

Cumberland Coastal Waters Commission
Meeting Minutes
April 16, 2014
East Conference Room

Present: Chairman Lewis Incze, David Carlson, David Witherill & Mark Sprague
Staff: Town Manager Bill Shane & Secretary Debbie Flanigan
Absent: John Williams, David Fenderson, Council Liaison Thomas Gruber
Other: Peter Spenser, President, Waterman Marine Corp.

I. Call to Order.

Chairman Incze called the meeting to order at 6:35 pm

II. Approval of Minutes.

September 13, 2013.

Chairman Incze recommended the following amendments:

- Pg. 1, Second paragraph, last sentence: "make sure that the steps remain the open type that they have now, with the idea of not blocking further light through vegetation".
- Pg. 2, First paragraph, last sentence: "Mr. Incze noting in terms of both room for surge and horizontal room for not impacting the bank during off-site season storage.
- Pg. 2, Item #7: Disturbance along the edge of the bank cannot be made as such that is causes erosion.

Chairman Incze moved to accept the meeting minutes of September 16, 2013 as amended. Mark Sprague seconded.

VOTE: UNANIMOUS (4)

Chairman Incze opened the public portion at 6:46 pm.

III. Public Hearing: Wharfing Out Permit for Gerard Cassidy, 17 Ole Musket Road

The Coastal Waters Commission reviewed the Approval Standards and Criteria:

1. Access from the shore shall be developed 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 within 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.

Peter Spenser stated that the vertical clearance of the 3^d bent is 7-8'. There will be some water during high tide. An hour after high tide the water will be down to the 4th bent. Most of the elevation will be in the first 50'.

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

The 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.

Mr. Shane commented that there will limited shellfish activity in this area.

4. The facility shall be no longer in dimension 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 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 any further then the abutting structures; therefore it is consistent with surrounding uses.

Mr. Spenser stated that the width of the pier is 5'. The wood will be pressure treated. The anchoring system will be DorMor, as opposed to mushroom anchoring. DorMor consists of a square chunk of steel with a cone top with a very big eye. When laid into the tidal area the eye disappears. DorMor has three times the holding power of mushroom, although they are more expensive. They will be left in year round and will be attached to the header of the pier.

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

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

6. Not applicable.

7. Not applicable.

8. Not applicable.

9. Structures shall not unduly interfere with passage along or 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. When the applicant has applied for "group dock" and the waterfront 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 or recording of the easement after its review and approval of 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 and 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. N/A

The Commission recommended the Town Council approve the Permit Application subject to the following conditions:

1. The Code Enforcement 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 case Waterman Marine Corp.
3. The Code Enforcement Officer shall witness the initial haul Out. The Town shall be notified when the floats are hauled Out annually, so the Code Enforcement Officer may complete an inspection.
4. Hours of Work shall be limited to 7:00 am to 7:00 pm Monday through Friday. No holiday or weekend work shall be permitted.
5. No lighting shall be permitted with this application.

The Chairman or his designee shall present these findings at the Town Council meeting on Monday, April 28, 2014.

Chairman Incze closed the public portion at 7:13 pm.

IV. Discuss Small Harbors Improvement Plan.

Mark Sprague stated that the State of Maine is currently seeking grant proposals that would fund 50% of the cost of projects that result in improved recreational boating access to State of Maine waters. The Town of Cumberland currently does not have any water access. The grant may be a good opportunity for the Town to improve the end of Town Landing Road and create some public access that residents could use.

Discussion included:

- The parking lot at Town Landing Road has not been taken care of; pavement has crumbled. Improvements to landing could be install a guard rail, meeting child safety codes (4" spaces) or fencing, extend parking, cut back bushes, install lines for parking spaces, install kiosk with "regulations" as well as historical comments. A bench could be built to enjoy sights, sounds, & smells. Maybe a deck big enough to put equipment on, as people come and go with kayaks could be built off to the side of the stairs, so as not to interfere with the bench/decking as mentioned above.
- Could some sort of a float be put in? It could be removed in the fall. It may only be useful at high tide. But may be too high for kayakers. During storm, float may bounce off rocks.
- What is history of Town Landing? The Historical Society may have history. Carolyn Small is President.
- A pier may not be feasible because water is out too far.
- What are activities that could be done at Town Landing? Fishing, clamming, kayaking, artists were mentioned.

V. Set Calendar for Future Meetings.

Manager Shane informed the Commission that a new application for Wharfing Out for Herbert Strout on Sturdivant Island and gave each member a packet. Transportation would need to be arranged to get to Sturdivant Island. He would email some dates to the Commission to coordinate going to Sturdivant Island for a site walk, hopefully in June.

VI. Other Business.

No other business was discussed.

VII. Adjourn.

Chairman Incze moved to adjourn the meeting at 8:03 pm.
Seconded by David Carlson.

Respectfully submitted,

Debbie Flanigan, Secretary