



Town of Barnstable

Waterways Committee

1189 Phinneys Lane, Centerville MA 02632

www.townofbarnstable.us

Waterways Committee Meeting April 27, 2021 Meeting

Chairman:
John Meade

Committee Members:
Frederick Komenda
Paul Everson
Robert Hazelton
Peter Cross

Council Liaison:
Paul C. Neary

A meeting of the Town of Barnstable Waterways Committee was held via Zoom due to the Governor's orders regarding COVID19 on April 27, 2021 at 7:00 pm.

I. Call to Order

The meeting was called to order at 7:00 pm by Chairman John Meade quorum has been confirmed.

Board Members present (by Roll Call): Chairman, John Meade, Peter Cross, Robert Hazelton and Frederick Komenda

Board Members absent: Paul Everson

Town Staff present: Derek Lawson, Director, Brian W. Taylor, Harbormaster; Jay Horn, Deputy Harbormaster/Mooring Officer and Pam Swider-Cohen, Principal Department Assistant and Kate Connolly, Town's Attorney.

Council Liaison Absent: Paul C. Neary

Public: Richard F Schiffmann, Chili Sample, Fredrick Sample, Joshua Rand, Karl Anderson, Paul Revere, Esq.

II. Meeting Minutes

1. Meetings minutes of March 23, 2021;
2. **Motion made by Komenda and seconded by Cross; all in favor to approve the minutes for March 23, 2021 by roll call vote.**
3. Meeting Notes of April 20, 2021; **Deferred until May 25, 2021 Waterways Committee meeting.**

III. Notices of Intent (NOI)

1. Dolce, James, 501 Eel River Road, Osterville, MA 02655 Map 114/Parcel 017. The applicant proposes to add an 8' by 24' pile held float with a 3' by 14' gangway off the existing pier.

Deputy Harbormaster Jay Horn (Horn) stated the proposed dock may be located further into Eel River than the current docks in the area and that the applicant is requesting to move an existing mooring. The vessel proposed within the plans also

has a ten foot beam. Proposed plans and GIS measurements indicated the pier was 28.5 further than the current dock. No engineer present. All Waterways Committee (Committee) members agreed and voted to defer until an engineer was present for questions. Deferred to the May 25, 2021 Waterways Committee Meeting.

2. Carvalho, Thomas, 158 Swift Avenue, Osterville, MA 02655, Map 165/Parcel 083. The applicant proposes to repair or reconstruct the existing pier in the pond.

No navigation issue determined by Waterways Committee or Harbormaster; No objections by roll call majority vote.

IV. Mooring Appeals:

1. Schiffmann, Richard, BW/105; (Since 2001, Reinstated in 2003) Mr. Schiffmann requested reinstatement due to missing the deadline for his Barnstable West Mooring Permit.

Komenda made a motion to grant the appeal for reinstatement of Mr. Schiffmann mooring permit. Hazelton seconded the motion; Cross voted yes, and Meade voted yes. Mr. Schiffmann was directed to follow up with the Harbormaster's Office to complete his reinstatement. No objections by roll call majority vote.

2. Duggan, Thomas, LB/078 (Since 2002 never missed the deadline) Lewis Bay Mooring Permit missed the deadline.

By rollcall vote to reinstate Duggan's mooring permit as it was the first time he missed the deadline: Komenda approved, Cross yes, Hazelton yes, Meade yes. Mr. Duggan was directed to follow up with the Harbormaster's Office to complete his reinstatement. No objections by roll call vote

3. Anderson, Karl: Notified by Mooring Officer Horn that he would not be renewing his two moorings: LB/007 & LB/008

Deputy Harbormaster Jay Horn (Horn) presented past issues, discrepancies and violations regarding Mr. Anderson. One of these violations was a continued annual renewal of a mooring permit for Mr. Lewis Gunn who passed away in 2014.

Horn sighted Town of Barnstable Mooring Regulation §406-4 Mooring Permits (A Town of Barnstable mooring permit is required for all moorings placed in the waters of the Town of Barnstable. Falsifying information on a mooring permit application or failure to submit a fully completed mooring permit application shall be cause for non-consideration of such application).

The Committee discussed this issue and made questions were asked by all Committee members. Mr. Anderson's attorney (Mr. Paul Revere) was present and referenced an e-mail response provided prior to meeting (exhibit A); in reference to Horn's notification that he would not be renewing any mooring permits for Lewis Gunn.

The Committee reviewed each mooring historically permitted to Mr. Anderson separately. LB/008 mooring permit: A role call majority vote (Komenda against, Hazelton against, Cross against and Meade against) was made to not renew

LB/007 mooring permit: A role call majority vote (Komenda yes, Hazelton yes, Cross yes) was made to allow renewal with the following conditions: The registered vessel (Reveler) be the only vessel allowed to be put on the LB/007 mooring.

Meade summed up the Mooring appeals with LB/008 being denied and Mooring LB/007 approved with the stipulation of the regulations being followed as written. Mr. Anderson was told to contact Mr. Horn to complete the renewal process and pay all the fees as needed.

V. Old Business

1. FY2021 Transient Mooring Locations.

Horn stated the applications have been submitted to the Army Corp of Engineers however, the Harbormaster Division is still waiting approval. If approved, placement of additional transient moorings is dependent on Harbormaster Division FY2022 funding.

2. Kayaks and dinghies registered to moorings.

Horn will have more information and proposed written guidelines for the next meeting based on the discussion at the Workshop held on April 20, 2021.

3. Potential Lotteries: Moorings Wait Lists.

Horn will provide updated information for the May 25, 2021 meeting.

VI. New Business

1. Transfer Commercial Moorings from Dow Clark to Joshua Rand and Frederick Sample remaining under the business name of Marine Services and Electrical, Inc.

South Cape Moorings, LLC: Mr. Rand and Mr. Sample presented a business plan. An application was filed with the Harbormaster's Office. Three business partners, approximately 30 mooring inspections yearly and this has been in operation for about four years.

A role call majority vote (Komenda yes, Hazelton yes, Cross yes) was made by the Committee to approved the Transfer of Commercial Moorings from Dow Clark to Joshua Rand and Frederick Sample remaining under the business name of Marine Services and Electrical, Inc.

VII. Correspondence: *None.*

VIII. Harbormaster Report:

Horn communicated the Division was very busy. Assistant Harbormaster Jarod Smoller has been working hard to get the Aids to Navigation/Regulatory Buoys in the water. Dock day was a success at Barnstable Harbor. Seventy five people have been moved off the Mooring Wait Lists and mooring offerings are still being made. Horn is currently working on the Lewis Bay and Hyannisport Waiting lists. The Harbormaster staff has responded to two emergency calls for service already this season. to.

IX. Matters Not Reasonably Anticipated By the Chair:

Mr. Robert Hazleton communicated he will not be renewing his term as a member of the Waterways Committee in June of 2021. Chairman John Meade also communicated he would be stepping aside after fifteen years of service. Mr. Meade communicated that if anyone had any suggestions or is interested to please reach out to the Town Council Committee on Appointments.

X. Adjournment:

There being no further business the Waterways Committee unanimously voted by roll call majority vote to approve a motion made by Komenda and seconded by Cross to adjourned at 8:28 PM.

Respectfully Submitted,
Pam Swider-Cohen, Principal Department Assistant