

November 11, 2009

By Larry Mead, Town Manager, Kennebunkport

The recent op-ed piece submitted by Robert Almeder and Jack Fleming entitled *Kennebunkport seizing private property rights at Goose Rocks Beach*, includes several critical inaccuracies that require a response.

While Mr. Almeder and Mr. Fleming write that they are motivated by a need to prevent the Town from turning Goose Rocks Beach into a “wider tourist attraction than it currently is,” what they are asking of the court is the right to choose who may and who may not use the beach from the seawalls in front of their homes all the way down to the low water mark. They would turn 100 years of history on its head by reversing the tradition of shared, unrestricted use of the beach by visitors and residents alike.

Goose Rocks Beach is a 2 mile stretch of beautiful sandy beach that has been used by residents and visitors to Kennebunkport as a peaceful, family oriented, publicly accessible beach for generations. It’s the kind of place that gets in one’s blood and that you want to come back to year after year. For many people living at Goose Rocks, they began as visitors and came to stay. For well over 100 years, Goose Rocks Beach has been used to harvest seaweed and kelp, for fishing and clamming, and for swimming, sunbathing, sailing, walking, running, windsurfing, kayaking, canoeing, kite flying, sandcastle building and other recreational activities.

Mr. Almeder and Mr. Fleming claim that the Town is trying to turn Goose Rocks Beach into a “wider tourist attraction than it currently is.” Nothing could be further from the truth. The Town is simply trying to maintain the status quo and ensure that Goose Rocks Beach can be used by members of the community and the public just as it has been for generations.

Thus, for example:

- **Parking:** One of the factors that has kept Goose Rocks Beach peaceful and family-friendly over the years is the absence of a public parking lot and the limit on the number of on-street public parking spots available. Commercial off-street parking is prohibited, even on a small scale. As a result, the number of available public parking spots has remained essentially the same for decades. The Town has no plans to increase parking;
- **Lodging:** There is no effort or intent by the Town to increase the number of hotels, inns and other lodging in the Goose Rocks Beach area. In fact, the number of such rental units has seen little change over the past 40 years, even when rental units that have been approved but not yet built are factored in.

In fact, the only major change at Goose Rocks Beach is the lawsuit filed by Mr. Almeder, Mr. Fleming and some of the other landowners along the beach. Although these plaintiffs stress in their public statements that their lawsuit is not an effort to close Goose Rocks Beach to general public recreation, the complaint they have filed in court

contradicts these statements. In their filing to the court, they have asked that activity on all but a very small portion of the beach be restricted to those who “fish, fowl and navigate” below the high tide line. In other words, although Messrs. Almeder and Fleming claim to welcome members of the public – and particularly residents of the Town – on the beach in front of their properties, they are asking the Court to hold that no one other than themselves has a right to recreate or even walk on the beach in front of their homes. In addition, they would expect the police to remove anyone who they do not approve of on the beach in front of their homes. If Mr. Almeder, Mr. Fleming and the other landowners who brought the lawsuit prevail, any member of the public who wants to use Goose Rocks Beach for recreational purposes -- including even walking the beach -- would have to obtain the permission of each one of these plaintiffs to do so.

The Town remains ready to work cooperatively with property owners to address any inappropriate or unreasonable recreational use of the beach and to see that reasonable recreational use of the beach by all can be preserved for many generations to come. What the Town does not accept, however, is the plaintiffs’ claim that only 7 % of this 2-mile stretch of white sandy beach should be open to the public and community at large for enjoyment. The Town does not wish to engage in protracted litigation over this matter. However, the Selectmen will continue to defend the public’s right to reasonable recreational use of the full length of the beach as it has existed for generations.

If you wish to help the Town in its efforts to preserve Goose Rocks Beach for all, please visit the Town’s website: www.preservegooserocksbeach.org.