

**TOWN OF CUMBERLAND  
COASTAL WATERS COMMISSION  
MEETING MINUTES  
WEDNESDAY, JANUARY 20, 2016  
COUNCIL CHAMBERS  
6:00 PM**

Present: Chairman Lewis Incze, Vice Chairman David Witherill, David Carlson, Hugh Judge, Mike Schwindt & Brent Sullivan  
Staff: Town Manager Bill Shane & Secretary Debbie Flanigan  
Other: Barney Baker from Baker Design Consultants

Chairman Incze called the meeting to order at 6:05 pm.

**I. Approval of Minutes:**

• **October 21, 2015**

Chairman stated that he had not had time to review the minutes of October 21, 2015. He suggested that the Commission review the minutes and email their suggested amendments or approval.

The Commission members emailed amendment requests:

Hugh Judge requested the following amendments:

Pg. 5, Paragraph 2, Second sentence: "By modern standards, the gangway on the existing pier is short. The ~~minimum~~ **maximum** gangway you can provide is 80'; the current gangway is 32'.

Pg. 7, Paragraph 7, Line 2: The word cost should be inserted after "projected": "the status of the projected **cost** to be as of July, 2016?"

Pg. 9, Paragraph 2, Line 2: "Chairman Incze closed the public Discussion portion of the public hearing at ~~7:26 am~~ 7:26 **pm.**"

Vice Chair Witherill requested the following amendment:

Pg. 7, Paragraph 6, 5<sup>th</sup> Sentence: "The strongest timbers of the beam are at the extreme fibers." Should that sentence read: "The strongest timbers of the beam are at the extreme ends?"

Mike Schwindt moved to approve the minutes of October 21, 2015, subject to approval of the requested amendments.

Seconded by Hugh Judge.

VOTE: UNANIMOUS

• **November 18, 2015**

Mike Schwindt requested the following amendment:

Pg. 1, Paragraph 4: "Mike Schwindt referenced Sec. 7 of the Memorandum of Agreement, the ~~efficiency~~ **sufficiency** of the insurance coverage.

Mike Schwindt moved to approve the minutes of November 18, 2015 as amended.

Seconded by David Witherill.

VOTE: UNANIMOUS

Manager Shane introduced Brent Sullivan, the new member of the Commission. Mr. Sullivan stated that he is also a new member of the Ocean Access Committee. He has worked on the waterfront in Falmouth for the past 15 years, and felt that his professional experience was related a lot to what the Commission is pushing through.

## **II. Review of Mooring Area, Pier & Float Layout - Barney Baker.**

Barney Baker from Baker Design Consultants reviewed the project background:

- Town acquired Broad Cove Reserve in 2014
- Existing 200'+/- timber pier onsite
- Jan. 2015, Town retained BCD to perform a condition assessment of existing pier
- May 2015, Town applies for a Shore & Harbor Planning Grant from Maine coastal Program for engineering of a replacement pier
- July 2015, grant funding approved
- September 2015, Baker Design Consultants begins work on replacement pier design

Mr. Baker stated that after assessing the existing pier, he determined that it was in tough shape and was not suitable as municipal pier.

The project timeline is as follows:

- |                             |                         |
|-----------------------------|-------------------------|
| • Concept Design            | Oct. 2015               |
| • Public Participation      | Oct. 2015 - Spring 2016 |
| • Preliminary Plan Approval | Jan. 2016               |
| • Interim Floats            | Jan. 2016               |
| • Permitting                | Feb. 2016 - May 2016    |
| • Funding Approval          | July 2016               |
| • Construction of New Pier  | Winter 2017             |

Mr. Baker stated that the public participation has been ongoing. He would like to get approval from the Commission tonight regarding the interim floats, as well as preliminary plan approval. He would like to get the permitting started, which would be both state and federal permits, and would take about 3 - 4 months.

Mr. Shane inquired if the Coast Guard was involved in the permitting?

Mr. Baker responded that the Coast Guard is represented by the Army Corps, but should be consulted about the mooring field. He

suggested the Commission invite the Coast Guard and the Army Corps to one of their meetings. It would be helpful because the longitude and latitude of the corners of the mooring field will need to be determined; that would prevent the situation in Fal-mouth where a boat owner hit a moored vessel because of the fog.

If all goes well with the permitting process, funding approval will possible be in the middle of the summer. And then the project would be put out to bid for construction in the winter of 2017.

Chairman Incze questioned if the bidding process would be in the winter of 2017. Was Mr. Baker mistaken that the construction would be in the winter of 2017?

Mr. Baker responded that although you may not have contractors physically in the field during the winter, there is a lot of stuff that needs to be done behind the scene, i.e. ordering the materials, pre-fabricate the pier.

