

Town of Tisbury  
Harbor Management Committee  
Meeting 10/17/2018

Prior to start of the meeting Harbor Management Committee Members present were sworn in by Hillary Conklin, Town Clerk.

HMC Committee Members Present: Jerry Goodale, Matt Hobart, John Packer, Bekka EIDiery, Dawn Bellente Holland, Laura Rose.

Others Present: Lynne Fraker, Roger Moffat, John Crocker, Lynn Fraker and Kim Elias

Meeting Commenced at 5:00PM

First item was to appoint Chair and Vice Chair. Matt made a motion and John Packer seconded to appoint Gerry Goodale as Chair. **All were in favor.**

John Packer made a motion to selection Matt Hobart as vice-chair. **All were in favor.**

Next was the following items that required a vote by the Harbor Managements Committee in order for them to be incorporated in the final recommended changes to the Tisbury Waterways Regulations.

Add Language to Owen Park Item 6 of the recommended changes to the Tisbury Waterways to include “except with the permission of the Harbormaster”

Item 23. Low Impact Moorings. “All shackles swivels and other hardware using the mooring hookup should be proportional in size to the chain used and meeting Federal Specifications RR-C-271 D. All shackles should be properly seized.”

Matt Hobart made a motion and John Packer seconded to approve. **All were in favor.**

Items that were previously recommended by Harbor Management Committee but not brought before the Selectmen. To accept the previously recommended changes to the Tisbury Waterways Regulations as follows:

Page 3. VESSELS AT ANCHOR. Item 2

Boats will be allowed to anchor for up to ~~three~~ seven days in all Tisbury waters provided the vessel is checked every 24 hours by the owner or by a Harbor approved agent. All boats must be pumped out within the first two days of arrival to establish that they have functioning holding tanks and thereafter on a schedule depending on the number of persons on board and the size of the holding tank. ~~The schedule is based on five gallons per day per person.~~

The Town of Tisbury's docks piers and landings are intended for recreational use of its citizens and visitors. Under certain circumstances, limited commercial activity may be allowed on public facilities in the Town under the following regulations.

1. All uses of any town dock or pier or adjacent properties shall be at the user's risk.
2. No vessel shall be left unattended at a town dock without permission of the Harbormaster or Assistant.
3. The day-to-day direction of the use of town docks or piers shall be undertaken by the Harbormaster or Assistants.
4. Major repairs or maintenance of vessels are usually not allowed at town facilities. The extent of any work allowed will be determined by the Harbormaster or Assistant.
5. Swimming and diving are forbidden from Town docks ~~or~~ piers or outside designated areas.
6. Use of electric power from the pier is forbidden, except with the permission of the Harbormaster.
7. Pedestrians may use the pier for walking and fishing as long as such activity does not interfere with other uses set forth in these regulations
8. No charcoal grills, barbecues, or other open fires may be used on the pier or aboard any boat tied up at the pier.
9. No generating units on a vessel, portable or permanently installed, may be used while the vessel is tied to any Town Pier, or rafted to another boat tied to the pier.
10. No Overnight docking without daily permission from the Harbormaster
11. 20 minute parking spaces are for temporary loading and unloading only -.

#### LAKE STREET PEIR REGULATIONS – Page 6.

#### INTENT

~~The dock, boat ramp, landing and parking area at the foot of Lake Street is a Town of Tisbury facility serving those seeking access to Lake Tashmoo. This small facility serves a wide constituency including recreational power and sail boaters, kayakers,~~

shell fishermen, commercial fishermen and charter boats. The following regulations will help facilitate shared use by all.

#### 1. Dock Usage:

- ~~Two spaces shall be reserved near the outer end of the pier for the Harbormaster and the Shellfish Department boats.~~
- ~~The outside west side of the dock is for loading and unloading and is limited to 15 minutes (or more with permission of the Harbormaster).~~
- ~~There is no dockage allowed on the north side of the dock by the boat ramp except where designated and will be limited to 15 minutes for active launching.~~
- ~~Dock space will be limited to 20 minutes for loading and unloading along the along the bulkhead. Exception: Licensed fishing boats may dock here for up to 2 hours for active loading and unloading of gear.~~
- ~~Commercial boats may dock for up to two hours on the South side of the dock but only if they are attended at all times~~
- ~~No overnight docking is allowed without daily permission from the Harbormaster.~~
- ~~Use of electric power from the pier is forbidden, except with permission from the Harbormaster.~~
- ~~The potable water spigot near the end of the pier is available for brief use by boaters.~~
- ~~No charcoal grills, barbecues, or other open fires may be used on the pier or aboard any boat tied up at the pier.~~
- ~~No generating units on a vessel, portable or permanently installed, may be used while the vessel is tied to the Lake Street Pier, or rafted to another boat tied to the pier.~~
- ~~Pedestrians may use the pier for walking and fishing as long as such activity does not interfere with other uses set forth in these regulations.~~
- ~~Storage of gear on the dock is allowed from June 15 through September 15 for up to 72 hours. During other seasons, the limit is 7 days. Gear should not obstruct passage for other dock users. Bait may not be stored on the dock at any time. Carcass collection barrels must be covered at all times and emptied daily.~~

