

1. Amend Chapter 290 Article XII, Site Plan Review

Article XII, Site Plan Review

J. Special criteria for piers, wharves, land-attached floats, breakwaters, municipal boat ramps, municipal piers, consolidated piers, causeways, marinas, bridges over 20 feet in length and other uses projecting into water bodies requiring site plan approval under the terms of this chapter. In addition to the above approval criteria, the site must be demonstrated to be suitable for the proposed use according to the following special criteria: [Amended 6-20-2006]

- (1) The project must not cause undue erosion or scour on or near the site, or on abutting properties.
- (2) The proposed use must not cause degradation of marine life or significant wildlife habitat in or near the area. The Board may ask for an examination and statement by a qualified marine biologist, or other qualified individual regarding the impact of the project, and that statement shall show no significant adverse impact on marine life or wildlife habitat .
- (3) The project shall not unduly interfere with passage along or within the intertidal zone, in order to protect established colonial public trust rights for fishing, fowling, and navigation. This may require accommodation such as steps or pier elevation to allow passage over or beneath a structure.
- (4) There shall be no unreasonable interference with general navigation by the existence or use of the pier, and no attempt shall be made by the applicant or permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the pier.
- (5) Pier projects involving construction of or repair, replacement, and maintenance of bank or shoreline stabilization structures including, but not limited to rip-rap armor or retaining walls, shall be designed to minimize environmental effects and effects to neighboring properties from scour and erosion to the maximum extent practicable.
- (6) The project shall not unreasonably impact the viewshed and existing scenic and aesthetic resources of Camden's harbors and Penobscot Bay from Camden Hills State Park, Curtis Island, Laite Beach and other public access points to the harbor including, Bay Road, Curtis Island Overlook (Beacon Ave/Bayview), Eaton Avenue, Harbor Road, Marine Avenue. and, Sherman's Point Road, or other place or location that is frequented by the public for the purpose of enjoying the natural environment and scenic resources .

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

(7.) In addition, to the Special Criteria in sections (1-6) above, the Planning Board shall also review the Performance Standards and criteria contained in § 290-10.2 (I) – (K).

2. Amend Article X Performance Standards. § 290-10.2 Shoreland Areas

Article X Performance Standards,

§ 290-10.2 Shoreland Areas

I. General standards.

(1) No more than one pier, dock, wharf, or similar structure extending or located below the normal high waterline 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 Subsection M(1), a second structure may be allowed and may remain as long as the lot is not further divided.~~ New residential piers shall only be allowed and permitted upon certification by a professional engineer that a land attached float is not a feasible or practicable alternative for the purposes of berthing and loading and unloading vessels, and that no other alternative is available or practicable, such as an out-haul system, or mooring or dock space at a marina or yacht club within three miles of the site.

J. Piers

(1) Height of walkway of piers and wharves in the shoreland area adjacent to the Inner Harbor and Outer Harbor areas as defined in Chapter 108, Harbor and Waterways, of the Code of the Town of Camden shall not exceed ~~eight~~ ten feet above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed ~~ten~~ twelve feet above mean high water.

(10) No new residential piers shall be built within two-hundred feet (200') as measured along the shoreline from the boundary line of Camden Hills State Park or any public right of way providing access to the shore of the Outer or Coastal Harbor including but not limited to Laite Beach Bay Road, Curtis Island Overlook (Beacon Ave/Bayview), Eaton Avenue, Harbor Road, Marine Avenue, and, Sherman's Point Road

(11) No new piers shall be constructed in areas designated as significant wildlife habitat with a value of one (1) or higher, as depicted on the Natural Resource Co-Occurrence Map prepared by the Maine Department of Inland Fisheries and Wildlife dated January 2024 and available in the Town of Camden's Planning and Development Office, and as defined in Title 38, Chapter 3, Subchapter 1, Article

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

5-A § 480-B (10) M.R.S as may be amended. This provision may be waived per subsection (J.) (16.)

