



# COASTAL WATERS COMMISSION

## MEETING MINUTES

Tuesday, May 10, 2022

6:00 PM

Council Chambers

Committee Members:  
David Witherill, Chairman  
Mike Schwindt, Vice Chairman  
David Carlson  
Hugh Judge  
Richard Thompson  
Ivy Frignoca  
Robert Johnson  
George Turner  
  
Town Staff:  
Tom Gruber  
Mark Segrist  
Robert Vail  
Charles Rumsey  
Jean Duchesneau

**Present:** Chairman David Witherill, Mike Schwindt, Hugh Judge, and Richard Thompson, Robert Johnson  
**Absent:** David Carlson, George Turner and Ivy Frignoca  
**Town Staff:** Charles Rumsey, Chief of Police and Jean Duchesneau, Recording Secretary  
**Guests:** John Ingham

### I. Call to Order

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

### II. DMRs Notice of Completed Aquaculture Application

Colleen Franke called in and spoke to the commission by means of cell phone (speaker) in regard to the Brent Nappi Experimental Lease Application. Listed below are some of the items Ms. Franke's touched upon in her overview:

- This will be a kelp aquaculture.
- Unsure if riparian owners have been notified.
- No conflicts with other lease holders.
- This will be a semi removable system; the depth control buoys that support the long lines, the long lines themselves as well as half mooring lines will be removed. Just uplines will remain in the off season.
- Buoys 40' apart. There would be 28 buoys during the summer months.

Chairman Witherill shared questions (via email) from Ivy Frignoca and the Harbormaster:

- Ivy Frignoca stated this lease is in the vicinity of other lease sites and asked what is the overall cumulative effect of more leases in this area, both from an environmental and social perspective? Colleen commented that she too operates a kelp farm and has only seen really positive impacts from it. She did not know what was meant by the "social aspect" part of the question. If the question referred to recreational activities, she stated because kelp is a winter crop a lot of the gear is removed by June 1<sup>st</sup>, so it doesn't seem to interfere with other activities. What is the impact on eel grass? As the eel grass maps are out of date, Ivy felt someone should verify visually that there is no eel grass at this lease site. After some brief discussion, it was decided that the lease was in deeper waters and should not have eel grass issues.
- The Harbormaster asked if all the gear could be submerged, noting it would have to be in the application. Colleen stated the application does not specify that at this time; however, she could check with DMR.

### III. Aquaculture

Chairman Witherill advised the commission that he received an email from Ivy Frignoca regarding a Thomas Henninger and his DMR application. The aquaculture application is in Yarmouth waters right at the boundary line with the Cumberland mooring field. DMR is apparently taking a dim view of the fact that it is up close to the mooring field. Chairman Witherill attended the Yarmouth DMR hearing via ZOOM and expressed concerns and asked if he could do whatever he could to give us more space for the mooring field. The aquaculture is in Yarmouth waters, so there is not anything we can do to stop it. When asked specifically by DMR if he was against the lease, Chairman Witherill stated no; he just wanted to make sure we were provided enough space.

**IV. Adopt the February 23, 2022, Minutes**

**Motion:** To approve the February 23, 2022 Minutes as presented.  
**Moved by:** Robert Johnson  
**Seconded by:** Hugh Judge  
**Vote:** Unanimous

**V. Mooring Field Fees**

John Ingham, a Cumberland resident, attended the meeting to voice his opinion over the mooring field fee increase. He suggested that rather than having one fee, it should be two different fees – A Cumberland mooring field fee and a Broad Cove Reserve mooring fee. A brief discussion took place regarding as to why the fees were increased – to offset the Harbormaster budget.

**VI. HOA Agreement with BCR**

Chairman Witherill and Chief Rumsey relayed information from the Town Manager that there is an issue between the Town and the Broad Cove Reserve HOA regarding the HOA Agreement. At the time of the HOA construction, the developer proposed the HOA Agreement to the Town; however, the HOA didn't feel they had signed the agreement even though the developer had signed it. The Town Manager will provide the commission with further information to review and at our next meeting we can discuss the proposal so it can go back to the council and the HOA and the council can execute this Agreement for the expanded float plan.

Chief Rumsey stated the Town Manager has applied for a new grant for the new public floats portion of the pier.

**VII. Old Business**

The Sam Malloy LPAs have been revised and are ready to be proposed to the commission again. This can be done at our next meeting. We will work with the clerk's office to advertise a public meeting notice and to have Sam Malloy come back to the commission to present his LPAs at the public hearing.

The kayak lottery went fine, and all spots were filled.

**VIII. New Business**

Richard Thompson inquired, on behalf of a Cumberland resident, if it is possible to rent a mooring from a permitted mooring holder. Mike Schwindt stated the ordinance specifically prohibits the use of another's permitted mooring (the renting-out of moorings).

The June meeting was set for June 15, 2022 and a quorum will be needed.

**IX. Adjournment**

Meeting adjourned at 7:00 p.m.

Submitted by,  
Jean Duchesneau, Recording Secretary