**Minutes**

**Coastal Waters Commission**

**August 9, 2023**

**6 p.m.**

**Freeport Council Chambers**

**Attending:**

**Attending:** Dayton Benway, Laurie Orlando, Chair Mark Morrissey, Jeff Stenzel, and Harbormaster Charlie Tetreau

**Excused:** Joe Frazer, Scott Gleason and Tod Yankee

1. Approval of Minutes from July’s meeting

Mr. Stenzel pointed out that Michael Morse’s name was incorrectly spelled as Morris a couple of times.

 **MOVED AND SECONDED:** To approve the Minutes as amended. (Benway & Stenzel)

 **VOTE:** (4 Ayes) (3 Excused: Frazer, Gleason and Yankee)

1. Harbormaster’s Report

Charlie advised that there was a training session with Attorney Amy Tchao that was recorded. If anyone is interested in listening to that training on their own time, send him an e-mail and he will get the link out to them. Mr. Stenzel asked when that was advertised and Charlie suspected it was at the beginning of July. He noted he did not send the notice out and Mr. Stenzel mentioned he thought it was for Chairs and Vice Chairs.

Charlie pointed out that we had four LPA requests this past month out by Sisters Island. They are overwintering sites being proposed to be in the water from November 1 to April 30.

Regarding Airboats, this year we are doing great. We have had ten complaints so far which is 10% of what we had the last three years and eight of those are from the same resident. He thinks a lot of this has to do with the amount of rainfall we have had. Unfortunately, we have had an inch or two of rain which shuts areas down so these airboats won’t pass through the typical areas they pass through so. He feels receiving two complaints is a win and everybody is getting better educated and the operators are better at operating them. Other than that, he is keeping up with activities and the weather. He came here an hour ago and the area was crawling with people enjoying a nice afternoon. Two new floats have been installed at the end so we have three runs of floats. They are two-faced floats for folks to pull up to and they were much needed and he thinks they are great. He offered to answer any questions from the Commission but no one had a question.

1. New Business:

Chair Morrissey advised that on August 1 or 2 he sent the Commission the manual on site visits. He suggested that everyone take a look at it. Tonight, we will schedule the site walk for the project at 0 Shore Drive. He wants to be sure the Commission will look it over prior to the site walk. The take-away from that is that we are not going to discuss any other project at the site. Attorney Tchao’s recommendation is that if there are questions, write them down and we will have them here. This will ensure that everyone gets to hear the question and in a big environment like that, sometimes people won’t have an opportunity to hear things so we want to make sure that everybody has a chance to hear everything. Our plan moving forward is that we won’t take any questions and we will just see and then we will go from there.

For 0 Shore Drive, he knows we are missing Commission members tonight but wanted to get an idea of people’s schedules. Could it be first thing in the morning? He would like to possibly get it scheduled tonight and give a seven-day notice so he is looking at August 24 or 25 or August 28, 29, 30 or 31. It does not have to be at high tide or low tide to get a good idea of what is there. We will look at the area and the boat. This is not mandatory if you are from that area and you have seen the boat. This is for people like him, who are not familiar with 0 Shore Drive so he needs to go and take a look. He asked if Thursday, the 24th first thing in the morning works with people’s schedule?

Tim Forrester requested that the meeting not be scheduled at high tide and that it be at mid-tide or lower because the entire area that is proposed for development should be observable. He added that it does not have to be at low tide but he thinks at mid-tide or lower, you would see everything. Chair Morrissey noted the Commission could possibly do it on the 21st because it would give him seven days for notice. He will schedule it for 8 a.m. on August 21 and will e-mail Mike but will copy Mr. Forrester on the same e-mail. He asked that he let his folks know that the Commission will not be taking any questions but they are welcome to be there. Any questions they have can be taken up at the upcoming September meeting.

1. Old Business

3 Slack Tide Lane

John Shanholtz thanked the Commission for taking the time to talk to him. He is the owner of 3 Slack Tide Lane which is on the Cousins River. He owns 343’ of river frontage there. He offered to dive into the details of the project if it would be helpful but noted he covered quite a bit of it last month. Chair Morrissey requested that he provide a brief synopsis. Mr. Shanholtz explained that it is a 2.8-acre parcel with 343’ of water frontage. He is proposing to construct a residential dock that does not exceed 60’in length and will not pose a hazard to navigation. It will be 100% out of the river channel and dries out at low tide. There will not be any obstruction to the river channel or anything like that. The proposed dock is consistent with others in the area. The proposed location of the dock is at the down river side of the property. It will not interfere with shellfish harvesting activities that that area is known for. He thinks it is a pretty minimal impact there. At last month’s meeting he provided a letter of support from his closest abutter and wanted to make sure everybody has it. Chair Morrissey advised that he has it. Overall, Mr. Shanholtz believes that the wharfing out application as submitted meets the project’s Town standards. There was one ask at the last meeting on where the float would be stored during the off season. He has documents to hand out tonight. He pointed out that he has three options but most likely he will use Sea Meadow Marine. He talked to some of his neighbors who have docks and learned that this is who they use and they seem more than willing to take on new clients. If he doesn’t engage them, perhaps he will consider Falls Point or some other equivalent service. He asked the Commission to rest assured, the float will be stored in an upland location and not on a marsh or anything like that. Chair Morrissey asked Mr. Shanholtz to let Charlie know when he decides which service he will use. It can be in an e-mail so we can keep it in the record and he is obviously welcome to change it, moving forward next year or whenever.

Mr. Stenzel asked if there is a setback from the next property? Mr. Shanholtz advised that he talked with Nick Adams early on and learned there is a zero-setback requirement from the abutting landowner for docks or wharves or things like that. If you look at the application presented, there are dimensions that show how far they are. The stair system is closer than the dock will be and he thinks it is pretty respectful of the neighboring lot. He has a letter of support from his abutter.

Mr. Stenzel asked what chapter in the ordinance is it? Mr. Shanholtz apologized for not including the page numbers. Mr. Stenzel asked Charlie if there needs to be a certain footage from the abutting property line? Charlie advised that Nick Adams clarified that question and e-mailed that it was not an issue. He doesn’t think It is specified in our ordinance. Mr. Stenzel asked Mr. Forrester if he remembered what article it is in our ordinance? Mr. Forrester advised that it is in Chapter 31 but he did not recall exactly what section. He added there are two standards, 60’ of frontage and the maximum length is 125’. He does not believe there are any side setbacks. Charlie offered to double check but he doesn’t believe there are any side setbacks.

There were no additional questions for the applicant. Chair Morrissey called for a motion.

**MOVED AND SECONDED:** To approve the wharfing out application for 3 Slack Tide Lane. (Benway & Orlando) **VOTE:** (4 Ayes) (3 Excused: Frazer, Gleason and Yankee) (0 Nays)

Chair Morrissey congratulated Mr. Shanholtz. Mr. Shanholtz thanked the Commission and asked if there is a document he will be provided that shows the approval? Charlie advised him that he will type it up and get Chair Morrissey to sign it and then he will get it to him.

Mr. Forrester advised Mr. Stenzel that the Article in question is No. 13.

1. Adjournment

**MOVED** to adjourn at 6:22 p.m. (Benway) **VOTE:** 4 Ayes) (3 Excused: Frazer, Gleason and Yankee) (0 Nays)

Recorded by Sharon Coffin