

**Public Meeting**  
**HARBOR COMMITTEE**  
**Wednesday - September 7, 2005**

**Judge Welsh Hearing Room**

**Time: 4:30 pm**

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

**Members Absent:** Heather Bruce (excused absence)

**Advisory Staff:** John Davidson (Pier Corp Admin), Rex McKinsey, Maxine Notaro, and Doug Taylor.

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

AGENDA

**Review/amend/approve minutes**

**Motion: Move to approve the minutes as amended.**

**Motion by Kerry Adams    Seconded by Alice Brock    Vote 4-0-1 ab MC**

An e-mail was received from Rex requesting letters be sent to Joint Committee in Environment, Natural Resources & Agriculture re: House Bill 4321 – enforcement of no discharge areas. The Harbor regs control no discharge. Rex is working with the Health Agent on water issues and they both want to expand the water quality testing. The Harbormasters do patrol the harbor for violators. Areas of testing is in the planning stages; they are now obtaining base line data.

Kerry asked if the Center for Coastal Studies does this testing as well? Rex said that their grant did not come through so their funds are not yet determined for testing. Kerry then wondered if we could put an article on the warrant for a testing program?

Alice Brock said:

1. Water quality – Harbor Regs, Chapter 2, Article 5, – requires dye in marine sanitation devices.
2. The gift fund has almost \$60K.

Jerry said that a joint discussion is required with the ConCom. Ann Colbourn, mentioning the mooring fees collected now – asked where these funds go? Rex said the waterways improvement funds go for improvements, maintenance and staffing. Ann said that the pier fees take care of the pier and the mooring fees should take care of the water. She continued saying that the water issue is huge and should not give money up to do it because we won't get it back. It won't cover beach landings or beach clean-up. Rex countered by saying that the CZM grant covers 75% for storm drain mediation.

Kerry asked what monies are we talking about to do the water quality testing? Alice said that the boat owners should take the responsibility for dumping. She wants to request the public records for pump-outs for Flyers, Cabral's and private ones. Rex said some boats are listed as transient and they live

aboard the vessel. In some cases these small boats don't necessarily have a holding tank. Ann said that the 40 or 50 boats that Flyers stores – maybe only 2 have holding tanks.

**Motion: Kerry Adams moved to write a letter to support House Bill 4321, a bill that forces agents who work on the coast to enforce the no dumping provision within the seven designated no discharge areas. Alice Brock seconded the motion and the vote was 4 in favor – 0 opposed – 1 abstention (AC).** (The Town is not one of the seven areas.)

### **403 Commercial Street**

A letter was received from the DEP regarding 403 Commercial Street. The letter stated that there appears to be encroachment on both sides of the property. Width of the landing has been narrowed dramatically. The state claims they are ignoring the conditions of their license.

### **Dahill Property**

Alice Brock once again raised the Dahill property issue. She claims that his fence is in violation of conditions and the fence has yet to be removed. Jerry said he will draft a letter to Dahill and Alice will provide pictures of the fence.

### **Board of Health**

Ann Colbourn has to go to the Board of Health meeting to discuss original list of outstanding items.

### **Chairman's Duties**

Jerry Irmer is looking for a reply from Truman Henson. Kerry Adams said they should take turns running the meetings. Also, the committee should have a co-chair. Ann said the "meetings run" issue should be decided and it's a hot button. Go to 5 minutes or whatever is deemed appropriate. Alice said that in the same vein of co-chair and taking turns – she could split duties of letter writing to eliminate burden on Jerry Irmer. Some of this is permit coordinator duties to inform Harbor Committee as to upcoming projects/permits. Alice continued saying she wants material so the Board can give input before decisions are made. The Harbor Committee is to be included in permit review for important projects. Rex added that "change of use" on water and marine dependent to non-marine dependency. Even single family to multi-family.

### **Signage**

Alice said that they should not throw out the sign business, etc. and put the onus on property owner. It's a big mistake that our committee required to help property owners do right by Chapter 91. They will never be in compliance. We should try to litigate the signage.

Jerry said that the specs for signs are in written rules by the state. We could see who has signs and report to the state for enforcement. Alice that the HC should have signs created. Jerry said that we are not in the sign business.

Kerry said that there must be other towns who have Chapter 91 signage issues. "What do they do?" Jerry said that they put signs on their properties per specs from the state. Alice decided to research sign issues.

Kerry wondered if Doug Taylor could call Louis Gitto regarding the signs. "Could small and more discrete signs be used in residential areas?"

### **131 Commercial Street – Flyers**

Ann Colbourn stepped down from this case.

Chapter 91 license W-96-6137-N and W-04-1068-N with special conditions:

1. sheet #1 cross section AA slices through everything – don't see ground level deck.
2. Ground level deck is the whole width of pier which is public access.

Mel Cote felt the conditions were a little stringent but fair. Rex said the special condition 1 or 2 says they can adopt rules for a public facility. Jerry said that a home over a business – regulations or rules. State to notify Harbor Committee and keep them in the loop. Jerry said the catch basin and leaching field shown on plan as part of plans to expand a concrete pier.

Alice wondering about restrooms said, "What will he be forced to do – is he hooked into the sewer?" Kerry said that he has a title 5 and adding concrete deck/ramp to work on his boats. He's improving his facility.

**Motion: Kerry Adams made a motion to support waterways license W96-6137-N and W04-1068-N – Francis John Santos' 131 A Commercial Street license. Mel Cote seconded the motion. The vote was 3 in favor – 0 opposed – 1 abstention (AB)**

**Adjournment took place at 6:00 p.m.**

Respectfully submitted,

*Maxine Notaro*

Maxine Notaro

**Approved by** \_\_\_\_\_ on \_\_\_\_\_, 2005.

**Gerard Irmer, Chair**