



# C o a s t a l W a t e r s C o m m i t t e e M i n u t e s

**Wednesday, March 16<sup>th</sup> · 2016**  
**6:00 PM – 8:00 P.M.**  
**Council Chambers**

**Call to Order:** Lew Incze Chairman, Dave Carlson, Hugh Judge, Mike Schwindt, Bob Vail, Dave Witherill

**Town Staff:** Town manager Bill Shane, Recording Secretary Annemarie Dawson

**Absent:** Counselor Tom Gruber

**I. Welcome and Call to Order**

Chairman Lew Incze called the meeting to order at 6:11 PM

**II. Approval of the February 17<sup>th</sup> Meeting Minutes**

Meeting minutes approved as amended

Vote: 6-0 UNANIMOUS

**III. Public Policy Regarding Public Access**

Chairman Incze confirmed with the commission consensus that public access will be permitted at BCR, however, parking may be restricted for non-residents.

Chairman Incze reviewed the Float Bid results with the commission and commented that Custom Float Services was awarded the contract and the floats will be implemented by Labor Day.

Float Bids were as follows:

Custom Float Services:	\$28,230.00
Maritime Engineering:	\$44,420.00
Coastal Maine Hardscape:	\$47,000.00

Bill Shane mentioned that the Vernal Pool Study will be completed within three weeks. The next steps will be to return it to the Land Trust with possibly a redesigned parking lot close to Route 88.

Dave Carlson asked about the status of a bike rack at BCR, and Bill Shane said it should arrive in 6 to 8 weeks.

**IV. Draft Ordinance Changes**

**a. Non-Resident Moorings:** Mike Schwindt reported on non-resident moorings and the legal aspects under the state statute

Discussion ensued around designation of moorings and entire three mile coastline, or the defined mooring proposed by Barney Baker and the commission. Bill Shane will follow-up with the Town Attorney in regards to the legal definition of the mooring area as well as the clean-up of the area.

**b. Eel Grass Beds:** After much discussion it was decided due to the lack of enforcement ability that the commission felt emphasis should be placed on education and signage in regards to the eel grass beds which would result in 80% compliance by the public.

#### **Original Draft (Mike Schwindt's attachment)**

All watercraft in Broad Cove under the jurisdiction of the Town must avoid damage to the eelgrass beds. Consequently, any motorized watercraft must remain within the marked access channel at all times.

Non-motorized watercraft may transit eelgrass beds only during the period one hour before and after peak high tide.

In addition to any other penalties prescribed by a court or other governing body, anyone violating this ordinance will forfeit mooring privileges for the balance of the year.

#### **V. Rules Applying to Boating (see Brochure Attached at the end of these minutes)**

Lew reviewed the brochure and encouraged the commission members to review it and provide input to him in regards to any changes/additions.

All mooring holders will receive this document, as well as informational signage posted at the sight.

#### **IV. Mooring Issues to Date**

Discussion ensued in regards to the mooring layout and the mooring locations for boaters. Brent Sullivan reported that he, Town Manager Bill Shane and the Harbormaster Milt Calder met at Handy Boatyard and the Harbormaster to implement the plan as reported to the commission.

The plan should include:

- Marking the corners of the mooring areas, both riparian and public
- Channel markers frequent enough to encourage travel within the 150 foot wide channel; multiple green and red markers will be used to accomplish this task

Sullivan The commission extensively discussed the issue related to the spacing of the individual moorings. After a lengthy debate, the commission agreed that mooring rows by size of the boat, with the smaller boats in closer proximity to the pier would be the best way to move forward and start with 100' diameter circles for spacing purposes.

#### **ACTION:**

The commission voted unanimously to allow for 20 mooring spaces for this season. The breakdown of the spaces is 5 riparian, plus 15 public spaces. The commission plans to review it again sometime this year. The commission instructed the Town Manager to notify the Town Clerk of the availability of the added mooring spaces.

#### **VII. Other Business – Next Meeting Date**

- The Commission instructed the Town Manager to add to the Mooring Application, "No payments for moorings shall be accepted until mooring has been designated and assigned."
- The Commission authorized the Chairman to develop a letter regarding some of the challenges related to boating at BCR. The Chairman will distribute the letter prior to the Town Manager mailing the letter to all mooring holders.
- The Commission instructed the Chairman to encourage the OAC (Ocean Access Committee) meeting to encourage the committee to reconsider the drop off area at BCR to be near the current boathouse location. The next OAC meeting is Wednesday, May 12<sup>th</sup>. The next meeting date for the CWC is scheduled for Wednesday, April 20<sup>th</sup>. The Town Manager informed the committee that there may be conflict with another meeting but the committee will be notified should there be a meeting date change.

#### **VIII. Adjournment**

The meeting was adjourned at 8:06 by unanimous consent.

