

**Edgartown Marine Advisory Committee
Town Hall
Minutes**

Date: November 13, 2019

Members Present: Bruce McIntosh, Scott Morgan, Martin Skip Tomassian

Other people present: Charlie Blair – Harbor Master,
Paul Bagnall – Shellfish Constable
Steve Ewing – Aquamarine Dockbuilders
Kara Shemeth – Schofield, Barbini & Hoehn

Next Meeting Date: 4:00PM, Wednesday, December 4, 2019

Meeting Opened: 4:10PM

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 & 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 & 10/30/19 p.1-2 #2.)

Steve Ewing had spoken to Harborside representative Bill Young regarding variations on the proposed compromise of a walkway, deck and boathouse easement in exchange for forgoing public access across the entire Harborside waterfront.

- The Harborside was willing to include a walkway to the middle of the Harborside pier and to either add or maintain a small grassy triangle for a total of 825 sq. ft.
- There was no resolution on the easement around the Atlantic to Dock St.
- The Harborside would build the structure to specifications including railings and wheelchair access.
- Jane Varkonda had not yet reported on the status of the State court case. However, Harborside told Steve Ewing that they were committed to resisting as long as possible. In addition they maintained that under the new law requiring 30-year reviews, the Harborside license did not have to be renewed.
- The Marine Advisory Committee was divided.
- There was some gratification that the Harborside was negotiating in good faith and offering compromises.
- The Committee liked the additional triangle and walkway definition.
- There was robust advocacy to resolve a long-standing and expensive court suit.
- Bruce McIntosh strongly opposed surrendering any Town Public Access footage.
- This would make a material difference to access around the Atlantic.

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- Other Town Boards should be engaged in the debate.
- *MARTIN SKIP TOMASSIAN MOVED TO AUTHORIZE CONSERVATION AGENT JANE VARKONDA TO TALK TO THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) ABOUT THIS PLAN; SCOTT MORGAN SECONDED; MOTION PASSED: 2 AYES, 1 NAY-BRUCE MCINTOSH, 0 ABSTENTIONS.*

4) Shellfish Committee Requests

a. Boat Traffic and Anchoring in the (Cape Pogue) Gut

Over the last 3 years the beaches along the Cape Pogue “Gut” around The Trustees of Reservation (TTOR) Cape Pogue Sanctuary had become increasingly popular and crowded, to the point that presently as many as 60-70 boats at a time were anchoring and/or dropping off beachgoers, on summer morning and afternoon, rising to totals for about 120 boats a day. Shellfish Constable Paul Bagnall, Harbormaster Charlie Blair, and Conservation Agent Jane Varkonda were very concerned about harming the fragile ecosystem including: anchoring damage to eelgrass and shellfish beds, bird sanctuary protection, crowded beaches without toileting facilities, and inappropriate behavior (under-age drinking, amplified music, kiteboard staging, etc.).

- This beach was a traditional recreation area for local residents.
- The “Gut” was one of the most prolific shellfishing beds on the Island.
- Cape Pogue was the most pristine body of water in the larger Cape and Islands region.
- Traffic would be pushed to other already over-crowded areas: Sylvia State Beach, which had properly delineated swimming areas, or the TTOR Norton Point Preserve.
- The difference between the 1950’s and current day were acknowledged, with the understanding that Town Boards had to face hard decisions.
- Committee members were proud that Edgartown supported public beaches—not confined to residents.
- It was generally agreed that more enforcement was needed both by the Harbormaster Department and by TTOR (see below: Actions). Charlie Blair was adamant at forbidding all anchoring except active shellfishers, and regretted not enforcing “headway speed only” in all of Cape Pogue.
- Other option included:
 - enforcing “headway speed only,
 - designating anchorage areas,
 - limiting size of boats,
 - changing access to residential (much of the traffic was reported to be from Falmouth),
 - forbidding all anchorage and later resuming limited access.

b. Kiteboarding Update - None

3) Discussion and Planning re: Removal of *Sea Saw* from Edgartown

Waters – Harbormaster Charlie Blair, Steve Erwing, Sam Kistler

(See documents on file & 10/30/19 Minutes p.3 #5.)

Chair Scott Morgan was unable to deliver the letter to Sam Kistler, although Charlie

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Blair and Bruce McIntosh each told Mr. Kistler that his boat was on the agenda and urged him to attend. Mr. Kistler's reported plan was to tow the boat to his yard and cut off the tower. However, the 37-38 ft. boat had almost sunk in recent weather. Town action could include legal service by the Sheriff, as well as expenditure for towing, storage and disposal. The Committee considered: hauling the boat to Mr. Kistler's yard, and/or asking him to the December 4th meeting,

• *BRUCE MCINTOSH MOVED TO RECOMMEND HARBORMASTER CHARLIE BLAIR DEAL WITH SAM KISTLER'S BOAT SEA SAW HOWEVER IT BEST PROTECTS THE HARBOR; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

5) Committee Business

a) Approval of Minutes (10/9/19, 10/15/19 (not available), 10/30/19)

• *MARTIN SKIP TOMASSIAN MOVED TO APPROVE THE OCTOBER 9, 2019 AND OCTOBER 30, 2019 MINUTES AS WRITTEN; SCOTT MORGAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, ABSTENTIONS AS ABSENT.*

b) Reorganization

- IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE THAT SCOTT MORGAN WOULD CONTINUE AS CHAIR FOR ANOTHER YEAR.

6) Items Not Reasonably Anticipated by the Chair - None

7) Adjournment

SCOTT MORGAN MOVED TO ADJOURN 4:58PM; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY.

Actions:

- Scott – contact Jane Varkonda on status of Harborside Court Case and State position.
- Scott – invite Jane Varkonda and TTOR/Chris Kennedy to 12/4/19 meeting.

Documents on File

- Agenda 11/13/19
- Sign In Sheet 11/13/19
- Potential Easement Option “A” Prepared for Harborside Inn (2 p.) 11/12/19
- Potential Easement Option “A” Prepared for Harborside Inn 11/12/19
- Potential Easement Option “B” Prepared for Harborside Inn (2 p.) 11/12/19
- Harborside Inn (Google Earth)
- Existing Conditions Plan Prepared for Harborside Inn 11/12/19
- Morgan/Marine Advisory letter re: Kistler boat Sea Saw 10/31/19