

Cumberland Coastal Waters Commission  
Meeting Minutes  
September 16, 2013  
Council Chambers

Present: Chairman Craig Kinney, Lewis Incze, John Williams  
& David Fenderson  
Absent: Paul Dugas & Kathleen Babeu  
Staff: Town Manager William Shane & Secretary Debbie Flanigan  
Other: Timothy Forrester & Matt David, Representatives for  
Mereve Trust

Chairman Kinney called the meeting to order at 6:07 pm.

Public Discussion:  
There was no public discussion.

Chairman Kinney stated that the Shoreland/Wharfing Out Permit Application has been submitted by Mereve Trust. A site walk has been conducted by the Coastal Waters Commission at 5:00 pm at 15 Ledge Road, Cumberland Foreside. Resident Holly Thibodeau, 13 Ledge Road, attended the site-walk and stated her support for the project, but had a concern about erosion on the steep bank. She made a suggestion to trim some of the brush and trees near the walkway and promote growth and sunlight. There is little growth under the stairway.

Comments from the Commission members included:

Lewis Incze stated most of his concerns were addressed at the site-walk. He suggested that in revising/modifying the application, that is should be made sure that nothing be present at the new site that worsens the existing condition; in fact the Commission could recommend improvements be made through matting and/or a little more lighting; make sure that the steps remain the open type that they have now, with the idea of not blocking further light.

David Fenderson stated that he felt the plan was very well put together; he did notice that there are things in the packet that referred to Falmouth Foreside that needed to be changed to Cumberland Foreside.

John Williams stated his concern was with storage of the floats. He also stated he would like to see some sort of language indicating that either through direct impact or vibration, if any of the proposed construction activities have any negative impact on the "grandfathered" portion of the project, the stairs leading down to the point where the new attachment is going to take place, there should be a stipulation that it would be repaired/replaced/returned to the original specified construction standard, i.e., as you are working and whether it is through direct impact or vibration that the stairs, if something breaks or slips or slides, it should be stipulated that the impact be made right. He questioned why the stairs would be going up on only one side. His understanding was that the stairs were there so if people were walking down the beach they could go up and over and down the other side.

Tim Forrester stated that there would be enough clearance under the pier so people can walk underneath it. The stairs would be there for the homeowner's access.

Chairman Kinney stated his concern about the storage of the float, mainly because there would be limited space that is above the mean high water mark above the rocks. The concern is that in extreme storms and ice being pushed back that the floats or whatever is stored there, could impact the banks, trees and vegetation and have a negative effect. The Commission has in the past recommended off-site storage and there are a number of places that have been used for off-site storage on Chebeague Island.

Both John Williams & Lewis Incze agreed with Chairman Kinney about his concern about the lack of storage area; Mr. Incze noting in terms of both room for surge and horizontal room for not impacting the bank during off-site storage.

Chairman Kinney referred to the updated version of the Shoreland Zoning Ordinance, Chapter 226-25, D. (13) referring to lighting on piers, wharves, etc.

Mr. Williams stated that his understanding of the application is that there will not be any lighting.

Mr. Shane stated that the recommendation from the Coastal Waters Commission will be on the agenda for the September 23, 2013 Town Council meeting.

Matt Davis from Custom Float Services stated that his company does take steps to insure that the float does not move around. The way that they anchor the pier during the winter is to hold the float in the proper position and anchor it and minimize movement. Typically, there are two shoreline lines that go to substantial trees or other anchoring devices. Because of the substantial presence of ledge in that area, they would use a different helix anchor to the bank. The proposed float is not the same size as other floats in the area. It has a lot less mass and is reasonably easy to hold in place with the standard Danforth Anchoring Outboard and trees that are over 5" in diameter on the shoreline. The float has skids built into it so it can rest on uneven ground. To get the float into place, it would be done in the fall, during the highest tide possible, using a hand held winch and come-along system, to assist pulling the float beyond the high tide, using the trees to anchor. The new float is the same size as the existing float.

Lew Incze moved to authorize Chairman Kinney to wordsmith the document in preparation for the Town Council meeting on September 23, 2013. Seconded by John Williams.

VOTE: 4 UNANIMOUS

The Commission recommended the following conditions to be presented to the Town Council:

1. A building permit & shoreland permit shall be approved by the Code Enforcement Officer.
2. A final inspection shall be performed by the Code Enforcement Officer prior to the departure of the general contractor, in this case Custom Float Services.
3. A marine contractor shall store the floats for the winter. Galvanized steel eyebolts will be embedded into exposed ledge to anchor the float in place. This system shall also be used for the haul out process. The first haul out will be witnessed by the Code Enforcement Officer.
4. If any erosion or damage to upland vegetation is caused by the storage of the float, then the float must be stored off-site.
5. Conservation mix plus coconut fiber matting will be pinned beneath the existing stairways from the top of the bank to the new construction.
6. Existing trees shall be trimmed along the stairways to promote sunshine and growth beneath the embankment. Trimming shall be conducted per the shoreland zoning standards.
7. The homeowner is encouraged to minimize disturbance along the top of the embankment.
8. Hours of work shall be 7:00 am to 7:00pm Monday through Friday. No holiday or weekend work shall be permitted.
9. No lighting shall be permitted with this application.
10. The Town shall be notified when the floats are hauled out annually, so there can be an inspection done by the Code Enforcement Officer.

The Chairman or his designee shall present these findings at the Town Council meeting.

The Commission tabled the minutes of March 26, 2011 to November 12, 2013 to allow members additional time to review them in order to address amendments/changes to the Coastal Waters Ordinance.

Chairman Kinney moved to adjourn at 7:17 pm.  
Seconded by John Williams.

VOTE: 4            UNANIMOUS

Respectfully submitted,

Debbie Flanigan, Secretary