

Public Hearing

HARBOR COMMITTEE

Wednesday August 10, 2005

Judge Welsh Hearing Room

Time: 4:30 pm

Members Present: Kerry Adams, Alice Brock, Heather Bruce, Ann Colbourn, and Gerard Irmer.

Members Absent: Mel Cote (excused absence)

Advisory Staff: Maxine Notaro, and Doug Taylor
Rex McKinsey (arrived 4:55 p.m.)

The meeting was called to order at 4:30 p.m.

AGENDA

Review/amend/approve minutes of 7/6

Heather Bruce asked to have the quote “future generations” removed. So done.

Motion: Kerry Adams made a motion to accept the minutes of the July 6th meeting as amended; Alice Brock seconded it and it was approved 5-0-0.

Public Statements

Vaughn Cabral, an owner of Fishermen’s Pier, has **200 parking spots** on his pier and would like to have Harbor Committee’s (HC) support for them. He considers them vital to Provincetown’s economic health. Downtown shops, whale watch boats, downtown restaurants all rely on the readily available parking. The issue will be discussed by the BoS on August 22nd and the deadline for the Army Corps of Engineers (AcoE) to receive letters either in support or non-support is August 26th. Please note that the 26th is the last day the AcoE will accept comments.

The next issue Mr. Cabral raised was concerning the **Provincia**, a large barge type, non-motored vessel, which is moored at the end of his pier. The Town wants him to move it and the only place to move it is where the gas dock is now. He continued that if we do that then it will be the end of the gas dock. We have 50 slips, 110 moorings, and Flyer has many moorings. It is projected to cost at least \$500,000 to relocate the gas dock on the new pier. The gas dock was put in back in 1977. (Our tanks are at the very foot of the wharf – right behind the fish market.)

Mr. Cabral said he was looking for support to keep the parking places and keep the gas dock. He further stated that the Provincia acts as a floating breakwater which protects certain sections of the harbor. He feels that his family has earned support since they have contributed to many charitable functions of the town – and even now welcomes anyone and everyone down to the pier to look over anything they want.

At the end of his presentation Alice Brock asked some pointed questions, i.e., “how many parking

spaces” “do you charge” “did you create the parking without a permit” etc.

Mr. Cabral said that in 1987 he was issued a permit to dredge and build a 100 unit marina. In the five years it took to obtain the permit they lost all the financial backing they had been promised.

Doug Taylor said that a lot of the uses on this wharf are considered grandfathered.

Alice asked if it had up-to-date drainage which would be a requirement for parking on the waterfront? Vaughn replied that there is more oil spilled from boats than from cars. He cited a huge spill in the harbor from New Bedford fishing boat that pumped its bilge into the harbor within the past week.

Heather Bruce, asked, “When did you start doing public parking for money?” and her questions went on in that vein.

New Business:

Review 2005 Amendments to the Harbor Plan status

Heather has something to say regarding the amendments. Jim McGowan went to the State House in Boston and they told him to write a letter to the Secretary Office of Environmental Affairs. It should read, according to Heather, “our new plan has been with the Coastal Zone Management (CZM) for over 90 days.

Motion: Kerry Adams made a motion for the Chair to send a letter to the Secretary’s Office of Environmental Affairs; Heather Bruce seconded the motion and it was approved 5-0-0.

Atlantic Avenue Public Landing

Doug Taylor informed the group that the DPW has called a halt to the job. Doug has been visiting it and making it safe every morning; it needs help due to vandalism. Doug Taylor would like a member of the HC to attend ConCom meetings. ConCom and HC have related concerns. Alice Brock reluctantly agreed to attend the ConCom if no one else can.

Ann Colbourn said that the condition of the Atlantic Avenue landing has been disappointing in that it’s been that way all summer. If the HC is all about access – then Atlantic Avenue is not fulfilling our mission. She also strongly recommended that the proposed stairs not stay.

Doug said the landing was a series of snafus which should have been mediated early on. There is a movement to work on beach nourishment and the steps will be there until beach nourishment takes place.

Kerry Adams said we’re supposed to be about access and this would be a good location for a boat ramp suitable for small boats.

