

Coastal Waters Commission
Meeting Minutes
Wednesday, June 24, 2015
East Conference Room
6:00 pm

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

I. Call to Order.

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

II. Approval of Minutes.

May 28, 2015.

Mike Schwindt moved to accept the minutes of May 28, 2015 as written.

Seconded by David Witherill. VOTE: UNANIMOUS (5).

III. Review of Revised Mooring Application. Discussion.

Suggested revisions to the current mooring application included:

- Under "Description of Vessel" add the year of the vessel.
- Under "Description of Mooring" remove "Concrete".
Selections would be: Mushroom, Granite, Block and Helix.
- Under "Mooring Fee Schedule: revise "Riparian",
Commercial", & "Non-resident" to "Resident/Property Owner"
and "Other." Remove all other optional categories.
- Revise fees to \$50.00 for Resident/Property Owner and
\$250.00 for Other.
- Revise statement above signature line on Page 2 to read:
"I have read the Coastal Water's Mooring Ordinance on the
Town of Cumberland website and agree to the rules and
requirements".
- Permit number would be entered by Town Staff for a new
application and automatically for a renewal.
- Sentence under fee schedule, "For mooring rules and
regulations see Chapter 48 - Coastal Waters section 48.5:
<http://www.ecode360.com/15933692>", should be read the
Coastal Water's mooring on the website and agree to the
rules and regulations."

IV. Review of Revised Mooring Ordinance. Discussion.

Mr. Schwindt began this discussion with his suggested revisions:

- Pg. 3: Revise the definition of resident: "A Resident/
property owner or any person who occupies a dwelling within
the Town of Cumberland for more than 180 days in a calendar
year."

- Change the word "vessel" to "watercraft" throughout the entire Mooring Ordinance document.
- Pg. 9 a. Revise to "Application for mooring privileges must be made by May 1 of each year, unless an applicant shows good cause why he/she could not apply before May 1, as for example, when a person who acquires a boat or becomes a resident after May 1 shall be valid until April 30th".
- Pg. 9 b. Revise to "All persons applying and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council".
- Pg. 12 b. Section on Homeowner's Association: discussion was deferred because Chairman Incze saw other problems with this section (see below).
- Pg. 12 e. Mr. Schwindt referred to the issuance of 10% of the moorings being issued to non-residents.

Mr. Witherill inquired as to how it would be determined as to the number of non-resident moorings if there were no mooring plan in place.

Chairman Incze explained his suggested revisions to the Mooring Ordinance (48-5):

- Pg. 8. Adding number 3 to state: "A property owner with a R.O.W. to the water is accorded the same rights and restrictions accorded to a riparian owner under (1) and (2) above, except that the mooring(s) shall be placed as conveniently as possible in front of the R.O.W. and shall not interfere with the reasonable placement of moorings allowed for riparian owners. Furthermore, should space be/become limiting, the number of moorings allowed for R.O.W. property owners in front of the R.O.W. may be reduced to one".

David Carlson asked for clarification of the last sentence; if it referred to each mooring owner, or all the mooring owners.

Mike Schwindt suggested changing the last sentence to read "Furthermore, should space be/become limiting, the number of moorings allowed for a R.O.W. property owner in front of the R.O.W. may be reduced to one".

- Pg. 14 D. Adding Chairman Incze's suggestion to the beginning: "An owner who wishes to discontinue maintenance and use of a mooring is responsible for removing the mooring from the marine environment". The Town has the right to remove any mooring that has not been registered.
- Pg. 14 E. Winter Spars. Revise to read: "Winter spars cannot be installed before 9/15 and are required to be attached by 12/31 each year. They must be removed and replaced with the white ball by 6/1".

Chairman Incze requested that Manager Shane have all of the suggested revisions reviewed by the Town Attorney.

