

Cumberland Coastal Waters Commission  
May 20, 2010  
7:00 pm  
West Conference Room  
Meeting Minutes

Present: Chairman Incze, John McDonald, John Williams, Peter Dion,  
Craig Kinney  
Absent: Thomas Gruber  
Staff: Town Manager William Shane, Debbie Flanigan, Secretary

**II. Approval of Minutes**

This item was taken out of order by Chairman Incze.

May 4, 2010

The Commission, by consensus, moved to approve the minutes as amended by Chairman Incze.

VOTE: UNANIMOUS (5)

Manager Shane stated that he and Secretary Debbie Flanigan had reviewed the May 11, 2010 minutes earlier and felt they were complete, except the last names of Andy from Custom Float Services and Brian, who is the attorney representing the applicant, Christopher Pierce. Barney Baker would be contacted to see if he could provide those names.

Mr. Kinney stated that the last name of Andy from Custom Float Services is Dyer.

Chairman Incze referred to the paragraph on Page 1 where Manager Shane has stated that the application was complete. Incze felt that the application was complete; all the technical requirements in terms of permits were complete and there was just questions raised about the soil erosion. Had the erosion control plan been received from Mr. Baker?

Mr. Shane stated that he had not received any material from Mr. Baker.

Mr. Incze questioned if the Commission could approve the application without the requested material from Mr. Baker.

Manager Shane stated that the motion stated "a re-vegetation plan with netting and vegetation species to be submitted to the Town Manager for the entire project area for review and approval"; the Commission had deferred to Shane for that item, and the rest of the conditions were pretty generic.

Mr. Williams felt that if the Town Manager was satisfied with the condition, then the application was all set.

Mr. Williams moved to approve the minutes, with the following amendments:

(1) The addition of Andy Dyer's name be inserted next to Custom Float Services; and the last name of Brian be obtained.

(2) on Page 12, condition #4 be amended as follows:

"All federal and state conditions be met as part of this application, including but not limited to the reference to the NRP approval".

Mr. Dion seconded.

VOTE: UNANIMOUS (5)

### **I. Final Review of Pierce Application.**

Chairman Incze discussed the presentation of the application before the Town Council on June 14<sup>th</sup> stating because this application is likely going to be a contentious discussion, the Commission's job is to bring the Town Council up to speed on various considerations that were their decision:

- the site walk
- concerns expressed by neighbors
- parts of the ordinance that were in contention, brought up to John Lambert, included:
  - to minimize adverse impact on public enjoyment of the shoreline, including visual;
  - the location shall not interfere with existing developed natural beach areas;
  - facility shall be no larger in dimension than necessary.

Chairman Incze stated that he would draft these considerations and get them to the members of the Commission. The point should be made to the Town Council that the Commission took to heart the concerns about the construction of the pier, and the two properties sharing the dock.

### **III. Election of Chair & Vice Chair.**

Discussion:

Incze restated his willingness to serve on the Commission, but not as Chairman, as he may be moving out of state.

Mr. Williams felt that he could not serve as Chairman, as he works out of state and has different work shifts.

Mr. Dion stated that his new job will also take him out of state for a week or two at a time.

Mr. Williams moved to elect John McDonald as Chairman.

Seconded by Mr. Dion.

VOTE: UNANIMOUS (5)

Mr. Williams moved to elect Mr. Kinney as Vice Chairman.

Seconded by Mr. Dion.

VOTE: UNANIMOUS (5)

#### **IV. Other Business.**

- A. Mr. Shane presented the Commission with a 1991 mooring application, with the Coastal Committee guidelines which shows where the mooring areas are in Cumberland. He could not find a Coastal Tidal Waters Plan, but Cumberland Town Landing, at the end of Town Landing Road, is the only mainland Cumberland area listed.

Mr. Dion inquired what the process was for residents renewing their mooring applications.

Manager Shane explained that residents would renew their mooring applications at Town Hall. Starting this year, the Police Dept. would be going out and taking GPS coordinates for all mooring applications that are on file, contact the owners and start sending the owners an application in January.

Mr. Kinney inquired about the application for a new mooring.

Mr. Shane explained that new mooring applications would go to Town Hall, complete an application and a mooring number would be assigned to them; they would need to in put a mooring ball with the number on it. The Police Dept. is asking mooring owners to report the mooring location to them to be put in the GIS System.

- B. Commission members discussed updating the Coastal Waters Ordinance with the following changes:

##### **Article 1 - Introduction (Page 1)**

1. Purpose  
Deleting the words "harbors and" in the entire document, since Cumberland has no harbors.
2. Authority  
Mr. Williams inquired if Title 30-A was still applicable.  
Mr. Shane explained that once the ordinance was amended, it would be sent to the Town Attorney for all reference checks.

##### **Article III - Coastal Waters Commission.**

2. Organization
  - a. The sentence "at least three (3) members shall be residents of Chebeague Island" be deleted.
  - f. Delete the word "Secretary."
3. Procedure
  - a. Insert the words "or designee" after the Chairman in all sentences.

- b. Replace the word "Secretary" with the "Commission."
- c. Delete entire paragraph.

**Article IV - Harbormaster.**

- 2. Replace the word may with the word "shall."

**Article V - Moorings.**

- 1. General
  - a.(1) in the first sentence, "a riparian who is the master or owner of a vessel may be assigned one mooring..." replace the word "one" with the word "a".
- 2. Assignment and Location of Mooring Privileges.
  - a.In the first sentence, "without first annually registering said vessel..." to be replaced with "without first annually registering or documenting said vessel...".
  - c.(1) In the first sentence, "Application for mooring privileges must be made by February 1," to replace the word February with the word March"
    - (2) On third line, delete everything after established by order of the Town Council".
    - (4) In the first sentence, "All applicants for a renewal assignment of mooring privileges shall be assigned mooring privileges for the current year by March 15," to be replaced by "All applicants for a renewal assignment of mooring privileges shall be assigned mooring privileges for the current year by May 1".

The following to be added to Ordinance:

- 3. Inspections
  - a. All seasonal moorings located within the coastal and tidal waters of the Town shall be required to be inspected every three years by the Harbormaster. All year round moorings located within the coastal and tidal waters of the Town of Cumberland shall be required to be inspected every year. A different inspection schedule may be required for commercial moorings. If inspection identifies any issues, those issues must be addressed by mooring owner
  - b. Any mooring that is not being registered, the Town has the right to remove the mooring.
  - c. Winter Spars  
Winter spars must be removed by June 1<sup>st</sup> and may not be installed before September 15<sup>th</sup>.

Mr. Dion stated he would check to see if the three year requirement for year round moorings was correct.

**Article VII - Appeals**

1. The word "approve" is duplicated in line 3.  
One shall be deleted.

Commission members agreed to review the Coastal Waters Ordinance further and discuss any more changes at their next meeting.

**C. Schedule of Coastal Waters Meeting**

The Commission agreed to schedule a meeting on July 15<sup>th</sup>, 2010 at 6:30 pm.

**V. Adjournment**

Mr. Williams moved to adjourn at 8:40 pm.

Seconded by Mr. Dion.

VOTE: UNANIMOUS (5)

Respectfully submitted,

Debbie Flanigan, Secretary