

**Edgartown Marine Advisory Committee
Town Hall**

Minutes

Date: January 11, 2017

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

Other people present: Charlie Blair – Harbormaster, Steve Ewing,
Conservation Commission - Jane Varkonda,
Planning Bd. - Georgiana Greenough, Michael McCourt,
Donald Benefit,

Next Meeting Date: TBD January 25, 2017, February 8, 2017

Meeting Opened: 3:06PM

1) Call to Order

2) Water Dependent Uses at 31 South Water Street – Public Notice

(See documents on file and Minutes 11/4/15 p.1 #2 & 9/28/16 p. 1 #2.)

Harbormaster Charlie Blair was frustrated by a Planning Board email regarding concerns about boat size and length on the Rankow bulkhead change to water dependent use, since boat size was the sole purview of the Harbormaster. The Committee reviewed its actions and the status of the State license. Mr. Rankow already owned two tie-offs and it was the opinion of the Committee that all bulkheads provided water access.

MARTIN SKIP TOMASSIAN MOVED TO SEND A LETTER SIGNED BY THE CHAIR THAT THE MARINE ADVISORY COMMITTEE VOTED FOR A CHANGE OF USE FOR THE PROPERTY AND THAT IT IS ONLY THE HARBORMASTER THAT HAS THE AUTHORITY TO DETERMINE THE LENGTH, BREADTH AND DEPTH OF ANY VESSEL IN THE HARBOR; MOTION WITHDRAWN.

- Planning Board Assistant Georgiana Greenough and Board member Michael McCourt, and Conservation Commission Agent Jane Varkonda joined the meeting and the situation was clarified.

- The Planning Board had approved modifications to Mr. Vietor’s Pier with 17 conditions, the most salient of which were:

- it was for the exclusive use of the owners of the four lots (including Rankow);

- no additional piers could be constructed on the parcels with the intention of limiting boat traffic due to the area traffic denseness and hazard to navigation.

The Board had reminded Mr. Rankow and counsel of these factors in several instances and were therefore dismayed by the action to change the bulkhead to water dependent use which would allow a boat tie-up.

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- The Marine Advisory Board explained their actions.
 - Mr. Rankow had come before them to request a pier and been told to return with written permission from neighbors, which had never been brought—i.e. the recommendation was not voted.
 - He had then requested the change to water dependent use, which was recommended.
- Neither the Planning Board nor the Marine Advisory Board were aware of each other's actions.
- It was the opinion of the Planning Board that all Town bulkhead licenses, with the exception of marine specific properties (boatyards, etc.), referred to the land behind the bulkhead.
- The Marine Advisory Committee noted that:
 - Mr. Rankow would still have to return to them to build any pier or landing;
 - regulation of the length, breadth, beam and height of any boat was the sole purview of the Harbormaster;
 - they were solely an advisory board reporting to other Town committees and would not comment on a State matter.
 - Chair Bruce McIntosh apologized for the lack of communications.

3) Mooring Regulations Amendment Discussion (See 12/14/16 Minutes p.1-2 #6.)

The previous Harbormaster crafted excellent Regulations. Charlie Blair had now typed them into electronic form and was working on updating and amending them. When the first draft was finished he would email it to members with highlighted changes (see below: Actions). The Committee discussed a few preliminary issues:

- Town liability for all moorings;
- moorings as Town managed State property, leased to owners as a privilege;
- Town authority to re-lease unused moorings,
- owner negligence in securing boats for stormy weather;
- lack of mooring field expansion;
- 59 transient moorings but 127-29 transient rentals in 2016;
- loss of commercial fishing fleet to working harbors.

4) Harbor Master Plan Expanded Implementation Report Update - None

5) Old Business

c) Harborside Pier Concerns

(See 8/24/16 Minutes p.1-2 #b and below: Actions.)

Donald Benefit repeated his concerns over the huge Harborside pier yachts obstructing navigation, plowing the bottom and failing to notify the Harbormaster. He was adamant that he would continue to push the matter until there was some enforcement. Ed Handy had collected the regulations but Skip Tomassian but not yet drafted the letter. The situation had a long history and it was noted the pier was originally regulated for whalers of not more than 18 ft. Committee considered Harborside revenues by boat size and Selectmen/ business district pushback.

