



Memo

To: Ed Tolan, Chief
From: Alan Twombly, Harbormaster
CC: John Kilbride, Lieutenant
Date: November 3, 2010
Re: Riparian Access to Falmouth Anchorage

In the fall of 2009, Richard Trynor came to my office and told me that he was purchasing #20 Burgess Street and that he would like to purchase the mooring with the house, which the seller told him he could do. I explained to him that he couldn't purchase it in that fashion but because he would be a riparian homeowner I would issue him a mooring.

In the winter of 2010, Peter Leavitt from Underwood Road, took issue with the fact that I was considering the new development of Seaside Estates as an "access point" to the anchorage. His contention was that Seaside Estates did not have 100 feet of shore frontage, therefore did not qualify as a legal access point.

Ultimately, the case was presented to the Town of Falmouth Attorney, William Plouffe, who suggested that we strictly adhere to the minimum 100 foot shoreline requirement to consider a homeowner to have riparian rights to a mooring. Later in the spring, when Mr. Trynor came to my office to obtain a mooring permit I told him of the recent ruling by the Town attorney. Mr. Trynor was obviously upset and I suggested he speak with Town Manager Poore regarding the ruling. I also spoke with two residents of Seaside Estates when they called to obtain a mooring permit and gave them the same advice.

On August 18, 2010, Chief Tolan asked me to compile a report of the events that lead to this situation and to investigate and determine how many riparian landowners there were in Falmouth, how many of those had 100 feet or more of shoreline frontage, how many had 70 to 100 feet of shoreline frontage and how many had less than 70 feet of shoreline frontage and finally, to determine how many of those landowners in each category already have moorings. Using Falmouth Tax Sheet maps and database provided by Anne Gregory, as well as Online Mooring I developed the following statistics. It should be noted that many of the plots on the tax map did not have the actual shoreline frontage so I was forced to use the provided scale, so a margin of error must be considered in the following statistics.

There are approximately 137 shoreline properties in Falmouth from the Cumberland line to the area of Kelley Road on the Presumpscot River. Of those approximately 30 properties have less than 70 feet of shore frontage and of those 13 already have moorings. There are approximately 16 properties that have 70 to 100 feet of shore frontage and of those 6 already have moorings. The remaining 91 properties have greater than 100 feet of shore frontage and are already covered by the riparian rule.