

Cumberland Coastal Waters Commission
Meeting Minutes
Tuesday, April 21, 2015
Council Chambers
6:00 pm

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

Note: The walk of Broad Cove Reserve which was to
precede the meeting was cancelled due to rain.

Chairman Incze called the meeting to order at 6:00 pm.

I. Approval of Minutes from meeting of March 30, 2015:

Mike Schwindt said the correction requested by him in
The last minutes is misstated and should read simply:
"have loss control inspection." This will go back to
Secretary Debbie Flanigan (who was on vacation), and
approval of the minutes of the March 30 meeting will
be delayed until our next meeting. No other
corrections were requested.

II. Broad Cove Reserve: Lew Incze led off with a
discussion of his notes distributed last week by e-
mail to Coastal Waters Commission(CWC)and Ocean Access
Committee(OAC)members (appended).

1. CWC members present agreed that we should take a
'wait and see' approach to see if there is too
much foot traffic through the marsh grass
(Spartina beds) between the beach and water. CWC
feels this needs to be monitored closely.
2. CWC understands that hunting in the intertidal
cannot be restricted and says language in the
Broad Cove Reserve Management Plan should specify
that hunting is not allowed "on upland portions,"
or language to that effect.
3. The CWC discussed Town Council's request to allow
motorboats at the float. CWC had recommended
prohibition of motorboats at the float and beach

to protect safety and quiet, consistent with the nature of a reserve. CWC agreed that motorboat traffic is unlikely to be a big problem and prefers a less restrictive approach unless stricter rules are needed. CWC recommends allowing motorboats at the float and monitoring for negative impacts. To make sure boats stay away from swimming areas, CWC further recommends placement of a small number of visible, restricted-area buoys, placement to be determined. Probably 1 between the pier and the spit to the north, and a few (maybe 3) south of the pier. We do not want to clutter the area with buoys, but want to keep boats away from the beach and swimming areas.

III. Moorings

Discussion: Lew Incze reviewed the current mooring list from the town. There are 89 records, but many are incomplete, some are redundant, and some probably are not active. Some are also listed as self-maintained, which is OK but suggests that they are probably not being inspected as called for by the town's Coastal Ordinance (once every 3 years for seasonal moorings). CWC agrees that we need accurate information and better oversight and enforcement of mooring regulations. The rules are not onerous, permit fees are very modest, and we can tighten this up without getting too bureaucratic.

Action: CWC authorized Lew Incze to sit down with the police department to see how permit renewals are proceeding for 2015 and investigate how many moorings are actually active. Also, location information should be obtained. This summer, we should do a survey of existing moorings (probably on order 40) to look for compliance on numbering and registration.

IV. Mooring Permits

Discussion: Lew Incze said the permit application needs some updating for information and organization. For example, the permit does not ask for the weight of the mooring, description of chain, or weight of vessel: all standard information.

Action: CWC authorized Lew to revise the permit and report at the next meeting what has been revised.

V. Mooring Regulations

Discussion: These are wordy and complicated and seem to cover details not needed by this town. CWC feels they should be reviewed for clarity and concision. CWC agreed mooring renewal deadline should be changed to May 1, with notices going out April 1. Also, the regulations talk about riparian owners but not others with a ROW to the water, and we know several moorings are kept by people with ROW access.

Action: Everyone reads and prepares for discussion at the next meeting. Mike Schwindt will take the lead for that discussion. Mike and Lew will look up the state regulations vis-à-vis requirement for a town Mooring Plan. The town does not envision a town anchorage, so what should we say about this?

VI. Next meeting was set for May 28 at 6 pm.

Meeting adjourned at 7:40 pm.

Minutes submitted by Lew Incze
Appendix attached

APPENDIX

Message sent by Lew Incze, e-mail, to CWC and copied to
OAC, April 15th 2015

Good morning. I just took a quick walk down to and along the beach at 2.5 h after high tide. Here are a few observations, plus two issues identified at Town Council Monday night.

My observations:

Proceeding south from the pier, the most attractive water for swimming (to my thinking) is found in the first ~80 yards. The water is deeper than it is farther down the beach and generally clear of obstacles. This section has some, but not a lot, of marsh grass (*Spartina*), and it is possible to walk around it. However, the sand is very soft, holds moisture, and is therefore not particularly attractive for sitting. Rocks above the beach offer decent possibilities for placing towels, personal gear etc., but provide hard and limited 'seating'. Anyone who simply wants to swim may well be satisfied here.

The attraction farther down the shore is an unbroken strand of firm, white, warm sand. Once the tide starts down, there is room here for sitting, lying down, etc. ALL ALONG THIS SECTION, HOWEVER, there is an unbroken, wide, and well-established band of beach grass and the type of special substrate it creates. Walking to the water from anywhere on this section of sandy beach entails crossing this band: there are no natural breaks. This will represent a conservation challenge, particularly before the grasses start to grow (late May or so when they start getting tall enough to discourage walking through them). I walked with this particular question in mind, and I was sorry not to see natural breaks in the vegetation.

My walk confirms my recollection that the water there is OK (e.g., wading or splashing for young children, walking for everyone else) for about half the tidal cycle, or about 3 h either side of high tide.

There is a reasonable approach to the beach on the north end of the town property, next to the current beach house. It is perhaps a bit steep for a wooden ramp, but can be spanned by a few wide steps. There probably are legal issues about how we "land" on the beach with a structure. We'll have to learn what they are. Something is needed to prevent erosion, however.

There will be less of a view from the handicap area (present turnaround at

very end of road) than I had recalled--probably due to vegetation growth since I last walked there. Given that many older residents will be able to go no farther, it would be nice to make this area as appealing as possible for them. Again, shorefront rules will dictate what we can do, but we should look at it on our upcoming visit.

The sign at the Wildwood end of the beach denoting the end of the public space might be most effective if placed on a small float placed between HW and the upper end of the marsh grass zone. This will increase visibility at a wider range of tide levels.

The pier: MaineLine Fence was down there working with Bill to plan safety issues along the sides.

From Council Meeting:

We will have to better define our restrictions on hunting (the proposed restriction is actually from the OAC, not the CWC, but it falls in CWC territory). I had assumed we can restrict hunting from the shore. Probably we can, but we cannot restrict it below the HW line. I know this but had not given it any thought...now we have to. Generally, hunters (birders in this case) don't like to hunt around people, but I can envision a fall Saturday morning when the hunters are already floating just off the beach in small watercraft and shooting birds, which they can also do by walking the intertidal. This right is protected by law. Then someone shows up with small kids to walk the beach. It'll be uncomfortable for both groups. This needs more thought as to how this will actually go. I live south of Wildwood, and hunters sometimes set up shop and shoot in/from the small cove at the end of our road. It doesn't bother me, but I'm used to it.

The Council also expressed concern later in the meeting about the proposed restriction on motor vessels at the float. They would like to see them allowed to come and go. I don't think this would happen often. Our intention was to promote a quieter environment for humans and wildlife and improve safety for people and small boats operating from the float. More discussion is needed--how do we feel about this? CCLT, OAC and CWC should all weigh in.

Sorry for the length of this message, but the details are needed for these decisions, and I wanted to record my thoughts.

Lew