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An Act To Allow Year-round Placement of Cobble-trapping Fences behind Established Seawalls

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §480-II is enacted to read:

§ 480-II. Cobble-trapping fence in a coastal sand dune system

This section applies to the placement of a cobble-trapping fence in a coastal sand dune system.

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Cobble" means a rock that is smaller than a boulder and larger than gravel.

B. "Cobble-trapping fence" means a fence that is designed to prevent cobbles from passing through it.

2. Permit. Notwithstanding anything to the contrary in this article, the department may issue a permit to an owner of property in a coastal sand dune system to construct, repair or replace a year-round cobble-trapping fence landward of an existing seawall in a developed area if:

A. The property is adjacent to a beach with gravel and cobble sediment and has a developed area, such as a lawn, between a building on the property and the beach; and

B. The fence:

(1) Is not located on a naturally vegetated frontal dune;

(2) Is located seaward of the foundation of a building on the property and is no more than 15 feet in front of the building;

(3) On either side, does not extend more than 2 feet beyond the foundation of a building on the property;

(4) Does not consist of more than one row of fencing;

(5) Does not have openings smaller than 2 inches square;

(6) Is not higher than 4 feet above grade; and

(7) Is not supported by a permanent, continuous footing.

A cobble-trapping fence may be supported by permanent, small subsurface pipes or similar emplacements. Cobbles and sediment trapped by a cobble-trapping fence may be removed and placed immediately seaward of a frontal dune or seawall on the property.

SUMMARY

This bill authorizes the use of cobble-trapping fences on a year-round basis and sets conditions on their use.