Town of Freeport, Maine

Coastal Waters Commission

Meeting Minutes

September 9, 2020

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| Participants:  Absent:  Guests: | Jeff Stenzel  Dayton Benway  Laurie Orlando  Joe Frazer  Peter Polovchik  Mark Morrissy  Amy Tchao – Town Attorney  Charlie Tetreau – Harbor Master  Tod Yankee  Peter Joseph – Town Manager  Peter Spencer  Harry Keates  Grechten Parker Iszard  Genie Field  Stephen Smith  Barney Baker  Anne Feuhrer  Greg Link  John Grillo  Katrina Van Dusen  Marion Doyle  Peter Selian  Mary Smith  Nick Adams  Rob F  Carter Becker  Joe Siviski  Adam White  2 phone participants |

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| Coastal Waters Commission (the Commission) Meeting was called to order at 6:04 pm on September 9, 2020 via Zoom video conference.  Minutes from the August 2020 meeting were reviewed with no revisions proposed. Mr. Frazer moved to approve the minutes, and Ms. Orlando seconded the motion. All members of the Commission were in favor with none opposed.  **Harbormaster Report**  Mr. Tetreau shared that things have picked up on the waterfront with boat pedestrian traffic. Over 50 MSD and Y-Valve checks were performed. A large number of complaints have been made about speeding boats. An extra slow speed sign has been placed in the mouth of the river. The commercial mooring zone has been cleaned up and residential moorings have been relocated.  Mr. Tetreau inquired if marine aquiculture mooring requests should be considered traditional commercial fishing or commercial marine enterprise moorings. There is currently one aquiculture mooring in the commercial zone. Mr. Tetreau recommends individuals with a standard aquiculture lease be considered commercial fish, and an individual with an aquiculture Limited Purpose Aquiculture (LPA) lease be considered a commercial marine enterprise. A motion was made by Mr. Frazer and seconded by Ms. Orlando to table a vote on Mr. Tetreau’s recommendation until next month to allow for additional considerations to be contemplated.  **Wharfing Out Permit**  The Keates-Silverman application for Kelsey Brook with property address of 64 Lupine Lane is under consideration having been tabled from the Commission’s August 2020 meeting. It has been deemed the application presented by Mr. Spencer for this meeting does not represent a full and clean application. The length of the float and pier need to be consistent among all applications and project plans.  Mr. Spencer seeks to confirm the Commission has received three endorsements for this project. Mr. Stenzel only has two endorsements and requests Mr. Spencer submit the third endorsement.  Mr. Stenzel tables further consideration of this application given the deficiencies until the Commission’s October 14, 2020 meeting.  **Harraseeket Yacht Club (HYC) Hoist and Float Improvement Application**  Ms. Tichao, Town Attorney, received a request from Mr. Siviski, an attorney representing abutters, that members of the Yacht Club who are also members of the Commission recuse themselves from consideration of this application. Mr. Stenzel and Mr. Frazer are members of both parties and independently recuse themselves from the agenda item. Mr. Yankee is also a member of both parties, but is absent from this meeting and will not participate.  The Commission has a sufficient quorum after the members have recused themselves.  Mr. Morrissey, Vice Chair, has taken the Chair after Mr. Stenzel recused himself.  Mr. Barney Baker will present the application on behalf of the HYC. Mr. Baker shared the HYC intention to contact the abutters who have concerns with the application. Mr. Baker proceeded to present a PowerPoint presentation that outlined history and pertinent facts about the HYC including location, low water line, membership, mission, and programs.  The hoist portion of the application named “The Burwell Hoist”, made possible by Jack Burwell, is necessary to support the One Design Fleet that is planned by the HYC. Placement of the hoist would be on the left of the HYC parking lot at the edge of the water as you face the mooring field in the river. The hoist could lift a 4,000 lbs boat from a trailer into the water. The hoist will be painted gray to minimize it from standing out in the surroundings. Use of the hoist will be during high tide preferably in the morning or evening. Use of the hoist would be limited to HYC members, or those participating in a HYC event like a regatta.  The float portion of the application adds an intertidal float run which would be a third run of floats closest to shore. It would also add two fingers, float(s) J, on the north end of what would become middle float run. The shore float run extends beyond the property line on the south end, and the HYC has obtained permission from the abutting property owner to extend the floats. Floats are seasonal and typically removed from the water in early winter (December 1st) and stored in the HYC parking lot.  If the applications are approved at all levels construction could accommodate installation for next summer.  Adam White, HYC Commodore, spoke to the Commission in support of the project to help promote sailing for future generations of HYC members.  Joe Siviski, attorney for Ethan and Gretchen Parker, spoke about concerns with the project the installation of floats J that displaced the Parkers mooring in 2018. When float J was absent this year the mooring was restored to its previous position. Mr. Siviski shared the Commission’s ordinance prevents a wharf from interfering with the mooring field. In addition, the hoist does not fit with surroundings in scope and size.  Peter Selian, HYC member, shared the HYC has been considering this application for a long period. The hoist would benefit wide variety of sail boats that could improve the HYC’s ability to host youth regattas in the future.  Mr. Morrissey moved to table further conversation, and go to executive session. Ms. Orlando seconded the motion and all Commission members were in favor.  Upon returning from Executive Session the Commission requested that Nick Adams provide feedback in advance of the next meeting related to Code issues raised by Mr. Siviski.  Mr. Benway moves and Ms. Orlando seconds to adjourn the meeting at 8:19 pm. |