



COASTAL WATERS COMMISSION

MEETING MINUTES Wednesday, November 16, 2022 6:00 PM Police Conference Room

Committee Members:
David Witherill, Chairman
Mike Schwindt, Vice Chairman
David Carlson
Hugh Judge
Richard Thompson
Ivy Frignoca
Robert Johnson
George Turner

Town Staff:
Tig Filson
Mark Segrist
Robert Vail
Charles Rumsey
Jean Duchesneau

Present: Chairman David Witherill, Mike Schwindt, Robert Johnson, Richard Thompson and Ivy Frignoca
Absent: David Carlson, Hugh Judge and George Turner
Town Staff: Tig Filson, Town Councilperson; Matthew Merriman, Harbormaster; Charles Rumsey, Chief of Police; Jean Duchesneau, Recording Secretary; and William Shane, Town Manager
Guests:

I. Call to Order

The meeting was called to order by Chairman David Witherill at 6:07 p.m. with a round table introduction.

II. Adopt the June 15, 2022 Minutes

Motion: To approve the June 15, 2022 Minutes as presented.
Moved by: Robert Johnson
Seconded by: Mike Schwindt
Vote: Unanimous

III. DMR's Notice of Completed Aquaculture Application

A discussion took place regarding a letter received from DMR providing some background information regarding the permitting process for marine aquaculture leases and licenses and to inform the municipality about opportunities to participate in that process.

The aquaculture lease application process, both standard and experimental, in the Town of Cumberland involves a public hearing with the commission, the applicant and the public to answer any questions or concerns regarding the lease. There are 10 criteria that allow the community and landowners to challenge an application (Town Ordinance, Chapter 226-25D 1-10). Copy attached. HM Merriman stated that having certain stipulations agreed to by the lease applicant and written into the lease application is beneficial to the town. Once the lease application is approved by DMR, then the stipulations are to be followed or violations will be reported to DMR.

IV. HOA Agreement with BCR

Bill Shane gave a quick history of the HOA and BCR relationship. He reported that for the last year the HOA, the town attorney and himself have been negotiating the agreement that the commission approved several years ago. This was an agreement between the HOA developer and not the homeowners. The homeowners presented the town with a new (redesigned) agreement for review. However, the homeowner's insurance company deemed it uninsurable—you can't insure a private set of floats and property over a municipal facility. Nancy Haller (HOA representative) spoke with Bill about a new proposal – they are willing to concede the prior agreement/public property and are willing to contribute to the capital costs for buying the floats; in return for this, they are asking for rights of first refusal for up to ten (10) spaces in the kayak rack and two (2) dinghy spaces.

The commission had some concerns regarding the eel grass in the area. It would be helpful to have Barney Baker come in to go over the mapped eel grass and photos in more depth. As well as to let us know what we have done to date on the eel grass study and ask him to present where the floats are in relation to his interpretation of the eel

grass. Also discussed was whether the floats could be redesigned, if publicly owned, to protect the eel grass.

Bill Shane's recommendation at this point is leave the plan, get the permitting that we can and not build anything mapped in blue until we can work it out. Schedule another meeting in January or February 2023 with the commission, regulatory personnel and Barney Baker to answer our questions and help us in making the most comprehensive decision.

Motion: Move to Motion to table.
Moved by: Mike Schwindt
Seconded by: Bob Johnson
Vote: Unanimous

V. Mooring Allocations 2023

A general discussion took place regarding the number of moorings issued in 2022, the number of moorings actually being used and ways, if any, we can get permit holder to use their moorings. HM Merriman stated there are 38 permitted moorings for 2022 and 47 people on the waiting list.

Motion: To keep the mooring allocations for 2023 the same unless we get new floats.
Moved by: David Witherill
Seconded by: Ivy Frignoca
Vote: Unanimous

VI. Elect New Chairman for 2023 – David Witherill steps down as of 12-31-22

David announced he will be leaving his position as Chairman of the commission as of 12/31/22 and inquired who might like to step into the new position. Robert Johnson passed on the position of Chairman, due to his junior position. Richard Thompson accepted the position of Chairman. David Witherill will remain a member of the commission.

Motion: Elect Richard Thompson as Chairman beginning in January 2023 for a 3-year term.
Moved by: David Witherill
Seconded by: Mike Schwindt
Vote: Unanimous

VII. Old/New Business

Chief Rumsey announced that Jean Duchesneau would be retiring as of 12/31/22.

VIII. Adjournment

Meeting adjourned at 7:30 p.m.

Submitted by,
Jean Duchesneau, Recording Secretary