

# COASTAL WATERS COMMISSION

**MEETING MINUTES**  
**Wednesday, April 18, 2018**  
**6:00 PM – 8:00 PM**

**Committee Members:**

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

Town Staff:  
Tom Gruber  
Charles Rumsey  
Jean Duchesneau

**Present:** Chairman David Witherill, David Carlson, Hugh Judge, Richard Thompson and Bob Vail  
**Absent:** Brent Sullivan, Mike Schwindt, Tom Gruber and Charles Rumsey  
**Town Staff:** Jean Duchesneau, Committee Secretary; Bill Shane, Town Manager, George Turner, Councilman  
**Guests:** Dan Bannon, Baker Design Consultants

**1. Call to Order**

The meeting was called to order by Chairman, David Witherill at 6:00 p.m.

**2. Adopt the March 21, 2018 Minutes**

Chairman Witherill inquired if there were any changes or additions to the March 21, 2018 Minutes. There were none.

**Motion:** To approve the Minutes of March 21, 2018  
**Moved by:** Hugh Judge  
**Seconded by:** David Carlson  
**Vote:** All Approved – Unanimous

**3. Harbormaster Report**

None

**4. Wharfing-out Permit – Bliss Shore Access and Seasonal Dock at 7 Ebb Tide Drive**

Dan Bannon gave a summary of the updated permit application to the commission. Some concerns that were brought up at the site walk in December 2017 have been addressed in this updated application.

- Tide pool/Marsh Area:  
The dock was shifted over to miss the tide pool area.
- ACOE - Gangway:  
Lengthen the gangway to 30 foot and increase the elevation of the dock slightly to minimize shading under the dock.
- Permits:  
Awaiting ACOE Permit on the dock. We have a DEP Permit by Rule for the stairs.
- Temporary support posts design change:  
Aluminum pipe supports with small square feet installed at the ground level to support the dock on the intertidal marsh. Helical mooring anchors are installed as hold-downs to restrain the dock. The pipes and feet are removed seasonally, leaving no fixed components in place during the off-season.

Bill Shane brought up the issue of access across the intertidal area. The commission would like to have all temporary docks elevated to allow people to walk under it. (A clearance at the high water mark of 5'6" at a minimum to 6' as the goal.)

After discussions, the Commission recommends approval of the Permit Application subject to the following conditions:

1. A building permit be obtained and the Code Enforcement Officer shall visit the site during construction.
2. An onsite final inspection with Baker Design Consultants shall be performed by the Code Enforcement Officer prior to departure of the general contractor.
3. The homeowner is encouraged to minimize disturbance along the top of the embankment.
4. No lighting of the pier or docks shall be permitted with this application.
5. All marine floats, floatation pieces, ramps, docks, and the miscellaneous materials currently stored in the cove shall be removed by November 15<sup>th</sup>. The float and gangway are to be stored offsite and the dock sections can be stored on the upland property.
6. A.C.O.E permit must be received prior to the Town Council meeting May 14, 2018.
7. Abutters will be re-notified that a 6:30 p.m., May 14<sup>th</sup> meeting has been scheduled to review the application or answer questions with the engineer Baker Design Consultants.
8. A minimum clearance of 5' 6" within close proximity to the high water mark and within the intertidal zone is required. Revised drawings shall be submitted prior to April 30<sup>th</sup> to the Town Manager and the Coastal Waters Commission for approval.
9. Any change in 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.

**Motion:** To propose to accept the dock permit for 7 Ebb Tide Drive, Cumberland with the exceptions as noted, the height be at least 5'6" for walking under the pier in the intertidal zone and conditions of approval as noted.

**Made by:** David Witherill

**Seconded by:** Richard Thompson

**Vote:** All Approved – Unanimous


4. **Old Business:**

Dan Bannon advised that we are right on schedule for the BCR pier project. We are waiting to hear back from DOT before we can finalize the package. Bill stated that DOT was a lot more comfortable with bidding out the removal of the old pier.

Thomas Bennett of the Prince Memorial Library will work with the Maine Historical Preservation group to go out and do a survey of the area because of the shell midden (native burial site) and they will go down identify, bury it and Thomas doesn't feel there will be any issues.

5. **Approve 48-7G Language Amendment**

David Witherill read the language amendment:

An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring during the first year of assignment. Should a mooring not be installed during that first year and the applicant again apply within three years, 

~~relocation an administrative~~ fee must be paid ~~to cover the expense of retrieving the original marker and subsequent locating and marking prior to the issuance~~ of the second mooring ~~site assignment~~. ~~The relocation fee is specified in Chapter 84-12 C.~~

It was noted that the last sentence called the fee a relocation fee rather than an administrative fee. Discussion took place about the fees and it was decided before any changes are made that David Witherill would like to talk to Mike Schwindt, Chief Rumsey and the harbormaster first. It was decided to table it to the next meeting.

**Motion:** To approve to table 48-7G language amendment  
**Made by:** Bob Vail  
**Seconded by:** Richard Thompson  
**Vote:** All Approved – Unanimous

#### **4. New Business**

Bob Vail mentioned Plant Marine and Paul's Marine as two companies that maybe interested in bidding on the removal of the old pier. The hope is to have the old pier removed by this summer.

The staffing at Broad Cove Reserve will begin Memorial Day through Labor Day.

The town is working with the Boy Scouts on an Eagle Scout project for two kayak racks to be placed at BCR by June.

The sign for the Town Landing Road will hopefully be up by Memorial Day.

There will be no May meeting. The next meeting date is tentatively set for June 13, 2018 at 6:00 p.m.

There was general discussion about the need to fill commission vacancies and to have members reach out to people they may know who may be interested in serving on the commission – possibly someone from the BCR Homeowners Association and/or someone with a science degree background.

#### **5. Adjournment**

**Motion:** To adjourn at 7:15 p.m.  
**Made by:** David Witherill  
**Seconded by:** Richard Thompson  
**Vote:** All Approved – Unanimous

Submitted by,  
Jean Duchesneau, Recording Secretary