

**Rivers and Coastal Waters Commission  
Joint Webinar Meeting  
Brunswick Recreation Commission  
Brunswick, Maine  
Minutes  
February 24, 2021**

**Members Present:** RCWC Mark Worthing (Citizen Rep), Sue Stableford (Citizen Rep), Helene Harrower (Commercial Rep.), Bill Good (Citizen Rep.), Cory Theberge (Vice Chair Citizen Alt.) William Wilkoff (Parks & Rec. Rep) Marko Melendy (Chair-Marine Resources) Doug Niven (Citizen Alt.) Mike Lyne (Rec. Comm.) Melissa Archbell (Rec. Comm.) Brianne Smithson (Rec. Comm.) Eric Foushee (Rec Comm.)

**Town Councilors Present:** Steve Walker/Kathy Wilson

**Staff:** Dan Devereaux (Coastal Resource Manager) Daniel Sylvain (Harbormaster/Marine Warden) Tom Farrell (Director of Parks and Rec) Ryan Barnes (Town Engineer) John Eldridge (Town Manager) Jay Astle (Director Public Works)

A meeting of the Rivers and Coastal Waters Commission was held via electronic device on Wednesday, February 24, 2021. Chair Melendy called the 2:25 hour meeting to order at 6:00 P.M.

**Introductions: 00:45 – 4:30**

**Minutes:** Postponed

**AGENDA**

**1. Harbormasters Report: (05:10-05:59)**

Sylvain reported he continues to work with the online mooring and advises that mooring owners are starting to renew their moorings and 2021 mooring stickers will be in the mail soon.

- The local bays are ice free now and summer is approaching quickly.
- Nothing further to report.

**1. Airboat Regulations: (06:54–08:57)**

Melendy explained a working group has been developed to address airboat noise along the Maine Coast. Devereaux stated the MEDIFW has been directed by the legislature to use MRSA Title 5 consensus rulemaking process to work through the concerns and make attempts to come to a consensus on noise limitations for airboats operating along the coast. For those wanting to be informed of the meeting details to please contact the Maine Department of Inland Fish and Wildlife Becky Orff at [becky.orff@maine.gov](mailto:becky.orff@maine.gov) Councilor Walker stated that he has been listening in on the meetings and is pleased with the Town of Brunswick's representation.

**2. Permanent Intertidal Structures: (09:00-11:30)**

Melendy explained that there has been an influx of pier applications in the upper intertidal and would suggest that folks wishing to learn more about to consider watching the February 3 Marine Resources

Committee meeting where a private landowner explained his proposed project off Miller Point in Middle Bay. <http://tv3hd.brunswickme.org/CablecastPublicSite/show/4513?channel=1> (Minute 25)

### 3. **Simpsons Point Discussion:** (11:30 – 22:42)

Melendy introduced the webinar format for this agenda item. Melendy asked public to limit their public comment to 3 minutes. Melendy stated the Town Council was asked to provide funding to help with repairs of the road and to add additional parking. Because there was so much concern over the Public Works repaving proposal the RCWC and Recreation Commission, who had already been working on the Simpsons Point user conflicts and access repairs together, it was felt this meeting may offer those citizens who have suggestions on the proposed repaving and parking to express their opinions, concerns, and make suggestions.

(22:44 – 30:30) Devereaux and Farrell went over a presentation laying out the ongoing work with the RCWC and Rec Commission. Devereaux explained a poll was sent out to the RCWC members to help identify and then prioritize the needs at the Towns water access points. Simpsons Point had numerous concerns and was prioritized as one of the top concerns for the two commissions to address for the 2021 summer season. Farrell went on to explain the specific needs identified at Simpsons Point.

- Ramp Repairs/Removal
- Crowded on Street Parking and Emergency Access
- Dogs off Leash and Swimming
- Saltwater swimming
- Bank Fishing
- Park Rangers
- Ordinance Implications.

Farrell also showed several photos of the area as well as describing the design of the proposed paving and additional parking lot. Farrell indicated most of the concerns received surrounds the most recent Town Council meeting where the proposed paving and road widening was presented for a funding request.

