

**Regulations Review Committee
1st Floor Council Conference Room
City Hall 9 Dale Avenue
Gloucester, MA 01930
November 25, 2013**

MINUTES

Present: Tony Gross, Ralph Pino, Cate Banks and Jim Caulkett

Also Present: Mark Lacey

Chairperson Banks opened the meeting at 5:02 P.M.

Item One: Article IV Section 10 Designated Mooring areas subsection B. Limited Access Areas

The committee discussed the fact that the current Policies, Rules and Regulations Governing Gloucester's Waterways and Public Waterfront Facilities calls for a public hearing to be held whenever there is a proposed change to the regulations that is considered to be "significant". The committee then reviewed the changes that it had presented to the board since the last revision was completed in March of 2012 and pulled out those that they determined qualify as "significant" and therefore require a public hearing. Minutes of previous Board meetings, in the years 2005 and 2006, were presented and discussed with regard to prior changes to the regulations. It was requested that copies of these minutes be distributed to all Board members prior to the next Board meeting.

On a MOTION by Tony Gross, seconded by Ralph Pino it was voted unanimously to recommend to the full board to rescind the votes taken on the new changes for the following sections of Article IV; Section 2 J, Section 3 C & E, Section 5 C & G, Section 10 B and Section 11 E & F. Copies of those proposed changes are attached to these minutes.

On a MOTION by Cate Banks, seconded by Ralph Pino it was voted unanimously to recommend to the full Board to hold a public hearing on the following proposed changes to Article IV of the Policies, Rules and Regulations Governing Gloucester's Waterways and Public Waterfront Facilities on Thursday January 16, 2014 at 7:00 P.M. in the Kyrouz Auditorium located in Gloucester's City Hall; Section 2 J, Section 3 C & E, Section 5 C & G, Section 10 B and Section 11 E & F. Copies of those proposed changes are attached to these minutes.

The public hearing will be advertised in the last week of December to achieve giving notice a minimum of two weeks prior to the date of the public hearing.

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MINUTES Cont.

Item Two: Article II Section 12 Public Hearings

Chairperson Banks asked the committee if this section needs to be revised to clarify what a “significant” change would be. The committee felt that no action was needed on this section of the Policies.

Item Three: Prioritize any other Policies, Rules and Regulation issues that need to be discussed at future meetings None at this time

Item Four: Continuing and unanticipated business None

Meeting adjourned at 6:25 P.M.

Respectfully submitted,

Cate Banks

Proposed Changes to The Policies, Rules and Regulations Governing Gloucester’s Waterways and Public Waterfront Facilities

ARTICLE IV

Section 2 J Amendment of Permit

Current language:

If a permittee enters into a partnership, sells a vessel of record or purchases a new vessel, the Harbormaster must be notified immediately for an amendment to the Mooring Permit. The Harbormaster’s approval of the amendment must take place prior to attaching the new vessel to the mooring. In the case of an amendment to a Mooring Permit which changes the use, location, size or mass of the vessel to be moored, the Harbormaster may grant temporary approval of the application pending final review by the Waterways Board. The Waterways Board shall review the Mooring Permit Amendment, consider the Harbormaster’s recommendation and may make a determination to hold a Public Hearing, based on the need to receive public input on particular questions of navigation or impact on the public use and enjoyment of the waterways. If a Public Hearing is not deemed to be necessary, the Board shall direct the Harbormaster to take appropriate action on the application. If the LOA or space requirements of the new vessel is different than that of the previous vessel of record the Harbormaster may require relocation of the mooring at the owners expense. If the LOA of the new vessel is greater than the prior vessel and the available space is not adequate, or if relocation space is not available or location swap with another mooring is not feasible, the Harbormaster may deny the request for an amended Mooring Permit.

Proposed Language (noted in upper case **BOLD**)

If a permittee enters into a partnership, sells a vessel of record or purchases a new vessel, the Harbormaster must be notified immediately for an amendment to the Mooring Permit. The Harbormaster’s approval of the amendment must take place prior to attaching the new vessel to the mooring. In the case of an amendment to a Mooring Permit which changes the use, location, **LENGTH, BEAM**, size or mass of the vessel to be moored, the Harbormaster may grant temporary approval of the application pending final review by the Waterways Board. The Waterways Board shall review the Mooring Permit Amendment, consider the Harbormaster’s recommendation and may make a determination to hold a Public Hearing, based on the need to receive public input on particular questions of navigation or impact on the public use and enjoyment of the waterways. If a Public Hearing is not deemed to be necessary, the Board shall direct the Harbormaster to take appropriate action on the application. If the LOA, **BEAM**, or space requirements of the new vessel is different than that of the previous vessel of record the Harbormaster may require relocation of the mooring at the owners expense. If the LOA of the new vessel is greater than the prior vessel and the available space is not adequate, or if relocation space is not available or location swap with another mooring is not feasible, the Harbormaster may deny the request for an amended Mooring Permit.