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- IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE TO INVITE THE HARBORSIDE PROPERTY MANAGER TO THE NEXT MEETING AND TO DRAFT THE LETTER OF CONCERN ACCOMPANIED BY THE REGULATIONS AND TO HAVE SCOTT MORGAN REPRESENT THEM AT A SELECTMEN'S MEETING.

6) Harbormaster Update - None

7) Dredge Representative Report

The Dredge did a great job at the Katama channel and there was optimism about staying power (the last dredge was 1997-2001). The application for engineering study costs was before the Community Preservation Committee (see Minutes: 5/25/16 p.3 #7a & 9/28/16 p.2 #4a). The Beach was re-nourished and the remainder of the material was stored – hopefully in anticipation of a sale to the Cow Bay Association.

9) Committee Business

a) Approval of Minutes (12/14/16)

- *MARTIN SKIP TOMASSIAN MOVED TO APPROVE THE DECEMBER 14, 2016 MINUTES AS PREPARED AND DISTRIBUTED TO BOARD MEMBERS BEFORE THE MEETING; SCOTT MORGAN SECONDED; MOTION PASSED: 2 AYES, 0 NAYS, 1 ABSTENTION—SCOTT MORGAN* due to absence.

8) New Business/Public Comment - None

Scott Morgan raised the issue of the chaos resulting from lack of dinghy dock space. He suggested that fishermen not use Memorial Wharf before scallop season and that dinghies be moved to North Wharf. Donald Benefit pointed out that the fishermen were oyster farmers, not scallop fishermen and differentiated between those fishermen who understood cooperation/regulation and those who did not. The Committee acknowledged the problem and talked about various locations (Gardiner property, the Lighthouse, etc.), views, conveniences, etc. Steve Ewing pointed out that Memorial Wharf was being renovated and was previously built with federal moneys that assigned one side to commercial fishermen use.

10) Adjourn

- *SCOTT MORGAN MOVED TO ADJOURN AT 4:22PM; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY.*

Documents on File

- Agenda 1/11/17
- Clarification of Special Permit Condition #13 Issued to David B. Vietor, et al. 41-61 S. Water St. (20D-327) on May 15, 2007. 7/7/16

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Documents on File (cont.)

- Site Plan Edgartown, Mass. 31 South Water Street 12/7/11
- Special Permit Decision Vietor Pier (2 p.) 5/29/07
- Greenough/McIntosh/Blair email re: Rankow Application to DEP Licenses 13963
1/6-11/17

Actions:

- Steve Ewing/Charlie Blair - email mooring amendments to Committee.
- All - save comments for open meeting (i.e. do not email comments).
- Charlie Blair - attach Selectmen minutes to mooring amendments.
- Skip/Ed - find regulations and draft letter to Selectmen re: Harborside.
- Steve Ewing - contact Jane Varkonda re: Harborside Pier concerns.
- Steve/Charlie - send Harborside Pier pictures to Scott for thumb drive.
- Skip - invite Harborside Property Manager to next Marine Advisory meeting.
- Scott – request agenda item for Selectmen meeting re: Harborside Pier.
- Marni - cc Planning Bd. on all Marine Advisory votes on piers.

Draft
Edgartown Marine Advisory Committee
Town Hall

Minutes

Date: February 22, 2017

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

Other people present: Charlie Blair – Harbormaster, Steve Ewing,
Shellfish Constable Paul Bagnall, Agent – Dick Barbini
Edg. Yacht Club Manager – Bill Roman

Next Meeting Date: March 8, 2016

Meeting Opened: 3:05PM

Send all pier motions to Planning bd.

A16

1) Call to Order

2) Edgartown Yacht Club Wharf Replacement Update – *Bill Roman*

MST objections to me sitting none

60 yr. old existing structure on creosoted spiles & timbers. Maintenance increasing as deteriorates. 1960 surprised lasted. Always flooding so want to raise pier 2 ft. if favorable Sept. 2018 in time for 2019 summer season. Haven't contacted anyone, FEMA, etc.

new foundation under club house. Reduce flooding and minimizing too high structure.

