

Town of Freeport, Maine
Coastal Waters Commission
Meeting Minutes
March 10, 2021

Participants:	Jeff Stenzel Dayton Benway Laurie Orlando Peter Polovchik Mark Morrissey Joe Frazer Tod Yankee Amy Tchao – Town Attorney Charlie Tetreau – Harbor Master
Absent:	
Guests:	Peter Joseph – Town Manager Carter Becker Barney Baker Gretchen Iszard Parker Ethan Parker Betsy Hewitt Kim Housewright Susan Murphy Tom Schwarm Adam White David Kent John Cunningham Mary Foster MJ Parker Hadlock John Stafford Caroline Pelletier, Town Planner Thornton Ring

Coastal Waters Commission (the Commission) Meeting was called to order at 6:06 pm on March 10, 2021 via Zoom video conference.

Minutes from the January 2021 meeting were reviewed. Mr. Yankee 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 the water front is very quiet. Mr. Tetreau was a member of a committee that met to set parameters for air boat usage in harbors. The committee was to recommend a language for laws around air boat usage to the State of Maine, but they were unable to reach a consensus. 6-7

moorings will turn over this year. There are 132 individuals on the waitlist. Over 75% of the waitlist are residents.

There are more than 30 aquaculture leases and owners of those farms are putting a strain on parking at the town wharf.

Wharfing Out Permit

Mr. Becker presents a permit on behalf of the Hewitt's, 5 Shipwright Cove. A site-walk was performed by Mr. Stenzel, and Ms. Orlando along with abutters. The site-walk did not result in any changes to the original application as presented in January 2021. The length of the wharf and float do not exceed 125 feet. Mr. Becker estimates 30-40 minutes of tide will be lost by shortening the wharf by 10 feet. The proposed structure will be located to the northeast of the property to minimize the impact on the natural surroundings. Mr. Tom Schwarm and Ms. Susan Murphy (abutters) have withdrawn their objections.

Mr. Tetreau prepared a Statement of Fact based on the ordinance and recited the statement verbally for Commission members and the public to hear. Mr. Stenzel confirms this application meets the ordinance conditions as conveyed in the Statement of Fact.

Mr. Morrissey share that he believes the application should be approved. Mr. Frazer moves to approve the application and Mr. Morrissey seconds the motion. No further discussion. All members vote in favor or approving the application as presented with no members opposed or abstaining.

Harraseeket Yacht Club (HYC) Hoist and Float Improvement Application

Mr. Morrissey takes the chair for this issue after Mr. Stenzel recuses himself as he is a party to both the Commission and the HYC. Mr. Yankee and Mr. Frazer are similarly conflicted and recuse themselves.

The Commission has a sufficient quorum after the members have recused themselves.

Mr. Morrissey welcomes Mr. Barney Baker to address the Commission and public. Mr. Baker shows a document named boundary retracement survey prepared by Little River Land Survey, Inc. The document shows the boundaries of the HYC. The property line to the south includes intertidal agreements with abutters. The property line to the north does not have similar agreements with abutters. An agreement with the abutters to the north is being pursued to aid with standards set in accordance with the submerged land zones, and until then the letter from HYC counsel referencing right, title and interest allow the HYC to move forward.

To move the forward project float J has been reduced to an extension of 22.5 feet. Mr. Baker is requesting the Commission reconsider the revised float project at this meeting, and take a vote.

Ms. Tchao recommends that she draft a document of facts and findings for the Commission to consider before a formal vote is taken.

Mr. John Cunningham the counsel for Ethan and Gretchen Parker, HYC abutters, presents the Parker's concerns. Mr. Cunningham presents the issue of right, title and interest has not been resolved for the following reasons: The change of plan for the low water mark is now in the submerged land zone,

there is not an approval on record for pre-existing Float H, and pre-existing Army Corps permits conflict with portions of this project.

Mr. Ethan Parker addresses the Commission to convey the HYC's has not made extensive attempts to come to an agreement with his family. Mr. Parker introduces letters in his position between the HYC and neighbors from the 1970's that show an agreement that no structure will be built on the water side of the parking lot.

Ms. Tchao asks Mr. Baker if Float H has been previously approved, and Mr. Baker share the HYC does not have record of a prior approval when the float was added in 2005-06, but believes the Harbormaster at the time did in fact approve float H.

Mr. Parker Hadlock is welcomed to address the Commission. His father was a former leader of the HYC and Mr. Hadlock witnessed many discussions regarding limitations to building a structure at the water's edge of the parking lot.

Mr. Parker confirms he will share the aforementioned letters with the Commission. Mr. Parker shares his frustration around the characterization of a structure being directly related to a building vs. the hoist that is proposed. He also shares the original Army Corps approval of the HYC float system requires further approval before any float can be moved.

Mr. John Grillo reiterates the HYC will not build a new building at the edge of the water.

Ms. Gretchen Parker requests the letters that will be submitted by Mr. Parker will be recorded as "on record" once they are received by the Commission.

The matter of the hoist coming before this Commission has been raised again. December Commission minutes say the hoist will be the responsibility of the Planning Review Board however; Ms. Tchao will confirm the governance responsibility of the Commission to hear the matter of the hoist.

Ms. Orlando moves to table the issue to the April meeting until Ms. Tchao can return the document of facts and findings, and Mr. Benway seconds. All Commission Members are in favor with none opposed.

Members of the HYC will vote on their formal approval of the plan after this Commission finalizes their proceedings.

Ms. Orlando moves to adjourn, and Mr. Benway seconds. All Commission Members are in favor with none opposed.

The meeting adjourns at 7:53 pm.