

# Seapoint Beach

Brian Early Mon 3/13/2023 12:01 PM

To: town comments <tcomments@kitteryme.org>;

Sorry I can't be there tonight because of Little League activities. Please accept this for the record. If reading at the meeting, only the first three paragraphs would suffice.

Dear Town Council,

I write to encourage Town Council members to critically review the new ordinance enacted last year regarding fires at Seapoint Beach. I would argue for repealing most of the new ordinance. It should be modified to make it less restrictive if not repealed. If you decide to keep it, please increase the number of permits allowed, make it easier to obtain a permit, especially on the weekends, and keep 12.9.4 for at least another year.

Among my issues with the ordinance was the seeming lack of critical, challenging questions from Town Council members during its deliberation on the regulation's need. For an ordinance that changed long-standing traditions and restricted the freedoms of town citizens, I feel the Town Council did not do its due diligence by questioning the results of its ad-hoc committee. Those creating new laws/rules that restrict previous freedoms – however quaint like fires on beaches – should critically review its need, even if the Council members agree with its premise that it should be enacted.

For me, the most glaring question not answered, and one that I brought up during last year's public hearing, was why the Town Council disregarded the Town Manager/staff's May 24, 2021, recommendation for fires at Seapoint Beach.

"The staff are not recommending implementing a permit program for fires on the beaches. The resources required to manage a robust permitting program with sufficient compliance and enforcement efforts is outside of our existing capacity.

"The Fire Chief reviewed the ten-year fire call data. He indicates the data does not indicate that the fires at Seapoint and Crescent beaches represent a fire danger. The Fire Department has responded fourteen times to fire calls in ten years, of which ten (71.4%) were categorized "Rescue Calls". The four remaining calls were categorized "Fire Calls". Two were unfounded calls and two were actual calls where the FD extinguished the fire.

"The Fire Chief advises that a ban on open fires at the beach is likely to cause an increase in fire calls until the general public is made well aware of the ordinance. This could include calls to extinguish harmless warming or cooking fires where people do not understand or follow the rules."

Did the Town Manager's/staff recommendation change? Does the town now have an increased capacity to manage and enforce a permit system? What was the average cost of town resources to field the fire calls to the beach for the past year?

Another question was five permits the number the committee landed on? Is that really reasonable?

Resident Mr. Perkins wrote on May 24, 2021, about his concern about making beach fires more restrictive for "Kittery teenagers and young adults" who "use the beach regularly at night, essentially without incident." "This is a year-round activity – everyone goes on their way after a night of socializing at one of the great amenities available to Kitterians and one of the few that cater to this demographic.

[https://www.kitteryme.gov/sites/g/files/vyhlif3316/f/agendas/2021.05.24\\_all\\_public\\_comment.pdf](https://www.kitteryme.gov/sites/g/files/vyhlif3316/f/agendas/2021.05.24_all_public_comment.pdf)

During the deliberations last year, Kittery resident Mr. Durling asked whether there was an age limit for fire permits at Seapoint Beach. Town Manager Amaral responded, "We did not write a minimum age to pull a permit." Soon after, the Fire Chief restricted the age to 18 years old.

Less restrictive measures could help solve problems for homes in the area.

Seapoint Beach is long. Do permits really need to be restricted on the far side of the beach, towards Crescent? It seems like it's at least a 1,000 feet from the closest home. Perhaps create on the south side of the beach, closer to the parking lot and houses, where fires are restricted by the five permits. This could also be helpful for those with disabilities who have a challenge walking far on the beach.

Lastly, ordinances need to be enforced. As Yale University Professor Stephen L. Carter wrote after the death of Eric Gardner in 2014.

"On the opening day of law school, I always counsel my first-year students never to support a law they are not willing to kill to enforce. Usually they greet this advice with something between skepticism and puzzlement, until I remind them that the police go armed to enforce the will of the state, and if you resist, they might kill you."

<https://web.archive.org/web/20150213002840/http://www.bloombergvew.com/articles/2014-12-04/law-puts-us-all-in-same-danger-as-eric-garner>

I don't think this will happen in Kittery, but it is not out of the realm of possibilities.

Thank you for your consideration.

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