V. Historical Kiosk at Town Landing.

David Carlson explained that he and John Berrett have had a few meetings in relation to the proposed kiosk at Town Landing. He has about a page and a half of information that they have found thus far. The information is an introductory at the beginning that describes the history of the Town; The Spears Shipyard that was on the left, looking out at Broad Cove, with the Town Farm to the right. He is using the following resources:

- He has focused on a book called "The Four Centuries of Cumberland, Maine,"
- He is also working with the Town Clerk, Tammy O'Donnell, to find some town records about Town Landing Road and the properties that abut it.
- He is also working with Carolyn Small of the Historical Society with the ledger that David Spears kept on his shipbuilding business.
- He has reached out to Nathan at the Bath Maritime Museum to talk about Spear's Shipyard. One of the things he is looking for is pictures and illustrations. One of the shots he has is the 3-masted ship, 370 tone and 300-400 feet long.
- He is going to obtain some photos or sketches that can be incorporated into the kiosk that can provide graphical representation with this context. The kiosk will incorporate an introduction, an overview, about the Town Landing and surrounding area and there will be some bullet points based on a time line that describes what was there.

Chairman Incze: a quick summary of what we are trying to do here:

1. Design a kiosk whose physical appearance draws people in and can be replicated at other public places throughout town.
2. A short and inspiring write-up on the kiosk itself.
3. An additional information sheet available at the kiosk itself (more detail, in a weather-tight box; and
4. A write-up on the Town website, made discoverable in some way.

VI. Report from Town Council Meeting Approving OAC Management Plan for Broad Cove Reserve. Discussion. Introducing a New Task: Mooring Plan.

Chairman Incze stated that the original idea for the pier at Broad Cove Reserve restricts its use to fishing, viewing, and small human-powered or sail-powered watercraft. After the presentation to the Town Council, there was some discussion

among the councilors about using motorboats at the Broad Cove Reserve. It is not a simple issue and needs to be worked out. There are some on the OAC and on the CCLT who are opposed to, or very concerned about, motorboat traffic. CWC originally proposed no motorboats for safety, quiet (consistent with a "reserve") and the small size of the float. But this is a public pier and motorboat access is a reasonable expectation; if we are to deny it, there had better be very good reasons for it, which needs discussion. Incze told Town Council it will take time to do this. Meanwhile, we need to think of it in terms of the over-all use of the area (will there be a public mooring field?) and the impact to the Reserve (which has its own set of use restrictions).

David Witherill inquired as to where the dinghies would be kept, if moorings were allowed.

Manager Shane informed the CWC that the Robbins family has maintained the right to have a dinghy and motorboat at the pier.

Incze commented that we should expect the homeowners will have powerboats (for example, dinghies with outboards), so there would be 2 classes of citizen rights in the immediate area, even if we didn't share the pier. If we share the pier, (a good idea in many ways), we CAN'T have different rules about motors - it would not be fair.

Hugh Judge inquired where the natural channel is located.

Manager Shane stated that it is probably located somewhere near Sturdivant Island.

Incze pointed out that since Broad Cove terminates above the Reserve, (there is no "through channel"), and we can probably use most of the deep water in front of the pier for moorings.

Manager Shane stated that the Town could possibly be able to add 50' to the pier, but would need to get permission from the Lands Trust.

David Witherill felt that the Commission should decide on whether to maintain the pier or tear it down before deciding on how many moorings will be available. There would be limited space at the float for dinghies.

It was agreed that the discussion about moorings should begin with a discussion about the pier: what are the various options and what would they entail in terms of facilities, costs, and impacts on the reserve (traffic, parking, etc.).

Suggested dates for the next meeting were July 22 & July 29, 2015. An email will be sent out to members to see which date is the better of the two.

VI. Other Business.

None.

VII. Adjourn.

Mike Schwindt moved to adjourn the meeting at 8:30 pm.
Seconded by David Witherill. VOTE: UNANIMOUS

Respectfully submitted,

Debbie Flanigan