NOTICE
Planning Board Meeting

The Planning Board will meet on
Thursday, March 16, 2017 at the Island Hall at 6:00 PM

Agenda:

Call to order

Public Hearing

1. Raymond Gilmartin, Replacement of existing permanent pier and seasonal ramp and float, Tax Map I-03 Lot 099, located at 8 Central Landing Road
2. Marian Cox-Chapman, New permanent pier with seasonal ramp and float, Tax Map I-01 Lot 032, located at 45 South Shore Drive

Old Business

1. None

New Business

1. Raymond Gilmartin, Replacement of existing permanent pier and seasonal ramp and float, Tax Map I-03 Lot 099, located at 8 Central Landing Road
2. Marian Cox-Chapman, New permanent pier with seasonal ramp and float, Tax Map I-01 Lot 032, located at 45 South Shore Drive

Other Business

1. March 29th Workshop with Stephanie Carver, Zoning Ordinance Amendments

Adjournment

The public is welcome and encouraged to attend!
To: Chebeague Island Planning Board
Date: February 17, 2017
From: Chebeague Island Coastal Waters Commission
RE: Raymond Gilmartin, Reconstruction of existing permanent pier, seasonal ramp and float application

The Coastal Waters Commission heard an application on February 16, 2017, for reconstruction of the existing permanent pier, seasonal ramp and float. The existing structures will be replaced with a 6' x 204' permanent pier, 4' x 54' seasonal ramp, and a 12' x 32' seasonal float, also install a 4' wide set of stairs to access the shoreline, Tax Map I-03, Lot 099, located at 8 Central Landing Road.

The CWC finds and affirmatively voted that the application meets each of the required standards of Chapter 17, Article II, §421.4(A-M) of the Town of Chebeague Island Zoning Ordinance. Therefore, and pursuant to Chapter 17, Article II, §421.3 of the Town of Chebeague Island Zoning Ordinance, the Coastal Waters Commission recommends the approval for construction a 6' x 204' permanent pier, 4' x 54' seasonal ramp, and a 12' x 32' seasonal float, also install a 4' wide set of stairs to access the shoreline, Tax Map I-03, Lot 099, located at 8 Central Landing Road.

Respectfully Submitted,

[Signature]

Geoff Summa
Chairman Coastal Waters Commission
Findings of Fact & Conclusion of Law

Date: March 16, 2017
Application Type: Permanent Pier with Seasonal Ramp and Float
 Owners Name: Raymond Gilmartin
Agent for Owner: Ecoanalysts, Inc. C/O Tim Forester
Located at: 8 Central Landing Road
Zoning District: Commercial Fisheries and Maritime Activities Shoreland (CFMA), Limit Commercial Shoreland (LC), and Island Business (IB),

Project Description:

The applicant has applied for a Shoreland zoning application to replace of existing permanent pier and seasonal ramp and float with a 6’ x 204’ permanent pier, 4’ x 54’ seasonal ramp, and a 12’ x 32’ seasonal float, also install a 4’ wide set of stairs to access shoreline, located on Tax Map I-03, Lot 099, at 8 Central Landing Road.

FINDINGS OF FACT:

- The owner of the property is Raymond Gilmartin as provided to the Board with a recorded deed in the Cumberland County Registry of Deeds, Book 9239, Page 263,
- Mr. Forrester provided the Board with a letter of authorization from Mr. Gilmartin, showing reasonable right, title and interest in the property,
- The Board has demonstrated jurisdiction through section Ch. 17 Art. II, § 204.2.B, § 421, & § 602.5 of the Town Chebeague Island Zoning Ordinance (Zoning Ordinance).
- The Board concluded that there are no conflicts of interest between the any Board members and the applicants.
- The Coastal Water Commission reviewed the application and issued a written recommendation to the Planning Board on February 17, 2017
- The Planning Board held a public hearing on March 16, 2017

Ch. 17 Art. II, § 421.4

The following standards shall apply to all piers, docks, floats, wharves, bridges, and other structures and uses extending over and beyond the normal high water line of a body of water, submerged lands or wetland:

No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 204.2.C a second structure may be allowed and may remain as long as the lot is not further divided.
A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

B. The location shall not interfere with existing developed or natural beach areas.

C. The facility shall be located so as to minimize adverse effects on fisheries.

D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.

E. No new structure shall 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 unless the structure requires direct access to the water body or wetland as an operational necessity.

F. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal highwater line of a water body or within a wetland shall be converted to residential dwelling units in any district.

G. Except in the Commercial Fisheries/Maritime Activities District, structures 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 shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

H. Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and safe
navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation. Public and Commercial facilities shall submit a lighting plan for review by the Planning Board for safety and compatibility with the proposed use. All lighting shall be in conformance with all Federal, State, and local standards including Coast Guard Regulations for lighting of piers or wharves where applicable.

I. Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling and navigation. This may require accommodations such as steps or pier elevations that would allow passage over or beneath a structure.

J. Where a waterfront structure is proposed that will serve more than one property, the property owners shall submit to the Town of Chebeague Island a proposed easement demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town of Chebeague Island.

K. Before any construction or site preparation begins, the applicant must obtain all Federal, State and local permits, as required, including but not limited to a Code Enforcement Officer permit, permits from the Department of Environmental Protection under the Natural Resources Protection Act, 38 M.R.S.A. § 480-C as subsequently amended, the Army Corps of Engineers, and a Wharfing-Out permit issued by the Selectmen under 38 M.R.S., Ch. 9, as subsequently amended.

L. Vegetation may be removed in excess of the standards in Section 427.5 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
1. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

2. Revegetation must occur in accordance with Section 427.9.

M. The Town of Chebeague Island shall notify all property owners within 1500 feet of the proposed project. In addition, the Town of Chebeague Island shall place Public Notices in four (4) locations to maximize notification of the affected citizenry and shall place Public Notices in two local papers.

The Town Clerk sent out abutters notices on and posted the notice in the at the Town Office, the Stone Pier, Casco Bay Landing Pier, Doughty’s Market and on the CTC Ferry. Additionally, the Town Clerk place a notice in the Forecaster and Portland Press Herald.

**Ch. 17 Art. II, § 602.5.C. Criteria for Review**

1. After the submission of a complete application to the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer or the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

   a) Will maintain safe and healthful conditions;

   b) Will not result in water pollution, erosion, or sedimentation to surface waters;

   c) Will adequately provide for the disposal of all wastewater;
d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

e) Will conserve shoreland vegetation;

f) Will conserve shore cover and visual as well as actual points of access to inland and coastal waters;

g) Will protect archaeological and historic resources as designated in the Comprehensive Plan;

h) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/ Maritime Activities Overlay District;

i) Will avoid problems associated with flood plain development and use; and

j) Is in conformance with the provisions of this Article.

k) Is not in a floodplain adjacent to tidal waters (RP/FP Overlay District), and that an approved Letter of Map Amendment has been issued by the National Flood Insurance Program

CONCLUSION:
Therefore, the Town of Chebeague Island Planning Board hereby approves/denies with the following conditions, the application for Raymond Gilmartin to replace of existing permanent pier and seasonal ramp and float with a 6’ x 204’ permanent pier, 4’ x 54’ seasonal ramp, and a 12’ x 32’ seasonal float, also install a 4’ wide set of stairs to access shoreline, on Tax Map I-03, Lot 099, located at 8 Central Landing Road, as described in the application January 23, 2017 and the above findings of facts.

