

Marine Resources

Overview

Kennebunk's eastern border is the Atlantic Ocean, where three rivers meet the sea and geology provided a mix of sand and cobble beaches, rocky outcrops, and wetlands associated with the Little River and Mousam River outflow areas. There are three town-owned beaches, which are contained by seawalls that separate the beaches from adjacent sidewalks and Beach Avenue. The Kennebunk River forms a protected harbor that is shared with Kennebunkport. Parsons Beach, which transitions to Crescent Beach, is a private beach that offers public access courtesy of the family association that owns the land, bookended by the Mousam and Little Rivers.

(See FIG.MR1 "Marine Resources" at end of chapter)

The quadrant of oceanfront and rolling hills between the Mousam and Kennebunk Rivers and Western Avenue, which runs two miles inland and parallel with the beach, was used during the 19th century for large tourist hotels, a long-defunct train station, farming, and ornate summer cottages. Today, most "lots of record" have been developed, and in addition to many single family homes, the area includes a private golf club, condominiums, a monastery, marinas, restaurants, shops and hotels/motels.

The sustained trend toward recreational use of the ocean and rivers can be seen in the large number of kayaks, stand-up paddle boards, and small motorboats. Surfing is popular at Gooch's Beach, with at least one local company offering lessons and rentals. Fishing charters haul in striped bass, and the mouth of the Mousam River is a popular fishing spot. There is an increase in the number of homeowners seeking Town permission to install seasonal docks, and in 2018 a Kennebunkport resort positioned a floating swimming pool in the river. The pool was constructed, launched and transported downstream by Performance Marine of Kennebunk.

Coastal Water Quality

The oceanfront neighborhoods between the Mousam and Kennebunk Rivers are in large part on sewers. All three rivers, however, are impacted by non-point pollution sources that negatively affect beach water quality after heavy rainfall washes bacteria-laden nutrients downstream. The Kennebunk River is the most impaired, and river currents paired with certain wind directions send bacteria to adjacent Gooch's Beach. Additional bacteria sources include stormwater drain outflow from Beach Avenue as well as seaweed that washes up onto the beach. In 2009 the Maine Department of Marine Resources prohibited the taking of clams, quahogs, oysters or mussels from any Kennebunk flats, shoreland, and offshore waters, including the Little, Mousam and Kennebunk Rivers, due to pollution. This order still stands, although Maine DMR volunteer teams continue to test the water at Parsons Beach weekly for phytoplankton that might be toxic to shellfish and/or humans, and the Town retains a licensing procedure offered through the Town Clerk's Office that could be utilized if the ban is lifted. A map showing the closed area can be found at: <https://www.maine.gov/dmr/shellfish-sanitation-management/closures/documents/7.pdf>

The *2021-2031 Kennebunk River Watershed Management Plan* offers detailed data about sources of upstream bacteria in the towns of Arundel, Kennebunk, Kennebunkport and Lyman that have resulted in increased river impairment, as well as proposed mitigation strategies for towns to adopt. Data identifies bacteria sources to be agricultural practices, development, septic system malfunctions, stormwater outflows and soil erosion. (See "*Water Resources*" for a more detailed description.) The document notes that the Kennebunk River is a "no discharge" area for boat-generated sewage, that no active pump-out stations exist in Kennebunk, but three are available at marinas on the Kennebunkport side of the river. The plan, which outlines numerous steps for the

four towns to take, can be accessed online at <https://www.wellsreserve.org/project/kennebunk-river-watershed-based-management-plan>

Testing of water quality is undertaken by:

- **Maine Healthy Beaches (MHB)** staff and volunteers perform standardized monitoring of beach water quality, notifying the public if health risks are detected. The water at two town-owned beaches – Gooch’s and Mother’s - is tested twice weekly from June to September for temperature, salinity and bacteria. Healthy Beaches Data can be found online at <http://www.mainehealthybeaches.org/resources.html>
- **Wells National Estuarine Research Reserve (WNERR)** and volunteer water quality monitors have monitored the Kennebunk River, which empties out at Gooch’s Beach, since 2009. Testing is done biweekly from June to September. Data can be found online at: https://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/reports/2019/Kennebunk%202019%20Report.pdf

