



TOWN OF KENNEBUNKPORT, MAINE

—INCORPORATED 1653—

MAINE'S FINEST RESORT

October 31, 2008

Janice M. Fleming
227 Kings Highway
Kennebunkport, Maine 04046

Dear Mrs. Fleming:

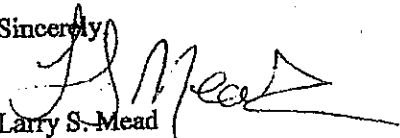
It has come to the Town's attention that you have recently taken steps to restrict public access to a portion of the beach at Goose Rocks by placing a sign that states "Reserved access. Private beach. No public access." A copy of a photograph of this sign is enclosed. Although this sign appears to be on your property it is readily visible from Kings Highway. You and I spoke last week by telephone and this letter is a follow-up to that conversation.

Please be advised that the Town of Kennebunkport does not acknowledge the legitimacy of any claim of restricted access to members of the public that is implied or asserted by your placement of this sign. The wording of the sign asserts that the access way from Kings Highway is not open to the public and also that the beach is private. The Town believes that this attempt to restrict access to and use of the Beach is contrary to the traditional and long-established patterns of open public recreational use of Goose Rocks Beach that have existed without interruption for generations of residents and visitors. Extensive areas of Goose Rocks Beach have been used by the general public without explicit permission from property owners and without restriction continuously for much of the past 100 years. Similarly, a variety of access paths to the Beach have been used by the general public without explicit permission over this same time period. In any event, because the Town believes it is important to continue the longstanding traditional patterns of public use of Goose Rocks Beach, I am writing to you now to communicate the Town's concern that this sign is contrary to the status quo in that regard. The Town of Kennebunkport reserves the right in the future to take all necessary steps to restore public use to any areas of Goose Rocks Beach that are illegitimately closed or restricted to general public use.

When we spoke you expressed to me your concern that a relatively few individuals using the beach near your house have done so inappropriately, using foul language or otherwise being disruptive. You also indicated that you generally have not found people using the beach area near your house to be objectionable. The Town, through its police department, remains ready to intervene if people behave inappropriately on the beach.

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Sincerely,


Larry S. Mead
Town Manager

Cc: Members of the Board of Selectmen
Chief Joseph Bruni