**Conditions of Approval:**

- Soil Erosion Control and Stormwater Management Measures shall be in place prior to construction; the Code Enforcement Officer may require additional measures be taken.
- Wharfing out and Building permits shall be obtained prior to the start of construction/use.
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time.
- A certified person in erosion control practices by the Maine Department of Environmental Protection must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
- Plan approval is also conditioned upon compliance by the Applicant with the Plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral or written commitments regarding the project which were specifically made by the Applicant to the Board in the course of its deliberations, any alterations that are not de-minimis shall require Planning Board approval as an amendment to this approval.
- The applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.

Pursuant to Ch. 17 Art. II, §603.7.A.2 of the Town of Chebeague Island Zoning Ordinance, this decision can be appealed to the Board of Adjustments and Appeals within 30 days.

**Date Approved:** March 16, 2017

**Town of Chebeague Island Planning Board**

Chip Corson, Chairman  
Nancy Hill

Town Office Telephone: (207) 846-3148 · Fax: (207) 846-6419
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<th>Carol White</th>
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To: Chebeague Island Planning Board  
Date: February 17, 2017  
From: Chebeague Island Coastal Waters Commission  
RE: Marian Cox-Chapman, Permanent pier with seasonal ramp and float application

The Coastal Waters Commission (CWC) heard an application on February 16, 2017, for construction of a new 6’ x10’ fixed permanent ramp with 6’ x 40’ fixed permanent pier, a seasonal 3’ x 48’ ramp and a seasonal 12’ x 24’ float, Tax Map I-01, Lot 032, located at 45 South Shore Drive.

The CWC finds and affirmatively voted that the application meets each of the required standards of Chapter 17, Article II, §421.4(A-M) of the Town of Chebeague Island Zoning Ordinance. Therefore, and pursuant to Chapter 17, Article II, §421.3 of the Town of Chebeague Island Zoning Ordinance, the CWC recommends the approval for construction of a new 6’ x10’ fixed permanent ramp with 6’ x 40’ fixed permanent pier, a seasonal 3’ x 48’ ramp and a seasonal 12’ x 24’ float, Tax Map I-01, Lot 032, located at 45 South Shore Drive, additionally the CWC would like the Planning Board to inquire about potential setbacks from South Shore Drive.

Respectfully Submitted,

[Signature]

Geoff Summa  
Chairman Coastal Waters Commission
Findings of Fact & Conclusion of Law

Date: March 16, 2017
Application Type: Permanent Pier with Seasonal Ramp and Float
Owners Name: Marian Cox-Chapman
Agent for Owner: ECOanalysts, Inc C/O Tim Forester
Located at: 45 South Shore Drive
Zoning District: Commercial Fisheries and Maritime Activities Shoreland (CFMA), Limit Commercial Shoreland (LC), and Island Residential (IR),

Project Description:

The applicant has applied for a Shoreland zoning to install a New Permanent Pier with seasonal ramp and float, Tax Map I-01, Lot 032, located at 45 South Shore Drive.

FINDINGS OF FACT:

- The owner of the property is Marian Cox-Chapman as provided to the Board with a recorded deed in the Cumberland County Registry of Deeds, Book 21462, Page 74,
- Mr. Forester provided the Board with a letter of authorization from Ms. Cox-Chapman, showing reasonable right, title and interest in the property.
- The Board has demonstrated jurisdiction through section Ch. 17 Art. II, § 204.2.B, § 421, & § 602.5 of the Town Chebeague Island Zoning Ordinance (Zoning Ordinance).
- The Board concluded that there are no conflicts of interest between the any Board members and the applicants.
- The Coastal Water Commission reviewed the application and issued a written recommendation to the Planning Board on February 17, 2017
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A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
B. The location shall not interfere with existing developed or natural beach areas.

C. The facility shall be located so as to minimize adverse effects on fisheries.

D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area.

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Town of Chebeague Island
192 North Road
Chebeague Island, ME 04017
www.townofchebeagueisland.org

All lighting shall be in conformance with all Federal, State, and local standards including Coast Guard Regulations for lighting of piers or wharves where applicable.

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K. Before any construction or site preparation begins, the applicant must obtain all Federal, State and local permits, as required, including but not limited to a Code Enforcement Officer permit, permits from the Department of Environmental Protection under the Natural Resources Protection Act, 38 M.R.S.A. § 480-C as subsequently amended, the Army Corps of Engineers, and a Wharfing-Out permit issued by the Selectmen under 38 M.R.S., Ch. 9, as subsequently amended.

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more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

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Ch. 17 Art. II. § 602.5.C. Criteria for Review

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a) Will maintain safe and healthful conditions;

b) Will not result in water pollution, erosion, or sedimentation to surface waters;

c) Will adequately provide for the disposal of all wastewater;

d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
e) Will conserve shoreland vegetation;

f) Will conserve shore cover and visual as well as actual points of access to inland and coastal waters;

g) Will protect archaeological and historic resources as designated in the Comprehensive Plan;

h) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities Overlay District;

i) Will avoid problems associated with flood plain development and use; and

j) Is in conformance with the provisions of this Article.

k) Is not in a floodplain adjacent to tidal waters (RP/FP Overlay District), and that an approved Letter of Map Amendment has been issued by the National Flood Insurance Program

CONCLUSION:

Therefore, the Town of Chebeague Island Planning Board hereby approves/Denies with the following conditions, the application for Marian Cox-Chapman to construct a New Permanent Pier with seasonal ramp and float, Tax Map I-01, Lot 032, located at 45 South Shore Drive as described in the application January 16, 2017 and the above findings of facts.
Conditions of Approval:

- Soil Erosion Control and Stormwater Management Measures shall be in place prior to construction; the Code Enforcement Officer may require additional measures be taken.
- Wharfing out and Building permits shall be obtained prior to the start of construction/use.
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time.
- A certified person in erosion control practices by the Maine Department of Environmental Protection must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
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- The applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.

Pursuant to Ch. 17 Art. II, §603.7.A.2 of the Town of Chebeague Island Zoning Ordinance, this decision can be appealed to the Board of Adjustments and Appeals within 30 days.

Date Approved: March 16, 2017
Town of Chebeague Island Planning Board

Chip Corson, Chairman

Nancy Hill

Carol White

Bob Earnest
Dear Sirs,

Our neighbors the Cox-Chapman’s have kindly shared with us their plans for building a new dock. We are writing to let you know that we whole heartedly support them on this project. Please feel free to contact us if you have any questions. Thank you for your time.

Best Regards,

Alex and Bill Daugherty
Owners of 47 South Shore Drive, Chebeague
805-452-3787
To: Coastal Waters Commission  

From: Joanne Anderson and Tom McCullom; property owners at 35 South Shore Drive.  