Water-Dependent Uses

While the beaches are the engine that drives today’s tourism economy, Kennebunk and Kennebunkport have a long shared history based on the sea, harbor and river. Early economic activity was dominated by shipbuilding activity along the Kennebunk River, and determined the location of streets, homes and businesses. Over time, changing river conditions and the ever-increasing size of ships forced the relocation of shipyards closer to the ocean. When the wooden shipbuilding era finally ended in the early 1900s as metal ships replaced traditional wood, and shipyards were abandoned, the emerging tourism industry was just as dependent upon access to salt water. Growing consumer demand for lobsters and other seafood provided new opportunities for local lobstermen, groundfishermen and sport fishing businesses. The Town has traditionally sought to balance the needs of working fishermen against recreational and development pressures. Due to the relatively low level of traditional fishing occupations in Kennebunk, the Town has not utilized the Maine Working Waterfront Access Protection Program, which provides funds to protect and secure commercial fishing access, and mandates that future development of funded property retain its use for commercial fishing and closely related activities. Owners of parcels used for commercial fishing are eligible to take advantage of Maine’s current-use property tax programs designed to provide tax benefits to owners by continuing the use of parcels for as long as possible into the future. Application forms may be obtained via: <http://www.maine.gov/revenue/forms/property/appsformspubs.htm>

According to NASA, the Gulf of Maine is warming faster than 99% of the oceans. There is concern about future changes to the lobster industry, and realization that warm-water fish and invertebrates are moving into the Gulf. For instance, in 2020 Wells Reserve reported catching blue claw crabs, a Mid-Atlantic species, in addition to the usual rock crabs, Jonah crabs, and invasive green crabs. Should there be future fishery changes in the Gulf of Maine that impact local fishermen, the Town would need to work in concert with Kennebunkport to re-evaluate use of the harbor. If current warming conditions continue, it is likely that in ten years fishing and lobster businesses in the harbor will be less viable.

Marinas and Vessels

Today, there are three marinas on the Kennebunk side of the harbor, with roughly 50 slips, including about a dozen earmarked for transient use. There are 54 vessels licensed for commercial use, with about 24 individual licenses for commercial fishing, lobstering and crabbing.

- Dimillio’s Marina offers full-season tenant space, and transient space for periods as brief as 3 hours, with fresh water, electricity, parking and wi-fi;
- Performance Marine offers slip spaces and a private boat launch; it operates a whale watch boat and a scenic lobster cruise, and serves as a seasonal paid parking lot for passenger vehicles and visiting tour buses;
- The White Barn Inn on Beach Avenue maintains dock space on Doane’s Wharf for guest use.



Performance Marine and Dimillio’s Marina (on the left side of the river)

Other Kennebunk-based commercial vessels include a party fishing boat and an eco-excursion cruise vessel.

Moorings

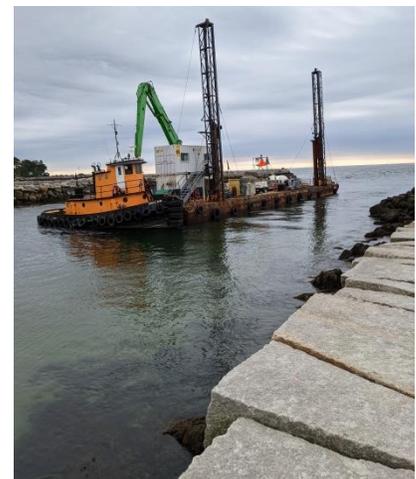
Out of a total of 67 moorings in the shared harbor, 31 are registered as commercial and used predominantly by lobstermen, with a few private charter fishing boats. One mooring is held by the State for use by Marine Patrol, and another one is managed by the Town for rent by transient boaters (with a maximum stay of three nights) The remaining 36 moorings are registered to recreational users. According to the Harbormaster, there is usually an 8 year waiting period for moorings, with more requests in the queue from “pleasure” users than from commercial users. Over the next ten years, should water temperatures continue to increase and reduce lobster populations, it is anticipated that despite attempts to assign 50% of moorings for commercial use, commercial use will decrease.

