

# **Minutes**

**Public Facilities Committee  
1<sup>st</sup> Floor Council Conference Room  
City Hall 9 Dale Ave.  
Gloucester, MA 01930  
November 27, 2012**

**Present:** Patti Page, Phil Cusumano , Tom Hovey and Cate Banks

**Also Present :** Ian Gardiner

Chairperson Banks opened the meeting at 6:30 P.M.

## **Item 1: Mr. Gardiner, Water Line Easement over Head of Lobster Cove Public Landing**

Cate Banks explained to the committee that she had been informed by past Board members that there is an unresolved encroachment issue on one side between the property that Mr. Gardiner owns, 4 Lane Road, and the public landing that appears to bound his property on three sides. The proposed waterline is to run on one side. She also stated that she had asked the Harbormaster's office to have the city's archive department provide whatever historical information might exist regarding this public landing. That information was not yet available.

She further explained that it is her interest that the Board and Mr. Gardiner work together to get a satisfactory resolution on this issue, creating a file for future reference, such that neither Mr. Gardiner, or future property owners, nor the Board need to revisit this issue. She said that now is the time to resolve this while discussing the possible granting of an easement by the City for a private waterline through city property. She also explained that she had begun to do some research on the encroachment question but still had more sources to check with. She said that on a previous, unrelated, site visit to the area that she had asked the Harbormaster's office to have the landing boundary marked by a surveyor and that this is the time to follow through and have the bounds stake off.

Mr. Gardiner told the committee that he believed the encroachment issue had been resolved and asked that the committee look into the records of the city's legal department. Cate Banks asked Mr. Gardiner to provide the timeframe when this had been discussed to help expedite the research process.

Discussion followed with questions about whether there is any connection between a request for an easement and the possibility of encroachment.

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Cate Banks explained that since the Waterway Board has been given custody of the city's public landings it is her feeling that we should use this opportunity to straighten out any potential problem and make a decision on the water line without creating a new problem. Surveying the landing property line is a first step. The research can continue at the same time so that Mr. Gardiner can have an answer to his request within a reasonable time.

Cate Banks also explained that she had been told that once the Board makes a decision on the waterline the City Council will have to vote to accept or deny the easement request that will be drafted by the city's legal department. Compensation to the city for the easement was also discussed.

A motion was made by Phil Cusumano with a second by Patti Page to recommend to the Waterway's Board that the property lines between 4 Lane Road, Mr. Gardiner's land, and the Head of Lobster Cove public landing be surveyed.

Discussion followed with Patti Page suggesting that this would be a good time for the Board to have the entire Landing surveyed since it encompasses a large area. Phil Cusumano accepted this amendment to his motion. The committee voted unanimously to recommend to the Board that the Head of Lobster Cove landing be surveyed and staked.

**Item 2: Sailing School Tie-Up at Cripple Cove Landing** This item was tabled until a time when the Harbormaster is in attendance.

**Item 3: Review of Chapter 91 licenses** None presented

**Item 4: Review of amendments to mooring permits** None presented

**Item 5: Continuing and Unanticipated Business** Patti Page suggested that a central location be created for information about Public Landings.

The being no other business the meeting adjourned at 7:15 P.M.

Respectfully submitted,

Cate Banks