Chairman Incze requested that in future presentation, the project timeline indicate a line for bidding and then a broader bracket of time for construction.

Mr. Baker reviewed the progress to date:

1. Site Survey
  - Topography, Bathymetry, Existing Pier Dimensions & Layout
2. Geotechnical Probes
  - 11 probes driven to refusal to determine overburden depth/ledge profile
3. Site Review
  - Aerial imagery, resource/habitat data, tidal elevations, flood mapping, exposure
4. Preliminary Design
5. Public Participation
  - CWC Meetings
  - Stakeholder Identification
  - User Input Survey

Mr. Baker discussed the proposed mooring field:

- There would be a 150' wide designated navigation channel that would cross the eelgrass
- There would be a Northside mooring system & a Southside mooring system
- on the Southside, there would be 15 moorings, 10 of which are earmarked for the homeowners
- on the Northside there would be 66 moorings
- a typical mooring would include a mooring block, bottom chain, top chain, ball, pendant and the length of the boat, which is related to the mooring circle indicated on the map3

- Mooring circles could vary between 150 and 190 area

Mr. Baker stated that the mooring field is very conservative. He indicated the 6' waterline on the map, which would not be for sailboats. In the center area it would be about 14'. He indicated on the diagram where navigation marks could be inserted.

He explained that the shaded circles on the map of the mooring area indicated moorings that would be in proximity to the eel grass.

Chairman Incze referred to the Commission's original plans to stick to approximately 7' below mean low water mark, which would locate the mooring out of the majority of the eel grass. Eel grass thins out once you get to that depth because there is less light that reaches the bottom.

Mr. Baker indicated on the map where the pier was located, and where the nubble and rocks were located. The diagram illustrated that the approach was lined up so that the nubble and rocks would be cleared. On his first visit to the current pier he saw granite or cribs and thought that ledge must be close to the surface; the probes revealed that that was not the case.

The Town had identified an approximate riparian area to the Broad Cove Reserve and has essentially an extension to the property lines to generate that area. A mooring area for the property owners in the subdivision had been in what is called the north anchorage, and the Town moorings would be in the south, which is called the south anchorage. There is also a designated channel to cross the eelgrass, so impact to the eel grass is as little as possible. He stated out that he had read the new mooring ordinance and pointed out that the proposed mooring area is in the jurisdiction of the State of Maine, Submerged Lands, which starts at low water mark. The riparian lines aren't really that important there. Theoretically, the Town could make a case for filling in the area as much as they want as a mooring field. The requirement or justification for that is that access would need to be created. The Town currently has a 1400' channel to get to the mooring field.

Mr. Baker showed more views of the current pier, which is a tempered crib structure. The current abutment is in tough shape and the cribs are very tired. The pier is only 4' wide, which is substandard. The load capacity is questionable. It takes a lot of its strength from the hand rails. This is the type of structure that if someone went out and starting cutting away the railings, the superstructure may collapse. The existing pier is a 5-span structure and he has come up with a 4-span pier. The proposed pier is shorter by about 40'. The probes were taken at each of the current cribs. The proposed pier will be constructed further ashore, about 20' further back, which will eliminate the existing abutment. The pier elevation will be lower, so the pier will not be so high above the beach that people will feel unsafe as they are walking on it. He also wanted to get a nice gentle slope from off the land. The first bent will

be made a granite crib because the ledge is so close to the surface, which makes it a good place to put the crib. The next one will have a pile; the area is very shallow to refusal, but is too far to go with a crib. The next pile will have lots of overburden because you don't want the piles to be jocked up out of the ground when there is severe icing; and also to have some lateral resistance. The ADA requires an 80' gangway to comply with ADA access requirements for a municipal pier. He indicated the area where the float system will be located. It will be put in to provide protection to the dinghies from prevailing winds from the southwest.

There will also be a small boat float/kayak rack on the float because there will be no rack on shore. An overlook will be located at the head of the pier, where people will generally migrate to.

Mr. Shane referred to a previous conversation that he and Mr. Baker had in reference to adding two additional pilings to the end of the ramp. This information was not shown on the diagram.

Mr. Baker responded that in the event of a storm, if you want to lift the gangway up to protect it, you could have a couple of piles with a hoist, and it would also stabilize the end of the floats. The problem is the icing is so prevalent that the gangway frame should have to be pretty rugged. Hopefully, the gangway could be made as light as possible without sacrificing the strength. He recommended not putting in bracing on the pier, as it will get fouled by the ice. Steel would be better because it is stronger. By using steel pipe, you can drive it into the ledge, clean it out, put a stinger down into the pile and actually drive into the ledge and fill the whole thing with concrete and pin that to ledge. This would be for the shallower piles. The spans would be 44' with glulam construction. The railing would be timber, composite material with no splintering. The overlook would have steel wings, bolted onto the glulam on both sides and extend the width of the pier from 6' to 12'. There would be room for a bench.