Proposed Changes to The Policies, Rules and Regulations Governing Gloucester's Waterways and Public Waterfront Facilities

ARTICLE IV

Section 3 C Application Information

Current Language:

A person wishing to have their name placed on a mooring list must either present themselves to the Harbormaster's office to complete the appropriate application or call to have an application faxed. Due to date and time stamp constraints mailed applications cannot be accepted. There is a \$10.00 renewal fee for each year after the initial application. While there is no requirement for a wait list applicant to own a vessel, it is required that when the applicant reaches position number five (# 5) a vessel length must be declared. It is the responsibility of the applicant to keep this information current each year until a mooring space becomes available. Declaration of vessel length is important because this will be used to determine the applicant's eligibility for the space that has just become available.

Proposed Language (additions noted in **BOLD** removed language noted by ~~strikethrough~~)

A person wishing to have their name placed on a mooring list must either present themselves to the Harbormaster's office to complete the appropriate application or call to have an application faxed. Due to date and time stamp constraints mailed applications cannot be accepted. There is a \$10.00 renewal fee for each year after the initial application. **It is the responsibility of the applicant to keep their contact information [and boat information if otherwise required herein] current each year until a mooring space becomes available.** While there is no requirement for a wait list applicant to own a vessel, it is required that when the applicant reaches position number five (# 5) a vessel length must be declared. ~~It is the responsibility of the applicant to keep this information current each year until a mooring space becomes available.~~ Declaration of vessel length is important because this will be used to determine the applicant's eligibility for the space that has just become available. **Wait list applicants in the top five (5) spots on a waiting list must notify the Harbormaster of their preferred method of being contacted in the event a space becomes available. Timely response when notified is required pursuant to Article IV Sec. 3 (e).**

Section 3 E Notification

Current language:

When a space becomes available the first person on the wait list for that area will be notified by the Harbormaster via certified mail. Said person shall have forty five (45) days to respond to the Harbormaster to determine if their vessel is suitable for the available space. The person will be given the opportunity to match their vessel size to the space or opt to be passed over. If the person fails to respond, or turns down the opportunity to install a mooring at the designated location, the Harbormaster shall proceed to the next person on the waiting list. Applicants wishing to be passed over may do so for as long as they chose and continue to renew their application and pay the renewal fee. This process shall be repeated until a proper sized vessel is found for the vacated mooring space. In some situations it may be necessary to review the mooring field to determine if rearranging moorings might prove to better serve the mooring needs. A person assigned a mooring will have one (1) calendar year to place a vessel on the mooring. Provided, however, that a mooring fee, based on the declared length on the wait list, will be paid for the year regardless if there is a vessel to occupy the space.

Article IV

Section 3 E Notification

Proposed Language (additions noted in **BOLD** removed language noted by ~~strikethrough~~)

When a space becomes available the first person on the wait list for that area will be notified by the Harbormaster via certified mail. Said person shall have ~~forty five (45)~~ **twenty one (21)** days to respond to the Harbormaster to determine if their vessel is suitable for the available space. The person will be given the opportunity to match their vessel size to the space or opt to be passed over. If the person fails to respond, or turns down the opportunity to install a mooring at the designated location, the Harbormaster shall proceed to the next person on the waiting list. Applicants wishing to be passed over may do so for as long as they chose and continue to renew their application and pay the renewal fee. This process shall be repeated until a proper sized vessel is found for the vacated mooring space. In some situations it may be necessary to review the mooring field to determine if rearranging moorings might prove to better serve the mooring needs. A person assigned a mooring will have one (1) calendar year to place a vessel on the mooring. Provided, however, that a mooring fee, based on the declared length on the wait list, will be paid for the year regardless if there is a vessel to occupy the space.