Harbor Oversight

Harbor activities are overseen jointly by the towns of Kennebunk, Kennebunkport and Arundel in the form of a Kennebunk River Committee established in 1984. The joint Kennebunk River Harbor Management Plan, most recently amended in 2014, provides protection for commercial and recreational vessel usage via a vis management of moorings (50-50 split) and channel maintenance. A Town ordinance stipulates allocation of moorings and overview of responsibility by Kennebunk River Committee and Harbormaster, along with rules for public use of river. The Harbor Management Plan is intended to assure that commercial users, including fishermen, retain access, and prevent conversions from traditional working harbor use to recreational use.

Dredging Activities

The width of the navigational channel averages 50 feet, with a depth between 13 and 15 feet at high tide and between 3 and 6 feet at low tide. The Towns of Kennebunk and Kennebunk have a signed agreement with the Army Corps of Engineers (ACOE) for joint maintenance of the navigation channel, with a goal to provide a navigable channel as far up the river as Doane’s Wharf. Because of repeated shoaling caused by coastal storms, the river has been dredged several times in the past decade, most recently in January 2020, when 20,000 cubic yards of sandy sediment was relocated offshore. ACOE-managed repairs to the storm-damaged jetty at the mouth of the river are underway (fall 2021; *see photo, right*).



Beaches

The three town-owned beaches are open to the public and see heavy use year-round. A seawall separates the beaches from the adjacent sidewalk and parking spots. Although there is no charge to use the beach, Resident and Non-Resident parking passes are required at spots along the beach (approximately 225 spaces) from mid-June through mid-September, and demand sometimes exceeds capacity.

- Gooch’s Beach, which abuts the Kennebunk River and is the largest beach, is sometimes cited in tourism surveys as the #1 destination for visitors. It’s the quintessential summer family venue, with lifeguards on duty and portable restrooms available. At high tide the sandy beach area becomes quite constrained for those who want to spread out with a blanket and umbrella. The beach is also popular for dog owners, who mounted a “Keep the pooches on Gooch’s” campaign when discussion of restrictions arose several years ago (restrictions apply during the day in season). To help protect water quality, the town maintains a dispenser with plastic bags and a garbage can for disposal of pet waste.
- Middle Beach is predominantly cobble and separated from the other beaches by rocky outcrops. It’s a low-key spot for visitors who bring folding chairs to relax. Adjacent Oak Point may be used for bonfires; a Kennebunk Fire Department burn permit is required.
- Mother’s Beach is the smallest beach, and as the name implies, is popular for families with younger children, who can explore tidal pools and use the adjacent playground owned by nearby Kennebunk Beach Improvement Association (KBIA). Portable restrooms, a lifeguard and dog supplies are also provided.

