

**Proposed Amendments to Chapter 108 Harbor and Waterways and Warrant possible Warrant Article Language to facilitate the general recommendations of the Harbor Committee and the Planning Board, while also continuing the Moratorium as it relates to new residential piers and other structure except for land-attached floats.**

- 1. Chapter 108 Article II, Definitions, § 108-5 amended to add definition of Land-attached Floats.**

LAND-ATTACHED FLOATS – A system consisting of a ramp with an attached location on land or real property, which connects to and/or serves as access to a moored float in the Outer or Coastal Harbor.

- 2. Chapter 108 Article VI - Title Heading Article amended to add Land-Attached Floats.**

Article VI Regulations Concerning Construction of Piers, Wharves, Breakwaters, Bulkheads, Landfill [and Land-Attached Floats](#).

- 3. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) (2.) amended to change height from 6' to 8'**

C. (2.) The height of the pier walkway shall not exceed ~~six~~[eight](#) feet above mean high water.

- 4. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) (8) amended to add Land-Attached Floats and delete “requiring a permit.”**

(C) (8.) No piers, wharves, pilings, bulkheads, marine railways, mobile vessel hoists, [Land-Attached Floats](#) or any structure ~~requiring a permit~~ shall be constructed within that area of Sherman Cove which lies northerly of a line commencing at a point on the shore where the northerly line of Marine Avenue intersects the Harbor waters to a point on the easterly shore of the cove where the northerly line of Sherman Point Road intersects the Harbor line

- 5. Chapter 108 Article VI, § 108-24 Outer Harbor (C.) amended to add a new (11.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.**

[\(11.\) In the event of storm damage, significant repair or replacement of existing piers, they shall be raised to a height eight feet above mean high water, if practicable, and structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge, and designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, “storm damage” or “significant repair” shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.](#)

**6. Chapter 109 Article VI, § 108-25 Coastal Harbor amended to add Land-Attached Floats and delete “requiring permit”**

§ 108-25 Coastal Harbor.

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, Land-Attached Floats or any structure ~~requiring a permit~~ shall be permitted in the Coastal Harbor except as permitted below.

**7. Chapter 108 Article VI, § 108-25 Coastal Harbor (C.) amended to add a new (4.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.**

(4.) In the event of storm damage, significant repair, or replacement of existing piers, they shall be raised to a height of eight feet above mean high water, if practicable, and structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge, and designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, “storm damage or significant repair” shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.

**8. Chapter 108 Article VI, § 108-26 Consolidated Piers (E) amended to change height from 6’ to 8’**

The height of the consolidated pier walkway above mean high water shall not exceed ~~six~~eight feet above mean high water in the Outer Harbor and 10 feet above mean high water in the Coastal Harbor.

**9. Chapter 108 Article VI, § 108-26 Consolidated Piers amended to add new (L.) to address adjusting height for SLR in the event of storm damage, significant repair or replacement.**

L. In the event of storm damage, significant repair, or existing consolidated piers, they shall be raised to a height of eight feet above mean high water, if practicable, in the Outer Harbor, , and 10 feet above mean high water in the Coastal Harbor and shall be structurally reinforced to mitigate the increased adverse impacts of sea level rise or storm surge and, and shall be designed in a manner that allows them to be raised in the future to mitigate increased risk of sea level rise. For the purposes of this section, “storm damage or significant repair” shall mean a cost of repair that exceeds 50% of fair market value of the structure and its appurtenances.

**10. Chapter 108, Article VI, § 108-27 Permit Approval Requirements heading amended to require approval of Land-Attached Floats.**

§ 108-27 Permit approval requirement.

No mobile vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways, Land-Attached Floats or other structures shall be constructed, enlarged or improved except upon approval and issuance of a permit in accordance with § 108-28 of these Harbor rules and regulations.

**11. Chapter 108, Article VI, § 108-28 Procedure for permit (A) Application, amended to add Land-attached Floats.**

(1) Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway, [Land-Attached Float](#) or other structure shall require an application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:

**12. Chapter 108 Article VI § 108-28 Procedure for permit (1) amended to add a new (G)**

(1) [G.\) Location of proposed moorings and other associated infrastructure for Land-Attached Floats](#)

**13. Chapter 108, Article VI, § 108-28 Procedure for permit (4) amended to further clarify that the Planning Board review occurs after the SB review and describes appeal process. Existing section (4) is deleted and replaced.**

~~(4) Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, § 108-28, of these Harbor rules and regulations.~~

~~(a) If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.~~

~~(b) If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review~~

(4) Upon receipt of the review and comments of the Harbor Committee, the Select Board, after a public hearing, shall either approve, approve with conditions or deny the proposed project, in accordance with the standards of Article VI, § 108-28, of these Harbor rules and regulations. The Select Board decision shall be forwarded to the Planning Board for the final review phase. The Planning Board shall then review the proposal pursuant to the requirements of the *Chapter 290 § 10.2 Shoreland Areas and Article XII Site Plan*, and issue its written decision to approve, approve with conditions or deny the Application. No permit shall be issued unless approved by both the Select Board and the Planning Board. After a final written Decision by the Planning Board, if the application is approved by both the Select Board and the Planning Board, a permit shall be issued by the Code Enforcement Officer. If either the Planning Board or Select Board do not approve the Application, the Applicant may appeal the decision to the Knox County Superior Court pursuant to Rule 80B of the M.R.Civ.P. within 30 days of the date of the vote by the Planning Board on the Application.

**14. Chapter 108 Article VI § 108-28 Procedure for permit A. (5.) is deleted as not necessary.**

~~(5) The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.~~

**15. Chapter 108 Article VI § 108-28 Procedure for Permit A. (6.) (b.) [5] standard is amended to more appropriately address public rites of passage and uses of the shores and flats.**

[5] ~~Substantially~~ Adversely block or substantially interfere with public rites of passage and uses of the shores and flats.

16. Chapter 108 Article VI § 108-28 Procedure for Permit A. (6.) (b.) [8] appeal standard is deleted as appeal is addressed in new Chapter 108 Article VI § 108-28 A. (4.)

~~[8] The decision of the Select Board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure~~

### **Possible Warrant Article**

Warrant Article: Shall the voters amend the Harbor Ordinance to require that existing piers, if damaged, require significant repair or replacement, shall be raised to a height of 8 feet above mean high water, if practicable, be structurally reinforced and designed to mitigate risk of sea level rise, and to amend the review process; provided however, the Moratorium Ordinance enacted on (DATE) prohibiting the construction of new residential piers and other structures, with the exception of Land-Attached Floats in the Outer and Coastal Harbors, shall remain in full force and effect unless specifically displaced by the amendments proposed by this Article.

Note: The specific proposed amendments for the Outer and Coastal Harbors in the Camden Code section 108-24 through 108-28 are on file in the Town Clerk's office and available for inspection during regular business hours.