- (12) No new piers shall be constructed in areas designated as Tidal Waterfowl and Wading Bird Habitats (TWWH) as depicted on the High Value Plant and Animal Habitats Map prepared by the Maine Department of Inland Fisheries and Wildlife, dated January 2024 and available in the Town of Camden’s Planning and Development Office. This provision may be waived per subsection (J.) (16.)
- (13) No new residential piers shall be constructed in or near areas containing eelgrass, or in historically mapped areas of eelgrass. Eelgrass location maps are provided by the Maine Department of Marine Resources or other state agency, and the latest dated map(s) shall be used. In the event that the proposed location is not within mapped eelgrass areas on the latest dated eelgrass maps prepared by the Department of Marine Resources or other state agency, the applicant shall provide evidence and a certified determination from a qualified individual that no eelgrass is located at, or near the proposed project’s location, and provide evidence that the area is not included in areas historically mapped as containing eelgrass. For the purposes of this section “near” means within fifty feet (50’) of any part or appurtenance of the proposed pier. This provision may be waived per subsection (J.) (16.)
- (14) No new piers shall be constructed in, on or near areas containing unstable or highly unstable bluffs. The Coastal Bluff map prepared by the Maine Geological Survey is available in the Camden Planning and Development Office. This map should be used by property owners and design professionals for planning purposes. For the purposes of this section the term “near” shall mean within one-hundred feet (100’) of the location and/or site of the proposed pier. A professional engineer or qualified individual shall provide evidence on behalf of the applicant that the site and location of the proposed pier is not an unstable or highly unstable bluff and is not located within one hundred (100’) of an unstable or highly unstable bluff, regardless of property ownership.
- (15) No new piers shall be constructed in, on or near coastal sand dunes, as defined in 38 M.R.S. § 480-B and Chapter 355 and, as may be depicted on the most recent Coastal Sand Dune Maps as prepared and published by the Maine Geological Survey or other State agency. For the purposes of this section the term “near” shall mean within fifty feet (50’) of the location and or site of the proposed pier. A professional engineer or qualified individual shall provide evidence on behalf of the applicant that the site and location of the proposed pier is not in, on or within fifty feet (50’) of a coastal sand dune.

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

(16) No new residential piers shall be built in an area designated as a Velocity VE Zone on the most recent FEMA flood maps, unless the specific location is an area which is historically (i) a harbor of safe refuge, as defined in 46 CFR Section 114.400, as a “a port, inlet, or other body of water normally sheltered from heavy seas by land and in which a vessel can navigate and safely moor;” or (ii) other area not susceptible to heavy seas and significant storm damage as certified by a the Officer in Charge, Marine Inspection, United States Coast Guard.

(17) Waivers of Requirements of Subsection (J) (11 – 13). The prohibition of new piers provided for in Subsection (J) (11 – 13) may be waived upon review, and submittal of wildlife and habitat studies, resource assessments and certification by qualified individuals (i.e. wildlife biologists, marine biologists, and professional engineers) that the proposed location and site of the proposed pier does not qualify as significant wildlife habitat with a value of one (1) or higher, or that the specific area does not qualify as moderate or high value plant and animal habitat for tidal waterfowl and/or wading bird habitats, and does not contain eelgrass at or near the proposed piers location, and is not located in historically mapped areas of eelgrass.

For the purposes of significant wildlife habitat and high value tidal waterfowl and wading bird habitat, resource assessments and studies shall include areas within two-hundred and fifty feet (250’) of the proposed pier location, regardless of property ownership. For the purposes of resource assessments and studies of eelgrass locations the resource assessments and studies shall include areas within fifty feet (50’) of the proposed location, regardless of property ownership.

(a) The resource assessments shall include and consider at a minimum the following:

- (1.) A detailed description of the quality of native ecosystem.
- (2.) A detailed description of the overall quality of the biological diversity at the site.
- (3.) A detailed description of the value of the wildlife habitat.
- (4.) A description of the presence or habitat of any rare, endangered or threatened species.
- (5.) A description of the proximity to other significant or mapped natural resource areas or corridors; and
- (6.) A description of the potential impact of non-native species or vegetation due to the project.

(18) Third Party Review. As determined by the Planning Board, the applicant shall also be required to pay for the costs for the Town of Camden to hire a third-party

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

qualified individual(s) to review the studies, resource assessments, certifications and determinations as may be required or provided for in Section (J) Subsections (11-16) and provided by the applicant and/or their consultant and to provide comment to the Planning Board. The third-party review may include, but not be limited to, any field work and assessments necessary to verify an applicant's or their consultant's certifications, determinations, and/or resource designations.