~~From November 1 through April 1, boats may extend their use of the dock with permission of the Harbormaster, although the west face of the dock must be kept open at all times. In adverse weather conditions, boats must leave the dock.~~

## 2. Parking

- ~~• 20 minute parking spaces are for temporary loading and un-loading only.~~
- ~~• Handicapped space is required for any public facility and must be kept open for those with a current handicap sticker.~~
- ~~• Parking violations will be subject to enforcement by local police.~~

The dock, boat ramp, landing and parking area at the foot of Lake Street is a Town of Tisbury facility serving those seeking access to Lake Tashmoo. This small facility serves a wide constituency including recreational power and sailboats, kayakers, shellfishermen shellfishing, commercial fishermen and charter boats. The following regulations will help facilitate shared use by all.

### Dock Usage:

1. Two spaces shall be reserved near the outer end of the pier for the Harbormaster and the Shellfish Department boats.
2. The face (outside west side) of the dock is for loading and unloading and is limited to ~~45~~ 20 minutes (or more with permission of the Harbormaster).
3. There is no dockage allowed on the north side of the dock by the boat ramp except where designated and will be limited to ~~45~~ 20 minutes for active launching.
4. Dock space will be limited to 20 minutes for loading and unloading along the along the bulkhead. Exception: Licensed fishing boats may dock here for up to 2 hours for active loading and unloading of gear.
5. Boats may dock for up to two hours on the South side of the dock but only if they are attended at all times. (May 17, 2015)
6. Storage of gear on the dock is allowed from June 15 through September 15 for up to 72 hours. During other seasons, the limit is 7 days. Gear should not obstruct passage for other dock users. Bait may not be stored on the dock at any time. Carcass collection barrels must be covered at all times and emptied daily.
7. ~~All boaters with moorings in Lake Tashmoo, except those commercial fishermen with dockside-fueling permits, may be allowed to use 5-gallon containers to transport fuel to their vessels. They may not fill their tanks at dockside from 5-gallon containers. (May 4, 2010).~~

8. From November 1 through April 1, boats may extend their use of the dock with permission of the Harbormaster, although the west face of the dock must be kept open at all times. In adverse weather conditions, boats must leave the dock.

#### TOWN PIER USE VIOLATIONS:

1. Violations of overnight docking will be fined \$50 for the first offense, \$100 for the second offense, and \$200 for the third offense. A fourth violation will result in the loss of mooring privileges.

2. Violations of docking time limits will be subject to a \$25 fine. Repeated violations may result in the loss of mooring privileges.

3. Violations of gear storage regulations will result in removal by the Harbormaster. The owner must pay removal and storage fees plus a \$50 fine.

4. The Harbormaster has the right to remove inactive dinghies from the floating dock after 72 hours.

5. Town Dinghy will be retrieved by the Harbormaster for use by others if left bon mooring. There will be a \$25.00 charge if the Harbormaster has to retrieve dinghy from a mooring.

6. Dingies should be removed from the beach by December .

#### COMMERCIAL ACTIVITIES - PAGE 8

#### PERMITTING PROCESS FOR COMMERCIAL ACTIVITIES.

#### VIOLATIONS – Page 9

Whoever operates any commercial activity, business or any marine endeavor for profit or hire or the like on any Town pier without first being permitted as stated above, or upon application, having had the application denied by the Board, shall be subject to a fine of not more than one Hundred Dollars (\$100) for each occasion of non-permitted activity. Each occasion on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a limitation of any method of enforcement, including criminal, civil or non-criminal disposition. (April 20, 2010)

#### PENALTIES

Each day on which any violation or offense shall exist shall be deemed to be a separate violation or offense. Nothing contained herein shall be construed to be a

limitation of any method of enforcement, including criminal, civil or non-criminal disposition.