FEMA may demand 10 ft. no one wants to see it

Square off face of String face already okay

Provide entrance egress access to boats.

Extra consideration to water surface foot print. Reducing it at bottle neck.

Increase size of kitchen (which was a bunkhouse)

2 structures will remain.

Snack bar, in shore (rebuilt 15 yrs ago very stable)

Club House the sacred clubhouse,

CB 3:10

All other structures and bldgs, and wharf, kitchen, building and storage, offices.

All new wharf structure.

Lift

Steel pipe piles 24 in. around carry whole support of building and big steel beams, small bldg. Small occupant load. Anchor deck get's a little smaller, with some overhangs. Structure more traditional 14" pipe piles. Spanning steel I Beams. Traditional wooden deck and pick all up and then lower down.

Any old structure creosoted timber and spiles removed

3 ft. of egress/clear span all around (now only one way out of clubhouse) and narrow spots (2-2.5 ft.). wheel chair. Necessitate 1 ft. to N and 2.5 ft. line up with what's here. Existing structure tapers down as goes in shore. So then 3 places to egress. One on North to parking, will not intrude into water sheet. Met with Bill Reynolds neighboring parcel – boat tie off. He expressed willingness for emergency only egress (gate triggered after fire alarm). Has to be formalized.
New kitchen, bus. office, storage area,

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Move some offices over kitchen (2nd fl) so would have to widen kitchen a little to increase function of kitchen.

Change float system on N. side of Club wharf. Proposed for 1 float not 2. similar access platform and gangway, but further offshore. MST everything on other side?

BMcI increased this distance but better access in 2 places. BR only 1 ft. this way. This area re: Old Port Launch and Seafood Shanty is very suggested. The smaller float offshore will open the space off.

If raise 2 ft. challenge access for small boat. Now at low tide a long way down and then add 2 ft. so float system on both sides 6 ft. wide float system to allow access to smaller boats. Launch float 10 ft. wide. Dinghy floats are the same size/location only 4 ft. wide. SM stop people from rafting. BR only in extreme cases. Sometimes rafted 3 or 4 boats deep but only in extreme, but also an amazing dialog with harborside. Super J boat at clubhouse. Went to harborside and said can you take it. We raft off both sides and face. We respect each other. big boat in by 4 and then can raft up. not as much on seafood shanty limited time and smaller boats. We're being good neighbors and not restricting his access. BMcI more concerned about public access, this move back is good. BR having floats on this side will facilitate use of other side. SM appreciate but others commercial fishers, etc. Use South side or will get hung up on bottom. Why this side dinghy dock. BR dinghy a couple people but this will be more stable and wider float. SM? Ladders along this side. Launch would still come and go. And is still about 10 ft. further out. said I'd run CB first. Want to make sure he oks.

BMcI my concern is this area gets more access. and it does well with some trade-off over there. SM rafting I brought up is only a couple hrs. on Saturday eve. MST both sides. whalers could easily get hung up under structure. BMcI snack bar not going up 2 ft. BMcI will you back re: rising sea level. BR we challenged engineers, lot of consideration

Access off st., off boats,

Marks on wall, only once in 60 yrs re: flooding. Can go another 2 ft.

CB looked at these plans with BR but 2nd time helps. CB member of Edg. Yacht club. MST also a member. Alternate here too. As harbormaster have no problem. This plan will work better than existing plan, even though giving up some. Cutting down huge obsolete floats will make all the difference in world.

Everyone's gone to floats. Reading room, down harbor, we have. Lot safer than trying to climb up on hard dock. Took me a while to digest it. I like it. DB: after this we have conservation, planning, historic and planning and army corps. BMcI not here for a vote just an update. BR yes, still working on details of new bldg. Decreasing some footprints dormer, floor plans etc. then goes to historic. I want to go to ConCom with blessing. DB endorsement would be...BMcI didn't plan but board can decide.

EH from water will see steel spiles. SM will see traditional wood unless peer around. SM one of most important bldgs in edg. like it. Elimination of floats more room. And this doesn't seem to be a big deal and floating docks aesthetically.