RE: Cox-Chapman Application to Construct a Dock.  

Our family has had a summer residence in Coleman Cove for close to 70 years. For the majority of that time, the cove has been primarily a commercial fishing cove. There is a rich history and tradition in the cove and island for boat owners to use a haul-off to retrieve their skiff an outboard to gain access to their mooring. Each property owner in the cove including the commercial fisherman continue this tradition. The applicant has had access by means of a walk (less than 100’) to a set of stairs to their haul-off.  

There are a few points in the application that we would like to make comment on:  

1. The applicant states in page 1, “there is currently no formal access to Casco Bay from the property for boating and other recreational pursuits”. The previous owner of 45 South Shore Drive as well as other fisherman had haul-offs on the ledge where the proposed site is.  

2. The Applicant states that there are no public or private facility that can accommodate their needs. The majority of pleasure and commercial boaters do not have private access to their boats from their property. The two commercial fisherman in the Cove drive over 1 mile to get to their boats. There are two public floats available on the island; Chandler’s (owned by the State) and the Stone Pier (owned by the town).  

3. Please refer to “Scenic Description” on page 7. We disagree with the statement that there are existing docks associated with a residential structure in the vicinity of the project site. The Hope Island dock was built to support the Hope Island Club, a commercial operation before Hope Island became a part of the Town of Chebeague. We also do not agree that the project is “compatible” with the view shed of the resource and will, in fact, result in dominance within the view shed of the resource.  

4. Alternate Three states that there “will be no direct impact to the eel grass”. The lack of light as a result of the structure and ramp will have an impact on the health of the eel grass.  

5. We want to address the physical and natural beauty of Coleman Cove as it exists today and the more recent past. There are no barriers to impede or intrude both the physical act of walking the shore or the visual landscape. At one time there were a number of “fish” shacks along the shore. These have since gone away, as have the fisherman who relied on the them to tend their” gear”. But these buildings were once an integrated part of the landscape, supporting the residents of the Cove in their quest to sustain their livelihood.  

The proposed “cock” will in fact intrude on the physical beauty of the Cove and potentially impede the access to the shore. For as long as we have lived in the Cove,
Islanders have walked along the rocks to get to “Manley’s Cove” or to walk to the Point. It appears by using the “section view” on page 10, that the clearance beneath the “fixed pier” section at H.A.T. is approximately 4’ and at M.H.W. 6’ (not having a topographic plan of the site precludes knowing more exactly). Based on the above and other points mentioned, we ask that the application to construct a “dock” be denied.

In addition, we have an urgent erosion problem along the banking in the Cove. We have brought this to the attention of the Town. The road is in jeopardy, in particular directly in front of our property. How can we know what the impact might be by placing a permanent structure at the mouth of the Cove?

Thank you all for your time and consideration.

Joanne Anderson and Tom McCullom
Geoff,

I am writing in response to the Cox-Chapman request for a large dock project in Coleman Cove. I am surprised that we haven't heard about a project of this scope until now??

Someone from the island forwarded on the application, and after reviewing it, I join several of my neighbors in opposition to the proposed pier and dock in Coleman Cove's public intertidal land for private use.

My objections are as follows:

1. The building of the proposed pier and float would adversely impact recreational kayaking, paddle boarding and small boat sailing in the Cove. Extending a dock and float out to navigable waters would mean that such light recreational uses would have to go out and around the dock - further from shore and into stronger winds and currents. Most anyone who uses Coleman Cove can attest to the increased winds and currents as you leave the shelter of the shoreline. There is a strong current between Chebeague and Hope Islands that races through this area on the tide change. In our 16 years spending summers on the Cove, we have heard many warnings from the "old-timers" about the seriousness of the currents in this area. From my own experience the currents are actually stronger in the proposed area than they are in the middle of the channel. The same goes for the wind, which often blows from the south in the summer months. It's a fairly wide open reach all the way down past Long Island once you move away from the shelter of the shoreline. Kayakers and paddle boarders know that staying close to shore in this area makes a tremendous difference in both in effort expending energy and staying safe. Because of the nature of topography, winds and currents in Coleman Cove, the proposed dock would not only put these recreational uses at risk, it has the potential to adversely impact public safety. It is my belief that public safety should take priority over private convenience - especially on public intertidal land.

2. The building of the proposed would interfere with the natural movement of the seaweed and other flotsam through Coleman Cove. The eel grass in the Cove periodically dies off and washes onto it's sandy beaches. Natural currents, tides and wind transport the seaweed as well as other flotsam in and out of the Cove. The proposed pier and dock could impact the movement of the seaweed and other flotsam, potentially blocking it from moving out of the Cove and causing it to pile up. This would adversely impact the public's use the special sandy beaches of Coleman Cove.

3. Lastly, the proposed project is not a good fit for historic Coleman Cove overall. It certainly doesn't improve the picturesque nature of the Cove. There is not only the visual impact to consider, but the historic preservation of the Cove. For centuries, fishermen have relied on haul-outs to reach their boats - even those well into their 80's and 90's. There are plenty of other options to reach a boat, including those that have stood the test of time that can accomplish the same goal as this proposal without the adverse impacts. This dock would forever change Coleman Cove.

I am sad to stand in such opposition to this project, as I do appreciate the thoughtfulness and taste that the applicants have demonstrated with all their other improvements to their property as well as their unfailing commitment to island. They are an asset to Chebeague. However, this project asks too many of the residents and visitors of Coleman Cove for the benefit of one property owner. There are many better options to achieve
the same end.

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Thanks,

LEX

Lex Holley, Managing Director
Flavor & The Menu
Direct: 207-838-4343
www.GetFlavor.com
To: The Town of Chebeague Island, Members of the Planning Board and Coastal Waters Commission
From: Rosemary and John Merchant, Chebeague property owners

We are writing to express our opposition to the proposed Cox-Chapman dock in Coleman Cove. A number of factors have come into play as we have formed this opinion:

- Chebeague is blessed to have several pristine stretches of beach which we and many people from all parts of the island enjoy, and this project severely impinges on one of them. The beaches below the high water mark are public and should not be altered for personal use.
- Coleman Cove supports an abundance of marine and bird life which would be negatively affected by a project of this scope and dimension. Though the application states that the eel grass community would not be touched, warming waters will likely result in spread of the eel grass growth area.
- Suitable alternatives for access to one’s boats exist, and the convenience of one family should not outweigh the concerns of those directly affected.
- Chebeague has evolved over the last 50+ years in a considered and thoughtful way. Certainly many changes have come about, but they have taken into consideration the overall effect of fitting in to the character of the island. Admittedly, there are some other docks on the island, but they are not on stretches of open beach.
- Granted, it is easy to see a proliferation of docks on other islands, but Chebeague is not an extension of the mainland and does not need to follow the trend of the more urban islands.
- Perhaps our greatest concern is the fear that granting this application will set a precedent for other docks around the island and herald a different look and character for Chebeague in the future.

Thank you for considering the concerns that we and others have expressed regarding this project.