(33:35-55:04) Town Manager John Eldridge explained the paving, widening, and parking in further detail. He stated that the diagrams and depictions of the road widening shown are not to scale and weren't meant to be, so the illustrations may appears larger than they really are. Eldridge discussed reasoning behind the purchase of the ½ acre of property in 2018 as a way to help alleviate use of private property in the intertidal southerly of Simpsons Point, better known as the Ben Ford property, as well as reduce on street parking congestion that impacted the ability for emergency vehicles to access the end of the road. Ryan Barnes the town engineer explained the diagrams of the proposed work in more detail. Barnes explained this portion of the Simpsons Point Road is one of the most deteriorated roads in Town and is in dire need of rehabilitation. Since the road is proposed to be repaved in the Town's annual paving budget it was best to capitalize on this and include the widening the road and making off street shoulder parking in front of the Town owned property. Barnes stated this portion of the road is around 18' wide where most roads in Town are 22' wide. Councilor Walker asked how many trees would have to be removed and if there would be NO PARKING south of the added parking. Barnes suggested 30-40

trees 4” or more in size and that there would be no parking south of the widening. Melendy emphasized the need for emergency vehicles to be able to gain access to the houses at the end of the road and under current conditions it would be difficult for a fire truck to get down to those houses with vehicles parked on the narrow road. Melendy addressed a written question on whether or not the identified needs on the slide were listed by priority. They were not. Harrower (RCWC Commissioner) questioned whether or not no parking signs are currently installed on the Simpsons’ Point Road. Eldridge confirmed that there are no parking signs from the last property toward the landing. Harrower indicated that she is pleased there will be additional parking at the site. She cautions that there may be days that where cars outnumber the designed parking space. Everyone agreed. Eldridge further stated that when under construction the town will try to save as many existing parking spots but acknowledges that there could be busy days with overflow parking on the street. Mike Lyne indicated that he would like to see bicycles accommodated in the overall plan. Worthing mentioned whether or not assigned parking for traditional fishermen who often use the site to access the mudflats.

- (55:04 – 1:04:40) *Marko Melendy relayed public questions in the chat box on the webinar platform.*
  - o Inquiry into the ownership of the canoes being stored on the Ford’s beach
    - Sylvain stated that those are used by shellfishermen and he is unsure of whether or not they have permission.
  - o Would the potential paving of the Simpsons Point be delayed while the other issues regarding widening and parking are worked out?
    - Barnes stated the project was priced out together and would be more costly to do them separately.
  - o Is it appropriate for designated water access fund to be utilized to repair the primary road as it is already in and has been in disrepair?
    - Eldridge explained the resolution for the funding and that the council can adjust where the funding comes from. The more important part is to act on the project under this budget cycle. Melendy had further dialogue about the use of the funds and where those funds will come from. Walker stated that he would like to see alternative funds to address parts of these needs.
  - o Is there an environmental impact study being done and how will the slope near the widening be dealt with?
    - Barnes indicated that the slope would be reinforced with a jut mat and plantings and that under the DEP regulations and environmental impact study is not required for this type of work. Only requirement is a MEDEP permit by rule.
  - o Is it possible to swim at other boat launches?
    - Farrell indicated that swimming is not allowed at any motorized launch site.
- (1:04:45 – 2:01:42) In person public comment (3 minutes maximum length for comments)
  - o Barbara Trafton- 273 Simpsons Point Road – Indicates that parking on both sides of the road is unsafe. States she walks down there at least twice a day. Strongly supports the development of a working group with inclusion of broader representation. Hours of access should be considered. She supports explicit signage and enforcement of the signage. Controlling speeding cars should be considered and how speed softening techniques can be used.

- Melendy stated that there is discussion and support for a larger advisory group for the area.
- Henry Heyburn -215 Penneville Rd- Is grateful for having the access at Simpsons Point. Agrees the site is much more popular today than 22 years ago. Increased usage has brought decreased space and user conflicts. Supports the resurfacing of the road. Considers it short sighted to just do the road surface and widening without thinking of how other activities interact together. Encourages the town pursue including bicycle planning into the overall plan. Accessible for anyone that would like to use the area for public access. Suggest that the point be looked at in the bigger picture do to the increase of usage of the entire Penneville area.
- Laurel – Indicates that the water access is limited and dangerous as the old planks are in disrepair. She has concerns about paving and the non-point pollution those new impervious surfaces my cause. Suggest limiting times when dogs can be present at the site.
- Blaine Carter – Has concerns about the amount of traffic on Simpsons Point in general and the amount of speeding that happens at the other end of the road.
- Jamie Ecker – 67 Simpsons Point Rd. Only speaking for himself and does not represent the neighborhood. Supports working for a holistic use plan. Supports resurfacing the road and widening the road to support of additional parking. Not in support of road resurfacing and widening without a broader plan to look at the activities and uses holistically. He points out the town does not own much property and most of the shoreline usage occurs on private property. Refers to the 2014 Harbor Management Plan and how it pointed out the complexities of this location and offered suggestions to develop policy on the increased activities. Does not support using money from the water access fund for repaving the road surface. Is concerned about increase in vehicular and pedestrian traffic and speeding vehicles throughout the Penneville district. Suggests creation of a working group that includes representatives from the neighborhood.
  - Melendy clarified what the working group was constructed to address and its limited scope. Melendy asked for clarification on the property ownership.
- Scott Bodwell – Ocean Drive- Has lived in this area for 50 years. Asked that the comments he shared with the Town Council to be provided to this group. Suggests that there be consideration for acquiring additional property, because currently the majority of beach use is on private property. Doesn't support doing anything until there is additional acquisition of property at the end of the road. Supports the majority of Ecker comments.
  - Walker clarified pictures the rocky cobble beach photo represented in the slide presentation is in fact Town owned property.
- Tim Banks – lives on Simpsons Point Rd. directly across from the proposed widening and supports fixing the road ASAP. Supports fixing the road and parking.
  - Melendy clarified by asking how long the road has been in disrepair. Banks indicated that the entire 12 years he has lived there.
- Jaime Ecker – Ask for clarification on the charge of the joint commissions charge.
  - Melendy clarified that the RCWC and the REC Commissions came together to address the user concerns and coordinate the communication to the Town Council and

