

**Edgartown Marine Advisory Committee**  
**Town Hall**  
**Minutes**

**Date:** October 30, 2019

**Members Present:** Bruce McIntosh, Scott Morgan, Martin Skip Tomassian  
Ed Handy - Alternate

**Other people present:** Charlie Blair – Harbor Master,  
Jane Varkonda – Conservation Agent,  
Steve Ewing – Aquamarine Dockbuilders  
Kara Shemeth – Schofield, Barbini & Hoehn  
George Sourati – Sourati Engineering Group  
Amanda McIntosh

**Next Meeting Date:** November 13, 2019

**Meeting Opened:** 4:04PM

**1) Call to Order**

*(Recorder's Note: Discussions have been summarized and grouped for clarity and brevity.)*

**2) Harborside Inn Condominium Waterfront Access Court Case**

(See documents on file, & below: Actions, & Minutes: 11/20/13 p.1-2 #2, & 10/24/18 p.1 #2 & 12/19/18 p.1-2 #3 & 10/9/19 p.1 #2 & 10/15/19.)

- The Committee again commended Steve Ewing for his initiative. Although there was general agreement that a compromise was possible, there was also some discontent with giving away so much of the Town access rights.
- The Town claimed 170 ft. x 10 ft. of public access on tidal filled land.
- Although the Town considered it had won every court case, the Harborside disputed this and maintained it would continue to fight the issue ad infinitum.
- The Harborside rejected a series of proposals including loops around the access.
- A compromise was better than the endless continuation of the 25 year problem for the Town, the State and the public. The State would follow the Town's lead.
- A deck view of the Harbor would be blocked during the summer season by two large yachts at the Harborside pier.
- The Harborside could enhance the offer by including:
  - formal permission for scallop fisherman to tie up at the pier from November through April;
  - enforcement of unobstructed access from Dock Street passed the Atlantic (no signs, no tables, no fire pits);
- The Marine Advisory suggested the deck and access on both sides be enlarged to more closely conform to the public access square footage (1,700 sq. ft.).

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- IT WAS THE CONSENSUS OF THE EDGARTOWN MARINE ADVISORY BOARD TO RECOMMEND FURTHER NEGOTIATIONS WITH THE HARBORSIDE FOR A PUBLIC PLATFORM AND CONNECTIONS TO PUBLIC ACCESS ON EITHER SIDE COMPRISING 1,275 SQUARE FEET (EQUAL TO 75% OF CURRENT TOWN ACCESS RIGHTS).
- Pending initial agreement on the compromise the Committee would request a joint Selectmen, Conservation Commission, Marine Advisory meeting.

**3) 18 Caleb Pond Rd. (Goldstein) Permit for a New Dock**

– *Agent Schofield Barbini & Hoehn* (See 10/9/19 Minutes p.2 #3.)

Site visits by the members showed the location to be clear with no impediments.

• *BRUCE MACINTOSH MOVED TO RECOMMEND APPROVAL OF A NEW DOCK AT 18 CALEB POND ROAD (GOLDSTEIN); MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

**4) Anderle Extension of Existing Dock – *Agent Sourati Engineering Group***

(See documents on file & 10/9/19 Minutes p.2 #4.)

The work would involve removal of the small dock and replacement with the new configuration. Site visits by the members showed no issues. The dock would not be extended to the Faired Pier line as the water did not get any deeper (4.5 ft. at low tide). Walkway access to and over the dock was approved by the Planning Board.

• *MARTIN SKIP TOMASSIAN MOVED TO RECOMMEND APPROVAL OF EXTENDED DOCK FOR ANDERLE AS PRESENTED IN THE PLANS BY SOURATI ENGINEERING GROUP; BRUCE MACINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

**5) Items Not Reasonably Anticipated by the Chair**

Sam Kistler's boat *Sea Saw* was seriously neglected and had become a navigational hazard in imminent and immediate danger of sinking, at which point it would also be an environmental threat—Harbormaster Charlie Blair had contacted the Environmental Police Officer (EPO). The Committee discussed the best way to proceed:

- options for engaging Mr. Kistler who was in arrears with other regional harbors;
- the highly damaged status of the boat and its value;
- removal options including: referral to the courts, other Island harbors, towing and destruction.

• IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE TO SEND A LETTER OF INFORMATION TO THE BOARD OF SELECTMEN WITH A COPY TO SAM KISTLER AND TO INVITE MR. KISTLER TO THE NEXT COMMITTEE MEETING.

**6) Adjournment**

*BRUCE MCINTOSH MOVED TO ADJOURN 4:59PM; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY.*

**continued**

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**Actions:**

- Steve Ewing – contact Harborside with Marine Advisory offer
- Steve Ewing/Kara Shemeth – present 2 drawings for Harborside deck & access at 1,275 sq. ft.
- Jane Varkonda – contact Mass. DEP re: Harborside court case status & compromise.
- Scott/Marni – draft/send Kistler letter to Selectmen & Kistler
- Scott – find Kistler serve with letter (including signature of receipt).
- Scott/Marni – post next meeting.
- Bruce – send Marni notes on 10/15/19 site visit meeting.

**Documents on File**

- Agenda 10/30/19
- Conservation Commission Pier Plan prepared for Nick & Jodi Anderle (Sheet 1 of 2)  
9/24/19
- Conservation Commission Pier Plan prepared for Nick & Jodi Anderle (Sheet 2 of 2)  
9/17/19