

THE COMMISSIONERS OF ST. MICHAELS

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Waterways Management Advisory Board

Tuesday, May 14, 2019 at 4pm

Town Office

Call to order – John Marrah opened the meeting at 4:05pm.

Present: John Marrah, Mark Welsh, Mark Van Fleet and Planning and Zoning Officer Kymberly Kudla. Roy Myers was not in attendance.

Approval of minutes:

Member Marrah made a motion to approve the minutes of March 8, 2019 as amended. The motion was seconded by Member Welsh and carried on a vote of 3:0 in favor.

Member Van Fleet made a motion to approve the minutes of April 9, 2019 as submitted. The motion was seconded by Member Welsh and carried on a vote of 3:0 in favor.

- Review of Building Permit #5177: Dennis Newhard – 988 Ruscello Vista Court - Install 1 boat lift onto an existing pier. Lateral Lines received Waterways Approval #4988, MDE and USACE.

Dani Walton of Lane Engineering commented that the pier and boat lift permit was approved under the state permit; however boat lifts were not permitted at that time in waters of Hidden Harbor. Ordinance # 496 has subsequently been enacted. The lateral lines for existing and proposed conditions were both approved as Option B under pier permit #4988. The proposal includes installation of four additional mooring piles.

Chairman Marrah made a motion to approve dock permit application #5177- Newhard, for installation of a boat lift as submitted. Motion seconded by Member Van Fleet and carried on a vote of 3:0 in favor.

- Review of Building Permit #5185: Eric Lang – 984 Ruscello Vista Court – Install a boat lift onto existing shared pier. Lateral Lines received Waterways Approval #4988, MDE and USACE.

Dani Walton noted that the Lang's are also applying for a boat lift on the shared pier with the Newhard' located at 988 Ruscello Vista Court. Chairman Marrah noted the lateral lines determination with Option B and that all boat lift pilings are located within the setback area.

Chairman Marrah made a motion to approve boat lift application # 5185-Lang, for installation of a boat lift as submitted. Motion seconded by Member Van Fleet and carried on a vote of 3:0 in favor.

- Review of Building Permit #5184: David Copenhaver – 950 Marea Terrace - Install 2 boat lifts onto an existing pier. Applicant is awaiting authorization to perform work in tidal wetlands and pending approval by the MDE.

Ms. Walton noted that the pier had been approved and installed under permit #, at that time boat lifts were not permitted in Hidden Harbor until Ordinance #496 was enacted. As the permit expired it was necessary to resubmit to the state and is pending approval. The proposed boat lifts are on the same side of the shared pier.

Ms. Walton added that based on state and federal regulations any pier is permitted to have up to 4 boat slips whether they are boat lifts or not. The Covenants for Hatton's Garden don't prohibit more than one boat lift adding that a letter of no objection is on file from the adjacent shared pier owner. Ms. Walton gave details of lateral lines exhibits A-E.

Chairman Marrah made a motion to approve application #5184 – Copenhaver' for 2 boat lifts with lateral lines northern line option C and southern line option B. Motion seconded by Member Welsh and carried on a vote of 3:0 in favor.

- Review of Building permit #5186: Paquin/Foster – 962 San Domingo Court/980 Ruscello Vista Court – Install 3 boat lifts and a floating platform. Lateral Lines received Waterways Approval for permit #5069 and #4988. The application to MDE is pending approval.

Ms. Walton noted a total of 200 sf of coverage is permitted for a single pier, MDE requires a letter from both property owners acknowledging that lot 11 side of the pier is taking up 160 sq. for the platform. The approved permit to install the boat lift expired, so resubmittal was necessary. The lateral lines options were decided previously. The 6 boat pilings have been installed based on past approval. When applying for permits for lots 9/10, the owners of lot 11 sent correspondences with the understanding that lateral line B was going to encroach on their existing mooring pile and that they were ok with the method. The owners of lot 10 also have a letter of no objection on file. Marrah 333 10E he cited the definition of waterway. After much discussion Chairman Marrah advised Ms. Walton to return to the homeowners to re-evaluate setting the pilings that are in the exclusion area but not across the lateral line and review the code as it relates to boatlifts specifically Chapter 333(10)E- Prohibited Acts.

- Review of Building Permit #5202: William Weiman – 965 San Domingo Court - Install 1 boat lift onto an existing pier. Lateral Lines received Waterway Approval #5017, MDE and USACE.

Member Marrah made a motion to approve application #5202 for the installation of a boat lift as submitted. Motion seconded by Member Welsh and carried on a vote of 3:0 in favor.

- Review of Building Permit #5203: Jeffrey Bates – 996 Ruscello Vista Court - Install 1 boat lift onto an existing pier. Lateral Lines received Waterway Approval for permit #4850. MDE and USACE – Approved
Member Marrah made a motion to approve installation of a boat lift as submitted. Motion seconded by Member Van Fleet and carried on a vote of 3:0 in favor.

- Review of Building Permit #5214: George Sass – 220 E Chestnut Street – Remove two existing finger piers and construct 30ft x 6ft wide pier, 30ft x 3ft finger pier and 16ft x 10ft floating platform and replace 74ft of bulkhead.

The property is currently an empty lot pending a building permit approval. Ms. Kudla noted that a permit for waterway improvements could not be issued until there was a primary structure. Ms. Walton detailed the method of determining lateral lines. The proposed floating dock is to allow the property owners pet to board the boat.

Members discussed lateral lines, floating docks and impact on the neighboring property. Chairman Marrah cited waterway setbacks. The permit was continued to June. Ms. Walton was asked to research finger piers, lateral lines in the harbor and other options for determining lateral lines in the Code. Chairman Marrah said the last course method is the preferred method. Ms. Walton suggested seeking approval for a floating dock at a later date.

Ms. Kudla is seeking guidance on floating docks and boat lifts in the harbor. It appears a property owner in Perry Cabin Townhomes is seeking approval to install a kayak lift. Her research shows existing floating docks installed without permits.

Other matters from Advisory Board or Staff:

Next meeting date: Tuesday, June 11, 2019 at 4pm in the Town Office.

The meeting adjourned at 5:32pm.

Minutes approved as submitted by 4:0 vote in favor on the 11th day of June, 2019.



John Marrah, Chairman