



Harbor Committee

Harbor Committee Agenda November 5, 2020

(Re-scheduled from 10/29/20)

This is a remote meeting and is recorded. Don German read the required language into the record.

I. Meeting Called to Order at 5:05pm

Members present: Susan Avellar (acting chair), Laura Ludwig, Wendy Loughlin, John Santos, David Flattery (with poor connection; Susan chaired full meeting). Members absent: Elise Cozzi. Don German, harbormaster; Steve Wisbauer, shellfish constable; Lory Santos, shellfisherman.

II. Review/amend/approve minutes

October 14th minutes were approved as written.

III. Public Statements

Lory Santos read a comment regarding the committee's intention to impose regulations on houseboats in the harbor. (Her letter is appended.)

IV. Members Project Updates

Laura reported that Gordon Peabody had reached out to Rex and her regarding the committee's idea to add words of warning to the photo depiction of the tidal extremes at the breakwater. Committee members agreed that it made sense to leave the images as standalone images that speak for themselves.

IVa. Pier Liaison Report

Wendy recounted the latest Pier Corp meeting where they discussed rates broadly, including the possibility of charging for electric use.

V. Marine Department Updates

Rex is absent today but submitted a report that Don read into the record: the Select Board public hearing meeting to be held on Nov. 23rd. This committee will need to attend this virtual meeting. DEP has completed review of the Ch91 manual and Jim Vincent is working on finalizing it. A grant has been requested through FEMA for

Ryder Street beach protection. Stellwagen Bank National Marine Sanctuary visitor center public event was held on 10/28; there are ongoing opportunities for public comment. Expedition Blue project is near to completion.

Don updated the committee on the department's vessels which are being hauled for winter storage. Speed buoys also hauled out. Town counsel has been advising on how to proceed in collecting excise tax and mooring fee for a wooden vessel stored on a mooring; a certified letter was sent but not received by the customer. Don is still trying to confirm that excise tax has been paid. Susan thinks it is important to pursue any vessel owner in arrears.

VI. New Business

Laura announced that she will need to step down from the committee after tonight's meeting to tend to family caregiving needs. Susan suggested swapping with Elise to become the alternate for the duration of her term, and will check w/ the town to see if that is possible.

VII. Old Business

n/a

VIII. Members Additional Comments

Wendy clarified the committee's intent of the houseboats discussion is more to prevent expansion of the mooring field than to ban houseboats.

IX. Adjourn

David moved to adjourn; John seconded and all were in favor.

Meeting adjourned at 5:38pm.

Next meeting tentatively scheduled for Thursday, November 19th at 5:00pm.

These minutes were approved at their meeting on May 5, 2021. Rx

October 29, 2020

To: Provincetown Harbor Committee

From: Loretta Santos

These public comments are in regard to the Provincetown Harbor Committee intention to impose restrictions on houseboats in Provincetown Harbor.

It has come to my attention that some members of the Harbor Committee take umbrage with houseboats in our harbor and would like to impose restrictions.

They have expressed concerns regarding the use of the harbormaster's pump out boat servicing the houseboats. The pump out boat is funded by the Massachusetts Clean Vessels Act. It is a program that provide free pump out services along the Massachusetts coastline. The funding comes from the US Fish and Wildlife Service's Sportfish Restoration Program. It provides the funding for the boat as well as the person driving it. The pump out boat is not funded by Provincetown's municipal taxes.

The houseboats in Provincetown Harbor that have engines on them are registered vessels with the Massachusetts Environmental Police just like any other boat in Provincetown Harbor. They have moorings with fees paid to the Town of Provincetown just like any other boat in Provincetown Harbor. Are you saying they are not a boat?

The houseboats in Provincetown Harbor that do not have engines are categorized by the Massachusetts Environmental Police, the licensing arm of the Commonwealth's government, as barges. Do you plan to ban all barges? There are several kinds of barges in Provincetown Harbor. There are aquaculture barges, crane barges, work barges. What do you plan to do the next time we need work done on the municipal pier? Tell the company hired to do the work they cannot bring a barge into the harbor. Do you plan to tell the shellfish growers they cannot have their aquaculture barges. The Town of Provincetown has its growing aquaculture industry as part of its "Blue" economy and wants to encourage its growth. As a female farmer, I am already declared as disadvantaged by the USDA, do you plan to make me more disadvantaged by banning my barge? Without my barge, my farm cannot function.

You claim that there are people living on these houseboats. As someone who spends several hours everyday on an aquaculture barge in harbor. I can tell you there is no one "living" on these barges. These barges are visited by the owners. Most often, this Saturday night into Sunday, when some hardworking locals are trying to take a break from the rat race that is summer in Provincetown.

As for building codes, the fabricated houseboats have to comply with federal building codes which are far more stringent than any local or state building code. As for the houseboats contracted by individuals, they are probably better built than many habitable structures in Provincetown. They are solidly built, equipped with massive amounts of flotation, name brand windows and doors, and employ reusable energy, that leaves no carbon footprint, unlike most of the condos and homes that dot our coastline. Do you think the owners of these houseboats want a storm to come up in the middle of the night that would endanger the safety of their families?

I believe, the idea, that you could try to ban a houseboat tied to a privately owned pier, is overstepping your bounds and would probably find the Town of Provincetown embroiled in a lawsuit. If I had to guess, on the outcome, it would not go well for the Town. Not only are they private property, but also, these privately owned piers have their own Chapter 91 permits which allow them to have vessels/barges tied to them.

I am sure you are aware I own a houseboat and do short term rentals. I went to Town Hall, checkbook in hand, to pay for the permit for rentals. I was informed by the licensing agent that he would be unable to take my money as the Town of Provincetown currently has no regulations governing houseboat rentals. I was also informed that the Town of Provincetown is no longer inspecting short term rentals. The Town only follows up on complaints about a rental.ii

I caution you, before you take up votes on how you wish to restrict houseboats in Provincetown Harbor, you become a lot more informed than you are currently.

Thank you.