

# TOWN OF PROVINCETOWN

## HARBOR COMMITTEE

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### MEETING MINUTES OF NOVEMBER 1, 2000

#### Meeting Held in Town Hall

**Members Present:** Joyce Guide (Chair), Carla Anderson, Rex McKinsey, Sheila LaMontagne, Al Davis, Mel Cote (Alternate),

**Members Absent:** None

**Others Present:** David Ditacchio (Marine Superintendent), Chad DeLima (Assistant Harbormaster), Pat Fitzpatrick (Tourism Director), Rachel Crosby (Recording Secretary),

#### REGULAR MEETING

**CALL TO ORDER:** Chair Joyce Guide called the meeting to order @ 4:00 P.M.

#### MISCELLANEOUS

Pat Fitzpatrick reported on the Town's Harbor Brochure progress/status. The Brochure will include a map of the Harbor, including public landings. Funding will come from encumbered grant money (\$1,500) and from the Tourism Office's Marketing budget. The total cost is estimated to be \$3,000. Al Davis mentioned applying for a Public Access grant like the one that funded the new stone tile signs for marking town landings. Joyce Guide will meet with Pat Fitzpatrick to discuss such a grant.

#### APPROVE MINUTES

**October 18, 2000** – *Carla Anderson made a motion to approve with modifications, Sheila LaMontagne seconded and it was so voted, 4-0, 1 abstain (Al Davis).*

#### PUBLIC STATEMENTS

None

#### OLD BUSINESS

Sheila LaMontagne reported on her reply to the woman who wrote with complaints about the horse defecating on the Harbor Beach. The Animal Control Officer will try and speak to the horse's owner. Carla Anderson suggested sending a note to the local stables advising them of their responsibilities concerning horse poop. Carla Anderson and Sheila LaMontagne will prepare and send the note.

#### **HARBOR REGULATIONS – Review of Final Recommendations**

Joyce Guide referred to several new modifications proposed by Carla Anderson.

**Section 2-9-2**, concerning extensions of mooring permits for people without a boat in the water for long periods of time: David Ditacchio recommended keeping the original language allowing such extensions at the Harbormaster's discretion. Carla Anderson reiterated reasons for establishing a time limit. Mr. Ditacchio confirmed that he does have boat owners waiting for moorings and clarified the procedure by which a mooring was officially designated as "abandoned".

*Rex McKinsey moved to overturn the motion made on October 18, 2000 and restore the last two sentences of Section 2-9-2, Al Davis seconded and it was so voted, 3-1, 1 abstain (Sheila LaMontagne).*

**Section 2-3-9**, concerning owners of rental mooring field who want to expand or rearrange their moorings: Rex

McKinsey recused himself from the discussion and vote on this issue and Alternate Mel Cote took his place. Mr. Ditacchio clarified that the mooring field owners have to go to the Army Corp of Engineers if they want to expand the area of the field or increase the number of moorings. Carla Anderson reported that section 2-3-8 clarified the Army Corps of Engineers responsibilities and said her concern was with defining the meaning of the word “substantially” (in reference to the degree of desired change). David Ditacchio said that the Harbormaster’s Office would not issue new, additional mooring permits without first seeking review and approval via a public process. In response to a question from David Ditacchio, Carla Anderson explained her financial contract/arrangement with Flyer’s Boatyard and recused herself from any further discussion on this regulation. No action was taken on changing this section.

**Section 2-3-10**, concerning marking moorings: *Carla Anderson moved to change Section 2-3-10 to read as follows: “The holder of a mooring permit shall cause his mooring identification number to be painted or attached to the mooring buoy of said mooring. Any mooring not properly marked may be removed by the Harbormaster. Individuals removing their mooring buoys shall have their mooring clearly marked with their identification number at all times using a method that is legible and permanent.” Rex McKinsey seconded, and it was so voted, 5-0.*

**Section 2-5-1**, concerning discharges into the Harbor: *Carla Anderson moved that Section 2-5-1 be changed to include the words “or spill” in the first sentence between “discharge” and “oil”, Rex McKinsey seconded and it was so voted, 5-0.*

**Section 3-?-?** (new article to be added) – Rex McKinsey discussed this new article and its rationale. Joyce Guide confirmed that the wording will be reviewed by the Town Prosecutor. *Rex McKinsey moved to add the following article to Chapter 3 as an additional article entitled “General”: “All vessels and persons in Provincetown Harbor shall be governed by the Rules and Regulations contained herein and all other applicable laws, by-laws, rules and regulations and orders of the court, in any, concerning the operation of vessels and the use of piers, including, without limitation, those promulgated by the United States Coast Guard, the Environmental Protection Agency, the Massachusetts Department of Environmental Protection, the Commonwealth of Massachusetts, and the Town of Provincetown”, Al Davis seconded and it was so voted, 5-0.*

Joyce Guide reported that the missing map entitled “Plan of Provincetown Harbor,” referred to in the Harbor Regulations, had been found and will be on file in the Town Clerk’s Office.

Mr. Ditacchio reported on the total number of rental moorings at various sites in the Harbor.

Mr. Ditacchio reported that he had not yet received the budget materials for FY 2002 and that he has not yet begun the process of calculating the budget.

## **CHAPTER 91 WORK SESSION**

Carla Anderson referred to and discussed materials distributed at the last meeting. There were approximately 400 properties who filed for amnesty and these will be coming to the Committee for Chapter 91 consideration. Carla Anderson explained the roles and responsibilities of the Department of Environmental Protection (DEP) and the Harbor Committee. She also described the various Department of Regulatory Management staff and their activities relevant to the Chapter 91 licenses. Those properties that cannot provide on-site Harbor Access benefits are allowed to pay into the Harbor Access Gift Fund (HAGF). All other properties must provide benefits. All properties will have a hearing before the Harbor Committee, which will then make a Chapter 91 recommendation to DEP. Carla Anderson explained the process by which properties will be reviewed by the Committee. Also discussed were: Chapter 91 regulation enforcement procedures and issues; on-site benefits other than access (benches, bike racks, etc.).

The Committee reviewed an actual Chapter 91 application from the Berg Family Trust concerning the property at 371-73 Commercial Street, including recommendations for various on-site benefits.

The Committee discussed establishing standards for benches, bike racks, etc. when required for on-site benefits.

## **MEMBER REPORTS**

- None

## **NEW BUSINESS**

- None

The next meeting is scheduled for Tuesday, November 14, 2000 at 4:00 P.M.

**ADJOURNMENT**

*Carla Anderson moved to adjourn at 5:56 P.M. and it was so voted unanimously.*

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These minutes were approved by a vote of the Harbor Committee members at their meeting on \_\_\_\_\_,  
200\_\_

Respectfully Submitted:

\_\_\_\_\_  
Harbor Committee Signature

\_\_\_\_\_  
Title

*Rachel T. Crosby,*  
On-call secretary