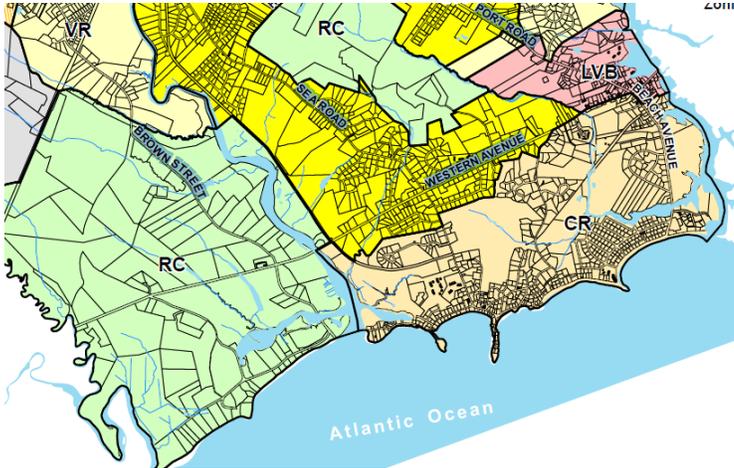


Gooch’s Beach on a summer day, midway between low and high tide

Zoning

Most of the land in the quadrant between Western Avenue and the Kennebunk and Mousam rivers is zoned Coastal Residential (CR), requiring 20,000 square feet per residential unit lot and 40,000 square feet for other uses. Properties within 250 feet of the ocean or the river are additionally impacted by restrictions imposed by the Shoreland Overlay Zone.

Beyond single-family residences and condos, there are three hotels, a Franciscan Monastery that also maintains a guest house (hotel) and a Kennebunk Sewer District pump station. A large tract of Monastery-owned property along the river and Gooch’s Creek is undeveloped woodlands and wetlands. A small portion of the harbor along Western Avenue is zoned Lower Village Business (LVB), and encompasses two of the marinas and multiple restaurants. Other than the Monastery property, there is no open land along the harbor, but the Town recognizes that already-developed property can be redeveloped. Permitted uses foster the same character and scale of the existing structures.



Land between the Mousam and Little Rivers is zoned Rural Conservation (RC), appropriate for an area which is heavily wooded and bisected by streams, wetlands and salt marshes, the oceanfront portion of which is also noted on *Beginning with Habitat* maps as Tidal Wading Bird habitat, with a section categorized as Piping Plover breeding area. There are no sewers in this area, and some houses along the beach are served by a seasonal water system. Minimum lot area for a single family dwelling in the zone is three acres. On Western Avenue within walking distance of Parson’s Beach is a horse farm, which is a permitted use in the zone, and a mostly-seasonal

cottage community that pre-dates Zoning. Throughout the zone are protected tracts that form part of the Rachel Carson Wildlife Refuge.

Points of visual and public access

The Lanigan Bridge, which serves as the main link between Kennebunk’s Lower Village and Kennebunkport’s Dock Square, is hugely popular for visitor “photo ops” that capture scenic backgrounds either upstream or downstream (*photo, right, shows downstream*). The bridge is the nucleus of a pedestrian-friendly neighborhood that allows visuals of the river from multiple locations, and is the site of Christmas Prelude fireworks. There is on-street public parking near the bridge as well as in several (paid) lots sprinkled throughout the area. On summer weekends, parking availability is tight. Public restrooms are available at Kennebunk’s Grand Hotel (closed during the pandemic) and in Kennebunkport’s Dock Square.



Visual access to Gooch’s Creek and associated wetlands is from the Beach Avenue bridge that crosses the creek; the bridge offers parking for a handful of vehicles.

Pedestrian access to the banks of the river is provided courtesy of the Franciscan Monastery on Beach Avenue, which maintains public walking trails open from dawn to dusk. Access to town-owned beaches is available day and night. Access to the Kennebunk Land Trust’s oceanfront Strawberry Island trail is on Great Hill Road, with parking for two vehicles next to the roadway.

All points of visual access are protected, as they are viewed from public roadways.

Limited “put-in” public access for kayaks, canoes and paddleboards is available in three locations:

- Walk-in access on a trail between 286 and 292 Beach Avenue into “the cove,” a protected section of oceanfront, with vehicle parking at nearby Mother’s Beach;

- Drop-off access at the end of Great Hill Road at the mouth of the Mousam River, which is constrained by a steep slope, with parking for one vehicle;
- Drive-in access to Gooch's Creek on private Seagrass Lane off Beach Avenue; parking limits require users to obtain a Kennebunk Police Department permit.
- Drop-off access to the Mousam River at the Western Avenue/Rt. 9 bridge; parking along the roadway nearby.

