

**Edgartown Marine Advisory Committee
Town Hall**

Minutes

Date: March 22, 2017

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

Other people present: Charlie Blair – Harbormaster,
Donald Benefit, Steve Ewing
Harborside – Joe Badot, Douglas Lapuc, Barry Meekin,

Next Meeting Date: April 26, 2017

Meeting Opened: 3:04PM

1) Call to Order

The Harbor Planning Group requested a joint meeting with the Marine Advisory Board and the Conservation Commission on April 26th (see below: Actions).

8) Committee Business

a) Approval of Minutes (2/22/17)

• *MARTIN SKIP TOMASSIAN MOVED TO APPROVE THE FEBRUARY 22, 2017 MINUTES AS AMENDED; SCOTT MORGAN SECONDED; MOTION PASSED: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

2) Harborside Pier Concerns Discussion with Manager

The Harborside Manager and Dock Master introduced themselves. The Marine Advisory Committee explained that there had been a series of complaints, some from those that made their living on the water; regarding oversize, wide-beamed boats tying up at Harborside pier violating Edgartown Harbor and Chapter 91 regulations:

- blocking navigation channels and causing hazards for neighboring pier access;
 - rafting large dinghies and tenders that further blocked water traffic;
 - disturbing the harbor bottom by gunning boats into the shallows; and
 - running generators beyond mandated shut-off times.
- Harborside management defended their practices.
- They only allowed 20% overhang and tie up was required from the opposite side;
 - Boats did not stick out beyond the end of the pier and conformed to Faired Pier regulation;
 - Boat size was restricted to 50 ft. or less;
 - Boats sometimes jetted water but did not disturb the bottom;

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- Clients and staff were cooperative about moving to accommodate traffic.
- No Harborside guests ever complained about generator noise.
- They had a documented agreement with the Field Club to share a watersheet (see documents on file).
- Committee representatives responded.
- Such large boats should be anchoring off Chappaquiddick.
- State representatives would close the pier on first inspection.
- Summer tie-ups hindered commercial fishermen's navigation, loading, and unloading.
- Committee members witnessed bottom jetting along with the boat rising as it hit bottom; had pictures of oversized boats restricting channels and Harborside clients had been offensive and obstructive when asked to move.
- The Harborside agreed that modern tenders were fairly large and proposed requiring all clients with tenders to put them in a slip.
- The Harborside Manager returned with a copy of the "Field Club agreement". The Committee noted:
 - it seemed to be a standard abutter's permission to build a pier;
 - a watersheet was not a legal term;
 - such an agreement would not supersede Town Bylaw.
- The Committee later reported the exchange to Donald Benefit who came late.
- The Harborside had an Edgartown Commercial Pier license but not a State commercial marina permit and consequently their pier had neither facilities nor utilities. Legal parameters hinged on grandfathering issues and how the license was written (see below: Actions).

3) Mooring Regulations Amendment Discussion

- Harbormaster Charlie Blair repeated his problems with having to deal with unsecured or poorly secured boats that became storm hazards when owners were absent. In re-drafting regulations he and Steve Ewing suggested possible measures:
 - requiring an on-Island and owner emergency contact;
 - revocation of permit for unsecured/poorly secured boats;
 - educational brochure on storm / winter boat preparation;
 - Town liability for damage caused by boats that broke free.
- The following language was suggested:

"Edgartown waters are vulnerable to hurricanes, high winds, and storms at all seasons. It is the owner's responsibility to secure their vessels for storms at all times. An owner must secure their vessel for storms if absent from Martha's Vineyard for any extended stay (more than 48 hrs.) while their boat is in Edgartown waters.

 - Mooring permit applications must include emergency contact information for both the owner and a locally available representative in case of vessel problems.
 - Failure to implement adequate storm preparation can result in mooring revocation at the discretion of the Harbormaster.
 - The owner shall be liable for any and all damage caused by their unsecured or poorly secured boat."

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- At the end of the meeting each Committee member reported they had read and considered the draft and were satisfied with the changes.
- IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE TO RECOMMEND THE AMENDED REGULATIONS BE SUBMITTED TO TOWN COUNSEL AND THE SELECTMEN.

