



COASTAL WATERS COMMISSION

MEETING MINUTES
Wednesday, February 16, 2017
6:00 PM – 8:00 PM
PD Training Room

Committee Members:

Lew Incze, Chairman
David Carlson
Hugh Judge
Brent Sullivan
Mike Schwindt
Richard Thompson
Bob Vail
David Witherill

Town Staff:

Tom Gruber
Charles Rumsey
Milton Calder
Jean Duchesneau

Present: Chairman Lew Incze, Mike Schwindt, Richard Thompson, Bob Vail, Hugh Judge, David Carlson

Absent: Brent Sullivan, David Witherill, Thomas Gruber

Town Staff: Charles Rumsey, Chief of Police; Milton Calder, Lieutenant; and Jean Duchesneau, Committee Secretary

Guest: Lisa Vickers, Biologist - Eco-Analysts, Inc.

1. Call to Order

Lew Incze opened the public hearing portion of the meeting at 6:00 p.m. He introduced Lisa Vickers of Eco-Analysts, who represents the applicants, to the committee. No one from the public was in attendance or sent in proffered written comments.

2. Public Hearing of Dimillo's New Pier and Float System

Lew stated that all the applications with the DEP and Army Core of Engineers have been satisfied as has the requirement for deed showing that the property rights extend to the mean low water mark. Lisa gave a quick overview of the new pier and float system and answered some questions that were brought up during the site walk.

- Lisa brought in an enlarged diagram of the project (page 13 of the packet) and described the design of the project. It will start with a 6'X6' landing in the upland. It will connect to a sloped landing 6'X60' and that will level out and that will connect to a 6'X106' fixed pier. The pier is supported with helical anchors with a bracket and a 10" diameter piling, and will take an L that will support a boat lift there. She indicated the seasonal ramp that connects to a 12'X24' float are both seasonal. The ramp will be pulled up off season and stored on the pier and the float will be towed off site and most likely stored at the Chebeague Island Boat Yard for the winter.
- *A concern regarding the helical anchors: Is there a depth limitation?*
Custom Floats out of South Portland will be constructing this. They have a lot of experience with helical anchors and have done quite a bit of work in Casco Bay. They stated they are constructed in 4 foot sections. So if you have to go deeper and deeper, they can continually add those 4 foot sections. If you go too deep, the helical anchor can take an angle or twist. They said it hasn't been an issue for them yet. The deepest they have had to go is 12 feet. They have been out to the site, done some initial probing in the area and they feel confident they will not have to go any deeper than 12 feet.
- *Another concern raised was in the area where the pier ends is a living shoreline and there is erosion there. Can the distance in the bends be changed to avoid the areas of erosion?*
The distance can only have a maximum span of 22 feet and the plan span is 12 feet. Since there are pilings in the area and the anchors are low impact, they have some room to adjust so they are not on the crumbling edge.
- *Will there be power?*
At some point, underground power will be run from the house to the start of the pier, to a conduit to run along the pier to a control panel on the pier for the boat lift. Lew stated as a reminder that lighting on the pier is a separate consideration. Lighting on the pier would need to comply with the ordinance.
- *Is there a minimum height to pass under the pier?*
You need to allow for fishing, fowling and navigating in the intertidal area. There is not a state height or town

ordinance height requirement, but usually 6 feet is enough for someone to pass under without too much trouble. The diagram indicates the clear distance under the pier is 9 feet.

- *Have the abutters been notified?*

Yes, DEP has notified the direct abutters and the Town notified abutters within 1500 feet of the property. No comments have been received to date.

Lew told Lisa Vickers she should plan to be at Town Council Feb 27th in case there are any questions about the pier and that he would be there to convey the CWC's recommendation. Lew closed the public meeting at 6:18 p.m.

Lew opened up the regular meeting of the Coastal Waters Commission at 6:18 p.m.

Motion: To approve as presented with the stipulations present below:

1. The access ramp will be built on an area with low slope and will inevitably affect the underlying vegetation. We want to reiterate our concern that the structure does not lead to development of an erosional gully.
2. The diagram of the pier does not explicitly show the elevation of the pier structure above the marsh vegetation near the head of tide. The application says this is 6' (complies with DEP requirements regarding shading of intertidal plants). We want to ensure that a person walking along the shore can reasonably proceed underneath the pier while walking along the shore at or near mean high water; that the structure does not create an unreasonable barrier to such movement.

Moved by: Richard Thompson

Seconded by: Bob Vail

Vote: Unanimous

3. Approval of the December 21, 2016 Minutes

Motion: To approve the minutes with the correction below:

Hugh Judge noted a typo of the word “**of**” on page 5, paragraph 1, last sentence. The word should be “**off**”. The corrected sentence should read as follows: The eel grass beds in the upper part of the cove are not the same rich beds that exist **off** Wildwood and off Broad Cove Reserve.

Moved by: Richard Thompson

Seconded by: Mike Schwindt

Vote: Unanimous

4. Mooring Project Update

Milt updated the commission regarding the mooring project. The mailing had gone out and we have received six phones calls and 12 emails regarding the packet. Some of the calls were spirited, as some people did not feel we should be spending money to send out a letter to people who do not own a mooring and/or who do not live in town. None of the issues had anything to do with the mooring application nor was there anything brought up that would be a concern for the CWC.

Basket Island is an issue that will need further discussions, perhaps at the next meeting, in which all the email conversations and information can be reviewed and discussed with the entire committee. The basic issue with Basket Island is that the person who has maintained the mooring and paid the resident mooring fee for many years will now have to pay the non-resident fee. He is making an appeal to keep it at the \$50.00 fee. A discussion point would be to permanently grandfather them or grandfather them with a sunset clause regarding the historical use. It is possible we could write a proposal that would give “a historical use” of a mooring to Basket Island, the Land Trust, or a group that has historically held a mooring in the town. However, this would have to be on a case-by-case basis and be in the form of a written proposal to be approved by this commission and then be approved by the Town Council.

The CWC website looks good and seems to be working fine in general. Mike stated that he had heard someone behind the counter state that they had problems with the automatic mooring renewal portion of the website. Jean will check with Tammy or Eliza regarding this issue.

5. Other Business

Next meeting is set for March 15th at 6:00 p.m.

Mike inquired about when the dates are for electing Chairman and Vice Chairman of the committee. Lew stated there are no set dates, but thought it was a good idea to set them. Chip thought we had set dates back in September of 2016. He will double check his notes. Chip stated the members' terms are 3 years, and chairman and vice chairman is yearly, according to the bi-laws. Lew stated it would be helpful at the March 15th meeting to bring in the list of the committee members and term dates for review. Chip suggested a reminder email may be helpful to notify a member when their term will end. After discussion, Lew proposed December would be the best month for elections. All members were in favor of this proposal.

6. Adjournment

Motion: To adjourn at 18:45 p.m.

Moved by: Richard Thompson

Seconded by: Bob Vail

Vote: Unanimous

Respectfully submitted,

Jean Duchesneau