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Scarborough: Coastal property issues arise often in this microcosm

A beach-rich town attempts to balance the rights of property owners and those who want access.

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SCARBOROUGH - With persistent squabbles about parking and access at Higgins Beach; a controversial land swap at Pine Point; and a proposed beachfront park that generated a lawsuit before it even reached the planning board, Scarborough has become a microcosm for coastal land debates.



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A sparse crowd takes in a spectacular day last week at Higgins Beach in Scarborough. Scant parking has always limited public access to the beach, which is fronted by private landowners but used by the public since the 1800s.

Photos by John Patriquin/Staff Photographer



The public is allowed on this private section of Ferry Beach in Scarborough.

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"There are flashpoints. Higgins Beach is one of them," said Tom Hall, who for three years has been town manager in one of Maine's fastest growing towns, with a population of about 20,000 year-round residents.

Higgins Beach is fronted by private landowners, but the beach itself has been used by the public since the 1800s, and it's known for its family-friendly atmosphere and popularity with bass fishermen and surfers.

Public access, though, has always been limited by parking.

The Vasile family owned a 1.5-acre parking lot along Ocean Avenue that was operated privately for years. Last year, the town bought the property for \$1.27 million, offered by the family at lower than market price.

Funding included \$632,145 from a bond approved by town voters, a matching amount from the state's Land for Maine's Future program, and \$7,270 from private fundraising by Surfrider Maine and The Trust for Public Land.

The town now charges a \$5 daily rate for the lot, which has 61 spaces.

The town is also experimenting for the first time with on-street parking along Bayview Avenue, the road that runs parallel to the beach. Some property owners say the arrangement is a public safety concern and brings too much congestion to Bayview; surfers have complained that by eliminating all other parking on side streets, the town has actually decreased public access.

"We probably struck a good balance because nobody is happy with us," Hall said.

Another town initiative was a land swap with the Lighthouse Inn in the summer of 2009. Town officials were happy with the deal, which allowed for a small park, drop-off area, and a pedestrian path to the beach at Pine Point.

The Pine Point Residents Association fought the swap. Among their arguments were that the town was getting less land in the deal, and residents would lose longtime beach access via Depot Road.

The latest dispute to emerge is a proposal by The Sprague Corp. to develop a park with beach access just to the north of Scarborough Beach State Park.

A land management entity made up of several families who trace their lineage to oil and coal businessman Phineas W. Sprague, The Sprague Corp. holds more land in Scarborough and Cape Elizabeth than any other owner.

The Sprague Corp. once owned the entire beach, including the state park. It sold the southern section for \$2 million in 1999 in a deal that protected the beach as state property but allowed the Spragues to continue managing the park as a private operator at least through 2013.

The company wants to develop a 370-space parking lot, park, playground and access paths that would open up the northern section of beach.

Scarborough's Zoning Board of Appeals approved the proposal under a special exception as a commercial outdoor recreation development.

Abutters, including owners of two houses on the beachfront and the Atlantic House Condominium Association, filed suit in June against the town and The Sprague Corp. The plaintiffs claimed the proposal did not meet the review standards for a special exception, and the zoning board abused its discretion.

Lawyers for the plaintiffs and the town, however, have agreed to put the court action on hold until the proposal submits a site plan for review and approval by the town Planning Board.

"They'll be coming to the Planning Board, we suspect, in the fall," said town planner Dan Bacon. "They're working on details of the proposal, and state reviews."

Hall declined to comment on the Sprague proposal, other than to say the town would defend the decision of its zoning board. He said the town will continue to support public beach access by looking at opportunities to improve parking and facilities.

"Above all, public safety has to be first," he said. "Beyond that, it's really about trying to strike that balance between individual property rights and the rights, wants and needs of the public."

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