

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

**Date:** May 25, 2016

**Members Present:** Bruce McIntosh, Scott Morgan, Martin Skip Tomassian  
Ed Handy – Alternate,  
Harbor Master Charlie Blair – ex officio/non voting,

**Other people present:** Dick Barbini, Bob Colacray, Steve Ewing, Mark Lacourse,  
Planning Bd. – Georgiana Greenough, Robert Sparks,

**Next Meeting Date:** TBD June 8 or 22, 2016

**Meeting Opened:** 3:03PM

**1) Call to Order**

The meeting was called to order.

**4) Minutes (See below: p. 2)**

**a) Approve 5/4/16**

As the draft minutes had been circulated and caused some stir, Harbormaster Charlie Blair proposed an amendment.

- IT WAS THE CONSENSUS OF THE EDGARTOWN MARINE ADVISORY COMMITTEE TO CIRCULATE MINUTES ONLY IN THEIR FINAL FORM (see below: Actions).

**2) Mad Max Marina – Application to Change Order of Conditions – Agent Barbini**

Agent Dick Barbini objected to the implication that he had not properly notified Boards about the steel sheathing, maintaining that the fact that removal and replacement of the bulkheads was on all plans and there were no questions at the time. The Marine Advisory Committee pointed out that it made its decisions on what was presented, and that the conversation was solely about the request for pier expansion and the Fair Pier line without mention of bulkhead replacement or metal sheathing. Whether the bulkhead was raised at Planning Board or Conservation Commission meetings was not material. Mr. Barbini stated emphatically that it was not his intention to conceal anything.

- The historic bulkhead built in the days of sailing ships could not withstand motors that churned the bottom and undermined the stone. The request was to continue the current steel sheathing completely around the bulkhead as the only reasonable option.
- The Harbor Plan stated that ‘when steel sheathing is used it should be covered when

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possible.' Steve Ewing, preferred stone or granite but noted it was prohibitively expensive, and in this case, as the bulkhead would be almost entirely hidden by the pier, it was not likely to significantly change the look of the Harbor. He proposed an additional spile as further camouflage during low tides. The stonewall on the adjoining property should be maintained.

- The Planning Board explained their procedure of bringing applicants back when it was found that what was done was different from the Order of Conditions. Chair Bruce McIntosh, pointed out the advisory nature of the Marine Advisory Committee and suggested members and agents include education on dock structure, and also coordination with other Town committees (Planning Bd., Conservation (ConCom), and Historical Commissions, etc.).

- The pertinent issues were explored:

- the infrastructure, location and proposal,
- sight lines at high and low tide,
- timber or other materials,
- opposition to steel sheathing on the Oak Bluffs North Bluff;
- needed stabilization of the stone pier at the corner of the Town dock.

The Committee thanked Steve Ewing for his explanation.

- *MARTIN SKIP TOMASSIAN MOVED TO RECOMMEND TO THE CONSERVATION COMMISSION THAT THE STEEL BULKHEAD AS DESCRIBED BY MR. BARBINI BE APPROVED; SCOTT MORGAN SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.*

### 3) Harbormaster Update

#### **b) Edgartown Marine/Prime Marina Permitting** (See 5/4/16 Minutes p. 3 #2.)

The deed changed hands on Friday, although there were no new owners on site this Monday. Charlie Blair issued the mooring permits and received a letter from the lawyers stating the new owners would comply with all regulations. The Harbormaster and Committee looked forward to the new beginning.

#### **a) Mooring Rental Waiver**

Mr. Blair attended the annual Harbormaster Association meeting. Others did not use liability waivers, as they supervised different types of harbors.

### 4) Minutes

#### **a) Approve 5/4/16**

The Committee reviewed their conversation and found it reported accurately.

*SCOTT MORGAN MOVED TO APPROVE THE MAY 4, 2016 AS WRITTEN; SKIP TOMASSIAN SECONDED; MOTION PASSED: 5 AYES INCLUDING ALTERNATE ED HANDY WHO HAD BEEN PRESENT, 0 NAYS, 1 ABSTENTION-BRUCE MCINTOSH due to absence.*

### 5) Old Business

#### **a) Harbor Public Walkway Access**

The Planning Board agreed with the Committee on strongly supporting public access. The troublesome enforcement history was outlined including the removal of Town posted signage.

