



TOWN OF CUMBERLAND, MAINE
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**Coastal Waters Commission
Meeting Minutes
December 6, 2005
Chebeague Island Community Hall
7 P.M.**

Present: Chairman, Lewis Incze, Hartley Brewer, Jim Millinger, Ken Hamilton and Town Councilor, Donna Damon.

Excused: John Williams

Staff: Town Manager, Bill Shane.

Others Present: Mabel Doughty, David Hill, Nancy Hill and Michael Porter

The meeting was called to order at 7:05 p.m.

I. Welcome and Purpose of Review

There was a motion and a second to approve the minutes of the meeting of October 13, 2005. The vote was unanimous in favor.

Town Manager Bill Shane provided an overview of the process for revising the Ordinance and explained the time constraints for presenting the revisions to the Town Council.

II. Review of Planning Board Approval Draft.

Mr. Shane explained which language was added, deleted and left unchanged in the Ordinance.

III. Public Comments

Councilor Damon questioned why the Ordinance needed the language in section 423.2 – Applicability relating to industrial uses. Mr. Shane said he would have the Town Attorney determine if the language could be deleted.

David and Nancy Hill asked how much the applications fees were and whether the advertising and notification was included in those fees. They were concerned that the added responsibilities of providing elevations, soil substrates, habitat types and property boundary surveys would limit the average homeowners' ability to build a structure. Mabel Doughty thought that it was a protection as well as a hindrance. The Committee did not deny there were some added costs due to the requirements, but that these were small compared to the costs of a pier and could not be avoided if the Town wanted to ensure

adequate protection of the environment and public rights and interests. They also pointed out that such steps were necessary to adequately ensure adherence to existing rules or rules the Town expected to emerge from new DEP regulations.

There was discussion of the wording in section 423.4.A in regards to which permits are required before submitting an application. Michael Porter felt that the section needed to be more specific as to what permits should be obtained first. The way it was currently worded, the Ordinance seemed to require that permits be obtained from the Town that would be issued after the application was approved. Mr. Shane said he would clarify this with the Town Attorney.

Jim Millinger asked whether “allow passage over or beneath a structure” in section 423.3.5.9 – Approval Standards Criteria, would include driving trucks or vehicles, because there is a location on Chebeague Island where lobstermen drive on the shore to load or unload their traps. Mr. Shane said he would clarify this with the Town Attorney.

There was some discussion regarding the language in the proposed Ordinance relating to a structure that is proposed to serve more than one property. David and Nancy Hill felt that it could pose a problem in applying for a mortgage if someone was required to provide an easement deed to another property owner for a structure. The Committee members said that this is not what they had intended; anyone could share a pier among neighbors as they see fit. Mr. Incze pointed out that this would apply only to a case where multiple properties wanted to build a pier that was to be considered a "community" facility. Such a facility might be able to do things that a personal pier could not; for example, it could be closer to a property boundary, or it might angle in front of another property. In this case, however, the community aspect of the structure had to be legalized in order to protect everyone. Mr. Shane would ask the Town Attorney for more appropriate language.

IV. Other Business & Future Meetings.

a. Next Meeting Dates

1. Council Meeting December 12, 2005 – Approval of Ordinance

Mr. Shane would present the questions raised at the meeting to the Town Attorney then the final revisions would be made and the Proposed Ordinance would be presented to the Town Council for approval at a public hearing on December 12, 2005.

2. Future Meetings after Holidays – Fixed Meeting Dates

No meetings were set at this time.

V. Adjournment.

The meeting was adjourned at 8:30 p.m. by unanimous consent.

Respectfully Submitted by,

Nancy Stroud
Executive Secretary
Town of Cumberland