Respectfully Submitted,

Annemarie Dawson, Recording Secretary



## *Work in Progress*

# DRAFT: Waterfront "Brochure" for web site Town of Cumberland, Maine Coastal Waterfront Access, Rules and Regulations

### **I. PUBLIC ACCESS**

Cumberland has three places for public access to the shore of Casco Bay. All are located in Broad Cove. From North to South they are: the clam flats, Town Landing and Broad Cove Reserve.

The clam flat access is used mostly by clammers (commercial and Recreational licenses are required, see xxxxxxxx). Parking for a few Vehicles is accommodated by a cut-out on the west side of Route 88 xx miles south of the Yarmouth town line, and the flats are accessed via a steep pathway that descends through woods to the shore. [Question: How wide is the ROW, and how can people use it if they are not Clamming?]

Town Landing is a small Right of Way at the end of Town Landing Road with space for 4 vehicles to park. A metal stairway leads down to tidal waterfront. The location provides historical information about the site, a pleasant outlook onto upper Broad Cove, and a place for kayaking for several hours around high tide.

Broad Cove Reserve consists of xx acres of coastal upland woods and field, over 2,000 feet of sand beach, and a public pier and floats. A conservation easement protects many of the natural living and scenic attributes of the land, shore, and intertidal area (see xxxxxxxx). There is no boat launch, but kayaks and other small watercraft can be carried to the shore for launching. Swimming can be done from the beaches and boaters can use the floats at the end of the pier. Deep water (10 or more feet at low tide) is available about 1,000' from the end of the pier. There is room for moorings and some dinghies. Additional information is provided in the specific sections below.

### **II. PRIVATE ACCESS**

Riparian (waterfront) landowners and owners of property with a legal Right of Way to the shore have private access to waterfront. Activities and development in the Coastal Resource Protection Zone and intertidal areas of privately held lands are covered in two town ordinances, the xxxxxxxxxxxx and xxxxxxxx, respectively.

### **III. GOVERNANCE**

Coastal Waters Commission, Coastal Waters Ordinance  
Harbormaster

### **IV. MOORINGS**

Moorings are by permit only, issued through the town offices (see xxxx for permit applications and applicable rules). Owners of properties with Cumberland waterfront, or a ROW to the shore, can request moorings locations in front of those properties or Rights of Way. Those without access described above can request a mooring location off Broad Cove Reserve. Note that parking, restrictions on dinghies, and distance from the pier to the mooring field affect the ease of use of BCR for moorings.

### **V. BOATING AT BROAD COVE RESERVE**

Parking:

Parking areas are designated. Except for handicap parking, there is no parking close to the beach or pier. There is no parking for RVs or trailers. (Question: Drop-off?)

Launching and Storage

BCR is especially suited to small-vessel recreation, such as kayaks, rowing boats, small sailboats, and paddleboards. However, at present there is no storage available on site, so boats must be hand-carried from drop off site to the 'shore. There is no boat ramp.

### **Use of Pier and Floats**

There are currently two floats (10' x 24' each) at the end of a 250' public pier. The current pier and ramp are older and are not handicap accessible. At low tide there is little water depth at the floats. Tie-up for larger watercraft is allowed when water depth permits, but tie-up is limited to 20 minutes and a qualified boat operator must remain with the vessel.

### **Dinghies**

One dinghy per mooring permit holder in Broad Cove Reserve can be kept at the public floats in the designated dinghy tie-up area. The dinghy can be no more than 10' over-all length, and no engines can be kept on the dinghies when left in the tie-up area. The dinghy must display the owner's name and telephone number and the mooring permit number in 3" characters on the inside of transom or, if that is not possible, someplace equally visible. Owners are responsible for maintaining their dinghies (e.g., bailing them as needed) and for securing them properly.



### **Access Channel and Eel Grass Beds**

All motorized vessels transiting from the mooring field and deep water to the public floats are supposed to stay within the marked access channel. Eel grass beds are widespread across shallow portions of Broad Cove, and the channel is intended to contain disturbance and damage in a narrow strip. Note that even the access channel becomes shallow at low tide. Non-motorized watercraft can pass over eel grass areas outside the channel when water depth is sufficient to avoid damage from oars, paddles, keels/centerboards, etc.

### **Speeds**

Prudent speed is always the responsibility of the boat operator. In the Access Channel between the public float and deep water, speed should be moderate, generally below 7 nm/h, with minimal wake. There is a NO WAKE and MINIMAL SPEED zone near the floats.

#### **Beach areas**

Beaches and nearby waters of Broad Cove Reserve are intended for swimming, strolling, and wildlife. Approaches by motorized watercraft are strictly discouraged except in emergencies. Non-motorized watercraft are allowed near beaches but must be respectful of other uses.

### **Moorings**

Deep water (7' or more at low tide) is located about 1000' from the float, and moorings can be installed by permit in designated locations (see "Moorings," Section IV, above).