

**TISBURY WATERWAYS COMMITTEE MEETING
MINUTES**

Thursday, June 8, 2023, at 5:00pm

In Attendance: John Packer, Matt Hobart, Roger Moffat, Jeff Canha, Michael Baptiste and, Greg Martino

Also Present: John Crocker, Kim Elias, Danielle Ewart, Joe Wild, James Tilton, Lynne Fracker, Kim Baptiste, Tom Robinson, Jane Puethoff, Mary Ellen Larsen, Niels Puethoff, Bob Landreth, Tony Canha, Bev Potstad, Christina Collarusso, Noah Mayrand.

- 1) **Call to Order 05:01pm:** Matt Hobart called the meeting to order.
- 2) **Public Comment:** Lynne Fracker was concerned that Lake Tashmoo was not on the agenda and that there was a management plan stating that everyone would like to know what that is. That the Select Board specifically asked the committee to come up with a small managed anchorage area. She has come up with a plan, sent it to the committee and would like members to take a look at it. John Packer was concerned regarding the type of moorings to be installed in the Northern Pines area and felt that installing Helix's would be a bad move. He also thought it would be a good idea to have on the agenda if time permitted subjects to discuss as not anticipated. (Items not foreseen by Chair. Joe Wilde added that he seconded John Packer thoughts regarding not installing Helix type moorings.
- 3) **Minutes:** Michael Baptiste made a motion and Roger Moffat seconded to accept the minutes of March 9, 2023. **(Voted 4-1)**
- 4) **Hustleton Head Relocation of Aquaculture Lease Site LP-01. Application and Density Survey:**
Lake Tashmoo: Jeff Canha recused himself from the Committee. Jeff Canha stated to be clear under Mass General Law 268a Section 19 he has filed with the Tisbury Town Clerk ref conflict of interest. Jeff Canha stated that the application was submitted May 10 and that prior to submitting it sat with the Town Administrator, so it is clear what was presented to the committee. That there were some predictions made and that those predictions have all come true. He said that as with two other applications before that have been with the committee that this was very contentious. He stated that the Shellfish Constables report was capricious at best. That the Harbormasters report was incomplete and inaccurate. Also stated that they might hear that the area they are applying for is a sanctuary, he would contest that. Also reiterated that the Shellfish constable report is arbitrary and that it would be aired at a public meeting. Mr. Canha distributed further information to the committee showing images of the current location. Mr. Canha gave a depth measurement of the current site and its condition maps and email from Joshua Reitsma regarding oxygen depth. Also giving a brief history of his prior aquaculture applications. He stated that the oyster growing at his other location at Hustleton head are grown three times faster. He stated that over the last three years that they have not seen one-person shellfishing in that relocation area he is applying for. He stated that he has \$200,000 invested in

his aquaculture business and that the Shellfish Constable had stated that she would work with them to find a suitable alternative location. Jeff Canha fielded questions from the Waterways Committee. John Packer asked for clarification regarding configuration of the proposed new site and location. Jeff Canha said he was waiting on ACOE permitting, in the meantime he is no longer using his current site as is of no use. There was a discussion about using floating gear at the current location. The DMF has concerns regarding birds. John Crocker stated that there are no moorings in the area applied for, however there were some that were quite close. Looking at prevailing wind in the summer, which is mostly SSW it could cause a hazard to boats approaching those moorings in the boating season. It's possible that engines may get stuck in the lines of the cages. Mr. Canha stated that he spoke to three out of the five abutters to the site. He also stated that one of the abutters has security cameras installed on his property and said that some activity in the area had raised some questions. John Crocker stated that the mooring holders would have to agree to move their moorings, if that were to then who would pay the cost? Tony Canha said the area in the lee wind would have no effect. Danielle Eward stated that the area applied for is a propagation area for sea scallops and quahogs and has been seeding there for the last 13 years. It is also close to an area that is conditionally approved for shellfishing. She also had other concerns such as scalloping in winter. Also concerns growing oysters in the area as they create a lot of muck. There was further discussion and including comments from Jamie Tilton and abutters Niels Phuethoff, Michael Webster and Michael Western who had concerns using the beach and swimming, and use of their moorings. Noah Mayrand said that he has been farming and had had a challenging year, that he has had to use some creative ways to continue and that it had been an uphill battle. There was further lengthy discussion and John Packer made a motion and Roger Moffat seconded to recommend to the Select Board:

The Waterways Committee recommend to the Select Board approve the Hustleton Head Relocation of Aquaculture Lease site LP01 Application. (Voted 5 -1)

- 5) **Tashmoo Dinghy Dock:** Matt Hobart stated that Roger Moffat volunteered had join the working group. Roger said that he had spoken with John Crocker and John stated that a survey had been ordered and that he was awaiting the results. Lynne Fraker said she had a copy of the survey, and she provided copies to the committee members. She wanted to make it clear that it was a committee project. Lynne Fracker presented the survey and the committee reviewed. She stated that there was adequate water but was close. She had a conversation with Jane Verconda. One piling would be moved and two additional moorings added. After lengthy discussion and taking comments from John Crocker and Danielle Ewart referencing her concerns regarding shellfish and eelgrass. Matt Hobart commended Lynne for her work and bringing it to the committee. Matt Hobart stated that the Harbormaster and Shellfish will need to review and give their feedback to help the committee decide. There was further discussion regarding water depth and suggested changes to moving the dock further into deeper depth to help mitigate impact on shellfish and eelgrass and for Danielle Ewart to conduct an eel grass survey and for DMF to conduct their own survey as soon as possible. Lynne Fraker stated that approval needs to be complete by August to apply for CPC Funding. After reviewing the survey further, it was

suggested to move the dock up one section, placing it in deeper water. Micael Baptiste made a motion and John Packer seconded the motion to recommend to the Select Board:

The Waterways Committee recommends to Select Board to approve the Project with the Engineers redrawn plan as amended by the Waterways Committee and to proceed with the process required to meet funding deadline opportunities of August 2023. (Voted 6-0)

(A copy of the Engineers plan as amended will be attached to the recommendation letter.)

- 6) Owen Park Pier:** John Crocker gave an update for the Pier Project. He explained that it went to Con Comm twice because of an amendment to the order of conditions to accommodate ADA accessibility from the dinghy docks and to keep an open space on the east side of the dock to possibly accommodate a vessel for the police department. The application is now with the DEP and John Crocker has received comments from them that were favorable. The Town had received comment letters from abutters and the replies were being drafted. The next step will be the ACOE permit process. Lynne Fracker asked John Crocker to comment on a comment letter received from Mr. Kerr, one of the abutters. John Crocker explained that they had an issue with the length of the dinghy dock which will extend further in a northerly direction than they do now. He explained that he is currently working with the Town Attorney. Lynne Fraker also stated that she thought there were a lot of problems with the permit application and plans and wanted to know if they had been fixed and a problem with the walkways not brought to Con Comm.

John Packer made a motion and Greg Martino made a motion to recess until September.

6:32 pm Greg Matino made a motion and John Packer made a motion to adjourn.

Documents: Shellfish Constable letter ref Hustleton Head relocation request
Harbormaster letter ref Hustleton Head relocation request
Joshua Reitsma (Fisheries and Aquaculture Specialist) Oxygen Data and maps
Tisbury Shellfish applications for municipal propagation permits and reports
Tashmoo Dinghy Dock Engineering survey

06:50 Jeff Canha made a motion and John Packer seconded to Adjourn

(Voted 6-0)

Documents: