

**Harpswell Board of Selectmen
Meeting Minutes
Thursday February 5, 2026
Harpswell Town Office
APPROVED 2-19-26**

This meeting was held in the Select Board Meeting room at the Town Office and was available remotely by Zoom. Instructions were included on the published agenda and on the Town's website. Links to a video recording of the meeting are also available on the Town's website.

Selectmen Present: Chairman Kevin E. Johnson; Selectman David I. Chipman; Selectman Matthew Gilley.

Staff Present: Kristi Eiane, Town Administrator; Margaret McIntire, Town Planner; Tim Clark, Code Enforcement Officer.

Call to Order and Pledge of Allegiance: Meeting was called to order at 6:00 PM.

1. **Adoption of the Agenda:** The agenda was adopted with no changes.
2. **Public Comment:** None.
3. **Select Board's Announcements:** None.
4. **Town Administrator's Report: Kristi Eiane, Town Administrator, reported on the following:**
 - **Municipal Bond Bank Application:** Given that there are studies to complete before breaking ground for the Emergency Services Building in the fall, the Treasurer will defer the application to the Maine Municipal Bond Bank from the Spring issue to the Fall issue. The Select Board members acknowledged and agreed.
 - **Public Hearing 2-11-26:** The Public Hearing for the two secret ballot referendum questions on the March 14 Town Meeting is scheduled for February 11, 2026 at 6:00 PM at the Harpswell Community School. The hearing is required since there will be no debate of the issues at the Town Meeting itself.
5. **Consent Agenda:** The Select Board unanimously approved; 1) Minutes for the 1-15-26, 1-22-26, 1-29-26 Meetings; 2) Appointment of James R. Bebarski as an Associate Member to the Planning Board; 3) Payables Warrant 6 totaling \$136,798.39 and Payroll Warrant PR5 totaling \$29,588.00.
6. **Jeffrey and Alice Lynch Wharf Application:** Tim Clark, Code Enforcement Officer, presented an application that was submitted by Jeffrey and Alice Lynch; for a new wharf at 15 North Point Lane, Map 48, Lot 62. Although part of a subdivision, the Town's Assessor confirms that there is no deeded community wharf for access to the water. All required documents for the application are verified as part of the file. There is no eel grass or clamming in the area; and, no apparent navigational issues. The Select Board unanimously approved the application as the system does not cause an injury to the rights of others or create a hazard to navigation.
7. **Harpswell Community Garden Grant Application to Harpswell Heritage Land Trust:** Suzy Hanley, Town of Harpswell Community Garden, asked the Select Board to authorize submitting the annual application for funding to the Harpswell Heritage Land Trust. The Select Board unanimously approved.
8. **Draft Wood Landing Road Wharf Lease with David Moody:** Kristi Eiane, Town Administrator, reviewed a finalized draft of a lease agreement (see attached) between the Town and David & Patricia

Moody; for a private wharf on public property at Wood Landing. The lease would take effect upon the expiration of the current 25 year lease (approved in 2001) if approved at Town Meeting. The Select Board acknowledged and agreed with the latest changes to the lease terms. Authorization to sign the lease will now be placed into a warrant article at Town Meeting for voter approval.

- 9. Request from Attorney Collins Re: Wharf Systems in Subdivisions:** Attorney Kristin Collins asked the Select Board to consider making changes to Ordinances that impact the right of Harpswell homeowners who live within “subdivisions” that have access to a common dock to also build private wharves. Attorney Collins currently represents two homeowners in the High Head area of Harpswell Neck who have been denied the right to build their own wharfs due to a legal interpretation of Shoreland Zoning Ordinance 15.3.9. The Ordinance provides that “no new wharf, pier, dock and/or float shall be constructed on a lot shown on a recorded subdivision plan that has deeded rights of access to a wharf, pier, dock and/or float.”

Attorney Collins argued that High Head was developed prior to the 1971 State law related to subdivisions, and thus was not developed with facilities that would be intended to provide the kind of common access envisioned by the Ordinance. She indicated that there are likely other neighborhoods in the Town that might share this status and could be equally impacted. High Head’s Association covenants were developed in the 1960’s and still do not prohibit individual lot owners from seeking their own wharfs.

Attorney Collins indicated that her clients could continue to pursue their applications with the Planning Board and simply pursue appeals when denied. But, she was hoping that the Select Board might consider making changes to two existing Ordinances based on a clearer definition of what subdivisions would be impacted.