A. Criminal Complaint: Whoever violates any provision of these Regulations may be penalized by indictment or on complaint brought in the District Court. Except as may be otherwise provided by law and as the Court may see fit to impose, the maximum penalties for each violation or offense shall not be more than \$50.00 dollars.

B. Non-criminal Disposition: Whoever violates any provision of these Regulations may be penalized by the non-criminal disposition method as provided for in G. L. c. 40, section 21D, as the same is or may hereafter be amended or supplemented. Nothing contained herein shall require the use of the non-criminal disposition method. The non-criminal disposition penalty for each violation shall be \$25.00 dollars, unless otherwise allowed by law.

OWEN PARK PIER REGULATIONS Page 4 – Item 1.

1. Two spaces shall be reserved near the outer end of the pier for the Harbormaster's boats. One space shall be made available to commercial fishermen who are actively fishing, rafting will be allowed. Fishing vessels may not exceed 40 feet in length without permission of the Harbormaster.

Matt Hobart made a motion and Jerry Goodale seconded. **All were in favor**

Revision suggestions with respect to Houseboats, Floating Business and Liveboard in more readable format:

PAGE 3 -USE OF VESSEL AS AN ABODE A LIVE-A-ABORD

DEFINITIONS (Move Definitions to new subsection on Page 1 after section Intent)

FLOATING BUSINESS – a business that is water dependent in its use and to occur requires direct access to water.

HOUSEBOAT – a building constructed on a raft, barge or hull that is primarily for a single or multifamily habitation; if use for transportation this is secondary.

INACTIVE - An inoperable vessel is defined as a vessel whose main source of propulsion is designed to be an engine and which is incapable of being operated under its own power, or any vessel whose main source of propulsion is designed to be sail and which is unable to be sailed.

VESSEL – Watercraft of every description, except a seaplane on the water used or capable of being used as a means of transportation on water.

#### USE OF VESSELS AS AN-ABODE A LIVE-A-BOARD:

No vessel owner or person in charge thereof shall keep at a mooring an inoperable vessel for more than 30 days in any year unless an extension is granted by the Harbormaster.

At the Harbormaster's request all vessels shall be required to leave its mooring and transit the body of water in which it is moored and return to its mooring to prove the vessel is operable under its own power. (voted 10/17/2018)

#### LIVE-A-BOARD

The Town of Tisbury recognizes that people living aboard their vessels on the towns waterways is an activity that is part of the marine and boating community, as such the Town of Tisbury wish to maintain and preserve this way of life.

People who to choose to live aboard their vessels on a year round basis shall seek the approval of the Harbormaster. Should the Harbormaster give their permission to do so the vessel owner will be required to sign a waiver releasing the Town of Tisbury of any liability. (Waiver to be written with the assistance to counsel)

#### HOUSEBOATS

As of \_\_\_\_\_ (date) no more houseboats will be allowed in the waters of the Inner Harbor. (voted June 20, 2018)

#### FLOATING BUSINESS

As of XXXXXXXXXX (Date), all floating businesses must submit an application for permit as stated below. Any businesses that are non-water dependent are prohibited. All uses outlined in the DCPC regulations .03 Use of Channels, Moorings and Anchorages (c) and .08 Exemptions (b) Water- related Activities are excluded.

- a) All applications for workshop or floating business must be a water dependent use to be considered.

Any person or business desiring a Tisbury Waterways Use Permit ("Permit") shall apply in writing to the Board of Selectmen who shall immediately transmit the application to the Harbor Management Committee for a recommendation. In the case of Permits to operate ferry service, the application must specify with particularity the proposed schedule and the equipment to be used.

- b) The Harbor Management Committee shall make a recommendation within 91 days of transmittal.
- c) If the Committee fails to make a recommendation to the Selectmen on an application for a Harbor Use Permit within 91 days, the Selectmen will proceed without the recommendation by the Committee.
- d) The Board of Selectmen shall then hold a public hearing within 30 days of receipt of application to invite comment on the Permit application, and shall carefully consider the impact of the proposed use or activities in light of the purposes of this Section.
- e) If the Board of Selectmen determines that the proposed use or activity is consistent with the purpose of this regulation, the Permit shall be granted subject to such conditions and time limitations as the Selectmen in their discretion may grant, and such permit shall be valid for as long as the permitted use or activity is carried on by the Permit holder.