Alice Brock asked why the engineers responsible for this fiasco aren’t asked for proper design completion? Sandy Turner oversaw the project and felt that it was the most used pedestrian access. That’s why it happened first.

Rex McKinsey said the committee had previously identified Atlantic Avenue and felt that the concrete ramp is not a good solution. Rex’ suggestion is beach nourishment. He further suggested that the HC should have a quick fix NOW.

Doug wondered if the HC has the teeth to review any solution that the DPW comes up with. Alice said we were not even invited to meet about the catch basins.

Board of Health meeting results

Their next meeting will be on September 1st (not the 14th as announced at the meeting today). HC members have yet to attend a BoH meeting to voice their concerns.

Beach Access and Boardwalk sign procurement

Jerry said that this is becoming a can of worms. We all voted for it and wanted a small, unobtrusive sign. The state is coming out with different regulations on the signs. He sent a letter in November and got the criteria from them. Jerry was given two different criteria. Jerry went thru the DPW and their sign co. can't handle the request. Bottom line: the HC is out of the sign business and it's up to the individual Chapter 91 licensees to deal with the state and their requirements. The state puts the onus on the property owner.

Feces Laden Discussion

A memo from Chief Meyer to the Harbor Committee Chair asked for an opinion on dogs on the beach east of Howland Street. It was decided that Jerry Irmer would draft a reply to Chief Meyer suggesting that our legal counsel be consulted on this.

This memo launched Heather into her opinion that dogs are being blamed for harbor pollution.

Flagship Property

Rex McKinsey wondered if any of the HC has any comments on the Flagship property. They will inquire about Chapter 91 license for Misha Richter.

Maxine cautioned the HC to keep the Schofield line in mind – if they're not on it then it doesn't trigger a Chapter 91 license.

Fisherman's Pier USACE permits for change of use comments

Ann Colbourn was recused.

Kerry Adams said he hasn't had a chance to review this thoroughly but he thinks it is one of the most important businesses in Town and we shouldn't do anything to harm it.

Jerry said he doesn't have a problem with the parking spaces – but the barge – he feels it's an unsightly structure. That boat is a wind break – but he doesn't think it offers that much protection. Vaughn is there every year replacing pilings; it will cost the town a pile of money to maintain this facility. We are in dire need of floats and there is no protection on the west side of the pier. We definitely need that facility and it could end up as condos.

Heather Bruce said she has issues with parking and the profits that go with it. There's some sort of DEP regulation that would prevent parking. Jerry said that theoretically he could apply for parking and it might be grandfathered. Chapter 91 license goes with the property. Heather, continuing, said that she can't believe the Provincia was allowed in the 1st place. It shouldn't be allowed to be out there – it's oversized.

Alice said that he's got 200 spaces out there and he charges. In the harbor plan there is to be no

parking allowed on the harbor. These are two local boys – Santos and Cabral. And they had a Building Inspector who was also a local boy (Warren Alexander). It should be contested. Private parking should not be allowed!

At this point the discussion grew louder and louder for quite a bit of time. The fifth try at a motion was finally made as follows:

Motion: Alice Brock made a motion stating that the Harbor Committee does not support unpermitted non-maritime parking on Fishermen’s Pier. Heather Bruce 2nd the motion and the vote was 2-2-0 - so motion doesn’t carry.

Motion: Alice Brock made a motion stating that the HC does not support the permanent mooring of the Provincia at Fisherman’s Wharf. Heather Bruce 2nd the motion. The vote was 3 in favor – 1 opposed (Kerry Adams)

Reasons for the above motion are: It obstructs the environmental flow of the harbor. Aesthetically it is out of proportion for anything in the harbor.

Kerry felt that the Provincia is the Cabral’s property and they should do what they want with it.

Motion to adjourn happened abruptly at 6:45 p.m.

Next meetings: September 14 and 28 at 4:30pm.

Respectfully submitted,

Evelyn Gaudiano

Evelyn Rogers Gaudiano

Approved by _____ on _____, 2005.

Gerard Irmer, Chair