Chairman Incze inquired if the steel piles would have a lifetime of 50 years?

Mr. Baker responded that they would have a fusion bonded and would be filled with concrete. The steel would be coated to last.

Mr. Shane inquired how that would impact the cost of the pier?

Mr. Baker responded that the number of piles would be reduced; he needed to update the numbers. Every span would be exactly the same and would be spaced very carefully, right down to the railings and cross members, so everything is standardized.

Brent Sullivan asked to see a photograph of the existing pier, so he could see where the new second pile will be in relation to the current one.

Mr. Baker explained that the spans are all 40' and the pier is

essentially 200' from the abutment. The new pier will be back up the hill about 20' and the beams are 44' long. So if his math is correct, you would be launching 88' from a point that is 20' back, so you would be at 68'. The current structure was built around 2000. The gangway float would be in about the same location as the current one. It would be minimum length to be ADA compliant.

Manager Shane review three items that the Commission needed to discuss:

1. Mooring area:
  - No moorings in the eel grass.
  - No environmental moorings.
2. The new pier design:
  - Concrete filled piling would be used.
  - Same length as presented before.
  - 80' gangway.
  - Same float system as presented before.

Chairman Incze stated that he did not agree with shortening the pier to save money.

Brent Sullivan stated that he did not think that without the outer set of pilings to accommodate the long ramp, it would not be sustainable maintenance.

3. Presentation to the Town Council to fund floats:
  - Two floats for this season.
  - Floats would be 12' x 24'.
  - Bids would go out in February, to be ready for this summer.
  - Cost would be \$36,000 for installation.
  - Annual maintenance and removal fee would be \$10,000 annual fee.

Chairman Incze stated that the cost of the floats would be independent of the cost of the proposed pier.

David Carlson inquired about the decision to request two floats instead of one float.

Manager Shane responded that it would be easier to get at least four dinghies out there with two floats. One float would be the landing float for the ramp and the second one would leave plenty of room for dinghies and kayaks, and get plenty of use this summer.

Chairman Incze moved to recommend the purchase and installation of two floats for this summer.

Seconded by David Witherill.

VOTE: UNANIMOUS (6)

Mike Schwindt moved to approve the pier design S1 as presented including the pilings at the end of the ramp and float system with the dolphins for permitting purposes.

Seconded by David Carlson.

VOTE: UNANIMOUS (6)

David Witherill moved to accept the mooring field plan as designed and amended.

Seconded by David Carlson.

VOTE: UNANIMOUS (6)

### **III. Review of Survey Regarding Pier - Barney Baker**

Mr. Baker review the results of the Broad Cove Reserve Pier Replacement Survey:

- Demographics
  - 310 responses received
  - Over 50% own a boat
  - Over 80% owned a kayak or paddleboard
  - 82% do not currently have a mooring
- How would you use these facilities?
  - 70% - Pier Access for Ocean Views
  - 50% - Fishing from Dock, Birdwatching
  - <5% - Commercial Fishing
  - 55% - Recreational Boating
  - 30% - Seasonal Mooring
- Important Features
  - 75% - Pier overlook/benches
  - 72% - Canoe/kayak launching
  - 44% - Store Dinghies
  - 55% - Short term tie-up
  - 48% - Town Resident Moorings
  - Low interest in guest moorings

Mr. Baker stated that the survey responses show that there is a lot of interest in the pier.

He explained that the shaded circles on the map of the mooring area indicated moorings that would be in proximity to the eel grass.

Chairman Incze referred to the Commission's original plans to stick to approximately 7' below mean low water mark, which would locate the mooring out of the majority of the eel grass. Eel grass thins out once you get to that depth because there is less light that reaches the bottom.

IV. Update on Town Landing Kiosk - Ocean Access Committee - Lew Incze. TABLED TO FEBRUARY 17, 2016 MEETING.

V. New Business

- Next Meeting Wed., February 17, 2016
- Town Council Meeting Monday, January 25, 2016 Floats

Manager Shane inquired if the Commission would like to try to schedule the Army Corps and Coast Guard for the February 17, 2016 meeting?

Chairman Incze commented that if the Army Corps and Coast Guard attended a meeting, they need to have questions for the Commission and the Commission needed to have things that they want from them. He is a little worried to have them attend the February meeting if the Commission was not prepared to really make use of their time.

VI. Adjourn

David Carlson moved to adjourn the meeting at 8:00 pm.  
Seconded by David Witherill. VOTE: UNANIMOUS

Respectfully submitted,

Debbie Flanigan, Secretary