

**TISBURY WATERWAYS COMMITTEE MEETING  
MINUTES**

Thursday, March 25, 2021 at 5:30pm  
Meeting held remotely via Zoom platform

**In Attendance:** Jeff Canha, Paul Munafo, Roger Moffat and Matt Hobart

**Also Present:** John Crocker, Danielle Ewart, Kim Elias, Lynne Fracker, Bob Landreth, Bev Potsaid, Anna Fay Lawton, Heidi Rydzewski, Mac Schilcher.

- 1) Call to Order:** Quorum of four committee members were present. Matt Hobart, as vice-chair opened the meeting.

**Public Comment:** Lynne Fracker requested that the Cape Pogue Moratorium be discussed at a future committee meeting regarding additional pressure that may have an impact on Lake Tashmoo anchoring areas during the boating season.

- 2) Minutes:** Jeff Canha made a motion and Paul Manufo seconded to approve the minutes 3/11/2021 **(Approved 4-0)**

- 3) Waterways Regulations – Phase 1.** Discussions resumed from the previous meeting on 3/25/2021 regarding Phase 1 of the recommended changes to the Waterways Regulations. Committee will discuss section 8, houseboats live-aboard, as part of Phase 3. The following recommended changes were as follows:

Paul Munafo made a motion and Jeff Canha seconded to accept the language regarding MSD requirements to read as follows:

**III SANITATION**

2. All vessels berthed in Tisbury Waterways are required to comply with Type III USCG-certified marine sanitation devices (MSD) on board vessels that are:
- 1) equipped with installed toilets, and
  - 2) operating on U.S. navigable waters (which include the three mile territorial seas) 33U.S.C. 1322(h)(4) (10pp, 170 K).
- a) The MSD requirements do not apply to vessels that do not have installed toilets (e.g. vessels with “porta-potties”) **(Voted 4-0)**

Paul Munafo made a motion and Jeff Canha seconded to remove redundant language as follows:

### III. SANITATION

3. No vessel may discharge untreated wastes into the waters of Tisbury. ~~Approved marine sanitation devices or holding tanks must be used on the waters of Tisbury~~  
**(Voted 4-0)**

Paul Munafo made a motion and Roger Moffat seconded to for item 5 under III Sanitation to read as follows:

### III. SANITATION

5. The Harbormaster or Assistant may board any vessel to ensure conformity to sanitation regulations.  
**(Voted 4-0)**

Paul Munafo made a motion Roger Moffat seconded to amend language under Speed Limits to read as follows:

### SPEED LIMITS

Headway speed will be enforced within 150 feet of all beaches, docks, floats, boats anchored or moored, and channel areas. Headway speed only and no wake inside a line from Eastville jetty and nun 6. Headway speed or no more than 4 miles an hour shall be enforced in the Inner Harbor, Lake Tashmoo and throughout the west arm of Lagoon Pond beginning at the Channel.  
**(Voted 4-0)**

Paul Munafo made and motion and Roger Moffat seconded to remove navigation area and to read as follows:

### WATER SPORTS

1. Water-skiing, jet skiing, or other high speed watercraft, and similar water sports shall be prohibited within 150 feet of any beach, dock, ~~navigation area~~ ( ~~remove navigation area~~ , moored or anchored boat or conservation-management areas designated by the Harbormaster.  
**(Voted 4-0)**

Paul Munafo made a motion and Roger Moffat seconded to amend language under Water Sports as follows:

- 3 Parasailing is prohibited on the waters Tisbury Waterways. (~~delete permitted on the waters of Tisbury only as the discretion of the Harbormaster.~~) **(Voted 4-0)**

Paul Munafo made a motion and Roger Moffat seconded to amend language under Water Sports as follows:

- 4 Board sailing and Kite boarding are not permitted in the Inner Harbor of Vineyard Haven. (*add kite sailing and Vineyard Haven*) **(Voted 4-0)**

Paul Munafo made a motion and Roger Moffat seconded to amend language under Vessels at Anchor as follows:

#### VESSELS AT ANCHOR

5. Rafting limited to 3 vessels ~~in Tashmoo~~ upon Tisbury Waterways (*delete Tashmoo and add Tisbury Waterways*) **(Voted 4-0)**

Paul Munafo made a motion and Roger Moffat seconded to add language under Vessels at Anchor as follows:

6. Anchoring is prohibited in Lake Tashmoo Clam Flats as designated and marked by the Tisbury Shellfish Constable. (*Added Language*) **(Voted 4-0)**

Paul Munafo made a motion and RogerMoffat seconded to add the following language under Fuel and Sale of Fuel at Lake Street Landing:

#### FUEL AND SALE OF FUEL AT LAKE STREET LANDING:

8.