6) Harbormaster Update - None

- The Office took in \$108,000 in transient mooring fees by March 1st; July 4th week sold out in 2 ½ minutes. Only 10 one night slots remained unrented.
- The Transient Mooring permit now carried a waiver (see 5/4/16 Minutes p.2 #2a).
- During one of the recent high wind blows an aquaculture raft dragged its 150 lb. mushroom (probably popped by an ice sheet) across Katama Bay and damaged a pier. The aquaculturists all had liability insurance and had been responsive and cooperative. However Charlie Blair requested that all equipment be tagged (see below: Actions).
- The Committee revisited the issue of commercial fishermen filling the Finger Piers before Columbus Day, restricting Derby and pleasure craft access (see 1/11/17 Minutes p.3 #8). Donald Benefit maintained these were the aquaculture people.
- IT WAS THE CONSENSUS OF THE MARINE ADVISORY COMMITTEE THAT THE FINGER PIERS SHALL BE CLOSED TO COMMERCIAL FISHERMEN UNTIL THE THIRD WEEK OF OCTOBER AS PUBLISHED AND POSTED BY THE HARBORMASTER.
- *SCOTT MORGAN MOVED THAT THE MARINE ADVISORY COMMITTEE SEND A LETTER TO THE SHELLFISH COMMITTEE WITH ITS CONCERNS; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

4) Old Business (as needed)

a) Katama Boat Ramp Update

The channel had been dredged, the ramp shored up and the pipe was gone.

5) Dredge Committee Representative Report

- The dredge was out of the water and put to bed for the season. The Committee briefly reviewed the ongoing maintenance of Fuller Street Beach and asked about the 3 yr. permit process to take the spit off the Lighthouse channel, hopefully allowed as a harbor entrance dredge.
- The area around North Wharf needed dredging but the bottom had too many pipes and metals to allow permitting.

6) New Business/Public Comment

Donald Benefit and Steve Ewing missed the day-tripper blue field moorings. These were eliminated and everything was now Dockwa so day-trippers called the Harbormaster office and were given berths (\$40 for the first 24 hrs.).

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10) Adjournment

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

Documents on File

- Agenda 3/22/17
- Sign In Sheet 3/22/17
- Draft Mooring Permit Rule Changes
- Tomassian email re: Harborside and Field Club 3/22/17
- Agreement (2 p.) 6/6/07

Actions:

- Bruce/Marni – draft letter to Shellfish Committee re:
 - all aquaculture equipment, cages, rafts, mushrooms, etc. must be tagged;
 - no tying up to Memorial Wharf until 3 weeks after Columbus Day.
- Bruce – ask JoAnn Taylor re: Harbor Plan Expanded Implementation Report
- All - send response on Harborside/Field Club agreement to Skip,
- Skip - write letter to Harborside.
- Marni – post joint Harbor Planning Group meeting.
- Marni – cc: Planning Bd. on all Marine Advisory votes on piers.

Draft
Edgartown Marine Advisory Committee
Town Hall
Minutes

Date: April 27, 2017

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

Other people present: Kurt Peterson Charlie Blair – Harbor Master,

Next Meeting Date: May , 2016

Meeting Opened: 9:10AM

Send all pier motions to Planning bd.
5/10/17

BMCI, MST, EH
CH, Georgiana Greenough, Jane Varkonda, Jo-Ann Taylor, Kristy Rose,
DB, Seafood Shanty – Denise Page, Bill Courtney, Sean Murphy,

Call to order 3:07 EH sit in for SM.

1. Seafood Shanty.

2 decks been there for a while, Cha. 91 concom. Totally allowed. Now ConCom kicked to us. 2nd fl deck now temporary awnings and encasing. Extend 2nd floor decks on top of 1st floor decks on posts

awnings (now present. Railing around one by marine railway, other by jr. yacht club. Building bumps out. public walkway, and benches. ConCom is looking for with your guidance. A couple of footings and views and distances.

JV harbor plan re: narrow views from dock St. to water. BMCI ConCom looked at mock up and were uncertain. So referred to EMAC re:

MST: enclosing. Awning on 2nd fl. enclosing 1st fl. deck. Our & concom concern how impact pedestrian view. Flat as now but stick out further. SM doesn't increase seating. GG on planning harbor and that's a concern re: different lots. BMCI: when ConCom did site visit with mock up was there consensus? JV Yes that's why referred to you. SM late Feb/March so only poles hard to tell. CB 2 stories. MST I think it adds to the disappearing view of harbor, what applicants wants to do. Just to do it gratuitously, not more tables. Shouldn't give our blessing. BMCI first we've seen of it, and to have my input, I'd want to go look, know distances, elevations, don't know what's going to change. EH? SM: posts in corners with awnings. In winter just

posts. Entrance on Dock St. don't really see it. JV more to the left. Deck comes out as far as first floor. MST deck goes out straight while current awnings are angled. SM architecturally better. MST awning adds character to waterfront. By extending upper deck going to one huge mass across the top. SM Jr. Yacht club won't see it. MST see it from a lot of places. BMCI effected from Marine Railway. MST will effect view and awning angle looks nice. EH: I can see from sq. corner will obstruct view, whether enough to worry about but.. not much different. MST planning bd and concom where were you when building in front, colacrays. Chaos talking. Somebody was asleep. ZBA got passed us or town. DB whole dock screwed up. boat hangs off 40 ft. MST much as I don't like it... already pissed it away when colacray house was built. GG how not make worse. Harbor group intended as walk by, looking down at narrow harbor views. BMCI: not ready to give an opinion. I want to go down and looking.

