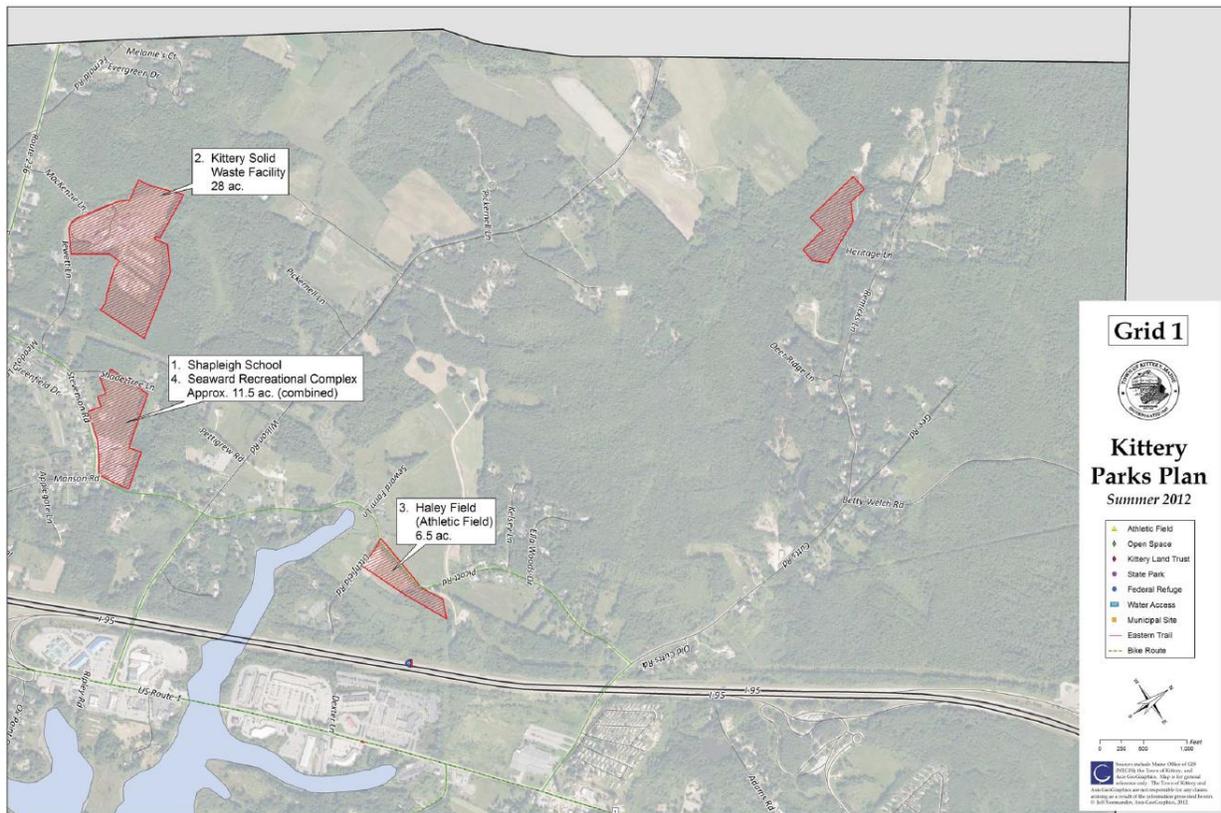
8 Following are the goals and objectives for managing the parks:

- 9 • Management activities or recreational uses should not diminish the natural or cultural resources
10 of the parks.
- 11 • Wherever practicable, natural and cultural resources within the parks will be managed to benefit
12 all park visitors. If conflicting, natural resources have priority.
- 13 • To the degree that it is practicable, management of the parks will either be revenue positive or
14 revenue neutral, with the primary source of revenues being user fees.
- 15 • Use of the parks will be affordable to the general public.
- 16 • Wherever practicable or required by law, the parks will be made accessible to elderly and
17 handicapped visitors.
- 18 • Permitted uses must be compatible with the desire to preserve the natural environment of the
19 parks.
- 20 • Capital improvements to the parks will be designed to be consistent with the coastal setting of the
21 park and/or they will complement the character of the remaining fortifications.
- 22 • Long-term management planning must ensure that Kittery’s parks are forever maintained under
23 public ownership as a natural and recreational resource for our citizenry.
- 24 • Maintain beach access for public use
- 25 • Support clean beaches through partnership and guidance from Maine Healthy Beaches program
26 for clean water testing
- 27 • Maintain and enhance the current facilities and services to meet the needs of residents and
28 visitors alike.
- 29

1 **1.4 Park Locations and General Information**
 2 *Figure 1*



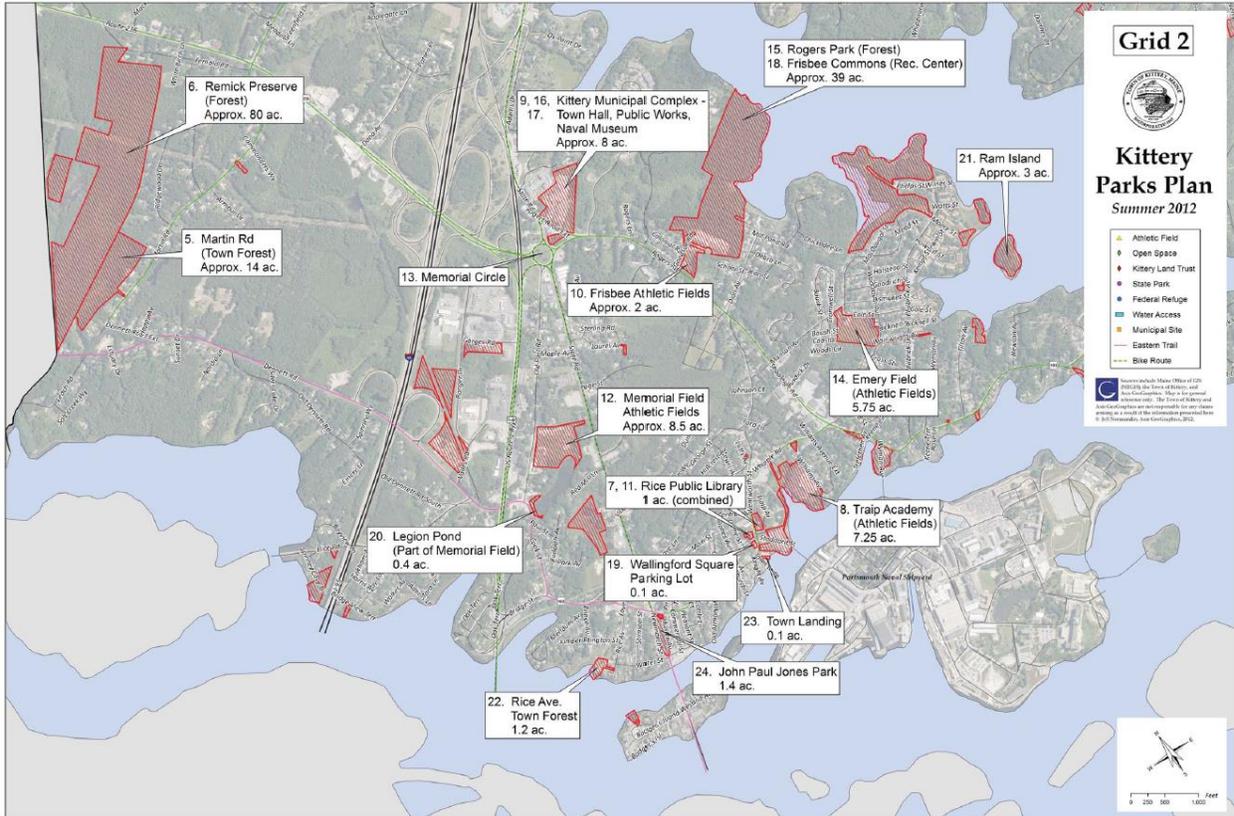
3 *Figure 2*



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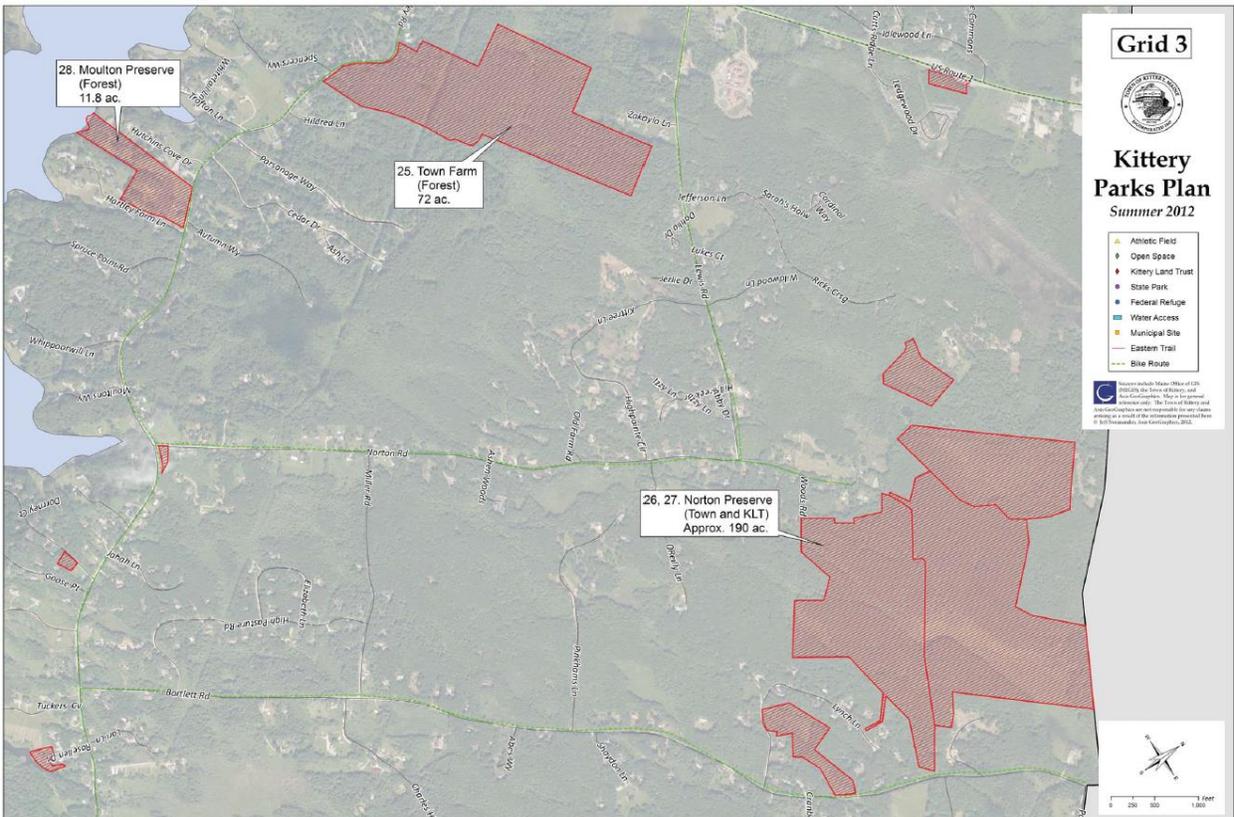
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Figure 3



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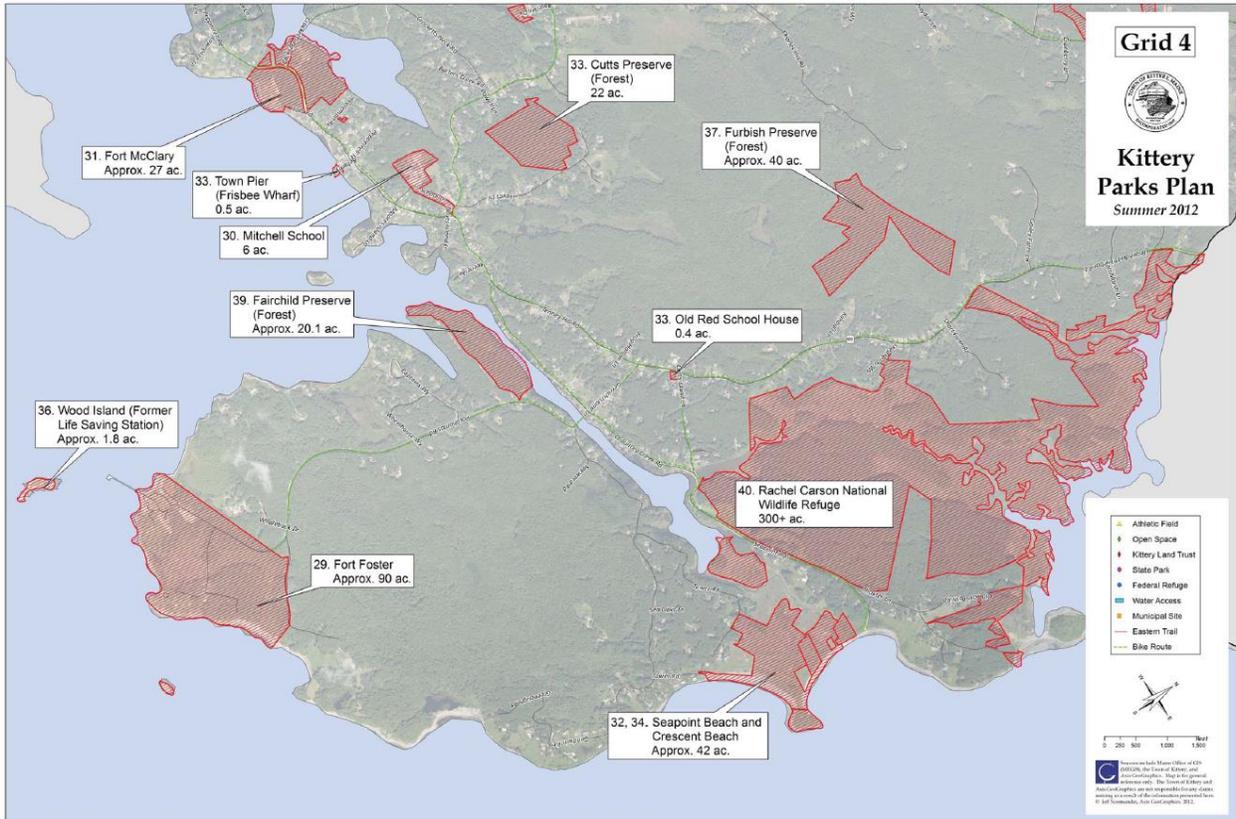
Figure 4



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Figure 5



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1.4.1 Fort Foster

Fort Foster Park

Fort Foster is one of the community’s most significant waterfront properties. As its name suggests, the facility once served as a military installation offering protection to the mouth of the Piscataqua River, Portsmouth Harbor and the Portsmouth Naval Shipyard. While initial planning for a fort to provide coastal defense at the mouth of the estuary was planned in the 1870’s, the fort was constructed starting in 1899, following the Spanish American War. Additional modifications and addition of batteries continued into the Second World War, and remnants of many of the structures remain to this day.

The Park consists of approximately 89 acres of mixed terrain with extensive shoreline, varying from gravelly beaches to ledges and rocky promontories. The facility offers parking and public restrooms, as well as a pier, and has two pavilions that can be reserved for functions and events. One is for up to 100 people. The facility is open primarily during the summer months and is overseen by the Parks Commission, Community Center Staff, and Public Works Department. The facility is a key recreational amenity for the community. Further detail is references in Town Code 12.5.

18

1 **Figure 6: Aerial Image of Fort Foster – Pier in Foreground**



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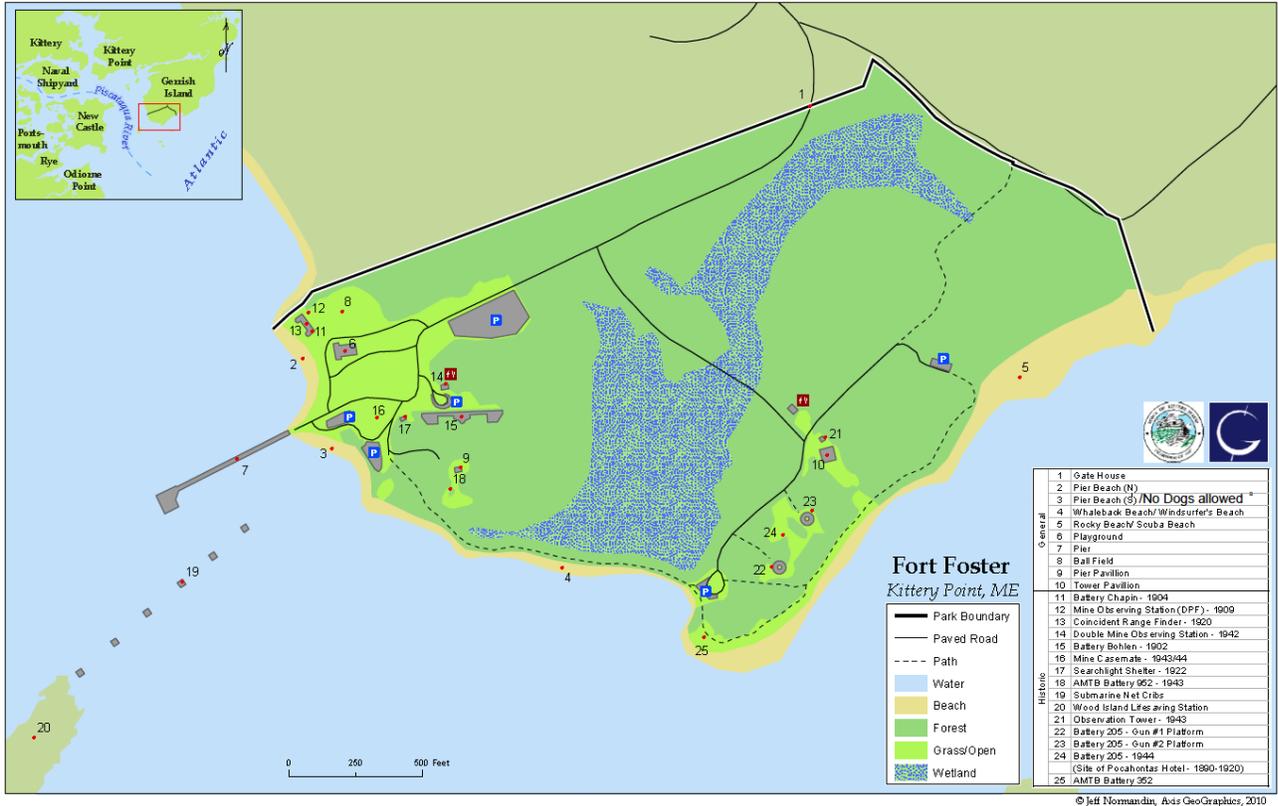
Figure 7



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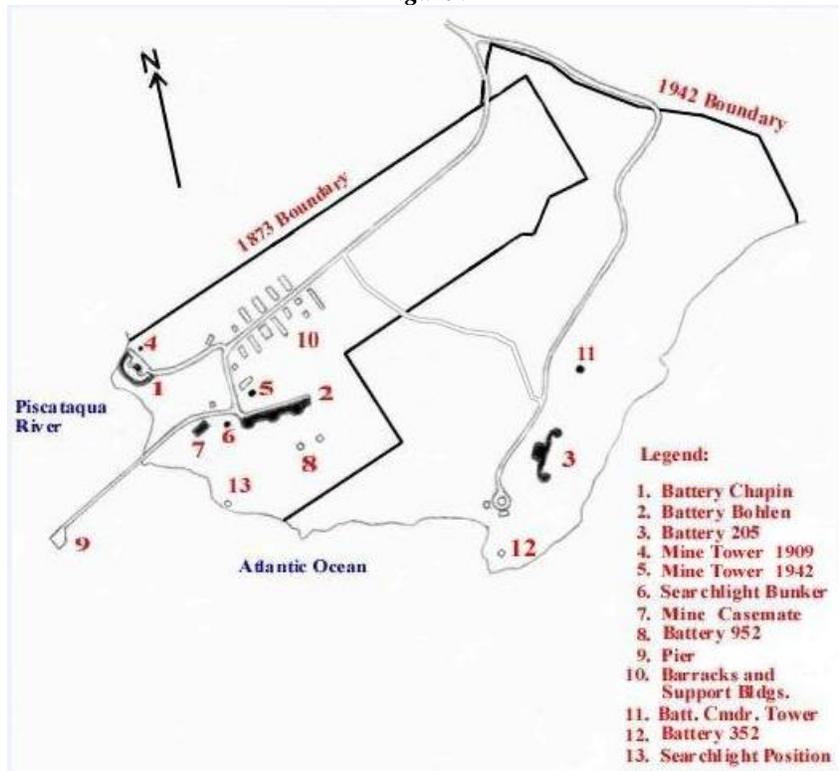
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Figure 8



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Figure 9



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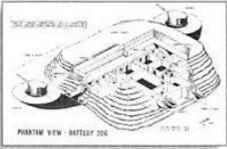
Figure 10: Fort Foster Brochure

A Brief History



Pocahontas Hotel
 In 1885, Samuel Jennison, a Boston banker, bought 187 acres of land that had been the Seaward Farm and built a 200-guest hotel at Horn Point. The Pocahontas became one of four grand hotels in the Seacoast, of which only the Wentworth in New Castle remains. The Pocahontas had a lively summer community until it closed in 1904, largely due to the proximity of the new Fort Foster. The hotel was torn down in 1920. The large Pavilion rests on the stone foundation of one of the cottages built near the hotel.

Military Past
 Fort Foster is one of a chain known as the Endicott Forts, which extended along the coast from New England to Florida. Construction of this post began in the early 1900s and was occupied by a detachment of the 124th Company, Coast Artillery Corps, in 1905. It was named for Major-General John G. Foster, a New Hampshire native with distinguished service at Fort Sumter and other Civil War battles.



The 200-series batteries, including Fort Foster's Battery 205, all had the same basic design.

Although designed for a full complement of officers and enlisted men, Fort Foster was never fully occupied. By the start of World War II, Fort Foster, along with nearby Fort Stark in New Castle and Fort Dearborne in Rye, was updated with new bunkers, observation towers and guns. By 1947, modern aerial weapons made this type of coastal defense system obsolete. Within a year all weapons were scrapped and the Fort was closed. For several years it was used by the Navy as a recreation area.

From Fort to Park
 In the early 1950s the Federal government offered the Fort to the Town of Kittery. Some in town wanted to see the property developed for housing, but an active group of conservation-minded citizens worked tirelessly for years to convince residents that Fort Foster would better serve the community and future generations as a park. In 1961 the Fort was deeded to the Town for public use. Today Fort Foster is visited by thousands of people every summer who come to enjoy its many amenities and unparalleled views of the Piscataqua River, Whaleback Lighthouse, Wood Island Lifeboat Station, and the Isles of Shoals. Please enjoy Fort Foster but

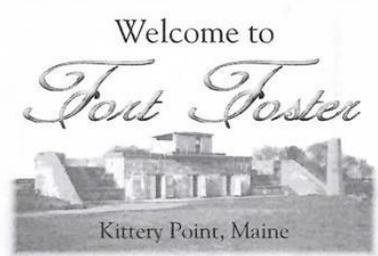
Take only memories, leave only footprints.

- Park Regulations*
- Dogs must be leashed at all times and are restricted from the beach east of the pier. Please pick up after your dog.
 - Carry in – Carry out. Please do not leave any garbage behind.
 - No alcoholic beverages within the Park.
 - Fires only in grills or pits.
 - No swimming or diving from pier.
 - No hunting or firearms.
 - No motorized watercraft, four-wheelers or dirt bikes.
 - Kayaks, canoes and sailboards may be launched only from Horn Point Beach.
 - Big and Small Pavilions may be reserved for private parties:
 Big Pavilion – 100 People, Small Pavilion – 35 people

Phone Numbers

Fort Foster is managed by the Department of Public Works, long range planning is directed by the Kittery Parks Commission, and Pavilion use is overseen by the Recreation Department.

Gatehouse – 439-2182
 DPW Office – 439-0333
 Pavilion Reservations – 439-3800



Thank you for visiting one of the jewels of the Seacoast. Fort Foster is a 94-acre park owned by the Town of Kittery, which welcomes everyone to enjoy its beaches, trails, views and historic sites. The Park's amenities include a playground, restroom facilities, pavilions for events, picnic and barbeque areas, and designated areas for windsurfing and kayaking.

Season

The Park is open from Memorial Day to Labor Day, and weekends in May and September.

Hours

10:00 am to 8:00pm or dusk, whichever comes first. The gate is locked upon closing.

Fees

Residents can purchase season passes at the Town Office for \$20.00.

Non-residents - \$10.00 per vehicle or to walk in \$5.00 per adult and \$1.00 per child. Non-resident season passes are \$50.00 and available at the gate or Town Office.

1.4.2 Seapoint and Crescent Beaches

Seapoint is situated on portions of Cutts Island and Gerrish Island; the two islands are separated by Chauncey Creek. Seapoint consists of two crescent-shaped sandy areas the north of which is Seapoint Beach and the south of which is Crescent Beach. Seapoint Beach is utilized by local residents and nonresidents. A gravel parking lot is provided at the entrance to Seapoint Beach. Gravel and grass parking areas are provided along the south side a few hundred yards west of Seapoint Beach. Seapoint and surrounding areas are separated into parcels owned by the Town of Kittery, the Kittery Land Trust, the U.S. Fish and Wildlife Service (USFWS) – Rachel Carson National Wildlife Refuge (NWR), and private land owners. Attention is given to prevent overuse of the park which can cause environmental and public disruption. Non-resident parking and dogs are limited during heavy use times. Further details are found in the Town Code 12.4

1.4.3 Legion Pond

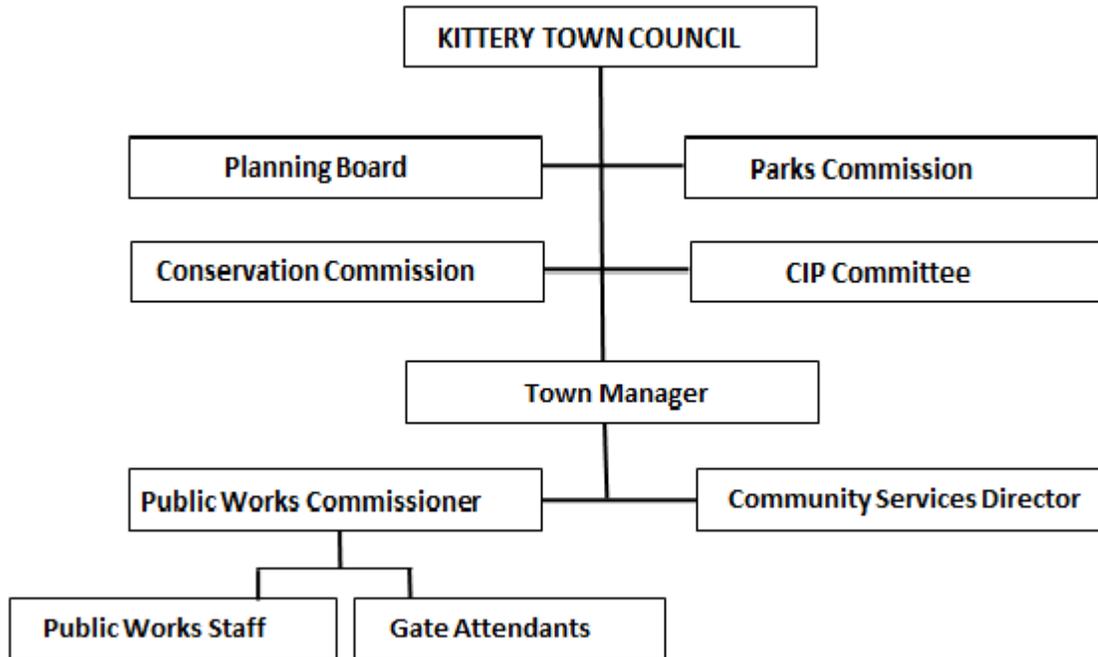
Thompsons Market opened in 1936 on the corner of Rte 103 (Dennett Rd) and Old Post Rd. The adjacent pond was known as Thompson's Pond, and was a favorite ice skating spot for the local children. After Mary Shupe bought the store in 1971, the pond was known to locals as Mary's Pond. Legion Pond, as it is called today, is approximately 4.5 acres in size. A small stream empties the pond on its south shore and flows west through a marsh and into the Piscataqua River. Legion Pond is adjacent to Kittery Land Trust managed/owned land, as well as a number of businesses along the Route 1 (commercial district) corridor. The pond has two undeveloped access and/or overlook points that are town owned, one along the Town owned fields off the Old Post Road, and the other along the Junction of the Old Post Road and Rte 103. Neither are currently managed for access nor do they have improvements of note. Legion Pond is a recreational area in the winter for skaters. More detail in Town Code 12.9.1

1 **SECTION II – PARK ADMINISTRATION**

2 This section of the plan presents how the parks are administered and describes the interaction between
3 the various Town departments and commissions. Although the Parks Commission prepared this plan, it
4 must be implemented collaboratively by these entities within the Town’s government.

5 **2.1 Management Structure**

6 Management of the Parks falls under the normal duties of the Town Manager, who in turn reports to the
7 Town Council. As shown in the organizational chart below, the Town Manager directly supervises the
8 activities of the Commissioner of Public Works and the Recreation Department with regards to their
9 work related to the parks.



11

12 The Parks Commission serves in an advisory role to the Town Council and Town Manager for
13 identifying capital improvement needs, reviewing revenue and recommending user fee rates, developing
14 park rules, ensuring that capital improvements fit harmoniously into the landscape.

15 The Conservation Commission serves in an advisory capacity regarding management of the natural
16 resources found within the parks. The Conservation Commission works collaboratively with the Parks
17 Commission, or may directly advise the Town Manager or the Town Council. The Parks Commission
18 consults with the Conservation Commission regarding proposed changes affecting the Parks.

19 The Council’s Capital Improvement Program Committee considers capital improvement funding requests
20 for the parks, pursuant to the policies established by Council.

21 Reservations for the Fort Foster pavilions are accepted by the Town’s Recreation Department, while the
22 Public Works Department is responsible for seasonal gate attendants, day-to-day operations, and
23 maintenance. The Commissioner of Public Works, using input from the Parks Commission, proposes
24 annual budgets and capital improvement projects for the parks.

25 **2.2 Annual Budgeting**

26 The Commissioner of Public Works is responsible for preparing a draft annual operating budget (Section
27 VII) for submission to the Town Manager. The Parks Commission provides input to the Public Works
28 Commissioner and the Town Manager on the annual parks budget.

1 **2.3 Operations and Maintenance**

2 Operations and maintenance (O&M) costs include:

- 3 • Labor and benefits costs for Public Works employees for the portion of their work that involves
- 4 the Parks.
- 5 • Equipment costs (e.g., trucks, mowers) for Public Works employees for the portion of time used
- 6 at the Parks.
- 7 • Labor costs for seasonal gate attendants.
- 8 • Materials for lawn and landscape care.
- 9 • Servicing on-site septic systems.
- 10 • Repair and replacement of picnic tables and benches.
- 11 • Repair and maintenance of coffer dam.
- 12 • Materials for road maintenance.
- 13 • Materials for building repair and maintenance.
- 14 • Materials for repairing and maintaining the pier (e.g., decking).

15 The Commissioner of Public Works provides an accounting of O&M costs for the previous year and an
16 estimate for the coming year for use in the annual budgeting process. The Town Manager also provides
17 an accounting of income for the previous year along with an estimate of projected income for the coming
18 year.

19 Income collected as gate receipts are categorized by:

- 20 • Resident day use
- 21 • Non-resident day use
- 22 • Resident season pass
- 23 • Non-resident season pass
- 24 • Pavilion rental
- 25 • Special event fees

26 **2.4 Park Objectives and Improvements**

27 The Parks Commission is responsible for establishing objectives for all assigned parks and identifying
28 program, operations, and capital improvement needed. Objectives are defined in Section V, and program
29 and capital improvements are addressed in Section VI. The Commission will use the following capital
30 improvement categories in accordance with current Town policy:

31 Capital Improvement Classes: Land and improvements; infrastructure including roads, bridges, and
32 sewer facilities; buildings and improvements; machinery and equipment, vehicles, and special
33 construction having an original cost greater than \$25,000 and useful life greater than five years.
34 Apparatus, works of art and historical treasures and other tangible and intangible assets that are used in
35 operations and have an initial useful life longer than five years may be included. For each improvement
36 and capital project, the Commission will work with the Town Manager and the Commissioner of Public
37 Works to determine:

- 38 • The scope of the problem to be being addressed.
- 39 • Additional data needs (e.g., a topographic survey).
- 40 • A cost estimate for design and construction.
- 41 • Potential sources of funds.
- 42 • An implementation schedule.

43

1 **2.5 Monitoring and Reporting**

2 The Commissioner of Public Works is responsible for management of the parks and providing periodic
3 reports to the Town Manager. The Parks Commission will meet with the Town Manager at least once a
4 year to monitor and discuss the five-year Management Plan and park rules and regulations. The
5 Commission will also hold periodic meetings with the Town Manager to discuss park management at the
6 discretion of the Town Manager.

7 **2.6 Management Plan Implementation and Revision**

8 The Parks Commission is responsible for advising the Town Council and Town Manager about the
9 current management plans and for periodically revising them, as necessary and, at a minimum, every five
10 years. Revised plans will be developed in association with the Town Manager. Plan drafts will be
11 reviewed by the Town Manager, prior to the Parks Commission submitting it to the Town Council for
12 review and approval.

13 **2.7 Policies Concerning Privately Funded Improvements**

14 Privately funded improvements (e.g. memorial benches, memorial trees, bird and wildlife viewing ramp
15 at the Horn Point rotary, and interpretive signage, information kiosks) will be considered upon
16 application to the Parks Commission. The Commission will confer with the Town Manager and then
17 make a recommendation to the Town Council regarding whether to accept the proposed improvement.

18 Privately funded improvements are subject to the following guidelines:

- 19 • Improvements must be funded in total by the applying party.
- 20 • Installation of the improvement will be conducted by the Public Works Department or by a
21 contractor retained by the applying party. In the event that a private contractor is retained, the
22 applying party must submit a proposed work plan and schedule for review and approval by the
23 Parks Commission and the Commissioner of Public Works.
- 24 • The applying party is responsible for obtaining any local, state, or federal permits that may be
25 required for the proposed improvements.
- 26 • The applying party is responsible for the annual maintenance of the improvement unless the
27 Town Council specifically indicates that the Town will accept the responsibility of maintaining
28 the improvement. Failure to maintain the improvement may result in its removal by the Town.
- 29 • Memorial benches and other structures must be of a design that is acceptable to the Parks
30 Commission.
- 31 • Memorial benches will be placed no closer than eight (8) feet to the top-of-slope of the shoreline,
32 or as directed by the chairpersons of the Parks Commission.
- 33 • All plantings must be comprised of species of plants native to Maine.

34 **2.8 Annual Administrative Calendar**

35 The Town Manger will, at her/his discretion implement or delegate needed projects improvements or
36 changes.

37

1 **2.8.1 Fort Foster**

2 The annual administrative calendar for implementing the management plan is:

3

January 1 – April 15	Reservation requests accepted from Kittery groups for Tower Pavilion and Pier Pavilion on a first-come, first-served basis
April 16 – September 23	Reservation requests accepted from any group for the Tower Pavilion and Pier Pavilion on a first-come, first served basis
Prior to Last Monday in April	Parks Commission, Town Manager, and Commissioner of Public Works walk through Park to determine maintenance and clean up needs.
Weekends in May	Park open on weekends only from 10am to 8pm or sunset, whichever is earlier
June through August	Park open on weekdays and weekends from 10am to 8pm or sunset, whichever is earlier
Weekends in September	Park open on weekends only from 10am to 8pm or sunset, whichever is earlier
Prior to last Monday of October	Parks Commission, Town Manager, and Commissioner of Public Works walk through Park to determine maintenance and capital improvement needs
Prior to November 30	Parks Commission will make recommendations to the Town manager for fee changes to begin the following season
Last Friday in February	Budget Requests to be submitted to Town Manager

4

5 **2.8.2 Seapoint and Crescent Beaches**

6 Once a year, a walk of Seapoint and Crescent Beaches will be made by the Parks Commission to
7 determine needed projects, capital improvements, or changes in the Management Plan

8 **2.8.3 Legion Pond**

9 Once a year, a walk of Legion Pond will be made by the Parks Commission to determine needed projects,
10 capital improvements, or changes in the Management Plan

11 **SECTION III – PARK OPERATIONS**

12 **3.1 Park Policies and Regulations**

13 Town Code applicable to certain parks is found in Title 12. Policies and Regulations are attached to this
14 management plan for reference (Appendix A). Current park Policies and Regulations are posted on the
15 Town’s web site and are available at the Town Hall. Fort Foster's Rules and Regulations are also
16 available at the Fort Foster gatehouse during the park’s normal operating season.

17 The Parks Commission is responsible for recommending revisions to park Policies and Regulations on an
18 annual basis, prior to the park’s opening, or as needed in response to specific conditions.

19 Recommendations are made to the Town Council through the Town Manager.

20 **3.2 Reservations**

21 Reservations are accepted for use of Fort Foster’s Tower Pavilion and Pier Pavilion for special events

1 such as family picnics and wedding receptions. Proposed uses must be compatible with existing Policies
2 and Regulations (Appendix A).

3 The Recreation Director will first handle questions regarding the compatibility of proposed uses with
4 park Policies and Regulations. In the event that Policies and Regulations are not clear, the Parks
5 Commission will consider the request and make a recommendation to the Town Manager, who will then
6 make a decision concerning the proposed request. If appropriate, the Parks Commission will recommend
7 modifications to the park Policies and Regulations to address similar circumstances in the future.

8 **3.3 Special Events**

9 The parks may also be used for special events such as the annual Isles of Shoals Race, scout camporees,
10 special Town or School uses, or other activities upon approval of the Town Manager. All special events
11 must be compatible with the mission of the park.

12 Application for special events should be made through the Recreation Department, and the Recreation
13 Director will then forward the request to the Town Manager. The Town Manager may request the
14 recommendations of the Parks Commission, Recreation Department, Public Works Department, and may
15 wish to include input from others (e.g. Police/Fire Departments and Town Council).

16 Fees may be charged for special events to cover the costs of Town employees providing services in
17 association with the event (e.g., opening a gate early). The Commissioner of Public Works will estimate
18 the costs associated with the event and forward these to the Town Manager (with a copy to the Parks
19 Commission) for inclusion with the Commission’s recommendation concerning the event. The Town
20 Manager will then issue a decision in writing to the applying group.

21 **3.4 Outdoor Recreation**

22 **3.4.1 Fort Foster**

23 The Fort Foster Park is situated in an area that provides outstanding opportunities for outdoor recreation,
24 including fishing, sea-kayaking, bird watching, swimming, SCUBA diving, snorkeling, sail boarding, and
25 paddle boarding. Current park policy is to separate potentially incompatible uses by directing activities
26 to specific areas of the park. The Parks Commission will periodically monitor these activities to ensure
27 that this policy is still appropriate. The Parks Commission will review the location of these activities and
28 address the need to incorporate additional emerging activities (ex. paddle boarding, peddle operated
29 kayaks, drone use, plant and animal harvesting, etc.).

30 **3.4.2 Seapoint and Crescent Beaches**

31 Dog walking is a very popular activity and is permitted at Seapoint and Crescent Beaches during specific
32 times of the day. Seapoint and Crescent Beaches is a popular spot for beach goers in all seasons,
33 supporting such activities as kayaking, swimming, SCUBA diving, fishing, birding, educational purposes,
34 and scientific research. Prohibited Activities are referenced in the Town Code 12.4.11-12.4.14
35

36 **3.4.3 Legion Pond**

37 During the summer for fishing, birding and small recreational boating. During the winter, skating and
38 hockey are popular.
39

40 **3.5 Fee Structure**

41 *The majority of the Town Parks are free to citizens*

42 *Per Town Code Title 1.3.4, Fee Schedule: “Whenever any fee is established for municipal permitting,*
43 *licensing, services, application, appeal, or the like, in the title addressing such, a corresponding fee*
44 *schedule must be established by resolution of the Town Council and appended to this Code.”*

45 **3.5.1 Fort Foster**

46 All fees are presented in in the Policies and Regulations (Appendix A). The Parks Commission and the
47 Town Manager will review the fee structure annually to determine if the levied fees provide adequate

1 compensation for the work performed by Town employees in conjunction with the events.

2 **3.6 Animal Regulations**

3 As may be amended from time to time, Town Code Title 6, Animals, was ordained for the purposes of
4 requiring all domesticated animals in the Town be kept under the control of their owner or responsible
5 party at all times so that they may not injure persons or other animals, damage property, or create a threat
6 to public health or safety. Its provisions apply in full to the Town parks at all times. It is the intention of
7 the Parks Commission to continue to explore options, other than exclusion of animals at the Town parks
8 as presented to Town Council at Public Workshop of October 17, 2016 (Appendix D).

9 **3.6.1 Fort Foster**

10 Dogs are allowed at Fort Foster (Appendix A) with attention to safety, environmental impact, and a
11 creating a pleasant experience for everyone. Restrictions and exceptions to allow animals at Fort Foster
12 are referenced in Town Code 12.5.1. It is intended to continue to allow dogs into perpetuity. Dog
13 attendance will continue to be recorded by the Department of Public Works and reported to the Parks
14 Commission annually. Monitoring of dog use at Fort Foster and their impact on the visitors' experience
15 will be reviewed regularly by the Parks Commission. Due to the popularity of dogs at Fort Foster, a
16 discussion with the Town Manger and a public workshop will be held before any changes to this rule are
17 proposed.

18 **3.6.2 Seapoint and Crescent Beaches**

19 Dogs are allowed at Seapoint Beach (Appendix A) with an attention on safety, environmental impact,
20 and a creating a pleasant experience for everyone. Restrictions and exceptions to allow animals at
21 Seapoint beach are referenced in Town Code 12.4.8. It is intended to continue to allow dogs into
22 perpetuity. Dog attendance will continue to be recorded by the Department of Public Works and reported
23 to the Parks Commission annually. Monitoring of dog use at Seapoint Beach and their impact on the
24 visitors' experience will be reviewed regularly by the Parks Commission. Due to the popularity of dogs at
25 Seapoint Beach, a discussion with the Town Manger and public workshop will be held before changes to
26 this rule are proposed.

27 **SECTION IV – PARK RESOURCES**

28 **4.1 Introduction**

29 Along with the Natural Environment some Town parks also encompasses a wide variety of other natural
30 resources, including marine habitats, freshwater wetlands, wildlife habitat, habitat for rare plants, and
31 areas used for outdoor recreation. The Parks Commission considers protection of ecosystem in develop of its
32 policies and plans.

33 **4.2 Natural Environment**

34 Management activities or recreational uses should not diminish the natural or cultural resources of the beaches.
35 Wherever practicable, natural and cultural resources of the beaches will be managed to benefit all visitors. If
36 conflicting, natural resources have priority. Long-term management planning intends to ensure that the Town
37 Parks are forever maintained under public ownership as a natural and recreational resource for the
38 citizens of Kittery. At this time, it is the Town's policy to not manage the forests found in the Town parks
39 for commercial purposes. Natural environments should be monitored by the Parks Commission and
40 maintained by the Town. The Town currently relies heavily on the expertise and volunteer efforts of the
41 public and service provided by the Department of Public Works to maintain the natural environment.
42 Professional input and analysis should be consulted periodically in the future.

43 **4.2.1 Fort Foster**

44 Fort Foster was once cleared of vegetation as the land was used for a variety of purposes, including use
45 of the area as a fort. The resulting forest, therefore, is a mix of pine, oak, and other species that re-
46 colonized the site after it was abandoned from its other uses. These forests provide valuable wildlife

1 habitat, but they do not have high value for forest products due to their unmanaged condition.

2 **4.2.2 Seapoint and Crescent Beaches**

3 Upland areas surrounding Seapoint and adjacent wetlands consist of mixed deciduous and coniferous
4 forest fragmented by residential development. Dominant species in the forest canopy include red oak
5 (*Quercus rubra*), paper birch (*Betula papyrifera*), black birch (*Betula lenta*), red maple (*Acer rubrum*),
6 shagbark hickory (*Carya ovata*), white ash (*Fraxinus Americana*), black cherry (*Prunus serotina*),
7 eastern white pine (*Pinus strobus*), and pitch pine (*Pinus rigida*). Forested uplands adjacent to
8 freshwater and estuarine wetlands provide a valuable buffer zone that contributes to nutrient and
9 toxicant retention, reducing discharges of these substances to adjacent wetlands and waterways.
10 Existing forested buffers should be retained adjacent to wetlands and waterways.

11 **4.3 Marine Environment**

12 **4.3.1 Fort Foster**

13 Fort Foster includes several thousand feet of ocean shoreline that encompass habitats that range from
14 shallow sandy beaches to steep, rocky zones. A cobble beach is also found at the area known as “Scuba
15 Diving Beach.” These shoreline habitats, in association with near-shore waters and the nearby islands
16 and ledges, provide valuable habitats for fish, shellfish, marine mammals, and seabirds.

17 There is an ongoing concern about conservation of the marine resources in the Park. Eelgrass beds are
18 present adjacent to the shore of Fort Foster. This represents one of the only remaining large eelgrass
19 beds in the Southern Maine area (Appendix G). The Parks Commission should evaluate the importance
20 of this resource and evaluate shore activities that affect this sensitive marine ecosystem.

21 As of 2010, Harvesting of shellfish is prohibited in all areas of the Town of Kittery Piscataqua River
22 watershed except for limited use in Spinney Creek and along the shore of Gerrish Island including the
23 shoreline of Fort Foster. There is one ground lease growing area within sight of Fort Foster for Sea
24 Urchins located just south of Wood Island. Management of the park and visitors to the park should
25 promote the healthy shoreline an ecosystem that supports this species. The entire shoreline of Fort Foster
26 is an excellent habitat for this slow growing marine resource [http://www.maine.gov/dmr/shellfish-](http://www.maine.gov/dmr/shellfish-sanitation-management/programs/growingareas/reports/documents/annualwa2010.pdf)
27 [sanitation-management/programs/growingareas/reports/documents/annualwa2010.pdf](http://www.maine.gov/dmr/shellfish-sanitation-management/programs/growingareas/reports/documents/annualwa2010.pdf)

28 The above 2010 DMR report also cites the overboard discharge locations in Chauncey Creek, Spruce
29 Creek and by the Portsmouth, Kittery and Newcastle waste water treatment plants as well as the presence
30 of the Navy Shipyard. Water quality testing is done regularly by the town. The Parks Commission will
31 periodically discuss the results and should evaluate the effect of such discharge on the protection of natural
32 resources adjacent to our Parks and recreational enjoyment by our patrons.

33 As of 2014 the State of Maine DMR report states that ownership of intertidal seaweed remains
34 unresolved. The licensing of Seaweed harvest should be monitored for this region. Each region allows
35 only one license which lasts for 6 years and is only revocable should infractions occur. It is likely that
36 one harvester could harvest adjacent to Fort Foster. If such licensing should occur, the Parks commission
37 may want to be prepared to work with the harvester to ensure the protection of the near shore
38 environment to our park assets.

39 Test aquaculture sites have been approved and operating in the Piscataqua River for up to 4 years. One
40 test site, which grows up to 1600 sea bass, and includes mussels and summer kelp for the fixing of
41 nitrogen related to the aquaculture operations, is visible from Fort Foster. It is a dark brown rectangle,
42 floating just above the surface and is located down river from the Lighthouse at the Newcastle Coast
43 Guard Station. Licensing of such sites should be monitored in order to better inform our visitors as to the
44 emerging water based industry visible from our park.

45 Of minor concern are areas of bank erosion associated with walking trails and memorial benches that are
46 near the top of the slope leading to the ocean. These areas should be monitored annually and repaired

1 when needed (Section VI, Improvement Projects).

2 It is recommended that a coastal study and mapping project be included in the next iteration of the 5-year
3 plan allowing for the inclusion and protection of the nearshore environment from the uses in the park. As
4 well as to identify any nearby or up river uses that could compromise the quality of the
5 Marine environment adjacent to, or the enjoyment of the Park for recreational uses.

6 A large fresh water ecosystem exists within the park boundaries. A study should be conducted detailing
7 wildlife, water quality and habitat assessment. Interpretive signage should be considered to educate the public
8 and monitor appropriate locations.

9 **4.3.2 Seapoint and Crescent Beaches**

10 Seapoint Beach and Crescent Beach consist of several thousand feet of ocean shoreline with near-shore
11 sub-tidal habitat, extensive rocky inter-tidal areas and gently sloping sandy beaches that provide
12 valuable nesting, breeding, and foraging habitat for a variety of marine invertebrates, fish, birds, and
13 mammals. Varied inter-tidal and sub-tidal bathymetry increases niche separation and algae diversity.

14 Large amounts of algae are periodically deposited as wrack on beaches, providing forage for
15 invertebrates, crustaceans, and avian predators. Wrack covered over with sand provides layered
16 deposits of decomposing organic matter that is often exposed and recycled as detritus during winter
17 storms. Rocky inter-tidal habitat increases local diversity through variations in resource allocation anti
18 habitat heterogeneity. Inter-tidal pools provide refuge and foraging habitat for a variety of small marine
19 organisms capable of withstanding environmental extremes, as well as important foraging habitat for avian
20 predators. Eelgrass (*osicra marina*), a submerged aquatic vegetation (SAV), can also be found in the
21 inter-tidal pools of Seapoint Beach.

22 As of 2014 the State of Maine DMR report states that ownership of intertidal seaweed remains unresolved.
23 The licensing of Seaweed harvest should be monitored for this region. Each region allows only one license
24 which lasts for 6 years and is only revocable should infractions occur. It is likely that one harvester could
25 harvest adjacent to Seapoint and Crescent Beaches. If such licensing should occur, the Parks commission may
26 want to be prepared to work with the harvester to ensure the protection of the near shore environment to our
27 park assets.

28 An extensive rocky inter-tidal zone separated by an upland spit (Seapoint) that extends eastward into the
29 ocean. A fortified sand and cobble barrier separates the beach from salt marsh, freshwater wetlands, and
30 upland habitats to the west.

31 During the 1930's, the Civilian Conservation Corps constructed grid ditches throughout the marsh
32 in an effort to create jobs and reduce mosquito breeding habitat. The US Fish and Wildlife
33 Service (LISFWS) and Ducks Unlimited installed ditch-plugs during 2000, creating pools, altering
34 tidal exchange in some locations, and increasing surface water area and ground water levels throughout
35 the marsh. The objective was to reduce mosquito breeding habitat and increase habitat for shorebirds and
36 water fowl. In 2004 the Town of Kittery and the Kittery Land Trust turned over management of Chauncey
37 Creek Marsh to the USFWS Rachel Carson National Wildlife Refuge. Studies of Chauncey Creek Marsh,
38 to determine changes in ecological structure and function resulting from the ditch-plugging, should be
39 reviewed.

40 **4.4 Wetlands & Vernal Pools**

41 Vernal pools are defined by the Maine Department of Environmental Protection, Bureau of Land and
42 Water Quality, as shallow depressions usually containing water for only part of the year. Vernal pools
43 serve as essential breeding habitat for certain species of wildlife such as frogs, salamanders, and
44 freshwater shrimp. The isolated and ephemeral nature of vernal pools prevents the establishment of
45 predatory fish populations, reducing predation on eggs of obligate vernal pools species. Obligate pool
46 species (wood frogs, spotted and blue-spotted salamanders, and fairy shrimp) require vernal pools and
47 adjacent upland habitats for various parts of their life cycles. Within 250 feet of the vernal pool, no trees

1 should be cut and no pesticides should be applied.

2 **4.4.1 Fort Foster**

3 Fort Foster encompasses a large freshwater wetland complex that runs generally north to south through
4 the park. The marsh at the southerly end of the park is particularly valuable to nesting birds, but the
5 entire wetland complex is valuable to a wide variety of wildlife species. Existing forested buffers should
6 be retained adjacent to these mapped wetlands.

7 Two vernal pools occur near the entrance gate to the park, and others may exist in forested areas. Any
8 vernal pool within the park is to be left in an undisturbed state.

9 The water level in the marsh is controlled by a culvert that passes under a berm adjacent to the ocean at
10 the south end of the park.

11 For wildlife management purposes, water levels should be monitored/controlled by the cofferdam that
12 would allow water levels to be manipulated and the marsh to be periodically drained. Continued
13 modifications of the cofferdam are needed regularly.

14 **4.4.2 Seapoint and Crescent Beaches**

15 Freshwater wetlands include palustrine emergent (PEM), palustrine scrub/shrub (PSS), and palustrine
16 forested (PSS) wetlands (Cowardin et al, 1979). The freshwater wetlands provide nesting, breeding,
17 and refuge habitat for a variety of reptiles, amphibians, birds and mammals. In addition, bordering
18 freshwater and brackish wetlands provide transition buffer zones at the interface between estuarine and
19 upland habitats, providing travel corridors, protective cover, and increased species diversity.

20 According to the Maine Department of Inland Fisheries and Wildlife (MDIFW), beginning with Habitat
21 Program (2001), vernal pools occur in forested areas of Seapoint and Brave Boat Harbor. Vernal pool
22 studies may be conducted in the future to verify the location of any existing vernal pools. All vernal
23 pools identified should be protected with an appropriate no disturb buffer zone.

24 **4.5 Wildlife**

25 The management goal for the parks' wildlife is to maintain the existing habitats and to cooperate with
26 natural resource management agencies whenever possible.

28 **4.5.1 Fort Foster**

29 Wildlife within the park (i.e., excluding marine wildlife) includes a range of upland and wetland species
30 such as white-tailed deer, fox, mink, raccoon, skunk, songbirds, owls, woodpeckers, hawks, turtles, frogs,
31 and salamanders. Citizens also noted that large numbers of monarch butterflies stopover in the Park
32 during migration.

33 An inventory of the species inhabiting the park, however, has not been completed and wildlife
34 populations are not monitored.

35 **4.5.2 Seapoint and Crescent Beaches**

36 The close proximity of several overlapping habitats in the Seapoint area provides nesting, breeding, feeding,
37 and refuge habitat for a variety of wildlife.

38 Near-shore suit-tidal areas provide habitat supporting bait fish; commercial fisheries; seasonal migratory,
39 and resident water fowl; and marine mammals. Inter-tidal and sandy beach areas of Seapoint Beach,
40 Crescent Beach, and Brave Boat Harbor provide habitat for invertebrates and shorebird predators.

41 Vegetated barrier berms provide habitat for reptiles; birds; and mammals. Salt marshes of
42 Chauncey Creek and Brave Boat Harbor provide habitat for invertebrates, nekton, birds and
43 mammals. Freshwater wetlands provide habitat for invertebrates, reptiles and amphibians, birds, and
44 mammals. Terrestrial forested areas provide habitat for invertebrates, reptiles and amphibians, birds,
45 and mammals.

1 **4.6 Rare, Threatened, and Endangered Plants and Animals**

2 Several species of rare, threatened, or endangered species are known to occur or potentially occur in the
3 Town parks. Recent surveys, however, have not been conducted.

4 **4.6.1 Fort Foster**

5 Two rare plants -- White Wood Aster (*Aster divaricatus*) and Sea-beach Sedge (*Carex silicea*) -- and New
6 England Cottontail (*Sylvilagus transitionalis*) -- were found to exist at Fort Foster. White Wood Aster is
7 a state-listed threatened species found in dry woods and clearings. Within Fort Foster it is found
8 adjacent to the Park entrance road and along a woods road near the SCUBA Diving Beach. Development
9 should be avoided in these areas, but current mowing practices can continue. The New England
10 Cottontail is a state listed endangered species. Before the brush in these areas is disturbed, Maine's
11 Department of Inland Fisheries and Wildlife (MDIF&W), New England cottontail restoration coordinator
12 should be contacted. Efforts have been initiated recently to monitor the existence of the New England
13 cottontail and provide feed stations where deemed appropriate by the MDIF&W.

14 **4.6.2 Seapoint and Crescent Beaches**

15 The MDIFW beginning with habitat program has identified several exemplary natural
16 communities and rare plants and annuals that occur in the Brave Boat Harbor/Gerrish Island
17 focus area. Only a partial survey of the area has been conducted and it is possible that additional
18 specks and communities may exist at these locations. Table 1 presents a list of the communities,
19 plants and animals.

20 *Table 1: Rare Species/ Natural communities for Brave Boat Harbor/Gerrish Island*

Exemplary Natural Communities	Rare Plants
Dune Grassland	Salt Marsh False Foxglove
Spartina Salt March	White Wood Aster
White Oak - Red Oak Forest	Sea-Beach Sedge
	Spicebush
	Scarlet Oak
	Sassafras
	Dwarf Grasswort
	American Sea Blite
	Wild Cofee

21
22 The following management concerns have been identified by the Maine Department of Inland Fisheries
23 and Wildlife "Beginning with Habitat Program" and are included for future consideration for
24 development at Seapoint and Crescent Beaches:

- 25 • Rare species surveys should continue to be conducted.
- 26 • Upland buffers should be maintained adjacent to wetland areas.
- 27 • Buffers to salt marsh and freshwater wetland areas should be maintained.
- 28 • Natural hydrologic flows in tidal wetlands should be preserved.
- 29 • Invasive species management is a continuing problem in need of solution,
- 30 • Boating regulations to protect against erosion and noise disturbance to tidal wetlands and associated
31 wildlife should be considered.
- 32 • No dredge spoils or silt should be placed in tidal wetlands.
- 33 • In town development plans consider over-development, habitat fragmentation, invasive species
34 establishment and expansion, and improper storm water runoff

- Review of existing trails and roads should be conducted to determine Off Road Vehicle (ORV) appropriateness as well as exclusion of ORV's from wetland areas.
- Town comprehensive plans and zoning plans may identify, protect, and preserve important natural habitats as identified by MDIFW.

4.7 Invasive Plant Species

Invasive species of plants out-compete our native species by hogging sunlight, nutrients, and space. They change animal habitat by eliminating native foods, altering cover, and destroying nesting opportunities. Invasive plants are a direct threat to what is of great value at our Town Parks and their aggressive growth threatens our recreational experiences. Many species can form thorny, impenetrable thickets in forests impacting access. Others can choke water-ways limiting their health, beauty and use. Invaders can also greatly affect forest regeneration. These species have already begun to mar the natural beauty of our regionally distinctive landscape with the loss of many of the native juniper bushes along the shoreline (most of which have been killed by bittersweet vines).

The town should consider mapping the location of invasive species within the Town parks and developing a maintenance plan for these invasive species within the parks. Currently, Fort Foster has been divided into 9 areas of focus (Appendix F)

MDIF&W will be consulted when state invasive species are being treated. Help establishing a maintenance and volunteer program has started.

An example of this type of plan can be found at the following website address and possible funding sources for this plan are referenced in the example plan's chapter 6:

<https://www.des.nh.gov/organization/divisions/water/wmb/coastal/cwipp/documents/odiorne-invasive-mngt-plan.pdf>. Resources include the Invasive Plant Coordinator at the Rachel Carson National Wildlife Refuge, the York County Soil & Water Conservation District, and the USDA website: <http://www.invasivespeciesinfo.gov>

Sea-beach Sedge is a small plant with Special Concern status at the State level that grows on sandy beaches and rocky shores. It is found in several places within Fort Foster. At the present time, there are no known management concerns associated with this species.

Known invasive species existing in the Town Parks include, but not limited to:

Pictures and information taken from Maine Association of Conservation Commissions website, US Department of Agriculture, and New England Wildflower Society's websites

Garlic Mustard (*Alliaria petiolata*)



Common and Glossy Buckthorn (*Rhamnus cathartica* and *Frangula alnus*)

Buckthorn

Frangula alnus

- Dense stands shade out under story and prevent native seedlings from growing
- Causes diarrhea in birds that jeopardize migration
- Large root systems make eradication difficult



1
2

Asiatic/Oriental bittersweet (*Celastrus orbiculata*)

Asian Bittersweet

(*Celastrus orbiculatus*)

- Woody stem vine
- Climbing on and covering trees and shrubs
- Can grow up to 60 ft.
- Seed spread by birds



3
4

Japanese Barberry (*Berberis thunbergii*)

Barberry

- Berberis thunbergii*, *B. vulgaris*
- Invades woodlands
 - Deer avoid thorns and over browse native plants
 - Toxic bark
 - More attractive to pollinators
 - Still available in nurseries



5
6

1

Japanese Bamboo/Knotweed (*Fallopia japonica*)

Japanese Knotweed
(*Polygonum cuspidatum*)

- Spreads by plant fragments or seeds
- Forms dense thickets
- More root mass than stem and leaf mass
- Spreads rapidly
- Hard to control

2

3

Phragmites/Common Reed (*Phragmites australis*)

Common Reed
(*Phragmites australis*)

- Invades and covers freshwater wetlands
- Roots secrete acid to dissolve roots of native plants
- Spreads one meter a year
- Winter stands become fire hazards

4

5

Japanese Honeysuckle (*Lonicera japonica*)



6

1

Blackswallow-wort (*Vincetoxicum nigrum*)



2

3

Beach Rose (*Rosa rugosa*)



4

5

Rambling Rose (*Rosa multiflora*)



6

7

1

Sea Rocket (*Cakile edentula*).



2

3

4

Mugwort (*Artemisia vulgaris*)



Common Barberry (*Berberis vulgaris*)



5

6

Purple Loosestrife (*Lythrum salicaria*)

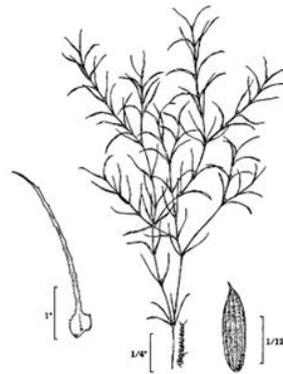


7

8

1

European Naiad (*Najas minor*)



2

3

Curly-leaf Pondweed (*Potamogeton crispus*)



4

4.7.1 Fort Foster

5 For some time now, a number of well-known invasive plants have been steadily and silently consuming
 6 more and more territory at this popular waterfront park owned by the Town of Kittery. And as these
 7 invaders have continued to out-compete native species and broaden their foothold over the years, they've
 8 destroyed bird and animal habitat, diminished native biodiversity, and degraded the natural landscape of
 9 this ecologically diverse and vital Gerrish Island community.
 10

11 The state of Maine has also been stepping up its efforts to manage and minimize the impact of invasive
 12 plant species. And in Kittery specifically, the Kittery Parks Commission noticed the growing problem it
 13 faced within Fort Foster. After carefully assessing the status of invasive plants within the park, the Parks
 14 Commission decided to first target the locations where invasives had already run rampant and the bunker
 15 adjacent to the big pavilion and its surrounding area was quickly identified as a critical site.

16 An entirely man-made structure, it's likely that this bunker was first exposed to opportunistic invasive
 17 plants when its soil was disturbed during construction. Over time, it had become a kind of "green roof
 18 gone wild" and was almost completely overrun by invasives; a massive snarl of Asiatic bittersweet
 19 (*Celastrus orbiculatus*) comprising the majority of its bulk. Additional stands of Japanese barberry
 20 (*Berberis thunbergii*) and honeysuckle (*Lonicera morrowii*) had also staked their claims to the takeover.
 21 At a glance, this may not have seemed altogether unbecoming to the layperson, but the reality is that this
 22 tangled thicket of invasives had already wrought significant damage. All native plants in the vicinity had
 23 been effectively choked out, forming a dense, viney shroud that was too vulnerable to predators for any
 24 birds to consider it for nesting. What's more, the honeysuckle's berries are a lipid-poor "junk food" that is
 25 not a preferred food source for birds but is easily dispersed in order to ensure the rapid spread of the
 26 plant. When it comes to invasive plants, this area in particular had reached a critical mass.

27 To help address the problem, the Parks Commission brought in an ecological restoration specialist to

1 selectively remove the invasive plants mechanically—the only environmentally responsible method for
2 combating an invasive infestation of this scale. The Parks Commission also recruited support from
3 competent members of our community to aid in understanding growth patterns and assist in control
4 efforts. Currently, previously overshadowed native junipers have been freed from the grip of their alien
5 neighbors, permitting them the opportunity to thrive once more. Sections of the area where no native
6 vegetation remained will now be seeded with native grasses and erosion-control species and subsequently
7 planted with native shrubs. In time and with effort, the site will be returned to good health.

8 In addition, the Kittery Parks Commission identified the presence of common barberry (*Berberis*
9 *vulgaris*), rambling rose (*Rosa multiflora*), beach rose (*Rosa rugosa*), European privet (*Ligustrum*
10 *vulgaris*), Norway maple (*Acer platanoides*) and purple loosestrife (*Lythrum salicaria*), and
11 Garlic mustard (*Alliaria petiolata*) within Fort Foster. Though it hasn't been widely reported in the past,
12 garlic mustard now appears to be gaining a foothold in southern Maine. This particularly insidious
13 invasive disrupts the important relationship between native plants and underground mycorrhizal fungi,
14 suppressing the growth of tree seedlings by depriving them of essential mineral nutrients. And with as
15 many as 3,000 seeds per plant that can remain viable and germinate for up to 11 years, it's easy to see
16 why garlic mustard is so prolific—and difficult to control. After having located several large swaths of
17 garlic mustard, the Parks Commission has organized hand-pulling these invaders with volunteers. Future
18 hand-pulls may be necessary as well, but for now the problem has been better contained.

19 Of course, these steps are just the beginning a larger, sustained process. The successful prevention and
20 control of invasive plant species and restoration from their negative effects can only be achieved with an
21 organized, long-term strategy and effort. Fortunately, getting involved is easy and everyone can do their
22 small part to help. Homeowners can learn more about invasive plants and identify and remove
23 undesirables from their own yards; landscapers can replace invasive plants with non-invasive
24 alternatives; gardeners can ask their local garden suppliers to stock more native plant species; voters can
25 contact their representatives to voice their concerns; and anyone can volunteer to help. For a good place
26 to start, both for more information and to sign up as a volunteer, check out the IPANE website:

27 www.eddmaps.org/ipane

28 **4.7.2 Seapoint and Crescent Beaches**

29 **Estuarine Resources Chauncey Creek Marsh**

30 Chauncey Creek marsh is a back-barrier marsh situated behind steep sand and cobble berms up-gradient of
31 the beaches, which reduce storm surge impacts and help maintain conditions favorable for marsh
32 development. Sandy areas of the berms are moderately vegetated with beach grass (*Ammophila*
33 *breviligulata*), and sea rocket (*Cakile edentukla*).

34 Berm areas facing the marsh are vegetated with beach rose (*Rosa rugosa*) and mugwort (*Artemisia*
35 *vulgaris*) which occur along the berm/salt marsh interface. The barrier berms provide nesting, feeding,
36 and refuge habitat for a variety of wildlife including invertebrates, birds, reptiles, and mammals of various
37 sizes. Chauncey Creek extends eastward into the marsh, providing tidal exchange from Portsmouth
38 Harbor.

39 **4.7.3 Legion Pond**

40 It is currently infested with invasive plant species European naiad (*Najas minor*) & Curly-leaf pondweed
41 (*Potamogeton crispus*).

42 **4.8 Built Environment**

43 **4.8.1 Fort Foster**

44 **4.8.1.1 Pier**

45 The Fort Foster pier sits on its original foot print and design. The pier is a total of 553ft long and consists
46 of two sections. The "leg" is a walkway that is 483ft x 14ft and the "foot" is 86ft x 70ft. The pier is open
47 to pedestrians and primarily used for sightseeing and recreational fishing. The pier was built at the time

1 of the fort structures. It was used to offload military equipment that would arrive via boat. A focus to
2 keep the pier open to pedestrian use makes management more reasonable.

3 Although unique in its nature, per review of the Town Manger, the pier is not part of a historical registry
4 and there is no interest in having it researched further or included in a historical registry at this time. The
5 majority of the pier has been repaired over the last century, but the cleats, where ships would tie up their
6 dock lines, are part of the original pier.

7 In February of 2013 a nor'easter damaged the pier and it was closed for two seasons. During that time the
8 Parks Commission, Commissioner of Public, Works, Town Manager, and FEMA representatives
9 discussed the pier at length and notable points are: the pier should remain open to pedestrians, but is not
10 necessary to hold vehicles beyond DPW equipment and the design of the pier should not be changed. The
11 Parks Commission has also voted: if future design changes are proposed they should not include access
12 for recreational/commercial boats. A survey was conducted by Wright Pierce.

13 **4.8.1.2 Fortifications**

14 The historical significance of the remaining fortifications is discussed in a report by Joel Eastman
15 entitled, The Modern Defenses of the Coast of Maine. Maine's State Historic Preservation Officer,
16 determined that the fortifications are potentially eligible for inclusion on the National Register of
17 Historic Places and noted that Fort Foster is likely to contain pre-historic artifacts.

18 The Town is not required to conduct studies of the fortifications or to search for pre-historic artifacts
19 unless federal agencies, funds, or licenses are involved in the project. Such studies may be required if a
20 Maine Site Location of Development permit is ever required for improvements to the park. To learn
21 more about the potential significance of the fortifications, as well as to gain a better understanding of the
22 potential for pre-historic artifacts, members of the Parks Commission may arrange to meet with Mr.
23 Shettleworth.

24 **4.8.1.3 Roads and Culverts**

25 Roads in the park are in generally good condition. It is the responsibility of the Commissioner of Public
26 Works to periodically examine the roads and make recommendations during the annual budgeting
27 process for funds for maintenance activities or to identify capital improvement needs.

28 The road to the Tower Pavilion occasionally floods when water levels in the marsh are high. Given that
29 it is a priority to raise the water level in the marsh (Section 4.4.1), this road, the marsh, and the water
30 control structure for the marsh should be surveyed regularly to determine relevant elevations.

31 If it appears that the road would flood more frequently if water levels in the marsh were raised, then
32 plans should be developed for raising the Tower Pavilion Road. If this were to occur, the culvert under
33 the road should be designed to provide for a free exchange of water as well as passage for reptiles and
34 amphibians.

35 **4.8.1.4 Parking Areas**

36 The large parking lot is in good condition, although some residents have asked that it be made more
37 attractive and user friendly. The Commission, in association with the Commissioner of Public Works,
38 will consider the need for a landscaping plan for this parking lot.

39 **4.8.1.5 Bathrooms and Septic Systems**

40 The primary bathroom near the picnic area and shoreline has been updated and in good condition.

41 The small bathroom near the main parking lot is too small for large groups. As part of this five-year plan,
42 therefore, the Commission is recommending that the septic system and small bathroom facilities be
43 replaced as a capital improvement project.

44 The Commissioner of Public Works is responsible for overseeing the maintenance of on-site septic

1 systems.

2 **4.8.1.6 Pavilions**

3 The pavilions are currently in adequate condition. The Commissioner of Public Works will periodically
4 inspect these structures to ensure that they are safe and serviceable. The Commission will also inspect
5 these facilities during the spring and fall site inspections (Section 2.8.1).

6 **4.8.1.7 Picnic Tables**

7 Picnic tables will be maintained by the Public Works Department. The Parks Commission will work
8 with the Commissioner, through the Town Manager, to periodically monitor table use to ensure that there
9 are an appropriate number of tables.

10 **4.8.1.8 Playground**

11 After a 2013 refurbishment and redesign the playground is currently in fair condition. The Commissioner
12 of Public Works will periodically inspect these structures to ensure that they are safe and serviceable.
13 The Commission will also inspect these facilities during the spring and fall site inspections (see Section
14 2.8.1). The tree fort and boat are nearing their 5th year of use and weathering. Some repair is needed to
15 maintain safety standards and constant use.

16 **4.8.1.9 Monuments**

17 The existing structure memorializing General Foster should be updated from wood to a bronze plaque to
18 keep with the aesthetics and consistency within the Park. The Parks Commission will work with the
19 Commissioner of Public Works to update the plaque in a cost-effective manner.

20 **4.8.2 Seapoint and Crescent Beaches**

21 **4.8.2.1 Roads and Culverts**

22 Roads to the beaches are in generally good condition. It is the responsibility of the Commissioner of
23 Public Works to periodically examine the roads and make recommendations during the annual budgeting
24 process for funds for maintenance activities or to identify capital improvement need. All management of
25 roads and culverts should be tempered by maintenance of the natural resources at Seapoint.

26 **4.8.2.2 Parking Areas**

27 The town Parking lot at Seapoint Beach is in good condition, although it could be made more attractive
28 and user friendly. The Parks Commission, in association with the Commissioner of Public Works, will
29 consider the need for a landscaping plan for this parking lot. Continuous police monitoring is essential to
30 discourage “in-season” use by non-permit holders. Contemporary problems in need of near future
31 resolution are:

32 Signage in parking areas and on roads near the beach should be reviewed periodically. Overabundance,
33 of parking and other signs, resulting in clutter have been issues in the past.

34 **SECTION V –FIVE-YEAR PLAN FOCUS**

35 **5.1 Parks Commission**

36 These may be periodically revised, as needed, by the Parks Commission. Specific focus over the next five
37 years will be to:

- 38 • Continue the efficient implementation of this management plan.
- 39 • Continue communication and coordination with the Town Manager, Commissioner of Public
40 Works, and other Town Committees to confirm the advisory relationship to various parks in
41 town.
- 42 • Continue communication with the Town citizens with respect to input into the needed
43 improvements/uses/issues of our parks.

- Participate in the healthy beaches program
- Continue to monitor use of the park and report on trends in use patterns with regard to the parks' environmental impact, capacity and infrastructure (where relevant).
- Participate in the creation, drafting and or updating of the Town Code in relation to parks and access to parks
- Support funding for the capital improvement projects identified in Section VI.

5.1.1 Fort Foster

- Review the financial and community impact of extending park hours to open earlier and extending the park season to remain open during weekdays in September.
- Continue to evaluate park user fees and operating costs to determine if the existing fee structure is adequate to ensure that park operations are revenue neutral or revenue positive.
- Continuously streamline and simplify collection of fees using technology and other Town resources.
- Make contact with the State Historic Preservation Officer concerning the fortifications and the potential for pre-historic artifacts.
- Provide input and policy into emerging recreational uses at Fort Foster
- Various issues concerning dogs in the park may have to be addressed in the future as the utilization of Fort Foster for canine recreation continues to increase as surrounding communities diminish access for dogs to their town parks and beaches.

5.1.2 Seapoint and Crescent Beaches

- Various issues concerning dogs in the park may have to be addressed in the future as the utilization of Seapoint and Crescent beaches for canine recreation continues to increase as surrounding communities diminish access for dogs to their town parks and beaches.
- Support the development of a Friends of Seapoint and Crescent Beaches organization.

5.1.3 Legion Pond

- Conduct a survey to further understand the importance of Legion Pond to those who live near, and have historic knowledge of this area.

SECTION VI –IMPROVEMENT PROJECTS

6.1 Operations and Programs

The Parks Commission is responsible for identifying program and operations needs within each five-year management plan.

6.1.1 Fort Foster

Project Listing (worksheets follow)

- 1: Initiate sale of Memorial Plaques on Pier Benches
- 2: Evaluate new Memorial Trees program
- 3: Evaluate need for permanent Community Resource Officer or additional Animal Control Officer to enforce park rules and regulations (Appendix E)
- 4: Update recordkeeping for revenue and pass sales
- 5: Evaluate development of School Orienteering program
- 6: Evaluate develop integration with Kittery school curriculum (wildlife / invasives / etc.)
- 7: Evaluate development of exercise/outdoor/activities course
- 8: Monitor sponsorship of special events (concerts/plays/cultural / butterfly migration)
- 9: Identify/define/protect New England cottontail endangered species habitat
- 10: Identify and map invasive species
- 11: Develop an invasive species maintenance plan
- 12: Evaluate need to hire additional staff
- 13: Evaluate need for visual design of Fort Foster Landscape and Improvement Master Plan
- 14: Engage a consultant, or town staff to provide the framework and writing of the next five-year plan.

- 1 15: Review all relevant existing ordinances for any updates and recommendations.
- 2 16: Evaluate using Kittery Maine Improvement Foundation (KMIF) for fundraising efforts and
- 3 holding money to use on Fort Foster projects.

4 **6.1.2 Seapoint and Crescent Beaches**

- 5 1: Evaluate the implementation and impact of removing of seaweed on the beach as necessary
- 6 2: Develop and invasive species maintenance plan
- 7 3: Educate the public regarding expectations of animal regulations and clean up
- 8 4: Evaluate part time employee to clean the beach on regular basis
- 9 5: Evaluate eco-safe green head fly traps
- 10 6: Develop a Landscape plan
- 11 7: Evaluate using Kittery Maine Improvement Foundation (KMIF) for fundraising efforts and
- 12 holding money to use on Fort Foster projects.
- 13 8: Review Parking with Police Department. Question presented by Chief Short in Appendix I should
- 14 be confirmed

15 **6.1.3 Legion Pond**

- 16 1: Gather information and evaluate priorities
- 17 2: Evaluate development of overlooks for enjoying the pond in fair weather

18 **6.2 Capital Improvement Program Reserve Account Plans**

19 Capital Improvement Reserve Accounts are CIP budget lines maintained by the departments for future
20 demands for maintenance, repair, rehabilitation, or replacement, of fixed assets that cost between \$5,000
21 and \$25,000 and have a useful life of less than five years.”

22 **6.2.1 Fort Foster**

23 Project Listing (worksheets follow)

- 24 1: Evaluate improving drainage path by Fort and eliminate path by parking lot if deemed appropriate
- 25 2: Consider installation of interpretive signage
- 26 3: Update signage for dog issues if helpful
- 27 4: Provide erosion control along the shoreline if deemed appropriate
- 28 5: Evaluate development first aid station
- 29 6: Evaluate development of walking path by Scuba beach
- 30 7: Evaluate installation of coastal view and environmental signage for informational purposes
- 31 8: Potential need to replace railings on pier to allow a better view
- 32 9: Evaluate installation of emergency call stations
- 33 10: Evaluate dog waste removal services

34 **6.2.2 Seapoint and Crescent Beaches**

- 35 1: Evaluate dog waste removal services
- 36 2: Evaluate port-a-potty removal services

37 **6.2.3 Legion Pond**

- 38 1: Research development of ice skating rink during winter weather

39 **6.3 Capital Improvement Program Holding Account Plans**

40 Capital Improvement Holding Account is the accounting identifier line in the town chart of accounts
41 grouping the CIP funds dedicated for replacement of assets with a cost above \$25,000 and a life cycle
42 greater than five years

43 **6.3.1 Fort Foster**

44 Project Listing (worksheets follow)

- 45 1: Pier repair and rebuild
- 46 2: Improvements to the Tower Bathroom near the main parking lot. Roof needs repair. Bathrooms
- 47 need updating and possible expansion including a changing area.

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 - 3
- 3: Path erosion repair
- 4: Septic System and Small Bathroom Replacement

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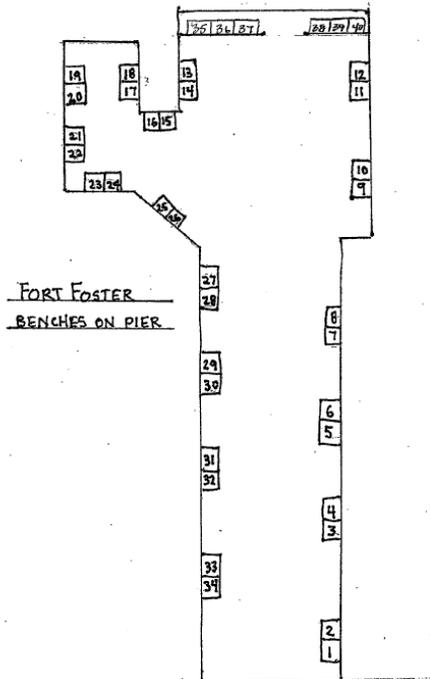
APPENDIX D
Memorial Bench Sites at Fort Foster



Map produced by Jeff Normandin, Axis GeoGraphics for the Town of Kittery. © Jeff Normandin, Aug 2016. Revised Oct 2016.

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Fort Foster Pier Memorial Plaque Sites



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APPENDIX E

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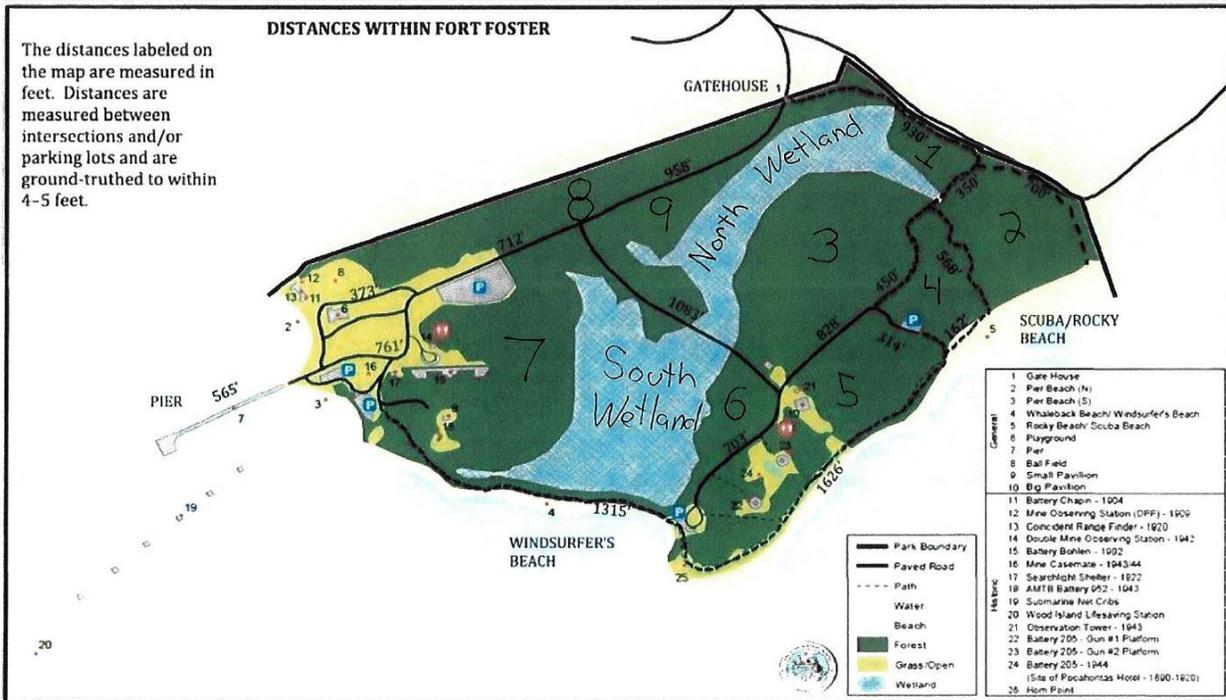
2012 & 2017 Gate Attendance Information

Gate Receipts 2012 Fort Foster Recap			FORT FOSTER DAILY LOG SHEET									Season		Season Pass
Month	Attendant	Weather	Log Sheet	Season	Vehicles	Walk/Bike-in	Bus Fees	Cash Rec.	Adults	Children	Dogs	Passes	Holders/dogs	
May			21784.50	8323.00	12201.50	1160.00	100.00	21784.50	3086	1064	260	168	150	
June			28534.00	8555.00	18225.00	704.00	1050.00	28534.00	4054	2336	246	175	658	
July			39236.50	4102.50	33780.00	902.00	450.00	39234.50	7261	3164	508	84	751	
August			31383.00	340.00	29696.00	647.00	700.00	31383.00	6252	3146	502	7	641	
Sept			8731.00	0.00	8340.00	391.00	0.00	8731.00	1910	429	165	0	153	
totals			\$ 129,669.00	\$ 21,320.50	\$ 102,242.50	\$ 3,804.00	\$ 2,300.00	\$ 129,667.00	22563	10139	1681	434	2353	

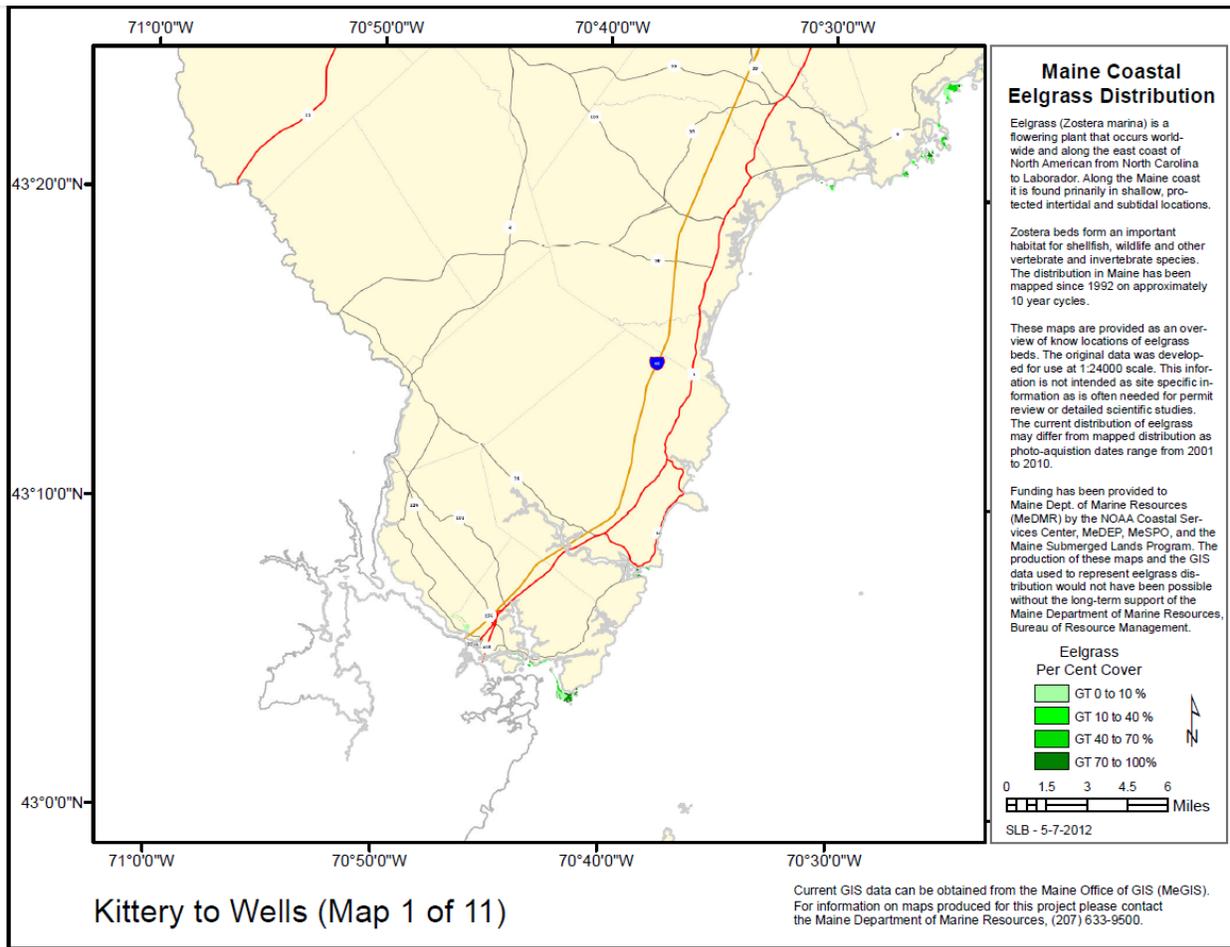
Fort Foster Gate Receipts 2017 Monthly Recap			FORT FOSTER DAILY LOG SHEET									Season		Season Pass
Month	Attendant	Weather	Log Sheet	Season	Vehicles	Walk/Bike-in	Bus Fees	Cash Rec.	Adults	Children	Dogs	Passes	Holders/dogs	
May			13697.50	4514.50	8330.00	853.00	0.00	13697.50	1893	492	229	79	202	
June			40758.00	12020.00	25864.50	2023.50	850.00	40758.00	5477	1925	611	214	716	
July			57879.75	5026.5	50323.75	2329.5	200	57879.75	10765	4591	932	90	885	
August			44501.00	1675.00	41110.00	1716.00	0.00	44501.00	8914	3949	842	9	807	
Sept			14577.00	0.00	13540.00	1037.00	0.00	14577.00	2978	874	349	0	282	
Totals			\$ 171,413.25	\$ 23,236.00	\$ 139,168.25	\$ 7,969.00	\$ 1,060.00	\$ 171,413.25	30027	11831	2963	392	2892	

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APPENDIX F Map of Fort Foster divided to manage Invasive Species



APPENDIX G



101735 65500	MAINTENANCE OF BLDG/SERVIC							
101735 65510	PAINTING	157	147	262	400	400	-	
101735 65521	UNIFORMS	400	400	400	400	700	300	
101735 66011	HAND TOOLS	12	169	276	150	150	-	
101735 66030	OTHER SUPPLIES	258	443	394	400	900	500	
101735 66040	JANITORIAL SUPPLIES & SERVICES	3,581	5,295	3,165	3,750	3,750	-	
101735 67520	OPERATING EQUIPMENT	-	-	1,557	1,200	1,200	-	
101735 67575	SEAPOINT BEACH	-	96	515	200	200	-	
TOTAL	PUBLIC WORKS - SEAPOINT/CRESCENT	120,928	139,507	136,581	174,923	190,458	15,535	8.9%

APPENDIX I

Report to Town Council, Fort Foster Update 10/17/16

(This report has been summarized and should be used for reference purposes only. For full report please see Town Workshop Minutes dated 10/17/16)

REPORT to the KITTERY TOWN COUNCIL

Fort Foster Update

October 17, 2016

The first two pages are a summary of a further detailed Report to Council. The Parks Commission reviewed many issues concerning the Parks Commission and the Town Council. The detailed report provides information on each solution and begins on page 3. The focus of the agenda is in order of priority as represented by the outcome of the previous workshop and Parks Commission opinion. It is the request of the Parks Commission that if the Town Council would like to discuss an item at the workshop, the order be followed to be as effective as possible. If the Town Council has other ideas to add, the Parks Commission would request to receive the ideas in writing and will be happy to discuss them at a future time.

1 **RESPONSIBLE INDIVIDUALS (Parks Commission):**

2 Rich DeMarco (Co-Chair), Page Mead (Co-Chair), Gale Turner, Kristina DeMarco, Denise Payne, Dave
3 Wrocklage, Richard Brooks, George Dow

5 **Subject: Parks Commission update and recommendation on issues concerning Fort Foster**

7 **Current Situation:**

8 *Fort Foster attendance has increased significantly. This continues to put stress on resources and staff.*

- 10 • The significant increase in use of the park has inherently increased the risk of safety and disobedience of the rules/regulation.
- 11 • Additional staff was requested by DPW.
- 12 • The gatehouse has been improved and increased police presence has been requested since the robbery.

15 DATA:

	2003 Gate Info			2015 Gate Info		
	Adults	Children	Dogs	Adults	Children	Dogs
May	777	173	61	3621	1321	344
June	671	496	12	3881	2246	302
July	3866	2102	169	8174	4473	618
Aug	2,846	1164	117	7987	3672	642
Sept	586	137	38	3405	1059	316
Totals	8,746	4,072	397	27,068	12,771	2,222
			% increase	209%	214%	460%

16
17 **Fort Foster has two sets of rules for Fort Foster; during Park Hours and when the park is closed.**

18 **Although many issues occur at Fort Foster during both time periods the Parks Commission has**
19 **looked at both time periods separately**

20 **Parks Commission Recommendation during operation hours:**

21 It is believed that the increase in use puts pressure on resource and frequency of violations
22 just based on the law of numbers. Fort Foster is becoming a popular destination for locals and
23 tourists. The increase in use warrants the need for additional staff and more rule enforcement during
24 park hours. As the top solution to multiple problems it is the recommendation of the Parks
25 Commission a Community Service Officer (CSO) position be developed and begin by season
26 opening 2017. The Parks Commission has begun to work through some details (appendix A), but due
27 to new leadership still requires support and input of the new Town Manager, new Police Chief, and
28 new Commissioner of Public Works.

29 **Parks Commissions recommendation when the park is closed:**

30 Fort Foster is a nice spot for dogs to run and be off leash. While the park is closed, Fort
31 Foster provides this privilege to dog owners. The Parks Commission does not see this as an issue.
32 Former Police Chief Short confirmed very little crime is seen at Fort Foster after hours. The Parks
33 Commission does not see allowing pedestrians into the park when the park is closed as an issue. The
34 largest complaint is related to dog waste being left at the park. Although the majority of complaints,
35 during this time, are related to dogs and dog waste, the number of written complaints averages <5 per
36 year. The Parks Commission speculates this issue is more of a nuisance and a sign of disrespect, but

1 that the severity of the problem is exaggerated through word of mouth. More analysis should be done
2 to see how widespread and serious dog waste issues are.

3 The Parks Commission recommends to monitor the severity of dog waste and the number of
4 complaints during the 2016-2017 off season. The Parks Commission would recommend funding and
5 implementing a public opinion poll and has opened communication with Seacoast online to discuss
6 polling options

7 **Problems at Fort Foster during park hours.**

8 **Current Situation:**

9 **The Parks Commission has tried posting park rules and word of mouth to educate**
10 **people to respect the park, the rules, and other patrons. Gate attendants are vocal to educate**
11 **visitors on park rules. Police and ACO make a presence. Despite these efforts, people complain**
12 **of the lack of respect given to the rules during this time (ex. dogs waste, dogs on mom's beach,**
13 **dogs off leash, reserve tables prior to opening, trash, cutting through the fence to access**
14 **neighboring beach, future drone use, etc.) For full list of the FF Rules and Regulations (see**
15 **appendix F). Dogs off leash is deemed the most concerning by the Parks Commission and**
16 **afraid this could be a liability to the town if not enforced. Consequences could be serious and**
17 **life changing. The town has an obligation to protect park visitors and its community. In**
18 **addition, the increase in use inherently increases the risk to safety, disobedience of the**
19 **rules/regulation, impacts the infrastructure, ability to control crowds, and experience of**
20 **visitors.**

21 **Solutions:**

- 22 • Increase enforcement (Supported by the PC):
 - 23 1. Community Service Officer (CSO) could be hired to patrol on foot and bike during park hours.
 - 24 ○ PRO – PROVED TO BE EFFECTIVE BY YORK (see appendix B) AND
 - 25 KITTERY ACO CONFIRMED VIOLATIONS ARE MINIMAL WHEN THERE IS
 - 26 A PRESENCE, VISUAL SIGN OF ACTION, ALLOWS THE PUBLIC AN
 - 27 OPPORTUNITY TO COMPLAIN AS CRIME IS BEING COMMITTED
 - 28 ○ CON – COST
 - 29 2. The ACO and Police can be used
 - 30 ○ PRO – EASY TO IMPLEMENT
 - 31 ○ CON – EFFECTIVENESS IS ONLY PROVEN WHILE PRESENCE IS ON SITE,
 - 32 COST COULD EXCEED THAT OF REO IF INCREASE USE, USING EXISTING
 - 33 RESOURCES FOR PATROL WOULD REDUCE PATROL OF OTHER AREAS
- 34 • Increase fines (Supported by the PC)
 - 35 ○ PRO – COULD DISCOURAGE VIOLATIONS, POTENTIAL INCREASE IN
 - 36 REVENUE FROM FINES
 - 37 ○ CON – REQUIRES CODE CHANGE AND ENFORCEMENT
- 38 • Segment Fort Foster for dogs allowed areas and no dogs allowed areas (Not supported by the
39 PC):
 - 40 ○ PRO – PROOVES EFFECTIVE IN PORTSMOUTH (ex. Pierce Island)
 - 41 ○ CON – POTENTIAL LOST REVENUE, LOGISTICS TO IMPLEMENT,
 - 42 POTENTIAL NEGATIVE REACTION FROM COMMUNITY, NOT EFFECTIVE
 - 43 WITHOUT ENFORCEMENT (ex. Baby Beach)

- 1 ○ PC THOUGHTS: ADDING WATER AND WASTE RECEPTALS TO A FENCED
- 2 IN AREA FOR DOGS TO RUN OFF LEASH AT ALL TIMES MIGHT BE
- 3 SUPPORTED BY DOG COMMUNITY. BALLFIELD AND GRASS PARKING
- 4 AREA PROVIDE OPTIONS FOR LOCATIONS
- 5 • Close Park to Non-Residents (Not supported by the PC):
- 6 ○ PRO – REDUCES USE
- 7 ○ CON – LOST REVENUE, LOGISTICS TO IMPLEMENT, POTENTIAL
- 8 NEGATIVE REACTION FROM WIDESPREAD COMMUNITY
- 9 • Do not allow dogs during park hours (Not supported by PC)
- 10 ○ PRO – SOLVES PROBLEM, NO COST TO IMPLEMENT
- 11 ○ CON – THE POTENTIAL COMMUNITY DISAPPOINTMENT AND BACKLASH
- 12 IS UNKNOWN, LOSS OF REVENUE
- 13 • Do nothing
- 14 ○ PRO – EASY, NO COST,
- 15 ○ CON – DOES NOT ADDRESS THE PROBLEM, POSSIBLE LIABILITY IF NOT
- 16 ADRESSED

17 **Problems at Fort Foster when the park is closed.**

18 **Background:**

19 **When Fort Foster closed, pedestrians are still allowed to enjoy the park and dogs are**
 20 **allowed off-leash. The a "pooper scooper" and "carry-in, carry-out" rule is in effect at all times.**
 21 **different during this time when there is little to no oversight. The rules currently in place are:**

22 *12.14.010 DOGS/ANIMALS*

23 *With the exception of dogs, no domestic animals are allowed in Fort Foster Park. Dogs are subject to*
 24 *the following conditions.*

25 *A. Dogs must be leashed at ALL times during park hours. (10AM-8PM) on weekends in May and*
 26 *September, and every day from Memorial Day until Labor Day, inclusive. A maximum leash of 8 feet*
 27 *is allowed.*