Matt Hobart made a motion and Bekka EIDiery seconded. **All were in favor.**

In considering further suggestions put forward by Town Administrator to add the following to section regarding Houseboats:

~~Removing previously voted recommendation of “b) the vessel MS\_\_\_\_\_ is pre-existing and therefore exempt from the provisions of this section”~~

“b) Houseboats that predate the enactment of this regulation shall be allowed to continue subject to meeting sanitation and safety regulations as determined by the Town of Tisbury. Prior to the enactment of said regulation, the Harbormaster shall compile and maintain an official list of pre-existing houseboat(s) which shall be fitted will be filed with the Office of the Town Clark”

In addition under Floating Business Section to change the language in f) as the follows:

~~Removing previously voted recommendation of “f) the vessel MS\_\_\_\_\_ “ and using “vessel recognized by its Federal Documentation Number \_\_\_\_\_”~~

Matt Hobart made a motion and John Packer seconded. **All were in favor.**

Discussions and review of Boats under Winter Storage. The following language to be added to Page 14 Item 20 Inoperable vessels under winter storage:



1. Every vessel in any of the Town's waterways can only be stored for the winter, of a town or private mooring that has a current up to date inspection. There will be no exceptions.
2. Every vessel winter stored on a Town or private mooring in any Tisbury Waterway must have liability insurance. A copy of the insurance binder to be provided to the Harbor Master.
3. Mooring pennants must be heavy duty and have heavy chafe gear at a minimum, through chocks and over bob stays.
4. Every vessel in winter storage in any of its Waterways must have a designated caretaker at all times. Care taker must sign in with the Harbormaster Office at least once every two weeks.
5. No vessel should be moved from their winter storage mooring if the vessel meets all winter storage regulations without notification to the owner.
6. The Harbormaster will determine which boats are appropriate for winter storage in the Tisbury Waterways.
7. Boats should only be stored in the more protected areas of in all of the Tisbury Waterways

Matt Hobart made a motion and John Packer seconded. **All were in favor.**

With all the approved recommendations incorporated into the final documents for review by the Town Selectmen. Matt Hobart made a motion and John Packer seconded to forward the final document that incorporated all the recommended changes to the Tisbury Waterways Regulations to the Town Selectmen and Town Counsel for review.

**All were in favor.**

Next item discussed was the Town of Tisbury Harbor Budget for 2020. John Croker presented the budget for 2020. Going over line items, the biggest item was taking mooring maintenance out of the budget to be funded by the Waterways Fund. Waterways Fund is primarily used for dredging and maintenance of piers. John Packer raised some questions relating to cutting the maintenance service and who will be paying for it in the future. It was explained that the maintenance would be paid from the Waterways Fund. Waterways Fund is funded by a 50% of boat excise tax and by mooring permit fees. John Crocker also explained that he intends to recommend increasing revenue for the department by raising current mooring permit fees and leases. He stated that had not been increase two years. The Towns of Oak Bluffs and Edgartown are also increasing their fees.

The majority of vessels with moorings are in the 20ft-30ft range whose annual permit fee is \$159.00. It is proposed to increase the rates 10% in 2019, 10% in 2021 and \$10% in 2023. Ideally the new rates would be imposed on the next billing cycle which

is due to go out soon. and any increase in mooring permit fees would have to go to a public hearing. Funding for the changeover of environmental moorings to chain moorings for Town owned moorings will come from the Waterways Fund and has already been budgeted.

The Capital Plan was reviewed. It outlines some grant assisted projects such as the Own Park Pier of which the Town is seeking a grant of \$560,000 from the Seaport Economic Council. It is anticipated that the Town's share of the project would be in the region of \$350,000.

Lynn Fraker stated that the Harbor brings in a lot of revenue for the Town and felt that the increase in fees would be a burden to recreational boaters. On looking at the salaries of staff for the department she was concerned that the Administrative Assistant position is funded out of the harbor department budget and not shared in part with the shellfish department.

Also discussed were the Articles for 2020, in a particular for \$100,000 for future dredge projects including surveying, engineering and permitting, \$150,000 to assess the current condition of the Tashmoo Channel jetties, \$200,000 to assess the current conditions of the Inner Harbor Breakwater and \$250,000 to assess the current conditions of the Eastville jetty.

Lynn Fraker also proposed two more articles which were a new town dinghy at Tashmoo and a Ramp at Owen Park. John Crocker said adding a ramp was a good idea and perhaps could be included in the rebuilding the Town pier. It was suggested that there may be a dinghy at the DPW that could be used for Tashmoo.

John Packer made a motion and Bekka EIDiery seconded to adjourn. **All were in favor.**

The meeting adjourned at 6:20pm

