

Coastal Waters Commission
Meeting Minutes
Wednesday, July 29, 2015
East Conference Room
6:00 pm

Present: Chairman Lewis Incze, David Carlson, John Berrett, David
Witherill, Mike Schwindt & Hugh Judge
Staff: Town Manager William Shane & Secretary Debbie Flanigan
Absent: Town Council Liaison Thomas Gruber

I. Call to Order

Chairman Incze called the meeting to order at 6:02 pm.

II. Approval of Minutes

June 24, 2015

Mike Schwindt moved to accept the minutes of June 24, 2015 with the suggested revisions from Chairman Incze.

Seconded by Hugh Judge.

VOTE: 6 UNANIMOUS

III. Final Review of Revised Mooring Application. Discussion.

This item was tabled until the September 16, 2015 meeting.

IV. Final Review of Revised Mooring Ordinance. Discussion.

This item was tabled until the September 16, 2015 meeting.

V. Historical Kiosk at Town Landing.

John Berrett and David Carlson gave an overview of the research they have been conducting on the construction of a kiosk at the Town Landing. Discussion included:

- What is the history of the Town Landing Road and its impact on the Town of Cumberland?
- Constructing other kiosks in locations in the Town of Cumberland and their impact on the town:
 - a. Town Landing Road.
 - b. The intersection of Route 9 & Tuttle Road.
 - c. The Payson property.
 - d. West Cumberland - Blackstrap Road and Route 100.
- What the kiosk would look like:
 - 4 x 4 posts with an inverted V roof with cedar shakes.
- Mr. Berrett visited Graphx Signs on Middle Road to get an idea of what different kiosks look like.
- Use materials indigenous to Maine: white pine for posts, cedar shakes, etc.
- Town Landing Road was the major route for an east coast shipyard known as Spear's Shipyard, one of Maine's most famous ship yards.

- A packet of information was distributed to the Commission members which included:
 - Photos of the front and back of a kiosk at the Maine Audubon in Falmouth. This sign is 3 x 3'.
 - A photo of the shellfish kiosk at Town Landing that was constructed by an Eagle Scout.
 - A photo of the end of the Town Landing Road showing Broad Cove.
 - A photo of the clipper bark Grapeshot - known for her speed and service before and during the U.S. Civil War.

Mr. Berrett reviewed the timeline from researching the Town Landing history through the kiosk production and installation.

Mr. Schwindt suggested using both sides of the kiosk. The written information would be on the front and pictures/maps would be on the back. He also inquired about an item on the timeline that Mr. Berrett presented. During the 1670's - 1750's there were local conflicts raging between native Indians and settlers. He asked if it was known which Indian tribe was involved.

Mr. Berrett responded that it was talked about in the book "The History of Cumberland, Maine". There were two or three tribes, which were rather nomadic.

Hugh Judge complimented Dave Carlson and John Berrett on doing a great job on researching the Town Landing.

VI. Public Moorings. Discussion.

Chairman Incze started the discussion pertaining to moorings. One of the limitations currently is limited parking spaces. The issues about moorings in Broad Cove are several:

- It is a challenging place, in both the water and the land.
- The challenges from the end are that it is a conservation zone and the activities on it are dictated by the easement that govern how that land can be used, as well as practical matters. It is not an ideal site to gain access down to the water.
- The parking lot is a long way from the water.
- How many people would be interested in having a mooring in the Broad Cove Reserve?
- What can be allowed?
- How can boat owners get their dinghies to the water?
- What is the impact on the land?
- Should there be restricted mooring use?

Dave Witherill voiced his concern about mooring owners using up the parking spaces and the beachgoers would have no place to park.

Mr. Shane stated the Planning Board has approved forty five parking spaces. The Ocean Access Committee has recommended thirty three parking spaces. Parking spaces are one half mile from the wharf.

Mr. Berrett inquired if Town Landing would play a part in the parking situation.

Mr. Shane responded that there is a fifty foot right of way restriction at Town Landing; at most there would be ten parking spaces. Right now there are maybe four parking spaces.

Mr. Schwindt asked if there would be access for vehicles and trailers.

Mr. Shane responded that there would be none.

David Witherill referenced the ten landowners who would have a right to a mooring, if they wanted one. That could represent ten dinghies tied up at the dock.

Chairman Incze stated that is not necessarily true. They have their own riparian rights to the water around the north side. He pointed out on a map on the wall where the pier was and where the town line was. He indicated where the floats could be located. He recently visited the Falmouth Town Landing. The segments are 20' segments; the dinghies are usually 4-4 1/2'. That is four to five per length of dock; typically there are at least two tiers of dinghies stringing off of them. Six to eight could be accommodated per 20' length of dock. That is pretty expensive.