Laura Aibel, one of the two High Head property owners represented by Collins, spoke in support of a reconsideration of the Ordinances. Her family had recently purchased property at High Head in anticipation of boating. They had received permits from the State and design support from a local wharf builder and shoreline specialist.

Chris Mutty, another High Head property owner, shared a similar story. His family purchased their property based on being able to access the water. Their realtor indicated it was allowed, the High Head Covenants indicated it was allowed, and local builders and a shoreline specialist supported it as well.

Tim Forrester, local Shoreline Specialist, helped both Owners with their projects. Forrester supported the High Head homeowners, but felt that the more appropriate cut-off date might be 2009. Forrester suggested that it was in this year that the Town, out of concern for protecting marine ecology against overdevelopment of shoreline wharves/piers, began to focus on the promotion of common access facilities.

Margaret McIntire, Town Planner, reminded the Select Board and audience that the Town’s newly-approved Comprehensive Plan included a goal to ‘enhance and maintain the marine ecosystem’; with a clear desire to limit the amount of docks so as to prevent damage to threatened eel grass. McIntire encouraged the Select Board to keep this in mind as they considered any alteration to current Ordinances.

The Select Board members agreed that the topic justified additional consideration, but did not believe it could be vetted in time for March Town Meeting. If changes were to be made, the June election period would be more feasible. The Select Board considered referring the question of Ordinance changes (including the examples provided by Attorney Collins) to the Planning Board for its review, which the High Head owners found desirable. Town Administrator Kristi Eiane encouraged the Selectmen to meet with Town Attorney Tchao to review the current legal interpretation of the Ordinances before making a referral or decision. Staff will set a meeting up with the Board and the Town’s Attorney prior to the next Select Board meeting.

10. Letter of Support for Maine Outdoor Heritage Fund Grant: Selectman Gilley asked the Board to approve a letter of support (see attached) for a proposal being submitted by the Bowdoin College Schiller Coastal Studies Center to the Maine Outdoor Heritage Fund. The study, being proposed in partnership with the Biodiversity Research Institute, will analyze the effects of PFAS on tidal and subtidal invertebrates in Harpswell Sound. The Select Board unanimously approved.

11. 2026 Draft Warrant for March 14, 2026 Town Meeting: Kristi Eiane, Town Administrator, reviewed a draft of the Warrant for the Annual Town Meeting on March 14, 2026 with the Select Board. The Warrant contains 55 Articles, including 2 secret ballot referendums, 4 Ordinance amendments, 1 lease agreement, a number of budget requests, and other housekeeping matters.

A finalized Warrant document for the Annual Town Report will need to go to the press by February 20. Town Administrator Eiane asked the Select Board to provide feedback and to indicate if members wished to make any changes in the format or order of the articles. It is also customary for the articles in the warrant to indicate whether Select Board members recommend passage. Town Administrator Eiane asked if the Select Board members could provide their most updated positions on each article.

Town Administrator Eiane reviewed the budget articles. Departmental budget figures previously vetted by the Select Board were incorporated into Warrant articles for voters at Town Meeting to consider.

The Select Board raised no additional issues with the substance or order of the draft warrant.

12. Public Comment: Donna Chipman, Harpswell CTV, encouraged the Select Board to forward any questions they might have for her regarding the station's budget and management. She recognized that questions had been raised recently about long-term succession planning and management depth. Chipman reviewed some of the steps they have taken at HCTV with staff.

Margaret McIntire, Town Planner, let the Select Board know that she is working with the Resiliency & Sustainability Committee on a grant application with the DOT; which would fund the replacement of the failing boat launch at Garrison Cove. Most grants only cover design work, but this one would also cover construction, of up to \$2 million. We will know more in the next month.

13. Other Business: Kristi Eiane, Town Administrator, asked the Select Board to approve a change order to the Wyman Simpson contract for the boat launch project. The contractor needed to place a third piling at the site into a rock socket, which was not anticipated. This was in addition to a previous change order from the engineering firm for on-site testing required by the State; which was expected to be \$20,000 but ended being only \$5,000. The new Wyman Simpson contract, after the change order, will be \$1,153,000. This is \$20,000 above the original estimate. The Select Board unanimously approved the change order.

14. Adjournment: Meeting was adjourned at 7:21 PM.

Respectfully Submitted,

Brian Hubbard
Recording Secretary

Attachments: Wood Landing Road Wharf Lease; Letter of Support for Maine Outdoor Heritage Fund Grant
[Attachments are available at the Town Clerk's Office or by email at harpswell@town.harpswell.me.us]

