

City of Biddeford
Policy Committee
August 07, 2023 6:00 PM Council Chambers & Zoom

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Status:

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
- 5. Discussion/Review**
 - 5.1. Amendment/Biddeford Code of Ordinances; Chapter 74 – Waterways; Article II – Harbor; Sec. 74-35 Construction of wharf, pier or landing regulated.
[20230724 Amended Harbor Ordinance Sec. 74-35 - DRAFT](#)
[20230724 Amend Harbor Ordinance Sec. 74-35 - BRIEF](#)
- 6. Adjourn**

Sec. 74-35. Construction of wharf, pier, sea wall or landing regulated.

[Ord. of 4-20-1993, ~ 26-26; Ord. No. 2007.11, 3-6-2007; amended 2-19-13 by Ord. No. 2013.7]

No additions, alterations, new construction or/or changes to an existing wharf, pier or landing shall be made without prior permission of the Harbormaster.

Permission for the construction of any new wharf or pier within the jurisdictional limits of the City shall not be granted without approval of the Harbormaster along with Federal, State and Local governing authorities.

To obtain permission of any new wharf or pier, the Applicant must provide the following information:

- A formal boundary survey that has been documented at the Registry of Deeds.
- A copy of the boundary survey showing the littoral zone, established by extending property lines seaward.
- A location map from a portion of a USGS topographic map or coastal chart.
- Distance to navigable channels or any Federal Navigation Project.
- Mean high and low water boundary.
- A plan view on the drawing(s) that show the location and dimensions of the Applicant's structure(s) in relation to the Applicant's property lines.
- A typical cross section/side view of the Applicant's structures on the drawing(s).
- Evidence that owners of abutting properties have been notified of the Applicant's intended project.
- Evidence that the (1) Maine Historic Preservation Commission, (2) Aroostook Band of Micmac, (3) Passamaquoddy Tribe of Indians: Pleasant Point; Indian township, (4) Houlton Band of Maliseet Indians and (5) Penobscot Indian Nation have been notified of the Applicant's intended project.
- Completed applications to the Army Corps of Engineers, Department of Environmental Protection and Biddeford Code Enforcement. A regulatory permit from the Saco River Corridor Commission may also be required in some instances.

The process to obtain permission of any new wharf or pier begins and ends with the Harbormaster. Initially, it is the Harbormaster's responsibility to guide the Applicant through the application process and finally, to review all completed documentation to assure all regulating authority approvals have been obtained.



Policy Committee

Meeting Date: July 24, 2023

Meeting Time: 5:30 PM

Agenda Item No: 5.1

Item Description: Amendment/Biddeford Code of Ordinances; Chapter 74 – Waterways; Article II – Harbor; Sec. 74-35 Construction of wharf, pier or landing regulated.

Submitted by: Brian S. Phinney, COO on behalf of the Harbor Commission and Shellfish Commission

Supporting Information/Documentation:

Draft amended ordinance Ch. 74, Sec. 74-35

Key Terms:

N/A

Executive Summary:

The Harbor and Shellfish Commissions evaluated the ordinance section related to the construction of wharfs and piers. The existing ordinance was deemed lacking in detail. The amendment provides a list of requirements an applicant must provide to the harbor master in order to proceed with a review.

Detailed Review:

Chapter 74, Sec. 74-35 of the Biddeford Code of Ordinances addresses wharfs, piers, and landings. The current language states simply that permission from the harbormaster is required for construction of any new pier or wharf but there is no detail on what is required in order to obtain said "permission".

The Harbor and Shellfish Commissions worked with the harbormaster to draft an amendment to Sec. 74-35 to include detail on the information needed by the harbormaster in order to make an informed decision on any new construction requests. By amending the ordinance applicants will better understand what information is expected and will be able to evaluate cost and time implications prior to moving forward with new construction requests. Defining the information needs also assists the harbormaster by ensuring specific and consistent data is provided with any future construction requests.

Funding Source:

N/A

Staff Recommendation:

Staff recommends acceptance of the Commissions' proposal with consideration of further amendments for clarity.