

**Edgartown Marine Advisory Committee
By Zoom Conference due to the Corona Virus Crisis**

Minutes

Date: October 28, 2020

Members Present: Bruce McIntosh, Martin “Skip” Tomassian, Ed Handy

Other people present: James Hagerty – Town Administrator,
Douglas Finn – Planning Board,
Charlie Blair – Harbormaster, Marni Lipke – recorder,
Steve Ewing – Aquamarine Dockbuilders
Sam Hart – TTOR, Peter Defeo, Matt Dyroff,
Norman Rankow, Rachel Self,

Next Meeting Date: [Joint Planning Board meeting,](#)
[5:30PM, Thursday, November 19, 2020](#)

Meeting Opened: 5:18PM

1) Call to Order

2) Harborside Inn Condominium Waterfront Access Court Case

(See documents on file & below: Actions.)

Department of Environmental Protection (DEP) lawyer Sam Bennett had retired and been replaced by David Bragg.

5) 31 South Water Street Landing – Norman Rankow

(See documents on file & Minutes 11/4/15 p.1 #2 & 9/28/16 p. 1 #2 & 1/11/17 p.1 #2 & 1/10/18 p.1 #2, & 6/10/20 Minutes p.2 #5.)

Norman Rankow reviewed the changes to accommodate his new boat(s). This involved moving and/or adding pilings and an outboard landing. The Conservation Commission (ConCom) requested a site visit, to which Marine Advisory members were invited if they so chose. This was a congested area and the Committee asked about navigational issues, however, Harbormaster Charlie Blair recused himself from the matter. As this was an old issue:

• *ED HANDY MOVED THAT THE MARINE ADVISORY COMMITTEE HAD NO OBJECTIONS TO 31 SOUTH WATER STREET PIER PLANS AS DRAWN AND PRESENTED; MARTIN SKIP TOMASSIAN SECONDED: MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS: MARTIN SKIP TOMASSIAN—AYE, BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

Mr. Rankow also asked the Harbormaster about moving Mr. Vittor’s piling.

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3) Discussion/Request Cape Pogue Advisory Committee – (See documents on file & Minutes: 11/13/19 p.2 #4 & 12/4/19 p.2 #5 & 1/15/20 p.2 #5 & 2/12/20 p. 1-3 #5, 3/11/19 p. 1-2 #5 & 5/13/20 p.2-3 #3 & 10/14/20 p.1 #3.)

(Recorder's Note: This hour-long discussion is summarized and grouped for clarity and brevity.)

• It had come to the Committee's attention that regulations and protections were already in place through:

- the original District of Critical Planning Concern (DCPC) finding--including the outline of a Planning Board generated oversight committee,

- Edgartown Harbor Plan,

- Community Development Plan and

- Zoning Bylaws.

• Enforcement was discussed as primarily from three sources: the Harbormaster, Shellfish Constables and the police boat (with Trustees of Reservation (TTOR) jurisdiction over the shore), however oversight and hierarchy remained unclear.

• Considerable frustration was voiced at the congestion, chaos and damage to Cape Pogue occasioned during the 2020 summer season, due to as many as 162 boats in a day, kiteboarding, drunken parties, jetskis, etc.—the majority of them not from Martha's Vineyard. Edgartown beaches were now struggling with the over-population problems that had been shifting around the Cape and Islands. For example, TTOR's Long Point parking was now by online reservation only.

- A review of previous discussions and minutes could not agree on decided actions.

- Nesting shorebirds restricted previously designated landing areas.

- 'No anchoring' should protect all eelgrass habitat whether eelgrass was present or not.

• The Committee also wished to maintain residents' privilege for quiet use of the Pond.

• The DCPC Oversight Committee had not been formed because previously it was not needed. The correct and transparent public procedure was:

- Marine Advisory Committee meets with Planning Board re: recommended changes to the DCPC Oversight Committee and regulations (see above: Next Meeting);

- Planning Board submits changes to the Martha's Vineyard Commission (MVC);

- changes are voted at Town Meeting; and then

- submitted to the Attorney General's office.

• Everyone was seriously concerned about the 2021 summer and consequently considered simultaneous action on emergency measures.

