

Statement of the Kennebunkport Board of Selectmen Regarding the Public's Right to Use Goose Rocks Beach

A small group of beachfront property owners along Goose Rocks Beach is asserting the right to restrict public access to most of Goose Rocks Beach between Sand Point and the Batson River. The group, which has retained a Portland attorney to represent its interests, contends that property owners along the beach have title to the low water mark. They ask that the Town acknowledge the right of beachfront property owners to determine who may or may not use the beach from the high dry sand down to the low water mark. They have stated their intention to sue the Town to seek a court determination that the beach is privately owned unless the Town accedes to conditions, including posting signs acknowledging that all but a small portion of Goose Rocks Beach is private, and enforcing trespass laws against members of the beach-going public who seek to use the beach for general recreation purposes.

The Board of Selectmen has met with the Town's Attorney to discuss the Town's rights and legal position. The Selectmen believe that this group's attempt to restrict access to and use of the beach is contrary to the traditional and long-established patterns of open public use of Goose Rocks. Extensive areas of Goose Rocks Beach have been used by neighborhood residents and visitors without conditions and without explicit permission from property owners for generations. The Selectmen unanimously reject the claim that vast portions of Goose Rocks Beach are private and accessible by permission only.

Selectmen have over the summer spoken with a great many residents of Goose Rocks Beach and other Town neighborhoods about this attempt to control who may use Goose Rocks Beach and under what conditions. A consistent theme that emerges from these conversations is that Kennebunkport residents have enjoyed unrestricted access to the beach for as far back as anyone can remember. Residents cannot imagine that, going forward, they would have to seek permission from dozens of individual property owners to travel across and use the beach at Goose Rocks for general recreational purposes.

The Town remains ready to work cooperatively with property owners to address any inappropriate or unreasonable recreational use of the beach. The Town's policy is to support the maintenance of the status quo at the beach and to continue the longstanding tradition of reasonable public access to and recreational use of this important public resource within our Town. The Town does not wish to engage in protracted litigation over this matter. However, the conditions that have been presented are unacceptable. The Selectmen will continue to defend the public's right to use and enjoy the beach.