28 *B. While under the direct control (Off leash) of the owner or keeper, dogs are allowed in the park during*
 29 *the following days and times:*

- 30 *1. During weekdays, prior to Memorial Day in May*
- 31 *2. Before park opening (sunrise to 10AM) between Memorial Day and Labor Day.*
- 32 *3. During weekdays, after Labor Day in September.*
- 33 *4. Between sunrise and sunset from October 1 - April 30, inclusive.*

34 *A "Pooper Scooper" rule is in effect for dogs. Owners or keepers must take their dogs' solid waste with*
 35 *them when leaving the park. (Ord. 13-00).*

36 *12.14.030 PENALTIES*

37 *This chapter is enforced by the Kittery Police Department. Any person who violates any provision of this*
 38 *chapter commits a civil violation for which a penalty of not more than one hundred dollars*
 39 *(\$100) may be adjudged. All penalties recovered shall accrue to the benefit of the Town. (Ord. 14-*
 40 *05; Ord. 13-00).*

41 **Current Situation:**

1 **The Parks Commission has tried signs and word of mouth to educate people to respect**
2 **the park, the rules, and other patrons. Despite these efforts, people complain regularly of the**
3 **lack of respect shown during this time about leaving dog waste behind.**

4 Possible Solutions:

- 5 • Do nothing (Supported by the PC):
 - 6 ○ PRO – EASY, NO COST,
 - 7 ○ CON – DOES NOT ADDRESS THE PROBLEM
- 8 • Increase enforcement (Supported by the PC):
 - 9 1. Community Service Officer (CSO) could be hired to patrol on foot and bike during park hours.
 - 10 ○ PRO – PROVED TO BE EFFECTIVE BY YORK AND KITTERY ACO
 - 11 CONFIRMED VIOLATIONS ARE MINIMAL WHEN THERE IS A PRESENCE,
 - 12 VISUAL SIGN OF ACTION, ALLOWS THE PUBLIC AN OPPORTUNITY TO
 - 13 COMPLAIN AS CRIME IS BEING COMMITTED
 - 14 ○ CON – COST
 - 15 2. The ACO and Police can be used
 - 16 ○ PRO – EASY TO IMPLEMENT
 - 17 ○ CON – EFFECTIVENESS IS ONLY PROVEN WHILE PRESENCE IS ON SITE,
 - 18 COST COULD EXCEED THAT OF REO IF INCREASE USE, USING EXISTING
 - 19 RESOURCES FOR PATROL WOULD REDUCE PATROL OF OTHER AREAS
 - 20 3. Use video surveillance to monitor and catch violations
 - 21 ○ PRO – HELP TO MONITOR HIGH CRIME AREAS. COULD CATCH
 - 22 VIOLATIONS AS IT OCCURS
 - 23 ○ CON – POTENTIAL COST, RELOCATES PROBLEM TO NON-MONITORED
 - 24 AREAS, ENFORCEMENT
- 25 • Install bio waste receptacles (Supported by the PC):
 - 26 ○ PRO – COULD SOLVE PROBLEM OR AT A MINIMUM MAKE THINGS
 - 27 BETTER
 - 28 ○ CON – COST, LOGISTICS TO IMPLEMENT AND MAINTAIN, USE WOULD
 - 29 EXPAND TO EVERYONE, REWARDS VIOLATORS
 - 30 ○ PC THOUGHTS - ACO OR PARK EMPLOYEES COULD WALK THE PARK
 - 31 PRIOR TO OPENING, CONTRACT OUTSIDE COMPANY OR INDIVIDUAL TO
 - 32 EMPTY
- 33 • Implement Education Program (Support is split in PC 3 in favor, 3 against)
34 ACO and others could pass out brochure at the beginning of the season (see appendix B)
 - 35 ○ PRO – MINIMAL TO IMPLEMENT, PROOVES EFFECTIVE IN RYE
 - 36 ○ CON – ORGANIZATION OF IMPLEMENTATION, COST
- 37 • Change rule to be on leash at all times (Not Supported by the PC)
 - 38 ○ PRO – COMMON SENSE HAS DICTATED THAT OWNERS ARE MORE
 - 39 LIKELY TO PICK UP WASTE WHEN DOGS ARE ON LEASH
 - 40 ○ CON – THE POTENTIAL COMMUNITY DISAPPOINTMENT AND BACKLASH
 - 41 IS UNKNOWN, POTENTIAL LOSS OF REVENUE
- 42 • Do not allow dogs when the park is closed (Not supported by the PC):
 - 43 ○ PRO – SOLVES PROBLEM, NO COST TO IMPLEMENT

- CON – THE POTENTIAL COMMUNITY DISAPPOINTMENT AND BACKLASH IS UNKNOWN, POTENTIAL LOSS OF REVENUE
- Close park to all pedestrians and dogs during non-park hours (Not supported by the PC):
 - PRO – SOLVES PROBLEM
 - CON – RESTRICTS PUBLIC FROM ENJOYING A BENEFIT OF LIVING IN THE KITTELY COMMUNITY

Additional ideas of on-site waste incinerator, electronic key cards for residents only, personalized dog bags and all were deemed not practical

Community Watch Program

Judy Spiller has agreed to spearhead efforts to organize and build a community self-policing force in the community. This is being looked into for implementation as soon as possible. This will not fall under the responsibility of the Parks Commission, but is supported by the PC. Preliminary thoughts are this group would help educate dog owners on site, can collect donation to help pay for dog bags (~\$400 during off season) or other possible expenses, can wear tee shirts to show belonging and presence. The Parks Commission would suggest any donations be directed to Kittery Maine Improvement Foundation.

Funding

Background:

- **2014 recommended multiple increases in fees.**
 - **Parks Commission recommended fees increase in 2014 with reasons of:**
 - **Park facilities have been updated (ex. Bathrooms, playground, gatehouse)**
 - **Most fees have not been increased in over 10 years**
 - **Parks Commission favors small incremental increases opposed to larger ones less often**
 - **TC increased Out of Town passes from \$50 to \$60.**
 - **In 2015 431 OOT passes resulting in additional ~\$4310 in expected annual revenue**

Current Situation:

- **Fort Foster generates excess revenue**
 - **Total excess revenue for 2015 season was \$56818.5 going into the general fund**
 - **Fort Foster and Seapoint Beach Expenditures for 10/2014-10/2015 were \$131626.25**
 - **Fort Foster Revenues for 10/2014-10/2015 were \$188,444.75**
 - **(\$156283.25gate + 32161.5 town hall)**
- **Fort Foster's revenue has increased yearly since 2013.**
- **Department of Public Works budget has decreased yearly since 2013.**

Parks Commission Recommendation: It is the recommendation of the Parks Commission to increase the budget of the Department of Public Works to include the cost of a park monitor. If additional revenue is needed the Town Council should consider an increasing in fees.

Solutions:

- 1 • Increase Budget
 - 2 ○ It is the recommendation of the Parks Commission to increase the budget of the
 - 3 Department of Public Works to include the cost of any solutions implemented
 - 4 ○ The Parks Commission would recommend an increase the budget of the Department
 - 5 of Public Works to include the cost of professional help to finish updates to the
 - 6 Management Plan, adding a Community Service Officer (CSO) and better invasive
 - 7 species program
- 8 • Review free passes being issued
- 9 • Increase Fees
 - 10 ○ Although increasing fees is a viable solution, the Parks Commission is not in favor of
 - 11 increasing fees.
 - 12 ▪ The Town Council has shown precedent that money is available based on the
 - 13 approval of free passes to the school board.
 - 14 ▪ The record keeping is not detailed enough to understand the benefits or
 - 15 consequences of increasing fees.
- 16 • Dog Passes
 - 17 ○ Parks Commission will consider this an option only if more funding is needed.
 - 18 • The logistics of instituting, executing, and enforcing have shown to be
 - 19 complex to initiate.
- 20 • Extend Park Hours
 - 21 ○ PRO – POTENTIAL INCREASE IN REVENUE
 - 22 ○ CON – RULES NEED TO BE ENFORCED, STAFFING, POTENTIAL LOSS IN
 - 23 REVENUE IF VIEWED NEGATIVELY BY DOG OWNERS

24 **Financial Review**

25 **Current Situation**

- 26 • Passes are sold at the Town Hall, at Fort Foster entrance gate
- 27 • Reservations are paid to the Recreation Department
- 28 • Information not shared consistently
- 29 • Data Collected is not detailed enough
 - 30 ○ Names and amounts are kept by Town Hall
 - 31 ○ No data is logged to display what was type of pass was purchased
 - 32 ○ Only total revenue is kept by gate attendants
 - 33 ○ No detail can be accessed by the Finance Director for revenue collected at the
 - 34 gate or Rec Department

\$20	Kittery season Pass
\$15	duplicate non-resident
\$5	Kittery duplicate pass
\$0.50	Family member pass card
\$5	senior citizen season pass
	<u>Passes not sold at town Hall</u>
\$1/\$5	Child/adult walk-in
\$60	Nonresident pass

\$100	bus
\$50	Student school bus
\$50, \$100	reservations
\$10	Vehicle pass

1 **Parks Commission Recommendation:** It is the recommendation of the Parks Commission to fund
 2 implantation of new electronic data collection software and establish ability to pay for gate issued
 3 passes with credit cards

4 Solutions:

- 5 • Restructure the way data is collected and stored for FF fees collected to understand the
- 6 impact to changing fees and generating revenue
- 7 • Computerized
- 8 • NEEDS INPUT FROM TOWN CLERK, FINANCE DIRECTOR, AND DPW TO WORK
- 9 THROUGH LOGISTICS

10 **Design new dog park**

11 Although Fort Foster currently provides a place for dogs to run, a new dog park could be instituted in
 12 Kittery. It is viewed as is very effective in Portsmouth (Appendix B) to have designated dog spaces
 13 where water and waste receptacles are provided. Smaller fenced in areas keep dog complaints to a
 14 minimum and are able to be effectively policed.

15 **Parks Commission Recommendation:**

16 Developing public areas where no dogs are allowed (ex. playgrounds and athletic fields) should be
 17 balanced with places that dogs are welcomed. Development of a dog park should be a requirement if
 18 any restrictions allowing dogs at Fort Foster are considered.

- 19 • PRO – VIEWED POSITIVELY BY DOG OWNERS, CONTAINS ISSUES
- 20 • CON – COST TO INITIATE AND MAINTAIN, ENFORCEMENT, LOSS OF PUBLIC
- 21 USE OPEN SPACE
- 22 • PC THOUGHTS: JPJ – state owned and/or EMERY FIELD – by the old rec center could be
- 23 looked at as possible locations

24 **Seapoint Beach**

25 Parking spots needs to be reviewed and might require an ordinance change per Chief Short

26 *C. Parking is allowed on the south side of Seapoint Road from its intersection with Thaxter Road*
 27 *a distance of five hundred fifty (550) feet in a westerly direction, subject to the following*
 28 *restrictions:*

- 29 *1. All vehicles must be parked off the paved roadway surface;*
- 30 *2. May 15th to September 30th, inclusive, all parking is limited to vehicles bearing valid Kittery*
 31 *solid waste stickers or guest permits issued by the police department;*
- 32 *3. October 1st to May 14th, inclusive, parking is allowed without stickers.*

33 Dogs are still a complaint, but the mix of dogs allowed off leash or dogs not allowed could be keeping
 34 complaints to a minimum. The Parks Commission has received complaints of entitlement where only
 35 dogs off leash are allowed at Seapoint and changing the reputation of Seapoint Beach being a Dog
 36 Beach should be considered.

37 Enforcement can be increased to make sure only resident dogs are using Seapoint Beach during the

1 summer months

2 **12.4.8 Animals.**

3 *No domestic animal is allowed within Seapoint or Crescent Beaches except that dogs, while*
4 *under the control of their owner or keeper, are allowed on Crescent and Seapoint Beaches at*
5 *times other than between the hours of 10:00 a.m. to 5:00 p.m. from June 15th through September*
6 *10th of each year. This limitation does not apply to guide or seeing eye dogs when used as such.*
7 *At no time may the owner or keeper of any dog allow that dog to run at large on Crescent or*
8 *Seapoint Beaches or enter upon any publicly owned saltmarsh immediately adjacent to Seapoint*
9 *or Crescent Beach. From May 15th and September 30th inclusive, only dogs licensed to town*
10 *residents are allowed on Seapoint and Crescent Beaches.*

11 *A pooper scooper rule is in effect for dogs. Owners and keepers must properly dispose of animal*
12 *waste either by placing it in supplied receptacle(s) or if one is not supplied by taking it with them*
13 *when leaving the beaches.*

14 **Report to Council, Fort Foster Update 10/16/17 APPENDIX A**

15 **Community Service Officer (CSO)**

- 16 ○ Does not re-allocate existing police presence in Kittery. Just being a presence is
- 17 proved to be an effective solution. Can enforce the rules. Would call police if
- 18 situation escalates beyond control. Parks Commission has taken informal polls at
- 19 Fort Foster which show the public supports the idea and would not need the
- 20 individual to have a firearm. The Parks Commission would recommend the position
- 21 fall under the police department and paid for by DPW.
- 22 ○ Cost
- 23 ○ Can Patrol Seapoint

24 **Job Description**

- 25 • 2 people part time. Stagger hours
- 26 • Needs to be flexible and weather dependent.
- 27 • Targeting College Students / Criminal justice majors
- 28 • Will be on bicycles
- 29 • Can write tickets and have jurisdiction to remove uncooperative people from the park
- 30 • Will be uniformed, will be unarmed, will radio police if confrontation escalates.

31 **Department Inclusion:**

- 32 • Police Department or DPW

33 **Anticipated Cost:**

- 34 • \$25,000
 - 35 ○ \$23,200
 - 36 ■ \$20/hr x 10hr = \$200/day
 - 37 ■ 9 weekends = 18 days
 - 38 ■ 14 weeks x7 = 98 days
 - 39 ■ 20hrs/week just during weekends in May/Sept
 - 40 ■ 70hrs/week during June, July, August
 - 41 ○ \$1800 additional incidental costs

- 1
 - 2
 - 3
- Police chief is confident minimal cost for bikes.
 - Can potentially combine training costs and program with York
 - No benefits expected