

Coastal Waters Commission  
Meeting Minutes  
January 29, 2015  
East Conference Room  
6:00 pm

Present: Chairman Lewis Incze, David Carlson, Hugh Judge, John  
Berrett, & Mike Schwindt  
Absent: David Witherill  
Staff: Town Manager William Shane & Secretary Debbie Flanigan

**I. Introduction & Welcome.**

Chairman Incze called the meeting to order at 6:03 pm.  
New members John Berrett, Hugh Judge & Mike Schwindt were  
welcomed and members talked a little bit about themselves.

**II. Approval of Minutes:**

May 29, 2015

Mike Schwindt moved to accept the minutes of May 29, 2015.  
Seconded by David Carlson. VOTE: UNANIMOUS.

**III. Remarks from Chair:CWC Responsibilities & Activities; Discussion.**

Chairman Incze stated that every coastal town is required by  
State law to have a Coastal Waters Commission to deal with issues  
such as moorings, piers & floats. When the Commission was first  
formed in the mid 1990's, one of their first tasks was to create  
the Coastal Waters Ordinance. At that time, Chebeague Island was  
part of Cumberland. The Commission was involved with several  
issues related to Chebeague Island. The Commission has not been  
as busy since Chebeague Island seceded from Cumberland in 2007.  
But he anticipates the Commission will be busier this year.

One of the issues he would like to address is mooring  
regulations:

- Are they actually up to date?
- Are the understandable?
- Can they be made more useful?
- Who has moorings in Cumberland?

Chairman Incze would be interested in having a joint committee  
meeting with the Coastal Waters Commission, Shellfish Conserva-  
tion Commission and the Ocean Access Committee to discuss their  
joint interests.

David Carlson commented on the ideas discussed at the May 29,  
2014 meeting in relation to Town Landing:

- What would help define the access point?
- What could people use Town Landing for?

- Make retaining wall more appealing.
- Metal railing needs improvement.
- Install an information kiosk.
- Install bench seats, with possible some historical information obtained from the Historical Society.

Manager Shane stated that it may be possible to get an easement of 15' at the end of Town Landing Road from Bateman Property and add 6-9 more parking spaces.

#### **IV. Update on Ocean Access Committee; Discussion.**

Chairman Incze stated that the Ocean Access Committee consists of nine members, two council members and two town staff members. Dennison Gallaudet is the current Chairman. There is still some resistance to the ocean access from residents of Wildwood.

Discussion topics included:

- What the public access to Payson property should be like, consistent with the conservation easement on the land.
- How the property in general gets used in the future.
- What kind of access will people have to the shoreline, with conservation of beach and eel grass?
- There is a pier on the property, which the Coastal Access Committee has been asked to provide an opinion as to whether the pier is an asset to the Town and how it should be used to protect personal safety and what type of regulations should be imposed? Will the pier remain long term?
- If the homeowners of the 10 homes that will be allowed would be interested in moorings and what the rules for those moorings would be. They have the right to have a mooring.
- What are the rules for access across the beach?
- Should boats be limited to human powered vessels?
- At what point are the floats & ramp put back in?
- Possible posting of signs to inform people that the Wildwood area is private property.
- Possible signage at pier for children less than 12 years of age not allowed on pier unless accompanied by an adult.

Mr. Berrett inquired how decisions would be made about the pier, concerning liability.

Manager Shane responded that the maintenance of town facilities comes under his direction. As Long as it is a maintenance task,

it will be handled by town staff when possible. Contracted services will be used when necessary.

Mr. Incze asked about the floats and ramp being put back during the spring. If so, what are the regulations on their usage?

Mr. Shane stated that a report from Forrest Bell recommended that mooring use should be limited in that area. The moorings would be beyond the float, where there are extensive eel grass beds. It could be an environmentally sensitive issue.

Mr. Berrett inquired if the Ocean Access Committee has discussed control to people running down to the pier.

Manager Shane stated that there is no control presently; it will be discussed by the OAC. He referred to the map stating that the town now owns the 8.8 acres, which include a proposed parking area for about 32 parking spaces. There is also a proposed turn-around being built by the developer. There will be a 500-600 foot walk to the pier from the turnaround. But no more planning or engineering will be conducted at present due to the current lawsuit brought by the Payson heirs.

Dave Carlson inquired about the condition of the pier.

Mr. Shane responded that the pier is currently structurally sound. He could contact Barney Baker, a civil engineer in Yarmouth about conducting a site walk at low tide and check the condition of the pier.

Chairman Incze moved to authorize Manager Shane to contact Barney Baker to conduct a site walk of the pier at low tide in early March.

Seconded by David Carlson.                      Vote: UNANIMOUS (5)

Mike Schwindt inquired of Manager Shane if the town was going to have loss control inspection insurance on the property.

Manager Shane responded that he has contacted their insurance company and requested coverage for primarily the top half of the pier for pedestrian use for safety of hand rails, holes that small children may be able to crawl through and diving off the pier into shallow water. The insurance company will get back to him to maybe have someone to come out to inspect the pier.

Huge Judge inquired about what the town had for liability insurance.

Mr. Shane responded that the Town is limited to up to \$450,000 by State law.

David Carlson asked if the Payson property is accessible now.

Shane replied that the property is now accessible.

Hugh Judge asked if the Town currently has a Harbormaster.

Incze responded that the Town did at one time have a part-time dedicated Harbormaster. Police Sgt. Tom Burgess is now the *de facto* Harbormaster. One of Incze's concerns is when moorings are not being used and winter spars are left on year round, which is a hazard. Spars are not allowed in the summer.

**V. Report & Discussion of Float at End of Sea Cove Road.**

Chairman Incze stated that it had been brought to his attention that there was a stored float in the cove at the end of Sea Cove Road. The float is not in compliance and is chewing at the beach grass.

Shane stated that he would review the ordinance to see if they in noncompliance and then notify the Code Enforcement Officer.

**VI. Other Business.**

None.

**VII. Next Meeting: Date & Agenda Items.**

Chairman Incze stated that he would like to have a meeting in March.

**VIII. Adjourn.**

Hugh Judge moved to adjourn. Seconded by John Berrett.

VOTE: UNANIMOUS.

The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Debbie Flanigan, Secretary