Rosemary and John Merchant
Lynn and Chuck Mills  
407 Altamont Circle  
Charlottesville, VA 22902  

53 Jenks Road  
Chebeague Island, ME 04017  

TO: Members of the Planning Board, Town of Chebeague.  

RE: Application for new permanent pier with seasonal ramp and float located at 45 South Shore Drive.  

We are writing to urge that the Planning Board reject the above application.  

Rationale: The environmental cost to the Coleman Cove community and the entire Island and its visitors, far exceeds the benefit to a single household.  

An underlying theme of the Comprehensive Plan is that Chebeague is a special place, requiring planning that balances both preservation and thoughtful development. “The loss of rural places has encouraged a greater interest in protecting valued places, especially ones on the shore .........” p. 124, Comp. Plan  

Our objection to the Cox-Chapman’s proposed dock is not a matter of view in the narrow sense – what we see out our window. It is a matter of preservation and stewardship of a valued place. As residents of Coleman Cove, we have a responsibility to preserve and be good stewards of what we have.  

In placing a conservation easement on the Higgins Farm Field, Joan and Bob Dayton have preserved an essential aspect of Chebeague’s history for generations to come. We have also assumed the responsibilities of stewardship in working to restore the wetland on our property so that it can once again fully function as noted in the Comprehensive Plan as a resource for wildlife, a storm runoff collection area, and a storm surge basin.  

We find the Cox-Chapman’s request particularly egregious because it shows a disregard for this valued place. There are no other docks on Coleman Cove. Lobstermen carry out their work without a wharf. Boaters who moor their boats in the cove, use the town road as presumably the Cox-Chapman’s do since it is a 2 minute walk from their house.  

In an email Jim Cox-Chapman outlined their need for a dock on their property, “We are seeking to ease our access (now and in the future as we age) to the boats that we moor in the cove – we use them for summer boating activities and our main means of getting to and from the mainland.” (See attached email.) They have alternatives:
get moorings and docking privileges at Chandler's or the Boat Yard and if none are immediately available, get on a waiting list. Take the CTC to and from the mainland.

On page 24 of the application the MDEP Visual Evaluation Field Survey checklists asks, “would the activity be visible from: A National Landmark OR OTHER OUTSTANDING NATURAL FEATURE?” (Emphasis ours). In fact, the applicant’s activity would damage the “outstanding natural feature” by actually occupying same.

The photographs of the shoreline where the proposed dock would be located on page 16 of the application reveal a rocky shoreline singled out for concern in the Comprehensive Plan. Page 132: “These coastal bluffs are very fragile and at Chandler’s Cove, Coleman Cove and Hamilton Beach they are being fairly rapidly eroded by the sea. Rocky slopes like those on Deer Point and Hope Island do not wash away, but are fragile in other ways. They have hardly any soil so that trees are vulnerable to blow-downs ....Again, the Shoreland zoning requires them to be zoned Resource Protection."

These rocky slopes are part of Maine’s patrimony, painted by artists, celebrated for generations by writers. They are indeed special places.

Coleman Cove is a community: a community of neighbors, a community of commerce, and a community of natural resources. Those of us who have chosen to live there, have accepted certain conditions which may conflict with personal desires. Yet, it is primarily populated by people who have shown respect for the community and a desire to preserve what is there.

It is inconceivable that the Cox-Chapman’s have a personal need greater than their responsibility to the larger community. We hope you will agree.

With best regards,

Lynn and Chuck Mills
permanent pier on colman cove!!

Jim Cox-Chapman <jcoxchap@comcast.net>  
To: rznsumo <rznsumo@aol.com>  
Cc: Joan Dayton <joandayton@mac.com>, Lynn Mills <lynnmills44@gmail.com>, Jenny Hackel <jennyhackel@gmail.com>, Richard Hackel <richardhackel@gmail.com>, mallycc@comcast.net, paulwcleary@verizon.net, hoodsie@comcast.net, Carlos Nottebohm <clnott@aol.com>

Wed, Feb 1, 2017 at 3:37 AM

Hello Renee -

We wanted to respond to you and to everyone that you have included in your recent email.

Mally and I are aware of the permit request as we were the ones who have made the application. We are seeking to ease our access (now and in the future as we age) to the boats that we moor in the cove- we use them for summer boating activities and our main means of getting to and from the mainland.

The notice you include contains precious little about the proposed dock. We have worked to site the dock with as little environmental and visual impact as possible.

The dock as planned will be located on the portion of our property that runs from the turn around in front of our house and toward the property formerly owned by Jim and Megan Dayton. The site has no impact on the beach and does not involve the beach at all.

In accordance with the application process, we discussed the proposal with all of our neighbors whose property abuts ours. All are in support of what we are proposing.

Change is unsettling. We have done everything to minimize the environmental and visual impact of adding a dock to access our property.

Jim and Mally

Sent from my iPhone
Photograph Three. Facing southerly - view of intertidal area and surrounding area. Photographer: Tim Forrester, ECO-ANALYSTS, INC. Date: October 5, 2016.

Photograph Four. Facing northerly showing upper intertidal and adjacent upland. Photographer: Tim Forrester, ECO-ANALYSTS, INC. Date: October 5, 2016.
February 7, 2017

TO: The Town of Chebeague Island
    Coastal Waters Commission

RE: Application for new permanent pier with seasonal ramp and float located at 45 South Shore Drive.

This urges the Commission to reject the above application.

Rationale: The environmental cost to the Greater Coleman Cove neighborhood and the entire Island and its visitors, far exceeds the benefit to a single household. It is important to note that there are no other docks on Coleman Cove. When one steps down onto the beach at Coleman Cove, one enters a landscape little changed over generations.

Discussion:

A. Benefit: The dock/ramp/float provides formal access to Casco Bay from the applicant’s property for boating and other recreational pursuits.
B. Cost: The installation of 122 linear feet of dock/ramp/float over pristine, beautiful, quintessentially Maine rock-bound coast line, jutting approximately 54 feet into Casco Bay, at low tide, will destroy a view that is priceless to the people who live in the area as well as to the substantial numbers of people who regularly walk and make use of the Coleman Cove beach.

To provide visual evidence of this point, I offer two images. The first, renowned artist, Marsden Hartley’s painting of Vinalhaven after a storm. It is virtually identical to the scene in Photograph two, page 16, of the application.
The scene is in the “area of proposed dock.”

I doubt Marsden Hartley or Winslow Homer or the many other great artists who summered in Maine would have failed to object to the applicant’s proposal to so damage the rock-bound coast that draws people here in the first place.
On page 24 of the application the MDEP Visual Evaluation Field Survey checklists asks, “would the activity be visible from: A National Landmark OR OTHER OUTSTANDING NATURAL FEATURE?” (emphasis ours). In fact, the applicant’s activity would damage the “outstanding natural feature” by actually occupying same.

To agree to such damage is difficult to imagine when perfectly adequate boat access is available just a short drive away at the Chebeague Island Boatyard whose website offers slip rentals.

The applicants’ view from their property is one of the very best on an Island filled with best views. The property sits high above Coleman Cove with a view up much of the length of the Island. Ironically, the applicants will see little, if any, of the dock they propose to construct. That, view would be left to the rest of us.

