



TOWN OF CUMBERLAND, MAINE  
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**Coastal Waters Commission  
Meeting Minutes  
October 13, 2005  
Chebeague Island Community Hall  
7 P.M.**

**Present:** Chairman, Lewis Incze, Hartley Brewer, John Williams and Jim Millinger.

**Absent:** Ken Hamilton and Town Councilor, Donna Damon.

**Staff:** Town Manager, Bill Shane.

The meeting was called to order at 7:00 p.m.

**I. Approve Minutes of Prior Meeting.**

There was a motion by Jim Millinger and a second by John Williams to approve the minutes of the meeting of August 25, 2005. The vote was unanimous in favor.

**II. Discussion of Draft 4 of the Revised Ordinance.**

The Commission began reviewing the revisions.

Mr. Millinger asked that 423.4.c.4 be revised to read:

“The facility shall be no larger in dimension than necessary to **conduct the proposed** activity.”

The Commission revised 423.4.c.5 to read:

“No new structure shall be built on, over or abutting a pier, wharf, dock, bridge, float or other structure without an application and approval justifying the **functionally water dependant use of said addition.**”

There was discussion regarding the necessity for this paragraph. It was determined that this was added to prevent the addition of a structure to an existing pier, wharf, dock, bridge, float or other structure that was simply an amenity.

The Commission also asked for clarification of the phrase “functionally water dependant use”, which is used in both .5 and .6. Mr. Shane said he would have the Town Attorney provide an opinion regarding the use of the phrase.

The Commission discussed section 423.4.c.7 regarding lighting. There was some concern about the language singling out boaters.

The paragraph was revised to read:

“Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and boaters safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be ~~both an annoying intrusion on the natural landscape (a public resource) as well as~~ a hazard to navigation.”

Mr. Brewer mentioned a private pier that has a flashing light at the end. The Commission wondered if it was against the Coast Guard regulations.

Mr. Williams suggested that a sentence be added to this section requiring that lighting be installed in accordance with Coast Guard as well as Federal State and Local regulations.

The Commission also discussed whether there should be two standards for commercial and non-commercial. It was decided that a lighting plan would be required for public and commercial applications.

The Commission felt that section 423.4.c.8 did not need further revision.

In section 423.4.c.9 the words “that would” replaced the word “to” so that the sentence would read:

“Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling and navigation. This may require accommodations such as steps or pier elevations that would allow passage over or beneath a structure.”

The Commission felt that Section 423.4.c.10 should become the new section 423.4.c and that the old .c should become 423.4.d. There was discussion regarding the roll of the Commission in the approval process and the Commission also revised the paragraph to read:

“All applications shall be reviewed by the Coastal Waters Commission (CSW). CSW shall provide the Planning Board a written advisory recommendation regarding all applications related to Section 423.4. Application shall include sufficient information for the Commission to determine if the Ordinance conditions are met. Applications shall include, but shall not be limited to, structure elevations, high and low water elevations, building materials to be used, soil substrates, habitat types, and property boundary surveys.”

The Commission had discussed a provision for shared waterfront structures. The following paragraph was added as section 423.4.d.10:

“All shared waterfront structures such as community docks, shall be required to submit recorded easements that provide permanent access and maintenance rights to the properties involved.”

This paragraph would be reviewed by the Town Attorney to determine if it can legally be included in the Ordinance.

Mr. Shane said he would ask the Town Attorney about the Wharfing Out Permit procedure in order to determine whether section 423.4.d.11 needs to be revised.

Mr. Millinger asked that Section 423.4.d.12 be revised to read:

“The Town shall notify all property owners within 1,500’ of the proposed project. In addition, The Town shall place ~~four (4)~~ Public Notices in **four (4)** locations to maximize notification of the affected citizenry and shall place Public Notices in two local papers.”

### III. Other Business & Future Meetings.

#### a. Next Meeting Dates

Due to conflicting schedules, the Commission decided to review the revisions by email for now and a meeting date would be set when the members would all be available.

Earlier in the meeting, Chairman Incze asked about the situation on Hope Island that was discussed at the August 25<sup>th</sup> meeting.

Mr. Shane said that the issue was turned over to the Department of Environmental Protection. The D.E.P. will determine what penalties and/or fines will be assessed and eventually the Town will have to issue a consent decree.

### IV. Adjournment.

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