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There was a discussion on next steps:

- request to Selectmen and the Dept. of Environmental Protection (DEP) to revoke the Chapter 91 license;
- previous owner offers to “contribute” money in lieu of access;
- necessity to clearly define the walkway.
- ConCom as the enforcing body,
- a Task Force of Planning Board, Marine Advisory, ConCom, Selectman, and Dredge representatives.

• *BRUCE MCINTOSH NOMINATED SCOTT MORGAN TO THE HARBOR WALKWAY TASK FORCE; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS* (see below: Actions).

**b) Water Zoning Bylaws**

Having received real estate development letters similar to those sent to the Harbormaster the Planning Board was supportive and interested in establishing houseboat zoning before the next Town Meeting warrant. All expressed concern over the possible effects of the confluence of the exorbitant price of land and lack of water surface regulation.

- Definitions and differentiation of boats/houseboats was a vital and complex matter.
- Falmouth/Woods Hole had a long-standing houseboat population.
- Mooring and spiles required a permit and a Chapter 91 license.
- The Planning Board would research other towns in the region through the Cape & Islands Harbormaster Association. Vineyard Haven had also recently taken up the issue. A joint Vineyard Haven, Oak Bluffs, Menemsha (and maybe Falmouth) meeting was being planned.
- In addition, Georgiana Greenough proposed putting it on the agenda at the informal All Island Planning Board (which met once a month on at 6:00PM on Wednesdays).

**6) Dredge Committee Report**

The Massachusetts DEP was showing some leniency on the installation of groins, however any project usually required several months worth of studies on littoral (sand) drift.

**7) New Business/Public Comment**

**a) Division of Marine Fisheries (DMF) Grant for Katama Boat Ramp Replacement**

The Ramp was temporarily repaired after Hurricane Bob (1991) and was now in extremely poor shape. The Edgartown Shellfish Committee requested that the Marine Advisory Committee contact DMF Office of Fishing and Boating Access (FBA) for replacement of comprehensive repair. Charlie Blair reported that although the Town dredged and made temporary repairs to it, the Ramp belonged to the State.

• *SCOTT MORGAN MOVED TO SEND A LETTER TO THE DIVISION OF MARINE FISHERIES REQUESTING REPLACEMENT/RENOVATION OF THE KATAMA BOAT RAMP; MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.*

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**8) Adjourn**

- *SCOTT MORGAN MOVED TO ADJOURN AT 4:07PM: MARTIN SKIP TOMASSIAN SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYE, 0 NAYS, 0 ABSTENTIONS.*

**Documents on File**

- Agenda 5/25/16
- Tomassian/Marine Advisory letter re: Mad Max Change of Conditions 5/7/16
- *photo of dock, pier and walkway*
- Tomassian/Marine Advisory letter re: 2 Main Street LLC, public access 5/7/16
- Greenough/Lipke emails re: Edg. Mar. Adv. 5-25-16 Revised Agenda for Posting 5/24/16

**Actions:**

- Skip – contact MVC JoAnn Taylor re: requirements for Harbor Master Plan approval.
- Bruce/Skip/Marni – draft letters re: Mad Max Marina Change of Orders
- Scott - keep in touch with Georgiana re: Harbor Walkway Task Force.
- Ed – ask ConCom and Dredge to appoint representatives to Harbor Walkway Task Force.
- Bruce/Charlie – stay in touch with Planning Bd. re: water surface zoning.
- Marni – distribute agendas and final minutes to Planning Bd. & ConCom
- Bruce/Charlie/Marni – draft letter to DMF re: Katama Boat Ramp.

**Ongoing Actions/Future Agenda Items:**

- Water Surface Zoning Bylaws
- Steve Ewing - present final 31 Tower Hill LLC plans when available