We Coleman Cove residents have witnessed environmental destruction first hand by the “work” done on Hope Island. Now, even closer to home, the environmental destruction of the applicant’s proposed structure and its consequent effect on Chebeague Island begs for denial of the application.

With best regards,

Lynn and Chuck Mills
380 Macpherson Ave. #604
Toronto, Ontario M4V 3E3
Canada

February 8, 2017

TO: Nicholas Adams, Code Enforcement Officer and Planning Board Members, Chebeague Island, ME.

RE: Proposal for new permanent pier and seasonal float at 45 South Shore Drive

Dear Mr. Adams and Board members:

I am writing as a Maine native and summer renter on Jenks Road for almost 20 years to express my concern about the negative impact this proposed pier will have on the views from the beach surrounding Coleman Cove. At nearly 100 feet long in total perched near the corner of the cove, beyond which are views out toward Cape Elizabeth, it will become a significant feature looming over what is now a comparatively untouched beach with a few small houses set well back from the shore. Part of the beach is bordered by undeveloped property held by the Chebeague and Cumberland Land Trust. Together with the beach at the end of Jenks Road, it forms part of one of the longer sand beaches on the Island, and one with spectacular views to North and South. It is also readily accessible from the parking area at the end of Jenks Road. The “field survey” on p. 25 of the application documents does not appear to fully take into account the number of residents who regularly use this beach to walk their dogs, picnic, and generally enjoy the scenery. Thus the impact on the public is considerably more than what is admitted to in the survey.

It is unfortunate that, according to the application, the applicant’s obvious alternative of mooring at the Boatyard involves a wait of perhaps 2 years. The alternative of mooring in the cove, where a number of commercial and pleasure boats are moored, does not seem to be specifically mentioned. Maybe as an alternative to approving this proposal the Board could do something to help the applicant find a mooring site sooner than she suggests is possible.

In summary, it seems to me that this situation is basically a conflict between the convenience of one resident and the enjoyment of many others in the larger community. I believe you will also be hearing from some of them who have more claim to speak than a seasonal renter, no matter how devoted to Chebeague.

Thank you for your attention, and best wishes,

Sara Shettleworth Mrosovsky
Hi Geoff and Marjorie,

My email to Justin Doughty, who was listed as a member of the Coastal Water Commission, came back. And this seems to be a different address for you Geoff. So I am just making sure that you both get this letter of mine as well.

Thank you,

Renee

Begin forwarded message:

From: rznsumo <rznsumo@aol.com>  
Subject: regarding February 9th deliberation on the Colman Cove pier  
Date: February 7, 2017 at 3:40:22 PM EST  
To: pkwentworth@chebeague.net, geoffsumma@hotmail.com, oldsalty2255@yahoo.com, apr@chebeague.net, jdoughty02@hotmail.com  
Cc: codeoffice@chebeague.net

To the town of Chebeague Coastal Water Commission and the Code Office,

I am writing to you in hopes that in your deliberations this Thursday, you will consider the many arguments AGAINST allowing a permanent pier to be constructed on Colman Cove. Carlos and I, our children, and some of the nearby neighbors are surprised and horrified at the prospect of a permanent huge pier on the quaint and picturesque point of Colman Cove.

1) Already easy access to private boats. The residents on Colman Cove—those on South Shore Drive, Sandy Point and around/on Jenks Road— are blessed with one of the most beautiful and picturesque views on the island! We are also blessed with the rare combination of deep-water mooring and EASY access to the water and our boats directly in front of our properties. Unlike residents of Cottage Road or other shoreline properties, for example, who have to drive to the boatyard or other spots to access their boats, Colman Cove residents (including the Cox-Chapmans) have a very short and easy walk to the water. There is also an enormous public access road to the water that is less than a few hundred feet from their front porch!! To permanently mar the landscape with a permanent pier to make the already convenient access slightly more convenient is shocking.

2) A reason such as “to make it easier in old age” to access ones private sailboat? If the already easy access to the water becomes that difficult, then perhaps it will be the time to relinquish the helm of the sailboat to the younger generation rather than build a permanent dock in anticipation.
3) Environmental impact.
I was told that environmental studies have been done to assess the negative impact of a permanent pier. No matter how many studies are done to try and figure out how to “minimize” the impact to the coast and marine life....THAT only highlights the point—there is ALWAYS an irreversible, undeniable negative impact to the coast and marine life and the neighborhood.

4) Tax implications.
Should this permanent pier be constructed--which would severely negatively impact our views and thus our property value—will the Chebeague Township refund some of our steep taxes which are based on shore-front-water-views? Will the chebeague Township permanently lower our tax millage and those of all our adversely-impacted neighbors?
From Colman Cove to Deer point, we have all been impacted by the many negative changes to the once pristine and picturesquely tree-lined Hope Island. Somehow, the township was not able to control many of the negative changes to Hope Island. However, you do have the authority and the responsibility to ensure this does not happen to Colman Cove. You can deny the construction of this eye-sore that benefits one person over the detriment of many.

5) Aesthetic impact:
It is clear to me that negative impact to the view for this applicant is not nearly as disastrous for them as it is for everyone else on Colman Cove. Some of the houses on South Shore drive are sited high above the water and above the rocks. As they look out to the East they might well look over the top of the pier and/or perhaps only see the big float out in the water? However, it sounds as if the permanent pier and permanent ramp combined with the seasonal ramp and float will jut out from the shoreline at least 100 feet past the shore and into the water!! For most everyone else with a side view, or those on the other end of Colman Cove who look south to the picturesque rocks and beyond out to Cape Elizabeth, they will see the entire mass—the permanent pier(s), ramp(s) and float. Anyone coming to the beach to walk their dogs or picnic on one of the few sandy beaches on Chebeague, will be adversely impacted. And yes, we personally are fortunate to have beautiful views of the Colman Cove and the point from more than half of the rooms from inside our house—we will be adversely impacted by seeing this pier.

Your decision will have irreversible repercussions to the landscape of Coleman Cove, the landscape of Chebeague island and the coast of Maine. Please dont let this happen on your watch. You are the caretakers of the island for generations to come.
Please deny the application.

Respectfully,
Renee and Carlos Nottebohm
Gentlemen,

We are writing in advance of your meeting this evening to respectfully oppose the Cox-Chapman application to construct a permanent pier at 45 South Shore Drive on Chebeague.

Since helping the Hatfield family move back to the old Higgins Farm above Coleman Cove (now owned by the Daytonas) in 1979, and more recently after moving and reconstructing our seasonal cabin at 37 Jenks Road in 1994, we have shared the West End with our children, family and friends. As you well know, this end of the island is getting busier. On Jenks Road alone, we have seen several homes and structures built over just the past few years.

Coleman Cove has accommodated fishermen and the public all these years without the significant impact of the large pier proposed in the application. In reviewing the application, we feel that the Page 24 MDEP VISUAL EVALUATION (APPENDIX A) does not fairly gauge the impact that this permanent pier will have on everyone’s appreciation of the site as it has been for decades. We also are concerned that the consultant’s November 21, 2016 letter (Page 34) to the Maine Historic Preservation Commission, worded very passively, apparently did not receive a response.

