

**RIVERS AND COASTAL WATERS COMMISSION
MEETING MINUTES
AUGUST 28, 2014**

Members Present: Chairman Mark Worthing, Vice Chair Sue Stableford, Tammy Gray, Helene Harrower, Fred Wigand, Mark Holbrook (Alternate), Steve Walker,

Members Absent: Bill Good, Suzan Wilson, Doug Niven, Reginald Elwell

Staff Present: MRO, Dan Devereaux; Town Attorney, Nancy McBrady

A meeting of the Rivers and Coastal Waters Commission was held on Wednesday, August 28, 2014 at Town Hall, 85 Union Street, Town Council Chambers. Chair Mark Worthing called the meeting to order at 6:00 P.M.

July 23, 2014 Meeting Minutes

**MOTION BY FRED WIGAND TO APPROVE THE MINUTES OF JULY 23, 2014.
SECONDED BY SUE STABLEFORD, APPROVED UNANIMOUSLY.**

Harbor Masters Report: Dan Devereaux said that starting in September, he will prepare a hard copy of the Harbor Master's Report so that members can see all the things that he deals with each month. In the past few weeks Dan has handled a limited purpose aquaculture that was approved in the New Meadows Bay, Long Reach area off Princess Point. After this was approved, staff received calls concerned about the location and after several conversations, the fisherman rescinded his permit. Staff has had 3 inquiries and 2 applications for moorings. Two applications were from Brunswick residents who were seeking permission to place moorings in Brunswick waters, both which were not possible.

Dan Devereaux stated that earlier in the day he was contacted by an individual looking to purchase land off of Sea Smoke Lane. When Dan informed the potential buyer that a mooring was not allowed because he did not own 100 feet of water frontage, this broke the sale. Dan asked that individual to compose an email pertaining to this matter which Dan will forward to members.

Staff has had 2 inquiries for wharfs along the New Meadows River, 1 site inspection off Princess Point for a potential dock systems and salvage right inquiry for copper cable across New Meadows.

Dan Devereaux stated that they have had 2 bridge jumpers, 1 in the lower Androscoggin and 1 in the upper Androscoggin. The jumper from the lower Androscoggin was talked down before jumping.

Mark Holbrook asked about the concerns over the aquaculture and Dan Devereaux replied that he would forward some of the correspondence to him. Steve Walker asked what kind of

aquaculture and Dan replied that it was suspended oysters. Mark Holbrook asked if the Commission has any power over the 100 feet of frontage for a mooring and Dan replied that right now they rely on the State Law but believes that the Commission could have input. Mark Worthing suggested that they discuss moorings as they review the ordinance.

Correspondence: Mark Worthing stated that the only correspondence that he has received is the email from Bill Good which will be discussed under Harbor Ordinance.

1. **Harbor Ordinance:** Nancy McBrady, Town Attorney reviewed the packet provided at the meeting and pointed out that the main areas of discussion at the public workshop were the purpose and jurisdiction of an ordinance, Harbor Master duties, moorings, speed, associations and definitions. Nancy suggested that they look at what other communities are doing to see if what works for them will work for Brunswick. Mark Worthing pointed out that most of the comments at the workshop were from summer residents and reviewed a summary of these comments as attached.

Nancy McBrady described the purpose of an ordinance and what it does and stated that the sections provides the authority for the ordinance as it is established and and reasons why the Town is enacting this ordinance, which is be able to provide safe navigation; simple and short.

- Harbor Master Duties: recommendation to become certified by the Harbor Masters Association.
- Moorings
 - Definitions: Nancy McBrady to look at other similar towns. Discussion on different possible meanings of moorings and specifications.
 - Inspections: Mark Holbrook likes the idea that owners have a sign off to indicating the quality of the moorings. Dan Devereaux agrees with Mark and likes the idea of self-inspections. Helene Harrower suggested that owners should have access to basic industry specifications.
 - Transfer of moorings: Nancy McBrady reviewed state standards. Steve Walker asked if the Army Corps of Engineers has standards. Dan Devereaux reviewed some Army Corps. standards. Discussion on transferring moorings within the family; Nancy to research further. Helene Harrower asked for more research on how this would be handled.
 - Temporary attachment, dingy: Dan Devereaux to generate language.
 - Registrations: Dan asked Nancy if most towns require them and Nancy required yes.

Discussion on parking requirements and restrictions as they pertain to moorings.

Mark Worthing reviewed Bill Good's comments via his email. Mark Holbrook asked Nancy McBrady if she had followed up on what the liability of the Town if the Harbor Master pulls up to a mooring and cuts the line.

Nancy replied that in a situation where the Harbor Master sees a mooring or a boat not meeting the standards for which it was permitted, there is a notification process. If the owner does not obey the notification, the Harbor Master is able to remove them, per Statute Title 38, Section 4. Dan Devereaux replied that this can be quite arduous as sometimes it is very difficult to locate the owner.

Members discussed what process to take on rewriting the ordinance. Decision to allow staff to create a skeleton draft for members to review and comment at the next meeting.

2. **Zoning Ordinance** (*RCWC Comments on draft agenda present by Anna Breinich, Director of Planning*): Mark Holbrook suggested that they do not pursue this overwrite. Sue Stableford stated that she feels that the level of detail is great and in reviewing the maps, almost all the property on the shoreline is in the Rural Protection Zone. Helene Harrower asked for more mooring space then listed and reviewed her observations on parking. Mark Worthing discussed parking restrictions used Freeport as an example for parking; Helene added that she will track her parking. Mark Holbrook suggested to expanding this to 8.5 and Sue Stableford replied that she does not believe that this is the proper forum. Mark Worthing noted that this is part of the Zoning Ordinance parking. Dan Devereaux to provide to members a summarization to what the Commission should be looking at to review and comment on. Mark Worthing commented that he likes that the Coastal Protection Zone has been expanded to include New Meadows makes sense and that the requirement for gas tanks have a containment system for spills. Dan commented on the fact that many other Towns have a RCWC and Steve Walker added that he hopes that this Commission goes on indefinitely.
3. New Business: No new business.
4. Old Business: No other business.

