

**Edgartown Marine Advisory Committee
Edgartown Town Hall Selectmen's Meeting Room
Minutes**

Date: November 20, 2013

Members Present: Gary Look, Bruce McIntosh, Martin Tomassian

Other People Present: Harbormaster Charles Blair,
Harborside Inn Trustee – Arthur (Bill) Young
Conservation Commission – Chair - Edward (Pete) Vincent,
Christina Brown, Jane M. Varkonda – Agent
Planning Board - Georgie Greenough,

Next Meeting Date: December 18, 2013

Meeting Opened: 3:04PM

Chair Gary Look opened the meeting and asked that all cell phones be placed on vibrate and that any calls be taken out of the meeting room.

1) Notice Of Intent(NOI) Self-Murphy Shear Pen May 3 Lot 6 / Agent Barbini

Mr. Barbinin was not present. The Advisory Board performed a site visit by boat at 10:00AM Monday, November 18th and found nothing objectionable. This was an existing pier and walkway, parts of which had been in existence for 70 years. The Board agreed that in accordance with the Harbor Plan Guidelines Page 127 Section C # 5, during maintenance, any replacement/repair of wood structures would have to use non-leaching wood preservatives such as CCA , ACQ or better; less desirable preservatives such as creosote being restricted to high intensity uses.

• MARTIN TOMASSIAN MOVED TO SEND THE SELF MURPHY NOTICE OF INTENT TO THE CONSERVATION COMMISSION AS IS, EXCEPT THAT DURING MAINTENANCE OF THE WALKWAY, DOCK AND TIE SPILES THAT APPROPRIATE NON-LEACHING PRESERVATIVES BE USED IN THE WOOD; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.

2) Harborside Inn, Bill Young

- Mr. Young requested the discussion take place in Executive Session however:
 - the Session was not posted on the agenda, and
 - the subject did not fit the parameters of executive session regulations,
 - the Meeting was public and being recorded.
- Harbormaster Charlie Blair explained he was a non-voting member of the Board.

Edgartown Marine Advisory Committee
November 20, 2013

2

- In 1956 Mr. Young's grandparents obtained a license, filled in the beach and built a bulkhead to make the Harborside Hotel larger. Shortly thereafter the swimming pool was added (the Jeremiah Building was already in existence). The Navigator Restaurant was torn down and the Hotel Dining Room was replaced by the current Boathouse Bar. In 2006 the Massachusetts Department of Environmental Protection (DEP) initiated litigation against the Harborside on three issues:
 - the license did not cover the entire fill including a spot under the Jeremiah building;
 - a piece of the pool deck was on filled property—no structures being allowed on fill,
 - the Hotel conversion to a time-share amounted to a change of use and ownership requiring a new license.
- After seven years the litigation was still in pre-trial hearings - the “end of the beginning”. The Hotel expected to prevail (in which case the Town would have no recourse) but the seven Trustees operating the Hotel and acting as fiduciary agents for the owners, had noted with interest the Town resolution of the neighboring Vietor property issues and Mr. Young was present to explore the possibility of a similar resolution.
 - In particular the Trustee proposed to help fund some project on the waterfront the Town deemed worthwhile in return for the Town recommending the DEP withdraw its case.
- The Conservation Commission (ConCom) responded that the major obstacle was the Town's constant request for a public access walkway along the waterfront. The ensuing discussion covered a number of points:
 - where such a walkway might be situated,
 - obstacles and resolutions to various physical impediments,
 - informal public access, now discouraged by signs,
 - the Vietour resolution as not a recommendation of the current Board,
 - previous Town/Harborside Hotel proposals,
 - the quiet ambience of the Hotel and its reluctance to formalize public access,
 - Harborside's beneficial impact on the Town,
 - public access as priceless and, once granted, perpetual,
 - the non-obtrusive nature of the public walkway on other private properties such as the Edgartown Yacht Club.
- IT WAS THE CONSENSUS OF THE EDGARTOWN MARINE ADVISORY BOARD TO POST AND PERFORM A SITE VISIT OF THE HARBORSIDE INN RESORT HOTEL WITH THE CONSERVATION COMMISSION.
- The Board also expressed interest in Harborside Docks A, B and C (see below: Actions).

3) Approve Minutes

BRUCE MCINTOSH MOVED TO APPROVE THE OCTOBER 23, 2013 MINUTES AS AMENDED; MARTIN TOMASSIAN SECONDED; MOTION PASSED: 2 AYES, 0 NAYS, 1 ABSTENTION—MARTIN TOMASSIAN due to absence.

Edgartown Marine Advisory Committee
November 20, 2013

3

5) New Business

• *GARY LOOK MOVED THAT MARNI LIPKE OF OFFICE ON CALL SEND A PDF OF ALL FINAL EDGARTOWN MARINE ADVISORY BOARD MINUTES RETROACTIVE AND IN FUTURE TO PUBPOST@EDGARTOWN-MA.US.; MARTIN TOMASSIAN SECONDED MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.*

Meeting Adjourned:

MARTIN TOMASSIAN MOVED TO ADJOURN AT 5:56PM; BRUCE MCINTOSH SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

To Do List:

Gary – coordinate with ConCom re: site visit to Harborside and post.

Gary – Post notice of hearing on Harborside Docks A, B and C.

- Send invitation to Joe Bideau and request he bring marina license.

Accompanying Documents:

Agenda 11/20/13

Sign In Sheet 11/20/13

Minutes approved as amended and corrected 12/18/13.