Rather than adversely impacting this beautiful area with a permanent private pier, we would advocate for the applicant to simply join most in the island community who either wait for a mooring at the boatyard or maintaining an off-shore mooring.

Thank you for your consideration of our opposition to approval of this permit application.

Martha Hatfield Poell
James Poell
37 Jenks Road
Chebeague Island, Maine 04017
Letter of Opposition of Pier

I am writing in response to the news of a proposed private pier being built on Coleman Cove. I will not be including any facts or offering any solutions to the dispute about it. I am only reacting and writing in the way I know best, from the heart.

I have been a summer resident on the east end of Chebeague since 1946, the year I was born. I have been a year round resident since 2003. Although I grew up in Montreal, the island has always been the focus of my life. During my first few months of retirement this Fall, I had the luxury of being able to walk all over the island with my dog for an excuse and my camera for getting inspiration for paintings. I breathed in the life of the place and saw it again in ways I’d forgotten. I took in the new houses, the changes to old houses, new paths and driveways but along the shorelines I saw the island resplendent in its natural state.

When I was a child summering on Hamilton Beach, It was an adventure finding the remaining posts to the pier of the Hamilton Hotel. Going onto land we would seek out other remains of the grand hotel and the lifestyle of the guests; tennis courts, brick well walls, guest houses. My father had spent his youth and teen years as a guest at the hotel and he often told me how it used to be, so different from now.

I love to imagine what it might have been like to walk out on the pier, to view Chebeague from that vantage point but there will be no piers built for public use in our future.

The stone pier and the ferry boat are enough for the town to keep up and have available for all to use. Hamilton Beach and Sandy Point Beach and Coleman Cove are just a few of the public access expanses of sand and views and swimming places that are havens for people to explore. We who are fortunate enough to be able to watch the ocean, the tides, the sunsets and sunrises from our homes should at the very least be grateful enough to want to share it with others.
I feel sad when I see private piers popping up along Chebeague’s shores. It tells me that the home owners are not aware of other people’s love for the island. It tells me that their own need for physical convenience (to access their pleasure crafts for two months of the year) should supersede those of the general public. They merely want to enjoy what God and nature has so generously given us. I hope you will not approve of this project. I fear that it would be the first of many to replace our sandy walkable beaches with garnish symbols of a society that can do and build anything because they have the money to do so. Once changed like this, there is no going back. I am hoping that the population of Chebeague who spoke loudly and worked so hard to keep the island sustainable, will look and listen and know what is best for the island and all its inhabitants.

Martha ‘Marty’ Trower
To: Members of the Planning Board  
% Town Administrator  
Chebeague Island, Maine  

via email  

I am writing concerning the pending permit for a dock on Coleman Cove, Chebeague Island, sought by James and Marian Cox-Chapman.  

As a regular visitor to this portion of Chebeague (probably 300 days a year), I know that Coleman Cove and the adjacent Johnson Cove represent all that is worthy of protection on this island: Public access to the beach, an active fishery with lobster boats and smacks, and natural features that have not changed over many years. (One only need look across to Hope Island to see the consequences of unchecked development and a disregard for the environment.)  

I obviously am not the only one who values this lovely stretch of the island. Years ago, the owner of the former Higgins Farm placed the large meadow on Coleman Cove in a conservation easement to preserve open space and protect its natural beauty. More recently, a property owner spent considerable personal time and money removing invasive plants from a wetland to return the marsh to its natural state. Existing buildings along the cove are set back from the water, leaving the shoreline and water views unobstructed. There are no docks here. Coleman looks much like it has looked for generations. There aren’t many places like it remaining. That alone makes it worthy of special protection.  

Because I am not a scientist qualified to address critical environmental issues raised by this proposed project, such as harm to fisheries, habitats or soil erosion, I will address two other issues, less easily quantified, but equally important:  

*The addition of a dock at an extremely prominent point on the cove will impinge upon the scenic and aesthetic values of the this otherwise classic bit of Chebeague shoreline. The actions of one property owner will negatively impact the enjoyment of many. This may be how things work elsewhere, but, fortunately, that is not usually the case in a community like Chebeague Island.*
*There are multiple alternatives to this dock. Living on an island is a matter of choice, one made by the Cox-Chapmans. All of us give up something (accessibility to the mainland being the most obvious) in return for the peculiar pleasures of residing in a place that requires an effort to reach. The Cox-Chapmans have only to walk a few hundred yards to an access road to the cove to moor their sailboat; they have to travel a short distance to the boatyard or public landing. Yes, a dock would be a nice, convenient luxury, but so would a bridge to Chebeague. (Fortunately, that idea died a long time ago.)

I would urge Planning Board to reject this request.

Sincerely,

Susan Q. Stranahan
Date: 3/6/2017
To: Town of Chebeague Planning Board

After reviewing the proposal by the Cox-Chapman's for a dock on their property I am in full support of the plan. Years ago there was a dock in a similar location so this proposal is in keeping with waterfront use in this location.

Thank you,

Wendell Smith

31 South Shore Drive, Chebeague Island
781-248-7372
wendell@wingonwing.com
Marjorie Stratton

From: Nick Adams <codeoffice@chebeague.net>
Sent: Wednesday, February 08, 2017 7:40 AM
To: Marjorie Stratton; Town Clerk; harbormaster@chebeague.net
Subject: Fwd: Colman Cove Pier -- upcoming decision

FYI

Nicholas L. Adams
Code Enforcement Officer
codeoffice@chebeague.net
207-846-3148

Begin forwarded message:

From: "Ana-Maria Zaugg" <azaugg@comcast.net>
Date: February 8, 2017 at 6:25:38 AM EST
To: <pkwentworth@chebeague.net>, <geoffsumma@hotmail.com>,
<oldsalty2255@yahoo.com>, <apr@chebeague.net>, <jdoughty02@hotmail.com>
Cc: <codeoffice@chebeague.net>, "David" <danstice@comcast.net>
Subject: Colman Cove Pier -- upcoming decision

Dear All:

We have become aware of the Cox-Chapman plan to construct a permanent pier, and request that you not approve it.

We are concerned from two perspectives:
- As users of this unspoiled beach
- For fear that approval would embolden others to construct piers on this and other beaches, such as Hamilton

Re the first...we often stay on this beach with family and enjoy it, but also frequent it for walking and swimming throughout our entire Chebeague summers. It is lovely, open, tranquil, and delightfully accessible (particularly re parking and a flat entry). You will have received many such rationales based on natural beauty, which we support.

Re the second...although you may hear arguments that there is precedent for private piers elsewhere, that is not a good reason to approve this type of construction today. Chebeague’s long-term plan calls out “preservation of rural character” as a goal. So today, every invasion of public space for private use should be considered de novo and very carefully reviewed – for current and long-term impact. We would not want a proliferation of private piers around the island.
We know you have to perform challenging balancing acts between preservation and development. In this case, we hope that preservation of Colman Cove’s character wins out.