there is no new authority or charge. Mike Lyne further explained how the working group was developed. The working group was developed to deal with uses like the launch itself, dogs, fishing, swimming, etc. The parking and road work was not part of the working group agenda it was strictly for management of the uses.

- Lynne Schardel – 295 Simpsons Point Rd. Asks about other water access points like Mere Point and Barnes Landing. Suggested the town should look at other access sites to help spread out water access uses appropriately across other sites. Melendy concurs.
- Pat Ford – Owner of the property at the end of Simpsons Point Road. Indicates that initially there was little use and they allowed the public to use their beach area and ledges, however the increased usage over the last several years is concerning. Most often the visitors to the site are not residents of Brunswick. Indicates that there are several loud parties at night. Indicates clambers have parked their canoes on their property for years. Ford supports road resurfacing and widening for additional parking. She is concerned about emergency vehicle access if the road is not repaired and widened. Concerns about children running around their property and they are getting more people walking on their private front lawn. Increased usage has brought furtive conduct at all hours of the day and night. Ford indicates that the usage is out of control and they are now having trouble policing the area themselves.
  - Melendy and Walker expressed gratitude to the Fords for their allowance of the public to use their beach property as access. Melendy asked about what the operating hours are in reference to nighttime party comments. Farrell stated that there are no operating hours for boat launches.
- (2:01:45 – 2:08:30) *Marko Melendy relayed public questions in the chat box on the webinar platform again.*
  - There is no mention of stairs down to the water off the town's property.
    - Walker indicated that there is a possibility to build steps using an old mild grade foot path that leads to the cobble beach. He suggests a few granite steps could be added to the overall plan.
  - Why can't there be designated swimming areas at other boat launches outside where the boats are being launched and retrieved? Farrell and Melendy indicate there is safety concerns of interactions with boats and swimmers and it present some unintended liabilities for the town.
  - Jamie Ecker (in person) would like to clarify what the charge of the working group is. Mike Lyne explained that the charge surrounded uses and management of the site. Lyne stated once the working group has looked at the defined uses in the ordinance and what changes should be considered, those suggestions would then be vetted by each commission separately and then sent on to the Town Council for consideration.
    - Melendy reiterated comments on the road and parking improvements should be made in this forum but discussions surrounding management is a longer term conversation.
    - Councilor Wilson stated that people can write the Town Council with their concerns any time.

(2:08:40 – 2:25:50) Harrower asked about what the liability will be to the people using that facility and if the town takes on the liability for anything that happens at the access site or do the owners of the property the public is using assume liability.

- Eldridge explained that yes the town does accept some liability however the town is protected through the Maine Tort Claims Act which provides some immunity for certain actions by the public. If actions happen on private property the owners assume the liability.
  - o Barbara Tafton urges that there is a concurrent process that is inclusive of good representation from the neighborhood who can look at all these issues.

Melendy summarized the coordination of efforts to address the management activities is an ongoing effort. Melendy encourages residents with additional concerns about parking and paving to contact their town council representative before the next town council meeting.

- o Scott Bodwell asks whether of the water access fund portion will be removed from the funding and replaced out of the annual paving budget/
  - Eldridge states that the resolution was written so the Town Council can address the funding portion anyway they want.
  - Councilor Ankles stated that the Town Council will consider the funding at the public hearing on March 1<sup>st</sup>. He indicates that the Town Council has the authority and flexibility to change funding sources by majority vote of the Council.
- o Webinar Chat Question: Will Simpsons Point be closed to motorize boats permanently?
  - Eldridge and Walker indicated that Simpsons Point is currently closed to motorized boat launches and there is no intention to reopen the launch

**Meeting adjourned @ 2:25:58**

NEXT MEETING: Wednesday March 24pm 6pm

Submitted By,  
Dan Devereaux,

**Please note: These minutes are minutes. The entire meeting can be viewed by visiting the Town TV3 website.**

<http://tv3hd.brunswickme.org/CablecastPublicSite/show/4413?channel=1>