



## Harbor Committee

# Public Meeting

**Wednesday, November 2, 2016**

**Provincetown Town Hall**

**Location: Caucus Hall Meeting Room**

**260 Commercial Street**

**Time: 5:00 pm**

### **I. Call to Order**

Meeting called to order at 5:00pm.

Members present: David Flattery (chair), Elise Cozzi, Laura Ludwig, Victor Seltsam, Susan Avellar; member excused: John Santos; Rex McKinsey (staff)

### **II. Review/amend/approve minutes**

Elise moved to accept the minutes of October 19, 2016, as written. Susan seconded. There was no discussion and the motion passed 5-0.

### **III. Public Statements**

Rob Casper made a statement. He is undertaking to advocate for himself for a reasonable accommodation/modification under the ADA to facilitate his ability to sail, with particular need for deep-water access. He is a qualified disabled person and has assistance from the DHHS in Boston and from a paralegal. DHHS recommended he speak with the Town Planner. The focus is on MacMillan Pier on any Ch. 91 licenses that make sense, and he wants this committee to be aware of his advocacy. He sent a letter to the Town Manager and Harbormaster today, pertaining to MacMillan Pier and considering other Ch. 91 licenses to accomplish accessibility. The Provincetown Marina may be a possibility. The DEP advised Mr. Casper that the Harbormaster had discussed this initiative with the Marina owner and they are aware of it. The Marina hasn't responded to any info sent by Mr. Casper or the Harbormaster yet.

Susan responded that the Harbor Committee does not oversee events on MacMillan Pier. Also, the Pier is a commercial pier which doesn't provide recreational access. She suggested Mr. Casper speak to the town's disability commission. She agrees with the assessment that Ch. 91 should provide access, but there are some restrictions at the low tide mark (fishing, fowling and navigation), and typically allowances are simply for crossing over the property (not necessarily access).

Mr. Casper recognizes the authority granted to the Pier Corp. and will abide by that. He simply wanted this committee to be aware of his advocacy. While MacMillan Pier may be zoned as commercial use only, there is an ADA Title 3 which pertains to Commercial Facilities which may allow access.

Rex informed the committee that Mr. Casper's request has been referred to Town Counsel, which has responded. David thanked Mr. Casper for his statement.

#### **IV. Harbormaster Report Amended Harbor Plan**

The Urban Harbors Institute Proposal was received by Rex on 10/27/16. A copy of the letter and proposal was distributed to committee members. The cost for preparing an updated Harbor Plan is estimated at \$29,000. Because the plan would be paid for through the HAGF, this committee needs to make the recommendation to BOS to pursue the UHI proposal.

Victor asked where the funds for the HAGF come from. Rex responded that private property owners which cannot comply with Ch. 91 permits pay into that fund which then can be used for access improvements for the general public (benches, walkways, signage, etc.).

Susan moved to recommend to the BOS to approve the proposal as presented by the UHI on 10/27/16 at a cost not to exceed \$29k to be expended from the HAGF. Elise seconded. Discussion included clarification that the UHI would facilitate a consolidation of harbor planning effort in the town, thru other groups such as the Comprehensive Planning Committee, Provincetown 365, and the feasibility study for Stellwagen BNMS portal. All were in favor and the motion passed 5-0.

#### **BOS mtg and Public Hearing 11/29/16**

The BOS will hold a public hearing which will include items related to the Harbor Committee.

- Change "kayak rack" to "boat rack" in the harbor regulations
- Lower annual fee for rack usage from \$100 to \$75 with the understanding that the fee could be reduced even further
- Recommend new locations for boat racks (including Pearl Street)
- Update insurance requirements for vessels (adding the phrase "or moored" to first sentence)
- Update corridors for personal watercraft usage

The draft agenda for the meeting is extensive and ambitious, and refers to several possible committee mergers. It may be prudent for the updated Harbor Plan to address the concerns of the BOS regarding joint meetings and the interaction of multiple interconnected but distinctly different committees.

#### **Town Forums**

In lieu of a fall town meeting, there will be two town forums on Nov. 16 and Nov. 19. The Harbor Committee meeting would normally be 11/16/16 at 5pm, but in order to

attend the forum that night we will meet earlier (4pm). Rex has listed items that staff would like to discuss at the forum:

- Shellfish growout facility
- Budget discussion
- Herring Cove report
- Draft agenda for BOS joint meeting on 11/29; packet must be ready by 11/17

### **Houseboats**

Elise brought an article regarding a Supreme Court ruling which found that a houseboat is not a “vessel”. Rex provided the committee with definitions of “vessel” and “houseboat” found in the harbor regulations. The insurance clause would pertain to them.

Rex requested input from each committee member regarding how we view houseboats. Discussion included:

- Protecting vista view
- Environmental impacts
- Definitions of houseboat vs. vessel
- Mooring requirements
- Insurance language must accommodate them regardless of definition
- Safety issues and scale of mooring use

In order to make a recommendation to BOS, Rex requested that we all send him a brief statement of concern or approval regarding houseboats.

### **V. Old Business:**

Public hearing notice (see above)

Houseboats and insurance (see above)

### **VI. New Business:**

Any other business that may legally come before the Committee not known at the time of posting. Note: Votes may be taken

### **VII. Adjourn**

Susan moved to adjourn. Victor seconded and all were in favor. Meeting adjourned at 6:25pm.

### **Next HC meeting:**

Next tentatively scheduled meeting on November 16, 2016, at 4pm in the Caucus Room.