

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

**Date:** March 3, 2021

**Members Present:** Chair - Bruce McIntosh, Ed Handy

**Other people present:** Town Administrator – James Hagerty,  
Charlie Blair – Harbormaster, ConCom – Jane Varkonda  
Shellfish – Constable Paul Bagnall, Deputy Warren Gaines,  
Chair Christian Thornton, Ryan Smith,  
Bill Brine, Brock Callen, Steve Ewing, Rob Hayman,  
Tom Kent, Greg Martino, Dan Martino,  
Marni Lipke – recorder,

**Next Meeting Date:** 4:00PM, March 10, 2021

**Meeting Opened:** 4:30PM

**1) Call to Order**

**2) Commercial Marine License Renewal Applications**

**a.) Tom Kent – Food Delivery to Boats**

The Marine Advisory Committee and Harbormaster Charlie Blair heard only good feedback on the venture. Delivery was mostly within the Harbor in keeping with restaurant partnering. In general the Committee did not endorse commercial activity in Cape Pogue.

• *BRUCE MCINTOSH MOVED TO RECOMMEND APPROVAL OF TOM KENT'S FOOD DELIVERY COMMERCIAL LICENSE RENEWAL; ED HANDY SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

**b.) Ryan Smith – Oyster Farm Tours**

The Committee and Harbormaster heard only good feedback on the oyster farm tours, including on social media.

• *ED HANDY MOVED TO RECOMMEND APPROVAL OF RYAN SMITH'S OYSTER FARM TOURS COMMERCIAL LICENSE RENEWAL; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

**c.) Scott Morgan – Charter – Tabled**

**3) New Commercial Marine license Applications**

**a.) Dan Martino – Oyster Farm Tours** (See below: Actions.)

Dan Martino had been running tours of his Cottage City Oyster Farm from Vineyard Haven through online ticket sales—parking not included. He now had a larger boat and the Harborview had expressed interest. The discussion focused on passenger pickup/drop-off.

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- The Harborview dock was owned by Bernard Chu on a commercial marine permit for running slips. Other large resorts with docks used floats for charters.
- The commercial marine license would allow 10 minute pickup/drop-off from public wharfs—Cottage City tour times were:
  - ° May/June, Saturdays 10:00AM & 2:00PM
  - ° July/August Saturdays & Sundays 10:00AM & 1:00PM.
- Memorial Wharf would be closed for a week around Memorial Day and then starting a week after Labor Day for extensive and complex renovation—the new Pavilion would be moved to the parking lot. The Committee had some hesitation over the already heavy traffic during the summer season.
- Fisherman’s Wharf was suggested but involved difficult space and navigation.
- There was a suggestion to impose embarkation/disembarkation fees as a source of Town revenue but the Harbormaster considered this would have diminishing returns, as the docks served Edgartown businesses, shops, restaurants, etc.
- *ED HANDY MOVED TO RECOMMEND APPROVAL OF DAN MARTINO’S OYSTER FARM TOURS COMMERCIAL LICENSE APPLICATION AS SPACE WAS AVAILABLE AND ALL REGULATIONS APPLIED; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

**b.) Doug Tase – Charters - Tabled**

**4) Discussion after Public Hearing on New Cape Pogue Regulations**

(See below: Actions & documents on file & Minutes: 10/28/20 p.2 #3 & 12/9/20 Minutes p.1 #4.)

Chair Bruce McIntosh recommended a 1 year moratorium on anchoring while the District of Critical Concern Planning Concern (DCPC) Committee was established and became active, however the issue was controversial and the Covid-19 pandemic had delayed action. A previous plan involved:

- summer/weekend presence of Town employees, (Harbormaster, Shellfish, Police) to regulate activity,
- installation of buoys (offered by Steve Ewing) to mark off-limit channels;
- a limited anchoring zone;
- marking shellfish beds regarding no anchoring in eelgrass; and
- leaving the rest of Cape Pogue as is.
- Martin ‘Skip’ Tomassian’s statement was read into the record. However, his suggestion for a mooring field was impractical as it involved extensive permitting (including from the Army Corps of Engineers) which was not likely to be granted.
- Shellfish Constable and Biologist Paul Bagnall responded to Mr. Tomassian’s remarks on shellfish dragging, strongly maintaining it was less harmful than anchoring due to closely regulated drag type, size and weight—a Massachusetts Division of Marine Fisheries (DMF) study was in progress. Cape Pogue shellfish harvests from eelgrass bed spats, were smaller than previously but still active. He also noted the new regulations were likely to restrict or eliminate shellfishing in mooring areas.
- There was agreement about the heavy damage of anchoring. It was noted that shellfish dragging was forbidden in Narraganset Bay.

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- Shellfishing was a precious and profitable resource for the Town.
- Shellfish beds from the North of Cape Pogue towards the Cedars could be buoyed off.
- Steve Ewing renewed his offer to install marking buoys, as well as large educational signage. He reminded everyone that shellfishing and natural resources were the reason for the Cape Pogue and Edgartown Great Pond DCPCs.
- Charlie Blair expressed frustration with 2-years of conversation:
  - September/October was a better timeframe to prepare for the summer season;
  - signage was not enough; all actions must be enforceable with available resources;
  - he was very wary of sending young inexperienced, low-paid, seasonal harbor workers into risky situations involving drunken parties;
  - video cameras were offensive but highly effective.
- The following actions were agreed to reduce the number of boats rather than institute a complete closure:
  - signage,
  - marking of shellfish beds,
  - no definite anchorage demarkation,
  - continued partnership with The Trustees of Reservation (TTOR) who had shore jurisdiction.
  - publicizing regulation in the press.

**5) Update on Edgartown Harbor Plan – Martha's Vineyard Commission - Tabled**

**6) Harbormaster Report**

- Dockage opened 3 weeks ago. There was so much interest the site crashed several times on opening, July 4<sup>th</sup> weekend was gone in 2 minutes, and the summer was sold out in 3 hours. Dockwa was still sorting out duplicates.
- He hoped the new restrictions would improve the Cape Pogue situation and thanked Steve Ewing for his generous help. Harbor staff would tour once a day and hopefully with Police help.

**7) Dredge Committee Representative Report**

The Tashmoo dredge was successful as was the Edgartown Great Pond opening sluiceway. Great Pond sand was transported to the Katama Right Fork and then planted with beachgrass (\$30,000) and fenced (\$15-20,000) to aid in dune stabilization. Many people helped the dune efforts. The dredge season was now closed.

**8) Old/New Business/Public Comment**

**9) Committee Business**

**a) Approval of Minutes if Available (12/9/20)**

• *BRUCE MCINTOSH MOVED TO APPROVE THE DECEMBER 9, 2020 MINUTES AS AMENDED; ED HANDY SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

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**10) Items Not Reasonably Anticipated by the Chair - None**

**11) Adjournment**

*ED HANDY MOVED TO ADJOURN 5:38PM; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 2 AYES, 0 NAYS, 0 ABSTENTIONS: BRUCE MCINTOSH—AYE, ED HANDY—AYE.*

**Actions:**

Bruce/Charlie/James Hagerty – check commercial license language re: location specifications (Harbor, Cape Pogue? etc.).

Ed – draft letter for 3/10/21 meeting.

Paul Bagnall – send shellfish bed map to accompany letter.

**Documents on File**

- Agenda/Revised Agenda (2 p.) 3/3/21
- Tomassian email re: Somewhat Urgent: Cape Pogue DCPC (3 p.)1/13/21
- Tomassian email re: Edg. Marine Advisory Committee 3-3-21 Revised Agenda for Posting (3 p.) 3/1/21