MINUTES
TOWN OF HARWICH
WATERWAYS COMMITTEE
Harwich Channel Studio
Community Center
100 Oak Street
Wednesday, September 18, 2024, 6:00 PM

MEMBERS PARTICIPATING: Roger Peterson, Vice Chair, Rich Shivery, Jay Walpole, Larry Brutti and Dan Casey

ALSO PARTICIPATING: John Rendon, Harbormaster

<u>Attendance and Introductions:</u>

Mr. Peterson called the meeting of the Waterways Committee to order at 6:01PM and asked that all guests sign in.

MINUTES: August 21, 2024 Review & Approval

Mr. Rendon noted that he had reviewed the Minutes.

Mr. Shevory moved to approve the Minutes of August 21, 2024, seconded by Mr. Walpole..

Vote: 5:0 in favor. Motion carried.

CONSENT AGENDA: None

OPEN FORUM:

Mr. Brutti requested that, moving forward, they get documentation one week prior to the meeting and only discuss items from that point forward. He commented that getting information four hours before a meeting does not allow them time to review.

Mr. Rendon noted that he had called the Town Clerk when the information was sent hours before the meeting. He had asked if the information could be discussed or voted on because it wasn't on the Agenda. The Clerk had replied that, because it applies to what is on the Agenda it can be discussed. As part of the Open meeting Law, changes can be submitted up until the start of the meeting. If the Committee is not prepared to discuss the information, it can be brought back.

Mr. Peterson affirmed the if it is part of the Open Meeting Law, they have to accept the information but they can decide if they want to discuss it or bring it back.

FINANCIAL REPORT: August 2024 Monthly

Mr. Rendon noted that the report is in the packet. He noted the visitor dockage which makes up the shortage for this August vs FY24.

NEW BUSINESS:

1. Slip & Mooring Rates – Discussion (Mark Kelleher)

Mark Kelleher of West Harwich was present. He explained the results of a survey and information he found regarding non-taxpayer rates. He clarified that residents who are just here in the summer are taxpayers. Mr. Kelleher found, while doing research that seven of the ten towns that he surveyed, charged more for non-taxpayers in varying amounts. He noted that there are split fees for other things in town. He also noted that KP Law had stated that they could charge split fees for moorings and slips. Mr. Kelleher commented on the Capital Projects ahead for the waterways. He feels this would reduce the burden for the taxpayers and it's also good practice to try and generate as much revenue as possible.

Mr. Rendon commented that they have done a couple of rate changes in the past and he has done surveys. There has been one rate for the years he has been in there position of Harbormaster. He noted that they use a lot of MA state grant money to help the facilities which he feels need to be considered. Mr. Rendon also commented that Mr. Kelleher had included moorings in the survey. By Mass General Law you can't discriminate based on residency so any town that is doing resident and nonresident mooring fees is not legal. He is unsure how many non taxpayers they have but it is something to consider.

Mr. Peterson stated that the split fees is something they can consider when they're planning the next fiscal year. He invited Mr. Kelleher to come before the Committee again when they are closer to discussing next season.

Mr Rendon stated that they had a rate change in boating season 2022. In November of 2021, he had recommended an 8% increase of fees at a rate of 2% per year to the Select Board. The Select Board had approved the increase. His plan had been to look at increasing rates every four years. Any rate change they would have, would be for 2026; would start looking at the rate change in 2025. They will look at the rates, as a Committee and noted that their letters for dockage will be going out next month.

OLD BUSINESS:

1. Proposed Bulkhead Replacement, Dredging and Install of Floats for Scallop Farming – 11 River Bend Road (BSC Group)

Mr. Peterson noted that the BSC Group is back with updated plans for their proposed project at 11 River Bend Road.

A member of the audience commented that they had looked at the documents on the website but have not seen the documents that came in within the last four hours.

Mr. Peterson noted that by the Open Meeting Law, they are on the Agenda and the Committee has to hear them out.

Mr. Chrisman participated remotely. He noted that the two applicants are present at the meeting. He stated that he had forwarded a short Power Point that summarizes the changes that they just mentioned. He offered to share his screen. Mr. Chrisman presented the Power Point. He noted that after the plan was submitted, there was a great deal of conversation amongst the engineers, the structural people and the applicant. He described the plan before the Committee in detail, noting each slide. What was delivered this afternoon was a 5 scale plan of just the work area. He described the plan in detail. He noted the second sheet that has the proposed conditions and described those in detail. Mr. Chrisman emphasized that their goal is to get the process as far away from the channel as possible. The biggest change is the placement of the floats that were down at the bottom, up at the top and they will be in the cove. Mr. Chrisman continued with details of the changes and summarized the proposed changes.

Ms. Raddatz, BSC Group, commented that she didn't think they had submitted the revised shellfish memo and photo pages. She offered to show images of them if needed. She also noted the purpose of the shellfish survey and the results of that survey.