Adjourn

This meeting was adjourned at 8:01 P.M.

Attest

Tonya Jenusaitis
Recording Secretary

PLEASE NOTE: THESE MINUTES ARE ACTION MINUTES. THE ENTIRE MEETING CAN BE VIEWED AT WWW.BRUNSWICKME.ORG.

Attachment – NOT for review

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TO: RCWC Members

FR: Bill Good

RE: 8/14/14 RCWC Harbor Ordinance Public Forum – My Follow Up Thoughts

Outlined below are my thoughts in follow up to the comments we heard from the public at the 8/14/14 RCWC Harbor Ordinance Public Forum. Providing these thoughts now since I will not be attending the 8/28/14 RCWC regularly scheduled monthly meeting. Going to New York 8/27 for approximately 2 weeks, but will be available for emails/phone calls during that time period.

The 8/14/14 RCWC Harbor Ordinance Public Forum was a stimulating one, given the comments from the public. Several of the speakers obviously did their homework reviewing the current harbor ordinance ahead of time and commenting on it. It was also instructive to get the historical and traditional uses of the waters from families going back generations, particularly as it relates to moorings.

(1) Education for the Public

We should to continue to avail the public of what information we work with that is also available to them online. While we said at the meeting "go to the town's website", or the "marine resources section of the town's website", well, you know it's easier to say than do when navigating a website you may not be familiar with.

Suggest we have a standard handout for each future meeting similar to what's at the two links below from the Marine Resources and Harbor Management part of the town's website, with the two link's web addresses spelled out in their length:

(a) <http://www.brunswickme.org/departments/marine-resources-and-harbor-management/rivers-coastal-waters-commission/river-coastal-waters-commission/agendas-minutes/>

(b) <http://www.brunswickme.org/departments/marine-resources-and-harbor-management/rivers-coastal-waters-commission/harbor-inventory/>

Item's (1-a) and (1-b) are outlined in a footnote for those reading a paper copy of this report.

Or, the handout could simply list the names of all the reports, plans and notices from the above two links with the following instruction for the public to quickly access them:

Place the following words in your webpage search engine on your computer:

Brunswick Maine Marine Resources and Harbor Management

(2) Education for Us

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More public forums at the appropriate time, as we do our work, will go a long way in reaching fair compromises for all users of the town's waters.

(3) Brunswick Traditions on the Water and Public Safety

My takeaway from the public forum is that we need to balance Brunswick's traditional uses of the waters with public safety. This is not 1628, the year Brunswick was first settled, where we could simply establish rules and go from there.

(4) Mooring Questions

My present thoughts:

(a) How many per property owner?

Some waterfront property owner speakers had up to 4 or 5 moorings. I suspect the average is closer to one or two. With respect to tradition, consideration should be given to grandfather multiple mooring owners, as may have already been done from Dan's comments, and possibly establish a limit of say 2 (or whatever number) for new waterfront property owner applicants.

(b) Inspections?

Self-inspection or hire an inspector at the option of the owner.

(c) Placement?

Grandfather the current placement as long as the mooring is not in a channel or other unsafe position. New placements at the approval of the town harbor master in accordance with established guidelines.

(d) Monitoring?

Having marinas and home owner associations with established mooring fields working in conjunction with the harbor master sounds like a reasonable course of action, as is practiced in Yarmouth.

As indicated above, these are my current thoughts on the above points about moorings.

(5) Harbor Ordinance Creation Process

Suggestions from the public on the current Brunswick harbor ordinance included "start over" and "look at other town harbor ordinances."

While each Maine town with a harbor has similarities, each has differences that make the town unique. My thought is that we should develop a plan first with

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continuous public input, before spending too much time relying on other town ordinances, which, if I may say, would be the lazy way to approach the subject.

We may want to break down the ordinance into sections with committees working on the sections and reporting back to the commission.

(6) Opening Public Forums Up After Formal Comment Period

I think opening public forums up for a dialogue between the audience and the commission members after everyone who wants to has spoken from the podium is a good precedent that Mark Worthing did in our first public forum 7/16/14 on Simpsons Point, and repeated in our second forum on 8/14/14. Some people are shy about getting up and speaking by themselves from a podium. They are more comfortable surrounded by audience members seated next to them. I find I learn as much and more from such an arrangement. I also think it sends a message to the community that we are open and accessible. The decision to open up a public forum after the formal comment period for a dialogue between the audience and the commission members would need to be made on a meeting by meeting basis. But I think it is a precedent that we should make a practice.

Footnotes

(1-a)

PUBLIC FORUMS

Simpsons Point Forum

Harbor Ord Forum Notice

Harbor Ord. Draft

2014 Brunswick Harbor Ordinance

AGENDAS

May 28, 2014 Agenda

June 11, 2014 Agenda

June 25, 2014 Agenda

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MINUTES

May 28, 2014 Minutes

June 11, 2014 Minutes

(1-b)

Harbor Management Plan Reports:

MPBL Eelgrass Mitigation Report

Brunswick Sea Level Rise Report

Brunswick Water Access Aerial Map

New Meadows Lake Modeling

State of New Meadows 2002

Maquoit Bay Climate Adaptation Plan

MPBL Citizens Advisory Report 2007MPBL Cooperative Managemt Agreement

Boat Launch Comps.