

Cumberland Coastal Waters Commission
Meeting Minutes
May 29, 2014
East Conference Room
6:00 pm

Present: Chairman Lewis Incze, David Fenderson, David Witherill & David Carlson.
Absent: John Williams & Mark Sprague.
Staff: Town Manager William Shane & Secretary Debbie Flanigan.
Other: Timothy Forrester, ECO-ANALYSTS, INC., Paul Strout, representing Herbert Strout.

I. Call to order.

Chairman Incze called the meeting to order at 6:08 pm.

II. Approval of Minutes:

April 16, 2014.

The Coastal Waters Commission voted to accept the minutes of April 16, 2014 as written.

Chairman Incze opened the public portion at 6:09 p.m.

Members of the Coastal Waters Commission who were present at the Site walk on May 14, 2014 at the Herbert Strout property on Sturdivant Island discussed their observations:

- The Wharfing Out application seemed to be in order.
- The proposed structure is not unlike the other two structures that are on either side of the proposed structure.
- Members did not go ashore, but did get in as close to the property as possible to view the area.
- There didn't seem to be any issued with vegetation erosion.
- Paul Strout agreed to clean out all miscellaneous debris in the cove during the next two years.

III. Public Hearing: Wharfing out Permit for Herbert Strout, Sturdivant Island.

The Coastal Waters Commission reviewed the Approval Standards & Criteria:

1. Access from the shore shall be on soils appropriate for such use and constructed so as to control erosion.

The pier will be anchored into the upland with 2 pilings and secured to exposed ledge with the intertidal zone. This project will generate little if any sedimentation or erosion.

2. The location shall not interfere with existing developed or natural beach areas.

No beach areas exist within the location of the proposed dock.

3. The facility shall be located so as to minimize adverse effects on fisheries.

Proposed pier, ramp and float have been positioned to land the float just beyond the edge of the rockweed covered ledge and within the intertidal zone. No fisheries concerns were raised by the Maine Department of Marine Resources during the NRPA review process. Therefore this project will have no measurable impact to fisheries.

4. This facility shall be no larger in dimensions than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf in nontidal waters shall not be wider than six feet for noncommercial uses.

The project purpose is to improve the amount of tidal access the applicant has to the water. The proposed float will land on sandy/mud bottom just beyond areas of intertidal ledge. Extending the dock any further into the resource would gain little if any additional tidal access and therefore was eliminated as an option. Similar docks exist within the general area. While the dock is longer than most, it does not stick out into the resource further than the abutting structures; therefore it is consistent with surround uses.

5. No new structures shall be built on, over or abutting pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

No structures are being proposed on, over or adjacent to the pier.

6. New permanent piers and docks on nontidal waters shall not be Mitted unless it is clearly demonstrated to the Coastal Waters Commission that a temporary pier or dock is not feasible and a Permit has been obtained from the Department of Environmental Protection pursuant to the Natural Resources Protection Act.

The proposed dock is located on tidal waters, permits have been obtained from DEP and the Army Corps of Engineers.

7. No existing structures built on, over or abutting a pier, dock Wharf or other structure extending beyond the normal high-water Line of a water body or within a wetland shall be converted to residential dwelling units in any district.

No structures are proposed with this project.

8. Except in the General Development District, structures built on, Over or abutting a pier, wharf, dock or other structure extending

Beyond the normal high-water line of a water body or within a Wetland shall not exceed 20 feet in height above the pier, wharf, Dock or other structure.

Other than the pier, ramp, float and haul-out, no other structures are proposed for this project.

within the intertidal zone in order to protect established colonial rights for fishing, fowling and navigation. This may require accommodations such as steps or pier elevation to allow passage over or beneath a structure.

The pier will be elevated to a height of 14.4' NGVD and will permit foot traffic to pass under the pier during all tides.

10. Where the applicant has applied for "group dock" and the water-front structure proposed will serve more than one property, the property owners shall submit to the Town a proposed easement deed demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town.

The proposed structure will provide tidal water access for the applicant only.

11. Storage of floats, ramps and pier accessories is prohibited within the intertidal zone.

The ramp will be stored on the pier and the float will be stored on a haul-out above the intertidal zone.

12. Storage of floats, ramps and pier accessories must comply with all Federal, State and local Shoreland Zoning rules & regulations.

Storage of the ramp, float and all pier related accessories will comply with all Federal, State and local Shoreland zoning rules and regulations.

13. Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and to promote safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation.

No lighting is proposed with this project.

Concerns from the Coastal Waters Commission included:

- If persons walking along the shore would be able to walk under the structure at all tide.
- Where will the new structure extend?
- Will the haul out rails put the float out of the water during all tides?
- Would pylons be in exposed ledge?

Charles Crumrine, property owner on Sturdivant Island, had several concerns:

- About off season storage.
- Would structure be used commercially?
- Amazed at size of structure, 8'x 200'.
- Would dock be in navigable waters?
- Concerned with appearance of crane.
- When would drilling begin?

Paul Strout responded that structure would not be used commercially. The crane is there to help with construction. The structure would not be in navigable waters. He was hoping to start construction during this summer; he has 5 years to complete all construction.

David Carlson moved and David Witherill moved to recommend the Town Council approve the Permit Application subject to the following conditions:

1. The Code Enforcement Officer shall visit the site during construction.
2. A final inspection shall be performed by the Code Enforcement Officer prior to the departure of the General Contractor, in this Tower Specialists, Inc.
3. The homeowner is encouraged to minimize disturbance along the top of the embankment.
4. No lighting shall be permitted with this application.
5. All marine floats, floatation pieces, ramps, docks & the miscellaneous materials currently stored in the cove shall be removed by June 2, 2015.
6. Any change in the use of the proposed application shall require a new application and Public Hearing before the Coastal Waters Commission. This application approval was for a residential use of the property owner.

The Chairman or his designee will be attending the Town Council meeting on June 2, 2014 to present the Commission's findings.

David Witherill moved to close the public portion.
Chairman Incze closed the public portion at 6:40 pm.

IV. Other Business.

The Commission discussed the following topics:

- Improvements to Town Landing:
 - Mark off 3 parking spaces.
 - Install kiosk with information.

- The cement block that is currently there will be removed.
 - There is no room for expansion but there can be improvement on appearance of the site.
 - Be aware of abutter's property rights.
-
- Survey current moorings:
 - Conduct "field trip" to survey current moorings.
 - Continue updates to Coastal Waters Ordinance.
 - Review mooring application & specifications.

The Commission members agreed to schedule a meeting on June 19, 2014 to discuss these topics:

- Town Landing improvements.
- Mooring survey.
- Mooring requirements.
- Coastal Waters Ordinance review.

V. Adjourn.

The meeting was adjourned at 7:10 pm.

Respectfully submitted,

Debbie Flanigan, Secretary