

Meeting Minutes

March 3, 2004

Members Present: Kerry Adams, Alice Brock, Heather Bruce, Melville Cote, Gerard Irmer, Beverly Dwyer Ormston

Members Absent: (none)

Advisory Staff: Jon Gilmore (Absent)

Harbor Master: Chris Flavell (Absent)

Pier Manager: Rex McKinsey

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

AGENDA

Review and approve minutes of January 7th, 14th, and February 18th, 2004

The minutes of January 7th and 14th were discussed and some suggestions were made.

Kerry Adams made a motion: To accept the minutes of January 7th with the discussed changes. Melville Cote seconded the motion and it was unanimously passed.

Melville Cote made a motion: To accept the minutes of January 14th as presented. Kerry Adams seconded the motion and it was unanimously passed.

Kerry Adams made a motion: To accept the minutes of February 18th as presented. Alice Brock seconded the motion and it was unanimously passed.

PUBLIC STATEMENTS

Kerry Adams made a motion: To Keep Gerard Irmer as the Chair of the Harbor Committee until after the Harbor Plan is complete.

Alice Brock seconded the motion and it was unanimously passed.

REPORTS

Harbor Plan Revision Subcommittees

Keith Bergman presented the Harbor Plan to accept it as is for now, so it would not expire on May 4th with the State, to revise it during an extension period through the subcommittees until May 4th 2005.

The committee had a technical discussion on how the process of renewal and revision worked with the state. All members wanted to ensure that they would have the freedom and authority to continue revision, and that it would be clear to the State and Town that they were not accepting the current Harbor Plan as-is because it is not adequate. There was also discussion on whether the insufficient Appendices A, B and C were currently included in the Harbor Plan, and if they were revisable.

Keith Bergman assisted the committee with these technical translations. He had received the memo from the Harbor Committee to the Board of Selectmen to ask for an extension of the current May 4th deadline to renew the Harbor Plan in order to continue revisions. Mr. Bergman also clarified that the previous passing vote at Town Meeting to take out Appendices A, B, C from the Harbor Plan was a vote to: Submit a request to the Secretary to approve the removal of Appendices A, B, C. However the Secretary did not respond the removal, therefore the regardless of the town vote, the Appendices remain in the Harbor Plan.

In response to questions by the committee, Mr Bergman offered the following suggestions. Once the Harbor Committee has a draft of the Harbor Plan that they agree upon, they can submit it to the Secretary or CZM to ask informally if they *would* approve it, this would test the limitations of the Secretary's authority. Regardless of changes that can or cannot be made, the committee can voice that they *desire future*

changes, even if they cannot be enforced at that time. Also, once the committee has a Harbor Plan they agree upon, they can arrange for a Public Hearing separate from the annual Town Meeting, and if the members and Town Council all agree on the Harbor Plan, it can be acted upon at that time and therefore legally bypass Town Meeting. This process can be done as frequently as revisions are necessary.

On the topic of renewing the current plan versus extending the expiration date of the old plan; the committee reached an agreeable outcome. To make sure it was known that the committee did not support the current plan through renewing it, the committee will draft a letter to the Secretary to ask for a one-year extension of the original May 4th, 2004 expiration date of the current plan, in order to finalize revisions before renewing the Harbor Plan.

OLD BUSINESS

PWC warrant article language

Jerry Irmer informed the committee that this issue would go before the Board of Selectmen that evening. Keith Bergman explained that he had revised some of the language from the proposed letter to make sure that a business does not have sole rights to the landing for protection of the business and town from property rights, grand fathering, and taxes. The change now reads that “anyone” can use the specified town landing for PWC. This allows the Town Meeting to do away with the landing use of PWC all together in the future if they wanted.

Alice Brock and Heather Bruce expressed concern about not being able to limit the growth of PWC business, or public use of the landing. Rex McKinsey emphasized that the new area is very inaccessible to launch PWC, which may physically limit business more than a regulation would. He also emphasized that the current location has the unintended affect of safety and environmental hazards. Mr McKinsey suggested that the committee suggest removing the current West End lot corridor and replace it with the proposed Good Templar corridor instead of adding it as a second.

Kerry Adams made a motion: To eliminate the West End boat ramp as a channel for PWC in favor of Good Templar as the only location for PWC launch, purely for safety and environmental reasons.

Beverly Dwyer Ormston seconded the motion and it went into discussion.

Keith Bergman stated that he doesn't like moving the launching area of PWC from a safe launching place at West End lot to an unsafe space and that Good Templar is a very hard area to navigate through for launch, but that the State has the official say on the matter.

Beverly Dwyer Ormston asked if the town would be liable for leading people into this unsafe channel, Mr. Bergman confirmed they would be liable.

The motion passed with 4 in favor and Heather Bruce abstaining from the vote.

UNFINISHED BUSINESS

Chapter 91 License Application, 253a Commercial St, Heller property, Binder Boland & Associates/Kimball Residential Design - Letter

Jerry Irmer summarized the past action on this matter. At the last meeting Ms Binder presented the property as a pre-application, the property has not come before the committee as a formal application yet. The committee drafted a letter to the DEP to express approval of the project and request to expedite the process. Heather Bruce added that she agreed with using Art or Historic value as a form of betterment for Chapter 91. These are listed as 310 CMR forms of betterment, however are not in the old/current Harbor Plan, how can the committee amend these contradictions now, before the lengthy revision process is complete? Jerry Irmer suggested they add the following dialogue to the drafted letter: “We approve this application with the understanding that the Committee is in the process of revising the Harbor Plan and Appendix B is part of what we are changing. Please ensure your application complies to the proposed changes before submitting it to the state.”

Kerry Adams made a motion to accept Jerry Irmer's letter to the DEP in regard to the Heller property and our acceptance of their proposed application.

Beverly Dwyer Ormston seconded the motion and it passed unanimously.

NEW BUSINESS

Organize Spring Beach Cleanup

**Kerry Adams made a motion to table this agenda item until the next meeting.
Heather Bruce seconded the motion and it passed unanimously.**

SET TIME AND DATE OF NEXT MEETING

The next meeting will be in Caucus Hall on Wednesday March 17th, 2004 at 4:30pm.
The Amendments to Harbor Regulations / Mooring Fees will go before the Board of Selectmen at a Public Hearing on Monday March 22, 2004 at 6pm.

**Motion moved by Alice Brock: Adjourn Harbor Committee Meeting of March 3, 2004.
Kerry Adams seconded the motion and it passed unanimously.**

The meeting was adjourned at 6:22p.m.

Respectfully Submitted,

Alison Boutin

Approved by *G J* on *Mar 17* , 2004.
Gerard Irmer, Chairman