



M E E T I N G
M I N U T E S
C O A S T A L W A T E R S C O M M I S S I O N

Present: Lewis Incze, Chair, Jim Millinger, Paul Belesca, Ken Hamilton, Hartley Brewer
Absent: John Williams
Staff: Bill Shane, Town Manager, Guy Watson, Asst. Harbormaster
Guests: Carter Becker and Kathleen Keegan, Mellin representatives, Leon Hamilton, Mr. & Mrs. Soucheck, Donna Damon and Kim Boehm.
Date: November 8, 2006

I. Call to Order

Chairman Incze called the meeting to order and began by asking audience members, the applicant and the Commission to introduce themselves. Chairman Incze asked Bill Shane to give an overview of the process to date and the reasons for the meeting this evening.

Shane reviewed the Council moratorium that was in place until a new process had been developed for the review of piers, docks wharves and floats at the Planning Board review level and discussed how Councilor Damon and the committee worked toward the development of a more inclusive ordinance. The goal of the ordinance was to provide more input into the public process and tried to encourage more community piers instead of a pier on every property while balancing the issue of personal property rights.

Shane recommended the Chairman consider breaking the public hearing up into two components, the Pier, ramp and float application and then, separately, the float storage piece of the application.

II. Public Hearing – Mellin Wharf Application

Chairman Incze opened the Public Hearing by stating that the Commission and the contractors (Becker and Keegan) had conducted a site walk the previous Sunday, November 5. Incze asked the applicant to give an overview of the pier, ramp, and float portion of the project.

Carter Becker, contractor for the Mellin's, reviewed the application and related his experience in pier and float construction. Kathleen Keegan also assisted explaining details related to the permitting process with DEP and Army Corp.

Summarized comments from the Public Hearing for the Pier Float, and Ramp

- Kim Boehm – In favor of application
- Mr. & Mrs. Soucheck – Opposed to the time of year the application was brought forward. Thought a better process might be to allow input from seasonal neighbors. They would like to see a community dock for several properties.
- Leon Hamilton – asked about structural integrity and if the design would be approved by an engineer.(yes)
- Donna Damon- would like to see stronger language in the ordinance requiring more effort be made to develop community piers and try to prevent a pier on every property. Donna also asked that in the future better dimensioned plans should be required to better understand the application. Donna also stated the lighting standard in the ordinance should be tied to something more defined then referencing state and federal laws in a “catch-all” way.
- Paul Belesca – asked if lighting would be include on the pier? Carter Becker replied it would be low level LED lighting to illuminate walkway only. He would be willing to submit the lighting detail with the Planning Board package.
- Chairman Incze stated the lighting would not be permitted, by ordinance, without a review by the Planning Board. Incze agreed (with Councilor Damon) that the illustration in the application was not as useful or user-friendly as it should be. The biggest concern was with ascertaining the minimum vertical clearance that a person would have walking beneath the pier at the base of the cliff/head of the beach. The ordinance calls for non-obstruction of pedestrians walking along the beach, and a person would have to walk near the cliff base during some phases of the tide. The clearances were discussed to the Commission’s satisfaction, and Incze recommended that the numbers be clearly marked on the application going to the Town.

Jim Millinger made a motion to accept the pier, ramp and float application as complete and recommended the Town Council issue approval of the Wharfing out Permit. Ken Hamilton – Seconded **5-0 in favor.**

Summarized comments from the Public Hearing for the Pier Float, and Ramp

After much discussion related to the float storage ways (mostly not in favor) the applicant withdrew his request to include the “ways as part of the application”

Some of the points raised during this part of the discussion were:

- Right Title and Interest to the area in the intertidal zone had not been provided and therefore the committee felt that storage on ways extending into the intertidal zone could not be approved.

- The DEP application had not reflected the Storage Ways in the application, and even though the applicant stated the DEP agreed to the storage ways and amended application or an “approval letter” had not been attached.
- There were no other “ways” except at the boatyard that any one in the room could recall
- Allowing the “ways” may set a precedent that the Commission would not like to deal with. The visual impact of ways at low tide is something most wanted to avoid, especially if they were to become numerous.
- This proposed way would clutter an already small amount of beachfront in the area. If we allowed this one, we could not prevent another on the next property for visual reasons, yet the cumulative impact on the small beach would be large.

Having visited the site the Commission felt they understood the application and **did not need the** following materials as **required under section 424.3.4C**

- Boundary survey
- Habitat types
- Soil substrates (land portion already properly protected by a well-built stairway)
- Structure elevations and water elevations

Jim Millinger commented that the location of the float way and float storage in the proposed application (withdrawn by applicant) would be ill advised in his opinion due to the extreme winter conditions particularly ice. Jim and other commission members felt the DEP and Army Corp applications may have been a bit over stated with regards to the emergency uses of the pier, the rocky condition of the shore area, and the neighborhood use of the pier.

Chairman Incze seeing no other comments asked for a motion to close the public hearing and adjourn.

Paul Belesca made a motion to close the public hearing and adjourn, Hartley Brewer – Seconded **5-0 in favor.**

Meeting Adjourned at 8:45 PM, November 8, 2006

Respectfully Submitted,

William R. Shane
Town Manager