Goals, Policies and Strategies

State Goals and State Coastal Policies:

To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public, by addressing state coastal management policies (38 M.R.S.A. §1801):

- To promote the maintenance, development, and revitalization of the State's ports and harbors for fishing, transportation and recreation;
- To manage the marine environment and its related resources to preserve and improve the ecological integrity and diversity of marine communities and habitats, to expand our understanding of the productivity of the Gulf of Maine and coastal waters and to enhance the economic value of the State's renewable marine resources;
- To support shoreline management that gives preference to water-dependent uses over other uses, that promotes public access to the shoreline and that considers the cumulative effects of development on coastal resources;
- To discourage growth and new development in coastal areas where, because of coastal storms, flooding, landslides or sea-level rise, it is hazardous to human health and safety;
- To encourage and support cooperative state and municipal management of coastal resources;
- To protect and manage critical habitat and natural areas of state and national significance and maintain the scenic beauty and character of the coast even in areas where development occurs;
- To expand the opportunities for outdoor recreation and to encourage appropriate coastal tourist activities and development;
- To restore and maintain the quality of our fresh, marine and estuarine waters to allow for the broadest possible diversity of public and private uses; and,
- To restore and maintain coastal air quality to protect the health of citizens and visitors and to protect enjoyment of the natural beauty and maritime characteristics of the Maine coast.

State Policies:

- To protect, maintain and, where warranted, improve marine habitat and water quality.
- To foster water-dependent land uses and balance them with other complementary land uses.
- To maintain and, where warranted, improve harbor management and facilities.
- To protect, maintain and, where warranted, improve physical and visual public access to the community's marine resources for all appropriate uses including fishing, recreation, and tourism.

Local Goals:

- To preserve and enhance water-dependent land uses such as marinas and working waterfront facilities on the Kennebunk River;
- To protect and enhance the Town's marine resources including fisheries and shellfish habitat, sand dunes, shorelands, estuaries, and related coastal waters;
- To maintain a balance between commercial and recreational uses in the Kennebunk Harbor;
- To continue to cooperate with Kennebunkport and Arundel in the management of the Kennebunk Harbor.

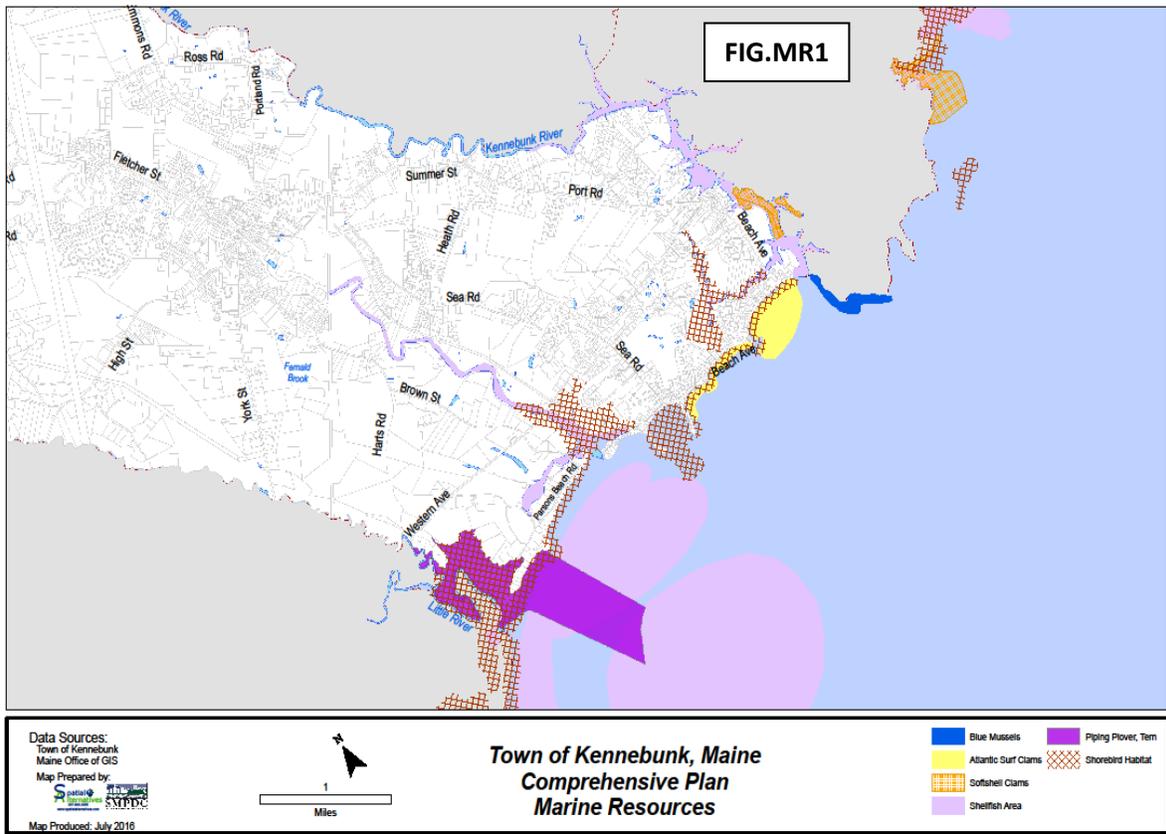
Local Policies:

