



Town of Brunswick, Maine

INCORPORATED 1739

Rivers & Coastal Waters Commission

85 UNION STREET

BRUNSWICK, MAINE 04011

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Marko Melendy

Chairman

Cory Theberge

Vice-Chair

Regular Meeting

May 9, 2022

6 p.m.

AGENDA

Brunswick Town Hall

85 Union Street

or Electronic

Minutes

Harbor Master Report

- Eelgrass Mitigation Grant
- Summer Initiatives (RCWC Booklets)

Public Comment Period (3 minutes max per person)

1. Draft Pier Ordinance Language
2. New Business
3. Old Business

The following link will direct you to the Town's Calendar which will provide times for all the RCWC meetings as well as ways in which the public can view or participate in the meeting via electronic devices. [Town Calendar](#) If you are a commission member and unable to attend, please let staff know.

Proposed amendment to Section 2.3.3(C)(14)

(14) Structures and Other Activities Extending Over or Below a Water Body or Within a Wetland or Shoreline Stabilization Area Piers, Docks, Wharves, and Related Structures and Activities

The following requirements apply to piers, docks, wharves, bridges, and ~~other~~ related structures and activities ~~that~~ extending over or below the normal high-water line of a water body, or within a wetland or shoreline stabilization area. (Note: New permanent structures, and expansions thereof, projecting into or over water bodies require a permit from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S., § 480-C, as amended. Permits may also be required from the U.S. Army Corps of Engineers if located in navigable waters.)

a. Application Requirements.

- i. All applications for new, expanded or reconstructed docks, wharves, bridges, and related structures and activities projecting over or below the high-water line of a water body shall be provided to the Harbor Master, Coastal Resource Manager, and Brunswick Rivers and Coastal Waters Commission for review and written comment prior to any action taken by the Review Authority. If the Coastal Resource Manager determines that the application is located in or over an intertidal shellfish habitat, or may impact fisheries, spawning areas or other wildlife, he or she shall refer the application for review and written comment by the Marine Resource Committee. Any entity with commenting authority may conduct a site visit as part of its review process. Any written comment required by this paragraph shall be provided to the Review Authority with the application.
- ii. The application and request for comment by the Brunswick Rivers and Coastal Waters Commission shall be submitted at least 14 days prior to its regular meeting.
- iii. The Review Authority shall consider the comments of all reviewing entities and shall incorporate into its decision any comments and recommended conditions deemed necessary to protect against undue adverse impacts to shellfish habitat, fisheries, spawning areas or other wildlife.

b. Standards. The following standards shall apply to all piers, docks, wharves, bridges, or related structures extending over or below the normal high-water line of a water body, or within a wetland or shoreline stabilization area:

- ~~a. i.~~ No more than one (1) pier, dock, wharf, or similar structure extending over or located below the normal high-water line of a water body, or within a wetland or shoreline stabilization area is permitted on a single residential lot; ~~excepting on single lots having a lot width at least twice the required lot width of the base zoning district and at least twice the minimum shorefrontage as specified in Table 4.2.5.F(1), a second structure may be permitted and may remain as long as the lot is not further divided.~~
- ii. No new residential pier, dock or wharf system shall have an overall length greater than ~~400~~ 125 feet, measured from the highest annual tide line to the end of the float.
- iii. Residential piers, docks and wharves shall be no larger than adjacent structures of similar type and shall be designed to minimum dimensions necessary to carry

