

Town of Castine
PUBLIC HEARING MINUTES

CP
RB
GM

DATE: Monday, June 5, 2023

TIME: 4:00PM

PLACE: Emerson Hall

The Public Hearing began with a site visit at the Town Dock in location of MMA's pier expansion and improvement project.

PRESENT: Colin Powell, Chair; Gordon MacArthur & Roberta Boczkiewicz, Selectboard members; Shawn Blodgett, Town Manager; Karen Motycka, Finance Officer, Susan Macomber, Town Clerk; Jerry Paul, MMA President and Patrick Lyons, MMA Attny from Eaton Peabody.

PUBLIC: Estimated 45 members of the public including David Avery of the Castine Patriot.

Zoom: Mary Kneisel.

Colin Powell reconvened the meeting at 4:33PM and introduced the topic of discussion: 1) to discuss Wharves & Weir Act (MMA application) and a Notice of Decision.

The purpose for the Wharves & Weir Act is to discuss two decision criteria elements, so that there is some basis in the record for the decision:

1. Will the pier replacement and extension be an obstruction to navigation?
2. Will the pier replacement and extension injure the rights of others?

Dan Leader said it would be helpful if MMA could give updates week by week or month by month.

Marc Pelletier asked if the bids were out yet, a due date and if any of the bid documents were available? Do they have a construction start date? Is there a timeline?

Jerry Paul addressed and thanked the Town involvement and participation from Selectboard, Town Office, Planning Board, Harbor Committee, etc. MMA only has estimates at this time. If they stay on track the startup will be close to the beginning of October and last 14 months. Their goal is get done before Castine's next busy summer season, 2024. MMA cannot get bids out until all permitting is obtained. They plan for a 30-day competitive bid session. And last, bid documents are not available yet.

Colin Powell asked for discussion regarding 1) Will the pier replacement and extension be an obstruction to navigation?

Bill Corbett, Harbor Committee member, said the navigation is tough as it is and it would be tougher with the new ship. Within their plans for the new pier, MMA and engineers did move one of the dolphins that the Harbor Committee & Harbor Master thought would be helpful. The pier project is going to happen so the Harbor Committee & Harbor Master started focusing on what could be done to help the Town side. There are plans now to extend the Acadia dock out 60ft. Bill said it is extremely important that the Town side for improvements does not wait until a Phase 2. He suggested put pilings for Town project in this winter when MMA does theirs. We should aim to have Town's improved Acadia dock floats out in the water spring 2024. Permitting takes the longest.

Marc Pelletier agreed but what will that do financially. The Town cannot afford this scope of project. Jerry Paul said that the approximate funds needed for an Acadia dock expansion is \$225,000 - \$350,000. The Town and MMA have worked together to pursue grants. Sometimes a match is required, and MMA will commit to pay ½ of any potential matches.

Bob Scott said with his experience and investigating MMA project a big schooner with no motor can safely navigate and get into the Castine Harbor.

Patrick Lyons, MMA Attny reviewed the Wharves & Weirs Act. The Act has been in existence since the late 1800's. In 1876 it passed to allow Selectboards to address and approve. It's purpose is to make sure there is no obstruction of navigation or injury to the rights of others. MMA has the right to wharf out. The Act is a balance for rights to wharf out and rights of others and to make sure there are no navigation obstruction due to the wharf out. Many agencies have reviewed the MMA application and have looked at navigation issues. In the face of this Act is MMA's wharf out an obstruction which results to a no.

Colin Powell asked for discussion regarding 2) Will the pier replacement and extension injure the rights of others? No discussion.

With no other business or discussion, Colin asked for a motion to adjourn the Public Hearing.

Gordon MacArthur made motion to adjourn the Public Hearing.

Second by Roberta Boczkiewicz. Approved 3-0.

Public Hearing adjourned at 4:55PM.

Minutes by Susan Macomber, Town Clerk.