(19) Construction and Maintenance Standards for New and Existing Piers in Need of Repair, Maintenance, Reconstruction or Replacement.

All piers shall be designed by qualified engineers and shall be designed and maintained to prevent buoyancy and flotation of any permanently fixed part of the structure. The engineering documents and plans shall be designated as "for construction" and shall not be prepared for "permitting purposes only" The Planning Board may require third-party evaluation of the engineering documents and plans for compliance with any design manuals for construction of such structures. The applicant shall pay the costs incurred by the Town to hire a third-party engineer. The following construction, performance and maintenance standards shall apply to all new piers and the repair, maintenance, reconstruction or replacement of existing piers or storm-damaged piers. These standards are intended to be performance based and not prescriptive:

- (a) Cribwork or pile supported piers shall be designed in such a way as to prevent failure of the supporting cribwork or piles due to erosion and scour of the structural supports.
- (b) All permanently fixed pier elements shall be designed and constructed of materials that do not become buoyant and or leave the permitted location due to wave action or storm surge or pier failure.
- (c) The pier shall be designed and built to withstand predicted wind loads, wave action and storm surge based on past storm forces; and;
 - (1) Piers must be designed to withstand at a minimum the erosion, scour, and loads accompanying a minimum of the 50-year storm event, or whatever storm event is represented at this site during the past decade. The evaluation should also include the historic tidal, current, surge and wave energies at this site.
- (d) Reinforce bracing and/or anchoring for piers

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

- (1) In higher energy and/or storm prone coastal areas, such as the VE zone, additional bracing of the construction elements shall be provided. This reinforcement may include, but not be limited to modifications to girders/connections to pilings and cribbing.
 - (2) In addition to reinforcing construction elements, adding support anchoring may be used to reduce damage and losses of pier structures.
 - (3) Designers shall incorporate tie downs at support points and anchors to reduce lift of structure during storms.
 - (4) Protection of Connectors, Fasteners, and Hardware from Corrosion.

Connectors, fasteners, and other hardware subject to exterior or marine use should be either stainless steel or hot dip galvanized after fabrication.
 - (e) Applicants must submit a maintenance plan as part of Site Plan Review, that includes a plan to monitor and inspect the pier and all of its components structural or otherwise annually. FEMA Hurricane and Flood Mitigation Handbook for Public Facilities Fact Sheet 5.5 may be used as a guide for the monitoring, inspection, and maintenance plan.
 - (f) The owner shall provide an inspection report prepared by a qualified individual to the Code Enforcement Officer annually, and every third year the inspection report shall be prepared and stamped by a qualified professional engineer, and after severe storm events, as determined by the Town of Camden.
 - (g.) All owners of existing piers shall submit a monitoring, maintenance, and inspection plan along with an inspection report by August 31, 2024. Annual inspection reports shall then be provided annually to the Code Enforcement Officer per sections (f) above.
- (20) Owner Liability. The owner of all new and existing or rebuilt piers assumes any and all liability for any and all property damage and personal injury claims that may arise having to do with said pier. Should any part of the pier fail and leave the project site for any reason, the owner is responsible for all cleanup costs and

FOR PUBLIC HEARING ON PIERS ON MARCH 19, 2024

damages that may be associated with the failure of said pier including, but not limited to the cleanup and or salvage of any and all pier components of the failed or damaged pier, in addition the owner is responsible for any damage that may be caused to any real property of any other property owner or other users of the Town's harbors. The owner of all new and existing piers shall provide evidence of at least two million dollars' worth of liability coverage on said pier. Evidence of continued liability coverage shall be submitted to the Code Enforcement Officer annually along with the maintenance and inspection report as provided for in subsection (14) above. For new piers applicants must submit evidence of liability coverage along with Site Plan application materials. Existing pier owners shall submit evidence of liability insurance by August 31, 2024. The requirements of this provision shall be a permanent condition for all piers.

(21) Municipal Liability. In approving and issuing permits associated with piers, the Town of Camden does not assume any liability for the following, for which the permit holder, applicant, owner and successors and assigns shall indemnify and hold harmless the Town of Camden:

- (a) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- (b) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- (c) Design or construction deficiencies associated with the permitted work; or
- (e) Damage claims associated with any future modification, suspension, or revocation of this permit.
- (f) The requirements of this provision shall be a permanent condition of all piers.