- on the activity. Residential piers, docks and wharves shall be no wider than 6 feet.
- ~~iv.~~ No permanent structures, including footings or anchoring systems, may be placed in tidal or subtidal lands that have been mapped as significant wildlife habitat.
- ~~v.~~ New subdivisions shall be limited to a single community pier, dock or wharf serving subdivision parcels; no individual subdivision lot may be permitted for a pier, dock or wharf regardless of its frontage.
- ~~b.vi.~~ Access from shore shall be developed on soils appropriate for such use and constructed so as to ~~control~~ minimize erosion.
- ~~e.vi.~~ The location shall not interfere with existing developed or natural beach areas.
- ~~vii.~~ No crossing of vegetated wetland, including coastal and freshwater wetlands, tidal marshes, and salt meadows, or other tidal vegetated area shall exceed 30 feet in length, as measured from the upland edge of the wetland to the limit of the vegetated area.
- ~~viii.~~ Temporary or seasonal floats shall not exceed 320 square feet if the float(s) rest in more than 6 inches of water at mean low tide, and shall not exceed 200 square feet if the float(s) rest in less than 6 inches of water at mean low tide. Temporary or seasonal floats and ramps shall have skids or other structural improvements that limit disturbances to land and vegetation during their installation and removal. Temporary or seasonal floats and ramps shall be stored in upland areas while not in use and clearly marked with the owners' name and contact information. For the purposes of this provision, "seasonal" shall mean used for less than seven months per year.
- ~~lix.~~ The structure or activity shall be located so as to minimize adverse effects on fisheries as determined by the ~~Marine~~ Coastal Resource Officer or designee.
- ~~e.x.~~ The ~~structure or activity~~ Piers, docks, or wharves shall be no larger in dimension than necessary to carry on the activity and be consistent with similar adjacent piers, docks, or wharves and the surrounding character and uses of the area. A ~~temporary~~ pier, dock, or wharf shall may not be wider than six (6) feet for residential uses.
- ~~xi.~~ In order to minimize shading impacts, structures located on or over salt marshes shall maintain at least a 1:1 width-to-height ratio over the wetland (e.g., a 4-foot wide walkway must be elevated at least 4 feet above the wetland).
- ~~xii.~~ No structures shall be located in tidal creeks, or channels that are less than 100 feet in width, or where the structure will occupy more than 1/3 of the channel width at lowest annual tide.
- ~~f.xiii.~~ No new structure shall may be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland or ~~shoreline stabilization area~~ unless the structure requires direct access to the water body or wetland or ~~shoreline stabilization area~~ as an operational necessity.
- ~~g.xiv.~~ New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the ~~Code Enforcement Officer~~ Review Authority that a temporary pier or dock is not feasible, and a permit has been

obtained from the Maine Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S., § 480-C, as amended.

- ~~h~~-xv. A structure constructed on a float is prohibited unless it is designed to function as a watercraft and registered as such with the Maine Department of Inland Fisheries and Wildlife.
- ~~i~~-xvi. No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the ~~normal high-water line of water body or within highest annual tide line or into~~ a wetland ~~shall~~ may be converted to residential dwelling units.
- ~~j~~-xvii. Structures built on, over, or abutting a pier, wharf, dock, or other structure, including any associated booms, hoists or lifts, extending beyond the normal high-water line of a water body or within a wetland ~~or shoreline stabilization area~~ shall not exceed 20 feet in height above the pier, wharf, dock, or other structure.
- ~~k~~-xviii. Marine Activities and piers, docks, wharves, breakwaters, causeways, marinas, bridges, and other structures projecting into water bodies shall conform to the supplementary use standards in Subsection 3.4.1.S.
- ~~l~~-xix 2.3.3.C.(11) in order to stabilize an eroding shoreline, provided that prior to such removal, the proposed activity is reviewed onsite and approved by the Code Enforcement Officer. Construction equipment shall access the shoreline by barge when feasible, as determined by the Code Enforcement Officer.
 - ~~i~~-a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site by land shall be limited to no more than 12 feet in width. Upon completion of the stabilization activity, the area cleared for construction equipment access shall be restored with native trees and other vegetation, in accordance with a plan submitted to and approved by the Code Enforcement Officer.
 - ~~ii~~-b) Revegetation shall be completed in accordance with Subsection 2.3.3.C (10).
- ~~m~~-xx. A deck over a river may be exempt from the 125 foot shoreland setback requirement for new construction if the new construction is part of a downtown revitalization project, defined in a project plan and approved by Town Council. This may include the revitalization of structures formerly used as mills that do not currently meet the structure setback requirements, if the proposed deck complies with the following:
 - ~~i~~-a) The total deck area attached to the structure does not exceed 700 square feet;
 - ~~ii~~-b) The deck is cantilevered over a river segment that is located within the boundaries of the downtown revitalization project area;
 - ~~iii~~-c) The deck is attached or accessory to a permitted commercial use in a structure constructed prior to 1971 and is located within the boundaries of the downtown revitalization project area;
 - ~~iv~~-d) The deck construction complies with all other applicable standards, with the exception of shoreland setback requirements contained in Subsection 2.3.3.(C); and

- v-e) The deck construction complies with all other local, State and Federal laws and regulations.

Proposed Amendment to Zoning Ordinance Section 3.4.1(S)

(1) All applications for docks and wharves shall be ~~provided to the Harbor Master for review and written comment by the Brunswick Rivers and Coastal Waters Commission prior to action taken by the Review Authority.~~ subject to the review and comment process set forth in Section 2.3.3(C)(14).