- b. Hours of operation permitted between 5am and 7am, only on three (3) days within any seven (7) days, excluding weekends.
- c. Fuel Supplier: Select Board will annually advertise to solicit potential vendors to include list of eligibility requirements.
- d. Vessels must be secured to the bulkhead loading space while refuelling.
- e. Vendor must follow proper containment procedures during fueling operations. A containment boom must be provided jointly by the commercial fueler and fishermen and kept on the dock. (*add language*) **(Voted 4-0)**

There was no further discussion with respect to Phase 1 of the recommended changes to the Waterways Regulations. The committee began Phase 11 discussion on the subject of Moorings.

Roger Moffat made a motion and Jeff Canha seconded to remove duplicated language under Mooring Regulations:

1. ~~Intent: Remove Language~~ **(Voted 4-0)**

Matt Hobart made a motion and Jeff Canha seconded to add definition of Harbormaster to Definition section of the Waterways Regulations as follows:

#### DEFINITIONS:

Harbormaster: An official, appointed by the Town of Tisbury, responsible for enforcing Waterways Regulations and to ensure the safety, navigation, security and proper operation of the Tisbury Waterways and its facilities. **(Voted 4-0)**

There was discussion regarding the definition of mooring inspectors and installers, and it was suggested to take the definition language and move it to the section that covers mooring care and maintenance and have a more in-depth discussion regarding the addition of adding insurance liability, hoisting license and time frame requirements.

During the discussion regarding the definition of Habitually Moored will be addressed later, when it was felt the need arises. There was not vote on the language currently.

Under Mooring Locations there were no language changes except to move and combine parts of 4 and 5 for clarification purposes.

Paul Munafo made a motion and Roger Moffat seconded to approve the clarification without change the language Locations to read as follows:

#### MOORING LOCATIONS

- 2 The major portion of mooring locations in Tisbury will be make available for personal use of Tisbury and other Massachusetts residents, and lesser portion will be available for commercial and transient rental use. All mooring locations and assignments are and shall remain the jurisdiction of the Town of Tisbury, are subject to the approval by the Harbormaster, are of a temporary nature, create no vest or property rights, and are non-transferable. Permits for placement of moorings at locations established and approved by the Harbormaster must be obtained from the

Harbormaster before any ground tackle is installed. Mooring that are established or placed without such authorization will be subject to immediate removal by the Harbormaster at the owner's expense.

a Strike a. and move to permit section – no change in language.

- a. Strike b. in section Mooring Regulations #4 and move to mooring location section – no change in language. b. Mooring tackle will be set, relocated, or moved only upon the approval of the Harbormaster and under the supervision or director of the Harbormaster. There is no assurance of approval for or renewal of any assignment of location and all such approvals and assignments are subject to the discretion of the Harbormaster based on the needs of the community, conditions of the area involved, seasonal conditions, nature of the vessel and other circumstances related to the safe, efficient, and proper use of the waterways.

- b. Strike c. in section Mooring Regulations #4 and move to mooring location section – no change in language. c. Any abandoned mooring tackle, including blocks, found in any Town waterways including but not approved by the Harbormaster, may be considered as abandoned and will be removed and disposed of in accordance with the law and must be reported to the Harbormaster for disposition.

**(Voted 4-0)**

Preference to home owners was given it own separate category for clarification purposes. Also discussed was a change to the language. Paul Muanfo made a motion and Roger Moffat seconded to move home owners to a separate category with change in language as follows:

**PREFERENCE TO HOME OWNERS:** ~~To the extent possible~~ The Harbormaster ~~may~~ will give preference and subject to space, public safety, and location considerations, to homeowners of property directly abutting waterways and taxed as waterfront in assigning mooring locations adjacent to said property, said assignments to be given notwithstanding any waiting list. This regulation does not apply to already designated mooring areas. Upon transfer of this residential property to a new owner other than next of kin (defined as mother, father, sister, brother, son, daughter, or s obtained through property spouse) mooring permit owner must relinquish any mooring purchase.

**(Voted 4-0)**

Lynn Fracker asked to skip private moorings during discussion as there was some information that should like to forward to committee members. There was discussion to add additional category in Mooring Categories section of the Waterways Regulations with consensus to add Aquaculture Moorings, with the description of "d. Aquaculture Mooring: Aquaculture leases will

be provided two moorings subject to approval of the Harbormaster “. Committee vote will take place a next meeting due to one abstention.

Paul Munafo made amotion and Jeff Canha seconded to adjourn.

Next Waterways Committee Meeting: April 8, 2021 at 5:30pm