- The Town should work with local property owners and others to protect major points of physical and visual access to coastal waters.
- The Town should assess whether additional steps should be taken to ensure adequate future opportunities for commercial boats and ensure that commercial marine uses are retained along the harbor.
- The Town should expand public access to the Kennebunk and Mousam Rivers, which is identified in public polling as a high priority need.
- The Town should continue to monitor the balance of commercial and recreational use of the harbor (including mooring use).
- The Town should continue its program of seawall repair to maintain public access to beaches.
- Because the Monastery is a significant and valuable open space area along the Kennebunk River, the Town should work collaboratively with the Monastery to preserve or expand public access to this riverfront property.

Strategies:

Timeframes: Short term = 0-3 years; Medium term = 3-5 years; Long term = 5+ years

Description	Timeframe	Responsible Parties
<i>Identify needs for additional recreational and commercial access (including parking, boat launches, docking space, fish piers, and swimming access)</i>	<i>Ongoing</i>	<i>Select Board, Kennebunk River Committee</i>
<i>Encourage owners of marine businesses and industries to participate in clean marina/boatyard programs</i>	<i>Ongoing</i>	<i>Kennebunk River Committee</i>
<i>Support implementation of local and regional harbor and bay management plans</i>	<i>Ongoing</i>	<i>Kennebunk River Committee</i>
<i>Work with local property owners, land trusts, and others to protect major points of physical and visual access to coastal waters, especially along public ways and in public parks.</i>	<i>Ongoing</i>	<i>Select Board, Planning Board</i>
<i>Explore opportunities to expand public access to rivers and estuaries for small boat put-ins and walking paths</i>	<i>Ongoing</i>	<i>Select Board</i>
<i>Work collaboratively with the Monastery to preserve or expand public access to this riverfront property</i>	<i>Ongoing</i>	<i>Select Board</i>
<i>Work closely with the Kennebunk River Committee to assess fishery changes that may impact commercial use of the river</i>	<i>Ongoing</i>	<i>Select Board</i>
<i>Continue to fund, with Kennebunkport, the position of Harbormaster</i>	<i>Ongoing</i>	<i>Select Board, Budget Board</i>
<i>Provide information about the Working Waterfront Access Pilot Program and current use taxation program to owners of waterfront land used to provide access to or support the conduct of commercial fishing activities</i>	<i>Short Term</i>	<i>Assessing Department, Kennebunk River Committee</i>



Larger scale figures can be found in Appendix C.