Sincerely,

Ana-Maria V. Zaugg
David W. Anstice
Mr. David Cherry  
DEP project manager

We communicated with our Chebeague representatives last month regarding the Cox-Chapman plan to construct a personal pier (please see our email below in this thread). Apparently, the decision-making is ongoing, so we took the time to review the full application. And remain taken aback by apparent inaccuracies.

We provide you with two types of comments:

**Physical Surroundings:**
This is a cove...with a curve and beautiful natural surroundings and a sandy beach used by many. The proposed project outlines a 10-foot access ramp+40-foot permanent pier+48-foot seasonal ramp+24-foot seasonal float. This 112-foot “pier system” structure by definition interferes with existing scenic, aesthetic, and recreational uses. And would seem to have a high probability of aggravating the soil erosion already experienced by the surrounding areas. There is nothing of that scale nearby. And we believe you should not set a precedent for such. *(Those of us raised on Hamilton Beach under the looming shadow of rotting pier portions of the old landing were all relieved when the structure finally disappeared.)*

**Application Content:**
It seems to us that the arguments on lack of alternatives don’t ring true, as well as several other self-characterizations on p. 24. Setting aside the existing public access at the Stone Pier and Chandler’s Cove, the boatyard is quite nearby and would seem to serve the purposes they desire. *(We are sure that moorings would be sponsored by objectors should there be none currently available.)*

We trust that personal inspection by your department has taken place...and regardless, that a re-visit be made considering the points raised.

Thanks for your attention to this matter.

Sincerely,

Ana-Maria V. Zaugg  
David W. Anstice

Summer:  
12 Zaugg Lane, Chebeague Island
Winter:
Dear All:

We have become aware of the Cox-Chapman plan to construct a permanent pier, and request that you not approve it.

We are concerned from two perspectives:

- As users of this unspoiled beach
- For fear that approval would embolden others to construct piers on this and other beaches, such as Hamilton

Re the first...we often stay on this beach with family and enjoy it, but also frequent it for walking and swimming throughout our entire Chebeague summers. It is lovely, open, tranquil, and delightfully accessible (particularly re parking and a flat entry). You will have received many such rationales based on natural beauty, which we support.

Re the second...although you may hear arguments that there is precedent for private piers elsewhere, that is not a good reason to approve this type of construction today. Chebeague’s long-term plan calls out “preservation of rural character” as a goal. So today, every invasion of public space for private use should be considered de novo and very carefully reviewed – for current and long-term impact. We would not want a proliferation of private piers around the island.

We know you have to perform challenging balancing acts between preservation and development. In this case, we hope that preservation of Colman Cove’s character wins out.

Sincerely,

Ana-Maria V. Zaugg
David W. Anstice
March 8, 2017

To the Chebeague Board of Selectmen,
To the Chebeague Island Planning Commission,
To the Chebeague Island Coastal Commission,
David Cherry – Department of Environmental Protection,
Alison Sirois – Department of Environmental Protection

I, Renee Nottebohm, respectfully request that this letter be read aloud at the public hearing on March 16, 2017, and that it is included in the minutes for consideration by the Chebeague Planning Board regarding the permit application of the Cox-Chapman permanent pier on the point of Colman Cove.

Chebeague Island’s Comprehensive and Long Term Plans have long wrestled to strike that delicate balance between the natural, quaint and rural nature of the island with the private, public, and commercial development on the island. This application for a private pier on the picturesque point of Colman Cove just such an example. The Coastal Commission, Planning Board and others have received many letters in opposition to the pier. The DEP has also received many letters of objection asking that they also deny the permit. As a result, the DEP has postponed their decision until the inaccuracies and misleading information supplied to them be addressed by the applicant. My letter of opposition (which also includes the one sent to the D.E.P.) will serve to enumerate the many inaccuracies upon which the application to the DEP for a dock was based.
I can only surmise that the inaccurate information supplied in the application to the DEP is because it was submitted by a third party—a company who 1) has limited knowledge of the history and the realities of this island that comes only from the accumulated wisdom of generations of permanent and summer residents alike, and 2) whose main objective is to paint a picture of necessity, no alternatives, and that such a pier is in keeping with the surrounding area.

Chebeague Island's own **Town of Chebeague Island Code of Ordinances, Chapter 17 – Land Use & Planning, Section 421.4** states that the following standards shall apply to all piers, docks, floats, etc.

On page 4 of the application under Section 421.4 **letter D.**, the ordinance states “The facility shall be no larger in dimension than necessary to carry on the activity **and be consistent with the surrounding character and uses of the area.**” The applicant responded that they have “…proposed reasonable dimensions to achieve all-tide access” …and that…”**there are similar docks in the surrounding area of similar size and dimensions.**” This is an inaccurate and misleading statement. As the Planning Board is well aware, there is NO other dock at all in the surrounding area of Colman Cove and none following the shoreline north for 1.8 miles until reaching the Chebeague Island Boatyard. Following the Chebeague shoreline south from the project site, there is NO other dock for approximately 1.3 miles until reaching the public dock of Chandler’s Cove. The proposed permanent pier and seasonal dock and float—a massive 100 plus feet needed to anchor into fragile bank, span over the ledge and rocks and eelgrass to reach sufficient water at low tide—is completely out of scale with the surrounding area and will dwarf Colman Cove. It is far from being “consistent with the surrounding character and uses of the area” and the pier should be denied based on not conforming to this ordinance standard alone.

The following letter, sent on March 2 to David Cherry and Alison Sirois of the Maine Department of Environmental protection, highlights other numerous inaccuracies within the application and other issues that have caused the DEP to delay making a decision beyond the statutory date, and are of relevance to the Town of Chebeague as well.
March 2, 2017

David Cherry
Maine Department of Environmental Protection
312 Canco Road
Portland, Maine 04103

Re: Opposition to NRPA Permit Application for proposed pier to be located at 45 South Shore Drive, Chebeague Island, Maine

Dear Mr. Cherry:

We are writing to oppose the NRPA permit application submitted by Eco- Analysts, Inc., on behalf of Marian Cox-Chapman, to construct a pier on property located at 45 South Shore Drive in Chebeague Island. As property owners also in Coleman Cove, the construction of the proposed pier would directly impact our use and enjoyment of the shoreline surrounding the proposed pier and would negatively impact the scenic views of the Coleman Cove area from our property. As explained below, the Application submitted to the DEP contains several statements that are not true. In light of these untrue statements, we find the Alternatives Analysis completed as part of the Application to be grossly inadequate, as the Applicant already makes use of two private moorings to store her boats in the waters adjacent to her residence. Because the Applicant already has a means of accessing her boats from her property, and because the proposed dock would have a significant adverse scenic and aesthetic impact on the use of the adjacent shoreline areas where no similar docks presently exist, we respectfully request that the DEP deny the permit.

In reviewing the NRPA Application, we noted the following inaccuracies:

1. On pages 13 & 14 under Section 2.4, the application states that “There are no publicly owned boat launches on the island.” This is not true. There are two publicly-owned boat launches on the Island: Bennett’s Cove, located within ½ mile of the project site, and the Stone Pier within 3 miles. These locations as well as other access points are shown on the map included with this letter. Moreover, nowhere is it mentioned in the Application that the Cox-Chapman’s have 2 boats, launched by the boatyard every season, and moored directly in front of their property, and that it is a short 400’ walk to the road that serves as a public access to the beach, their punt, and their boats.