Mr. Rendon commented that it was interesting to hear but he did not feel they should take action on this plan at this meeting. He has not had the opportunity to look and see what the impact would be to add the floats to the north. Whenever a plan is before him, he requires the engineer to put stakes out so he can see visually as well as do a site visit. He has not had the opportunity to do that with this plan but he did request that it be done. Mr. Rendon commented that it is not in alignment with the input he had last meeting. He addressed Mr. Lang (property owner) and commented that change after change and last minute changes is not fair to those who have to evaluate. He explained that they put the agenda out a week ahead of time to give people an opportunity to look at it and formulate opinions. He needs time to digest the information, have a site visit and look closely at it.

Mr. Walpole commented that he would like to see the Harbormaster's evaluation before he makes a decision.

Mr. Brutti commented that their purview is its effect on the waterway, not anything to do with a business, what the property is zoned for etc. He noted that this isn't the forum to vet emotions.

Mr. Peterson confirmed with Committee members that they need more time to consider the latest change of plans. He opened up the discussion to the public and reminded them that the only thing the Committee can discuss and consider is the effect on the waterways.

Mr. Rendon commented on the narrative that is addressed to the Conservation Commission about the placement of the new bulkhead. He confirmed with owner that there is a proposed change to the plan for the bulkhead.

Mr. Lang commented on what his understanding was at the last meeting, which he described.

Mr. Rendon replied what he had stated at the last meeting regarding the floats.

Mr. Lang and Mr. Rendon discussed the placement of the floats.

Howard Curtain of Harbor Way was present and asked if the Waterways Commission has any interest in anything that 's outside the channel. Is anything that has to do with navigation what they are interested in and nothing else?

Mr. Peterson replied that they do have the full waterway.

Mr. Curtain asked if the impact to the commercial enterprise in the Cove does have the Commission's interest in some way.

Mr. Peterson confirmed that they are not dismissing the cove. Their interest is the entire waterway and the channel and cove are part of it.

Matt Damon of Chase Street was present. He commented that he knows the river very well and requested that the Commission look at the river at low tide and explained why. He also expressed his concerns about the proposed plan and what he feels the effects will be.

Noreen Cahalane of West Harwich was present. She distributed pictures to the Committee members. She described the pictures and expressed concerns about the proposed plan. She asked the applicant specific questions about the floats and square footage.

Dan Ward was present, he is doing the scallop project with Mr. Lang. He noted that the changes and last minute modifications are because they are trying to find something that limits the impact on navigation. He described some the points in the plan and asked questions of the Committee. If the newest plan doesn't matter, they will go back to the old one.

Mr. Rendon commented that the less they are going into the current waterway, the better. He commented that they are not wasting their time but he wants to see it.

Mr. Ward commented that, before they mark anything he wants to know if it's a final plan. He asked specific questions about possible changes which Mr. Rendon and Mr. Peterson answered or responded to. He would like to be able to submit all the plans with all the detail and all the scale that the Committee wants and to mark it out in the waterway.

Mr. Rendon commented that the two further south floats in the updated plan, don't work for him.

Mr. Ward asked if the Committee would agree to allow him to mark and submit specific parts of the plan to get comments before moving forward.

Mr. Peterson replied that they need time to go on site and review the next plan that is submitted before this committee.

Ms. Cahalane noted that the Committee didn't vote at the last meeting because there was an issue on the property line and that the Committee had requested that the applicant do a survey of the property. She asked if a survey had been done.

Mr. Lang replied that the survey was done. He explained that he had personal communication with Mr. Kelleher and described the results of that communication. Mr. Lang is working on getting a signed document that will say that Mr. Kelleher will work with him when they put in the seawall.

Attorney Pyle commented that she had spoken with Mr Kelleher before the meeting. She stated that Mr, Lang had sent an email but Mr. Kelleher is not in a position to do that at this time. They have not reached an agreement but anticipate future conversation.

Ginny Doyle of North Road was present. She noted that they are discussing the height of the bulkhead and the pilings. She asked if it was possible, when they do a site visit, to have a flag lot so the abutters can see how tall all of this will be.

Mr. Rendon replied that the applicant should be able to put a single post as a reference point. Regarding the question of who approves he plan, Mr. Rendon stated that the Conservation Commission is the approving authority.

Mr. Chrisman described the height of the pilings and the reasons for that height.

Mr. Peterson noted how the height of the piling is determined and explained that it is a regulatory issue.

Mr. Walpole moved to continue the discussion until the next meeting. Seconded by Mr. Shevory.

Vote: 4:0 in favor. Motion carried.

MONTHLY REPORTS:

Board of Selectmen

Harbormaster

Mr. Rendon asked for questions about his report and noted specific items. .

Natural Resource Officer

CORRESPONDANCE:

1. Revised Waterways Committee Charge

Mr. Rendon noted the process for writing the Committee Charge and his request for a slight change. He also noted that an annual review of the Harbor Management Plan shall be conducted by the Waterways Committee.

NEXT MEETING: Wednesday Oct 16, 2024

ADJOURNMENT:

A motion to adjourn was made and seconded.

Vote 4:0 in favor. Motion carried.

Meeting adjourned at 7:10PM.

Respectfully submitted,

Judi Moldstad
Board Secretary.

10/17/24