Manager Shane stated that there is a huge eel grass bed and a channel would have to be established through there. He had created a riparian zone on the map between the extension of Town Landing Road and an extension of a spit of land. The moorings would be closer to the channel. He would like to encourage the Coastal Waters Commission to begin with a smaller number of moorings and then increase as you go. The developer has proposed a 50/50 capital cost on the pier. A grant of \$20,906.00 from the State of Maine, Dept. of Agriculture, Conservation and Forestry has been received for the Payson Pier Replacement Project. The new pier would be wider in size and would get the pier and larger float out of the floodplain. The developer has proposed two dinghies at the pier now and up to five dinghies when the pier is rebuilt. The distance from the pier to the channel is 1500'. He suggested having two motorized dinghies staffed in the summer time during the week from 10 am to 6 pm to transport boat owners out to the moorings.

Chairman Incze stated the moorings should start in 5' of water. It would put the moorings beyond the eel grass and in real water. He did a 75' assumption on spacing of moorings and deduced that there could be 160 moorings. The mooring area would accommodate mostly small boat people. The mooring area is mostly protected except to the southeast.

Mr. Shane inquired about the eel grass.

Mr. Incze responded that you would mostly stay out of it and put in floats, in the interest of being as conservative as possible with the environment. Providing a motorized dinghy service would be good.

Mr. Witherill inquired as to how many dinghies should be allowed. That could be part of how many moorings would be allowed.

Mr. Incze asked the Commission what can they do and what limitations are really coming out of it?
The number of moorings could be limited due to the parking situation and then see what happens.

Dave Carlson asked if there would be a document of the pros and cons that describes the limitations, such as low tide; it could be a reference point to guide the Commission members in explaining the rules/guidelines in getting to the mooring.

Chairman Incze responded that it was not needed for the Commission itself but would be necessary in describing the limits decided by the Commission.

Mike Schwindt suggested putting information on the website that would help the Commission learn what people want: how many mooring slots, how many parking spaces, how boat owners would be able to access their moorings, eel grass restrictions. It could give the Commission an idea of how many people would be interested in applying for a mooring.

David Witherill informed the Commission that if the Broad Cove Reserve was going to be staffed in the summertime, the staff operating the motorized vessel service would have to be licensed by the Coast Guard, the vessel would have to be inspected; if the operator was not able to get the dinghy back to the float, who would he call? There would have to be life jackets, safety gear, etc.

Chairman Incze stated that a kayak is designed to be handled by a fit person. A dinghy is a different matter; especially if it is a quarter mile out to the boat. Most people are going to have inflatables.

Mr. Carlson that people getting to and from their moorings are going to have to work around the tides.

Manager Shane stated that he had to make a presentation to the Planning Board last week. He doesn't want to have to build a highway to the turnaround. During the time between 10 am and 2 pm it was shown that the tides were such that one third of the time it was high tide and most likely the beach would be useless; one third of the time it was medium tide and it was fine; one third of the time it was low tide. Why wouldn't that same type of scheduling apply to when people could actually get to these dinghies that people could use to get to their boat but bring

back. It's not every hour of the day that the float is not accessible; it is during low tide times. So people should plan accordingly.

Chairman Incze that providing a certain number of town dinghies is a nice service and would be used. It's not a 100% solution for boat owners.

Mr. Carlson suggested starting with ten moorings and see how it works.

Chairman Incze stated that even if you charge a reasonable charge for someone to tie up a dinghy at the float, you will have to justify it. The town will be subsidizing it no matter what. Even if you charge \$50 or \$100 a dinghy, that was not going to pay for the actual space. The float does provide multiple functions because the dinghies only go on the back side of it. The front side gets used for boat landings, kids fishing, etc.

Mr. Carlson stated that the pier would have to be finished before anything can be offered.

Mr. Witherill inquired of the timeline for the housing development.

Mr. Shane responded that two houses are under contract now and others that have reservations. Construction should start by fall.

Chairman Incze that by next summer three homeowners could be requesting a mooring.

Mr. Shane added that regardless of what happens with the moorings, the pier, at some time, is going to have to be rebuilt. There are two very active pieces in motion here: the mooring area is obviously a big one and the pier. He thinks the committee needs to put together a schedule to at least address the moorings for the riparian owners in the subdivision.

Chairman Incze stated that this meeting has been very useful and there were some conclusions that the committee has come up with: (1) to proceed slowly, come up with a number for the moorings, possibly a small number; (2) to hold a public hearing in October and announce a number of moorings to start with.

Chairman Incze stated that he has no problem with stating that there is room for ten moorings for the riparian owners. It is not known how they would get to the moorings. Some boat owners may need deeper water. He suggested at least 5' and deeper, keeping out of the eel grass.

Mr. Shane reminded the committee that they mooring owners will have to work with the Lands Trust on all access issues.

He would like to have the Commission write something up that will pass legal muster so that everyone is on the next page.

VII. Other Business.

None.

The Commission set a date of September 16, 2015 to hold their next meeting.

David Witherill excused himself at 8:12 pm.

VII. Adjourn.

Mike Schwindt moved to adjourn the meeting at 8:14 pm.

Seconded by Hugh Judge.

VOTE: 5 UNANIMOUS

Respectfully submitted,

Debbie Flanigan, Secretary