SE: got to be done and a great idea. Do you have an artists rendering. BR still working on spaces – new exhaust fan & hood w/more ducts and then through 2nd fl. SM goal> BR have to vent through roof. 2 exhaust and 1 make up air, fans.

SE: Steel pilings jack up bldg. BR work under water. SE cut flush with bottom. In perpetuity. Creosote stable in mud. Are steel piling under edge or outside of wall. Inset about a foot then steel ivy flies past. Blue is floats. SE maybe in 2 pieces, easier to lift out. SM same horizontal sheathing. BR shouldn't have to since boats will be protected by floats. SE stop rafting in there but can do it that way. SE like this set to channel, old timers used to cut it close and grab a martini.

String piece already been through EMAC and looked closely. SE only thing is FEMA. I know it's a formula and cost of bldg and repairs. I'd do all I could to support 2.5 not 7 or 8. DB no way historic will approve 7-8. MST if FEMA insists. Stay and replace pilings

SM/EH MOVE TO SUPPORT THE PROJECT AS PROPOSED TO US REALIZING IT'S IN PRELIMINARY STAGE PIER PLANS DATED 2/21/17, WITH UNDERSTANDING WILL RETURN WITH ANY MAJOR PROVISIONS; 3 AYES WITH MST RECUSED.

Thanks all around and good luck.

SE we're trying to Boses boathouse same way, same time.

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3) Schifter/Leland Poucha Pond Testing – Paul Bagnall
(See Minutes 4/10/13 p.1-2 #1, 11/4/15 p.2 #5C & 4/13/16 p.2 #b.)

– 2013 took over agreement from Leland from 1990 re: subdivision water quality monitoring stayed with family 17 years. Paid for first lot shifter. Didn't see MVC bumping up against 2012 to close deal. So to make the MVC happy put a different DRI requirement that 100k would be put in escrow for sampling. Unfortunately from Edg. insisted only Poucha. A year of arm twisting (we wanted by gear and use it all over) but he just wanted exact DRI. Escrow in Boston lawyer. Very difficult sampling protocol to do anything. Finally Winter 2015- basically said nutrients stable when pond frozen and 1 ft. higher than harbor. And at least right bare minimum . nitrogen not helpful in winter. No correlate wind and throw out. returned last sept. slightly higher than first.

SA pristine Cape Pogue

SB some closure (Senge) one small sample SB.

Town Manager – wants to return money. Don't know balance but maybe 1/2

Shellfish asked for MVC. BOH ground water already signed off.

Discussed with Shellfish Com. a lot of hoops and time. Waste of my time.

MEP Cape Pogue Harbor and Katama.

Shellfish want written MVC release.

PB not technically happy re: house moving should have been a referral that the town did not make. Beyond my scope. If town is happy they will sign off. Not real happy, not best DRI. If we're happy...

MST best synopsis I every heard. BMcI what can this committee do to help you get there. PB to be fair only for subdivision impact. MST done what we can at this point.

PB how much money left. MVC called for protocol plan. not just 2. more expansive would run over 100k. by time build out will have to move schifter again. Hurricane of 38. only 10 ft. on s. and 8 on ft. other. Poucha ponds opens too. CB take escrow buy Apple and come back in 20 yrs.

MST: done what you can. And will only do what he has to. CB send money back but ask for remainder to shellfish. SE: did you get the x done?

PB only tide not bottom. Telemetry. WHG and Sourati. SE we need that on hand.

DRI conditions calls for sampling program.

MST/SM MOVE THAT MARINE ADVISORY COMMITTEE SUPPORT THE RETURN OF THE REMAINDER OF THE MONEY; 3 AYES, 0 NAYS, 0 ABSTENTIONS.

BOS, SHELLFISH/CONCOM.

Excess to Shellfish to testing.

MST loved the harbor re: 4 tides, never had a place like that before. Where they could go in prime testing with 0 pollution.

4) Mooring Regulations Amendment Discussion – *Steve Ewing/Charlie Blair*

Existing mooring regs and draft of improved.

SE draft –

66 moorings for Edg. and 18 on Chappy side for total of 84 moorings.