• *BRUCE MCINTOSH MOVED THAT THE MARINE ADVISORY COMMITTEE RECOMMEND TO THE BOARD OF SELECTMEN AND PLANNING BOARD AS AN EMERGENCY MEASURE FOR WILDLIFE AND NATURAL PROTECTION OF CAPE POGUE THAT A LARGE EDGARTOWN TOWN SIGN BE PLACED ON THE BEACH WITH THE TRUSTEES OF RESERVATION PERMISSION SAYING 'HABITAT RESTORATION NO ANCHORING IN ALL OF CAPE POGUE; MARTIN TOMASSIAN SECONDED: MOTION PASSED: 2 AYES, 1 NAY, 0 ABSTENTIONS: MARTIN SKIP TOMASSIAN—AYE, BRUCE MCINTOSH—AYE, ED HANDY—NAY.*

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8) Committee Business

a) Approval of Minutes if Available

• *MARTIN TOMASSIAN MOVED TO APPROVE THE OCTOBER 14, 2020 MINUTES AS PREPARED; ED HANDY SECONDED; MOTION PASSED: 3 AYES, 0 NAYS, 0 ABSTENTIONS: MARTIN SKIP TOMASSIAN—AYE, BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

b) Recommendation for Alternate (See below: Actions.)

As the Committee bylaw did not at this time include an alternate:

• **IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE TO SUBMIT A WARRANT TO TOWN MEETING TO ALLOW AN ALTERNATE.**

6) Harbormaster Report

a. Harbor Staff Job Classifications (See below: Actions.)

Charlie Blair stated he was unable to retain good help at \$13/hr.

• *ED HANDY MOVED TO ENDORSE THE WAGE SCHEDULE CHANGES TO THE HARBOR DEPARTMENT PENDING MARINE ADVISORY COMMITTEE REVIEW; MARTIN TOMASSIAN SECONDED; MOTION PASSED: 3 AYES, 0 NAYS, 0 ABSTENTIONS: MARTIN SKIP TOMASSIAN—AYE, BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

7) Dredge Committee Representative Report

The dredge was heading to Tashmoo, expecting all permits to be completed shortly.

4) Discussion on Collins Beach Reading Room (See 10/14/20 Minutes p.1-2 #4.)

* Martin Tomassian left the meeting due to a conflicting meeting at 6:31PM.

After the informal meeting the Police agreed to enforce land based issues (parking, etc.) and the Harbormaster would enforce water based compliance.

9) Old/New Business/Public Comment - None

10) Items Not Reasonably Anticipated by the Chair - None

11) Adjournment

ED HANDY MOVED TO ADJOURN 6:33PM; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.

Actions:

Bruce/Steve Ewing – set up meeting or recontact re: Harborside case: James Hagerty,

Jane Varkonda, DEP David Bragg, Bill Young/Ms. Moore/Greg Thatcher.

Marni – send background minutes to David Bragg.

Skip/Ed – draft and submit warrant article for Marine Advisory Alternate.

Charlie – draft letter supporting Harbor Department personnel changes. **continued >**

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Documents on File

- Agenda 10/28/20
- Varkonda/Bragg emails re: Harborside Inn (3 p.) 10/22/20
- Rankow cover email re: NOI Filing for 31 S. Water St. 10/20/20
- Zollo letter re: Rankow Residence – 31 S. Water St. Edgartown, MA 12/7/16
- Folliard letter re: Chp. 91 Lic Application (#TBD) Norman Rankow, 31 South Water Street Edgartown, MA 02539 (2 p.) 10/10/20
- Defeo letter re: Rankow Residence – 31 South Water Street, Edgartown, MA; Chapter 91 License Application (#TBD)/Norman Rankow, 31 South Water Street, Edgartown, MA
- Woods Hole Group, Notice of Intent Application, Proposed Relocation of Two Existing Piles and the Installation of Three Piles and a Landing for Norman Rankow (40 p.)
- Self email re: Test 9/21/20
- Highlights from: Edgartown Harbor Plan, Decision Of The Martha's Vineyard Commission Designating The Chappaquiddick Island District As A District Of Critical Planning Concern, Edgartown Community Development Plan, Edgartown Zoning Bylaw As Amended April 2019 (2 p.)
- Zoom meeting chat:

Cape Pogue DCPC Advisory Committee. A Cape Pogue DCPC Advisory Committee shall be established to foster cooperation in management of public and private lands in the District, to advise the Planning Board on applications for special permits and to propose wildlife management and recreations guidelines.

(1) Membership shall include one (1) representative from each of the following organizations, appointed by that organization:

- (a) Edgartown Conservation Commission.
- (b) Edgartown Board of Health.
- (c) Massachusetts Department of Environmental Management.
- (d) Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement.
- (e) The Trustees of Reservations Membership.
- (f) The Trustees of Reservations Staff.
- (g) County of Dukes County.
- (h) Martha's Vineyard Commission.
- (i) Cape Pogue property owner (appointed by the Chappaquiddick Island Association).
- (j) Conservation/wildlife specialist (appointed jointly by Sheriff's Meadow Foundation, Vineyard Conservation Society and Vineyard Open Land Foundation)

From Sam Hart to Everyone: (5:40 PM)

Thanks very helpful