

HENRY POINT WORKING WATERFRONT PROJECT

COMBINED COMMITTEE MEETING

WORKING WATERFRONT ACCESS COMMITTEE; HARBOR COMMITTEE

November 20, 2024

MINUTES

Attendance:

Working Waterfront Access Committee: Ira Kelley, Chairman; D. Kraig Church

Harbor Committee: John Church, Harbor Master; Ernest Kelley, Jr.; Harry Fish

Guests/Other: Kathy Killian, Grants/Planning Assistant; James Jutras, SCEC; Cynthia Beauvais, Public; Paul Monyok, Haley Ward; Regina Gray, Haley Ward; Sheila Millette, Public

Minutes of October 16, 2024: Draft minutes were distributed via e-mail and were reviewed at the meeting. Motion made to approve minutes as written. Seconded and approved.

Haley Ward Update:

- **Environmental Review (required for release of HUD funds)** – Johanna Szillery and Regina Gray prepared and shared a draft of preliminary assessments for US Fish and Wildlife and NOAA. The Northern Long-Eared Bat is no longer a concern, but the Tricolored Bat has been added to the list of proposed endangered. In summary, for USFWS, the Tricolored Bat and Roseate Tern (endangered) are unlikely to occur in project area. Atlantic Salmon (endangered) do not occur in the project area. Monarch Butterfly (candidate) does not have critical habitat in the project area, and it is unknown if they occur in the project area. The NOAA preliminary assessment has been drafted to initiate conversations with NOAA and determine if a biological assessment will be needed. Noise levels are a discussion point, and options for piles for the floats at the launch ramp were discussed. Options to protect in-water species are ‘dry’ installation (dam the area), pin to ledge, or soft start where the pile is driven and waiting for a period of several minutes before driving again. Soft start is the method used for the piles installed at Sawyer Cove three years ago. The committee would like to have test borings drilled to determine the appropriate method to be used. Paul Monyok will give the committee contact information so we can get estimates and move forward.
- **Tier 3 Permit** –
 - Paul Monyok will call Madison Bangs to discuss the need for the Tier 3 permit as the area of wetland impact is less than 15,000 square feet as was discussed with

Jessica Damon in April 3, 2023 site visit that included Shawn Mahaney of ACOE and Madison (in training with DEP). Paul will also try to get clarification on what may need to be done to mitigate (or compensate) for the wetland impact. If the town needs to preserve other wetlands, do they need to be wetlands of special significance (within 250 of shore), and does the town have to buy the property and manage the project?

- For a Tier 3 Permit, a public meeting will be required. Regina Gray provided some examples of dates required for advertising and posting meeting materials. In addition to registered letters notifying property abutters of the public meeting and some details of the project, landowners withing 1,000' (one thousand feet) of the project area need to be notified. Regina will overlay the 1,000' buffer onto GIS mapping to facilitate Kathy Killian's preparation of the property owner list. Tentative Date for the Public Meeting is January 15, 2025 which coincides with date of the Henry Point Project Meeting for January.
- **Review and comments on Plans received 11/14/2024** – Two pages of questions on the August 23, 2024 Plans Issued for Permitting were discussed.
 - The most urgent matter is the realignment of the Campground Road at the point where the concept plan crossed the Aiston property. The plan needs to be corrected for presentation at the Public Meeting, for inclusion with revised permit applications, and for the contractor bidding process. Nina Aiston was advised that the new Right of Way for the Campground Road will not cross her property.
 - Before releasing plans for the bid process, the committee has requested that the plan be updated to show where new and future conduit will need to be for underground utilities for the Working Waterfront. (The intent is that no further digging in newly constructed areas will be needed as the project phase(s) move forward).
 - There will be more discussion on compliance with the federal HUD grant when our contract is issued; scheduled to be delivered to us between November 28, 2024 and December 5, 2024. James and Paul discussed questions, the draft project manual, and other questions not detailed here.

Coleman/TD Bank Request for Information: Remaining items to provide to TD Bank to support their request to Mr. Coleman are –

- A letter of request including the reason for the request, proposed use of the new easement, and consideration received in exchange, and proposed use of proceeds.
- Description of property previously conveyed (the old easement).
- Non-refundable bank fee of \$150 made payable to TD Bank for Right of Way.
- Survey/Plan Map of the entire mortgaged parcel identifying the location of the well, septic, driveway, and building improvements, as well as the location of the easement area with proper metes and bounds. Paul Monyok will talk with Dan Livingstone of Haley

Ward's Machias Office to give us a quote and timeline for completion. Haley Ward has records of past surveys done by Almer Huntly, and C.E.S.

- A full appraisal of the property has been requested to determine the impact on the value, marketability and adverse factors due to the easement.
- Title search showing the property is free and clear of encumbrances.

Kathy Killian is working with Mr. Coleman and TD Bank has permission from Mr. Coleman to speak with Kathy regarding their requests.

Grant Updates:

- **Representative Jared Golden Request:** no news is expected until the budget is passed.
- **FY 2025 Coastal Community Grant.Shore and Harbor Planning Grant Programs:** \$50,000 is approved for continued planning. The contract period is October 1, 2024 to December 31, 2025.
- **FY2023 Community Project Funding (HUD – EDI/CPF)** – Grant contract paperwork is complete and approved. We can expect to receive the executed contract between November 28, 2024 and December 5, 2024.

Permit and Use Fee:

Diane Smith quickly summarized information she has received from Stonington and Cutler. She will reach out to the Eastport Port Authority or Skip Rogers. John Church will meet with Diane to discuss the data and prioritize the next steps.