No motion yet. Easier to look and then talk. Deck level and height of railing.

They open Wed. next week 5/17.

MST/EH MOVE SITE VISIT TUESDAY MAY 16, 2017 AT 9:00AM; UNANIMOUSLY.

Tuesday, 9AM site visit.

Letter of agreement between boat house and harborside but nothing to do with anything. Art Ward, sent letter about concerns and no response. CB heard as chair that the Harborside would address problem. Ones in books stay, but already took money. Heard harborside official response. MST have to just do what told them. DB and MST will report to DEP. Take pictures and send them. Barry and Joe told Charlie. MST they can only adhere to it. Charlie don't feel same way. MST we're only advisory to in this instance Harbormaster (and other boards). Charlie too big boats and tenders ridiculous. MST do you think it would help you to have letter from us. CB if they voluntarily and amicably to do that. BOS are not opposed to having the big boats at that dock. MST we know that. MST: what about at anchor in outer harbor. 2 weeks ago gave BMCI contact. MST Without letter don't know. First time before us. And we told 'em. DB but just breaking law. MST swim platforms enormous on both sides. CB pictures of 20 different ones at home. Wild Kingdom, Milk & Honey. Will call if navigation to reading room, or plow into bottom. MST drones.

Schifter Leland money released.

Nothing further from Steve Ew.

CB big news is we had to request RFP for launch, Old Port only responder. Hours were shortened but now heard will run the 1AM trip, inebriated souls.

BMCI whether has been keeping things quiet. CB now have 2 cameras on dinghy dock and 4 cameras on memorial wharf. Tied into police station. Much as we don't like Big Brother. Yacht Club gave building for internet.

MST/EH ACCEPT MINUTES AS EMAILED.

Dredging passed at Town Meeting, so buying a new one and trying to get rid of old one.

JoAnn Taylor, Georgiana Greenough,

JAT: where left last time (before admin. change) request renewal for 10 yrs. updated plan and CZM reluctant to approve, whole rewrite, because CZM policies not coordinated. Will send in draft form to asst. dir. Of CZM Brad Washburn.

Report on implementation along with matrix of status report (what was updated). Point was to keep what we liked about Edg. Harbor. If like it send it along if this is more palatable. Then formal submission.

Matrix is summary status report, 10 yr ago base with today's update. But also some other updates. Plus the updates as added. General ones, before matrix and others after mostly data updates (shellfish, etc.) preserve that for the record. Entire appendix B (text of regulations) as appendix hoped will get away with it. Some formatting and harbor rules and regs are quite different. Hoping they & town will be happy.

GG: we don't get anything from getting this approved. JAT planning board approves it as consistent with harbor plan. in lieu of DEP what we want.

Allows local control, GG: that's in ZBA, but if not on harbor plan doesn't work on water. CB brought up today. See 11/9/16 p. 1 #2).

CB bless read all 38 p. and even if they don't pass still have harbor plan. JAT: They just burrowed in. and now ready.

MST/EH BE FORWARDED IT TO CZM CONDITIONAL ON ANY MINOR CHANGES BY GG/JAT. UNANIMOUSLY.

GG we need to reference all we sent in. GG/JAT . JAT beautiful harbor make sure doesn't get trashed. Thanks for coming.

DB: Colacray docks. If conching is bad I might have to charter with my boat and he is 36 ft. passed end of docks by Edg. Yacht Club. If launch is coming out. he sneaks it out more each year. navigation is hard. If yacht club had to run shuttle couldn't do it. Narrow alley with tide ripping through.

He hangs mad max off end of dock and rents dock and when completely rented gets town mooring. DB forced pump out. should be on pump out list 2x a week. MST know what you mean. EH CB mentioned it last go around. MST call him in to next meeting. BMCI/ML [Send a letter](#). Certain amount you can't go over. If new comer to Edg. tricky and give up. [If questions please attend. Complaints Harborside.](#)

Kristy Rose: Kite surfing lessons from a boat. [Letter from Charlie](#). Before BOS hear her. DB: Need to know where. Shallow water fall off/flip over. Biggest seed producer in Cape Pogue.

[5/24/17 meeting.](#)

Declared 4:08PM.

Can't complaints regarding difficulty of navigation due to EMAC had fielded complaints and hereby expresses concern regarding vessel overhanging your dock in the southwesterly direction restricting navigation into the finger piers. Please cease and desist from overhanging boats from the end of your pier.

Send all pier motions to Planning bd. A16

**Harborside Letter to BOS ? cc planning? Harborside,
Letter to shellfish**