2. In the same Section 2.4 the Application states, “given the annual cost to maintain a slip [at the boatyard] and that a slip does not provide as readily available access ... this was not a practicable alternative that met their project goals”. There is no such thing as a “slip” on Chebeague Island, so the reference to an “annual cost” is misleading. Moorings (of which the Applicants currently own 2) cost $25 each in annual fees to the town of
Chebeague. By comparison, the Application states that the estimated cost of the project is $30,000.

3. On page 18 under “Scenic Description” the application states that “there are existing docks associated with a residential structures [sic] that are in the vicinity of the project site” and that the proposed dock “will not result in spatial dominance within the view shed of the resource.” This is inaccurate. Following the shoreline north from the project site, there are no other docks for approximately 1.8 miles, until the Chebeague Island Boatyard. Following the shoreline south from the project site, there are no other docks for approximately 1.3 miles, until reaching the public dock at Chandler’s Cove. This 3+ mile-stretch of coastline is one of the longer, uninterrupted stretches on Chebeague Island. Moreover, both the Boatyard and the public dock at Chandler’s Cove are utilized by a number of people (not to mention the additional public access at the Stone Pier located a bit further away). Given the readily available access at these locations, private landowners along the 3+ miles of shoreline do not have their own private docks like the one being proposed here. Therefore, the proposed site of this 122-linear-foot dock is clearly out of scale with the surrounding area and will dominate the very small quaint cove and beach at Coleman Cove. Finally, as for the existing dock on Hope Island (the only other dock visible from the project site and is 6/10 miles away farther toward the ocean), Hope Island is privately-owned and has no public transportation or access. The lone private pier on Hope Island is the sole means of accessing the island.

4. Page 21 shows a plan view of the proposed dock. While the dock starts on private property, the piling & batter pilings are drilled into ledge and rockweed below the Mean High Water line—i.e., on public land. Our understanding is that this will require separate permission from the State, and there is no indication in the Application that such permission to build below the mean high-water line has been granted.

5. On Page 24, there are many “boxes” on the MDEP Visual Evaluation Field Survey Checklist that are inaccurately “ticked.” The Chebeague & Cumberland Land Trust was granted a conservation easement of 13 acres adjacent to Coleman Cove – known as Higgins Farm – to “preserve, in perpetuity, the natural and scenic beauty of the site.” Public access to Higgins Farm is available for swimming and recreational beach use, traditional commercial fishing and berry picking. Enclosed with this letter are printed materials from the Chebeague & Cumberland Land Trust website that contain additional relevant information regarding public use of Higgins Farm. Coleman Cove Beach is also located a very short distance north along the shoreline from the project site, which is also regularly used by many Chebeague Island residents. Both Higgins Farm and Coleman Cove Beach are located well within a quarter-mile of the project site and the proposed activity (the dock) would be visible from both locations. This is not reflected
on the checklist included with the application as it should be. Further, the permanent portion of the dock would be visible year-round and would not be screened by summer foliage.

6. Appendix B to the Application (page 25) indicates “no” in response to the question regarding signs of shoreline or intertidal erosion. Historically, there has been **significant erosion** at the site and adjacent areas such that a) the public access road had to be pulled back (the foundations of an old house is keeping the public road from collapsing), b) electric poles had to be repositioned on the opposite side of the road away from the sliding bank, and c) huge boulders were placed along the foot of the bank in an attempt to contain the erosion.

7. Finally, Appendix D to the Application (pages 26 & 27) also contains many incorrect statements on it. For example, the applicant again states here that “There is no public boat launch on Chebeague Island.” Again, this is **not true**. Bennett’s Cove is less than half a mile away, where barges load/unload, and fisherman and the public launch boats. The Stone Pier also has a formal public launch located approximately 3 miles away. The application further states that the applicant inquired about slip or mooring availability at the nearest marina (which would be the Chebeague Island Boatyard located 1.5 miles away) and stated that there are no slips or moorings available, and that the waitlist is approximately 2 years. This is also **not true**. Those on Chebeague Island know that there are no such things as “slips” on Chebeague, and no such thing as a wait list for a mooring. In fact, the Applicants have had two moorings directly in front of their house, installed by the Boatyard, in the waters of Coleman Cove for a number of years. The Chebeague Island Boatyard, places them in the water near their residence, launches their boats, pulls the moorings up for the winter and stores them and both their motor and sailboat over the winter until the next season (the Applicants are seasonal residents of the Island).

In conclusion, we respectfully request that the DEP deny the permit because (a) The permit application contains several untrue statements, (b) there are less damaging alternatives that the Applicant can use to access the water from her residence, and (c) construction of the dock would have a significant adverse impact on the scenic and aesthetic uses of the area because it would be the only dock within a 3+ mile stretch along the Coleman Cove area of Chebeague Island. Thank you for your consideration of this letter.

Respectfully submitted,
    Renee and Carlos Nottebohm

Enclosures
cc:     Alison Sirois
Higgins Farm

Public Access: Yes, by a public pedestrian path from Coleman's Cove on South Shore Drive to the beach; waterfront activities allowed include swimming and recreational beach use, traditional commercial fishing and berry picking.

Parking location: Coleman's Cove adjacent to the property

Restrictions: No mechanized vehicle access

Descriptions and History

The Higgins property, known as Higgins Farm, is located on the southeast shore of Chebeague Island adjacent to Coleman’s Cove. The Dayton family granted a conservation easement to the Chebeague and Cumberland Land Trust on thirteen acres of this old Chebeague farm. The Higgins family had once owned and farmed this land for nearly a century. At one time it was probably the largest working farm on the islands of Casco Bay, sending its produce to Portland, Boston and beyond.

The Dayton family granted this easement to preserve, in perpetuity, the natural and scenic beauty of the site as well as the land’s value for agriculture, animal husbandry and wildlife. The beach is open to the public for swimming and recreational beach use, for commercial fishing and for berry picking.

The protected property includes a farmstead area of 2.5 acres and a field that are not open to the public. The area outside the farmstead in the field below the house and its farm buildings may be used for agriculture and animal husbandry by the grantors, and their assigns, according to the
In conclusion, it is our hope, and the hope of many others from all parts of the island—not just the residents on Colman Cove—that the Planning Board recommends to NOT proceed with the pier application, and/or the Selectmen DENY the permit. When the DEP reviews the application in light of the new information, it is our hope that they too will deny the permit. Nevertheless, the Town of Chebeague need not “rubber stamp” such a permit that fails to meet a number of ordinances and criteria. Hopefully the Planning Board will recognize that this issue goes beyond ordinances and codes into the realm and slippery slope of balancing private versus public, and maintaining the quintessential character that has been Chebeague Island for generations. It is you who understand Chebeague Island and each of you are the stewards of the island for generations to come.

Respectfully submitted,

Renee and Carlos Nottebohm