If come into town from Hoboken , NJ. Buy waterfront CB gets a mooring. Better to let mooring stay w/property. Solves a lot of juggle. If I have a lot of money, I can sell house tomorrow and keep mooring. Want to make it more fair. Problems, re not moorings attached to house. Should not be commodity re: house. They get priority for seasonal rental. Turns into seasonal mooring. Started with inner harbor. No one wants outer harbor moorings. Edg. side of Katama Bay. Lawyers may say have to include all Edg. waters. BMcI comes down to discretion of Harbormaster. And fairer for the person on wait list for years. MST and consideration re: CB not harbormaster forever. Nor us either. SM new boat owners, Dave gets other mooring if he wants. And guy with 18 ft. mako in Ocean Heights still waits. SE agree. SM sells his house and mooring goes back to wait list. SM know people that pissed off doesn't have mooring. CB upon application of buyer or seller. Repeat. Don't have to be either Edg. or Mass. resident. BOS tax base for CT, NY. But don't' get permit just a rental mooring.

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744 on waiting list. Of which 400 are inner harbor – all out of staters. No islanders, become commercial fishers, etc. Seller had rights to a mooring. SM mooring increases value of house. CB I had to go and have breakfast. Mooring is touching the dock. Give it up and I'll give you a mooring. MST: don't understand rental part. SE: tell CB when using or not. A lot are storm moorings associated w/property, main value is waterfront property and Pier. Mooring rented on daily/weekly basis. Lot of ways to do this. Town could take all moorings & rent them out for 2k/season. I think should be some private for locals. SE legal lost your mooring. Existing regs are slanted re: property taxes. Favor waterfront property owners. One property pays more in taxes than all the boat excise taxes. Will cost them 2k instead of 200. not perfect but better. BMcI take it home and read it and jot notes into it. And rediscuss. DB won't go to BOS w/out EMAC approval. BMcI has to have harbormaster. When you guys inform us its much easier but mostly have to play detective
Take it home and consider. SE sick of people come into town, buy house, get mooring sell house, keep mooring. Before house on hill. If get a permit. SE understand SM but a little more to it. Sick I like them all customers. 50 ft. power boat. Hedley sells the house. Sell house say goodbye to mooring. Town gets the mooring and rents to him until gets to top of wait list. Still tagged but if boat doesn't fit... Town more \$ and makes it more fair. CB all the time but have to get done before 2019.

5) Old Business (as needed)

a) Katama Boat Ramp Update

Nothing on Katama boat ramp. Ramp is unusable. Dredge undermined. Ramp unusable. Relay existing ramp so useable. EH they're doing that. Very successful dredge. Fuller beach and another 150-200 yds. going down there. Whole permit in jeopardy re: Army corps discovered eel grass. DMF. MST joe forns sythetic eel grass. Bend in road and cow bay took 3500 cu. yds. malone bought wo 50k odd to Town pocket re: Katama. And CPC funds for new ramp. State does construction.

b) Fisherman's Landing Dinghy Rack

Fisherman's landing rack. Not town property.

9) Committee Business

a) Approval of Minutes (1/8/17)

• *MARTIN SKIP TOMASSIAN MOVED TO APPROVE THE JANUARY 8, 2017 MINUTES AS TYPED BY MARNI LIPKE; SCOTT MORGAN SECONDED: MOTION PASSED: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

10) Adjournment

• **Chair Bruce McIntosh adjourned the Meeting at 4:38PM.**

Documents on File

• Agenda 2/22/17

- Pier Rehabilitation Edgartown Yacht Club Martha's Vineyard Pier Plans 2/21/17
- Edgartown Mooring Regulations (*existing*) (7 p.) 9/30/13
- Edgartown Mooring Regulations (*proposed*) (6 p.)
- Proposed Edgartown Mooring Changes (6 p.)

continued >

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Actions:

- Steve Ewing/Charlie Blair -
- All - save comments for open meeting (i.e. do not email comments).
- Charlie Blair -.
- Skip/Ed -
- Steve Ewing -
- Steve/Charlie -
- Skip - invite Harborside Property Manager to next Marine Advisory meeting.
- Scott -
- Marni - cc Planning Bd. on all Marine Advisory votes on piers.