Section 5 C Installation Standards

Current language:

All moorings within Gloucester's waterways shall maintain the following standards. The standards set forth herein are minimum standards for normal weather conditions. It is the responsibility of the permit holder to take additional measures in the event of stronger winds, extreme tides or other severe weather conditions. The Harbormaster reserves the right to alter these minimum standards due to the existence of the varying mooring loads created by dissimilar vessel characteristics and/or variables of local mooring areas. Substitutions are only allowed with written permission of the Harbormaster.

Proposed Language (new emphasis of **BOLD** identified by bold *Italics*, new language in **BOLD**, removed language noted by ~~strikethrough~~)

All moorings within Gloucester's waterways shall maintain the following standards. The standards set forth herein are ***minimum standards for normal weather conditions***. It is the responsibility of the permit holder to ~~take additional measures in the event of~~ ***provide proper and sufficient mooring knowing the probability of stronger winds, extreme tides or other severe weather conditions***. The Harbormaster reserves the right to ~~alter these minimum standards~~ ***stronger mooring*** due to the existence of the varying mooring loads created by dissimilar vessel characteristics and/or variables of local mooring areas. ~~Substitutions are only allowed with written permission of the Harbormaster.~~

Proposed Changes to The Policies, Rules and Regulations Governing Gloucester's Waterways and Public Waterfront Facilities

Article IV

Section 5 G Specifications for minimum mooring standards

Current language:

1. **Alternative mooring weight** Alternative mooring weight concepts such as a screw type or pyramid system (i.e. Helix or Dor-Mor) may be allowed with the Harbormaster's written permission.
2. **Bottom Chain** The length of the bottom chain in the Protected/Semi Protected areas and in Area 1 shall be at least equal in length to the depth of the water at MLW (Mean Low Water) at the permittee's mooring location. For Area 2 the bottom chain length shall require the use of MHW (Mean High Water) for this measurement.
3. **Chain and Pennant** The total length of chain and pennant shall be equal to at least 3 times the depth of water at MHW (Mean High Water) at permittee's location, not to exceed 4 times the depth of water at MHW without the written permission of the Harbormaster.
4. **Mooring pennant** The length of Mooring pennant shall be 2 ½ times the distance from the waterline through the chock and to the deck cleat of permittee's vessel.
5. **Variations from Minimum Standards** The Harbormaster may require or permit variations to these minimum standards. Such variations shall require a written explanation to be included in the permittee's file.

Proposed Language (removed language noted by ~~strikethrough~~)

1. **Alternative mooring weight** Alternative mooring weight concepts such as a screw type or pyramid system (i.e. Helix or Dor-Mor) may be allowed with the Harbormaster's written permission.
2. ~~**Bottom Chain** The length of the bottom chain in the Protected/Semi Protected areas and in Area 1 shall be at least equal in length to the depth of the water at MLW (Mean Low Water) at the permittee's mooring location. For Area 2 the bottom chain length shall require the use of MHW (Mean High Water) for this measurement.~~
3. ~~**Chain and Pennant** The total length of chain and pennant shall be equal to at least 3 times the depth of water at MHW (Mean High Water) at permittee's location, not to exceed 4 times the depth of water at MHW without the written permission of the Harbormaster.~~
4. ~~**Mooring pennant** The length of Mooring pennant shall be 2 ½ times the distance from the waterline through the chock and to the deck cleat of permittee's vessel.~~
5. **2. Variations from Minimum Standards** The Harbormaster may require or permit variations to these minimum standards. Such variations shall require a written explanation to be included in the permittee's file.

Proposed Changes to The Policies, Rules and Regulations Governing Gloucester’s Waterways and Public Waterfront Facilities

Article IV

Section 10 Designated Mooring Areas

B. Limited Access Areas

Current Language:

There are several areas that have been identified as “Limited Access Areas” due to their exposed locations and lack of adequate public access facilities within safe travel distance. Additional moorings will only be issued to people who have safe access from an existing ramp, float, dock or private beach. Such as:

Diamond Cove, Lighthouse Beach, Cambridge Beach, Lighthouse Cove (Raymond’s Beach), Salt Island, Essex Bay and Eastern Point Yacht Club

The reason for identifying these areas as limited access is solely based on safety. Traveling any distance by a small dinghy to these exposed areas would create a hazardous voyage. These areas are limited to those property owners that have immediate access. The Waterways Board shall, every five (5) years or sooner, review each of the areas listed as a Limited Access Area to determine if the public’s best interests continue to be served by this designation.

Proposed:

Delete in its entirety and move the seven listed mooring fields to **Section 10 Designated Mooring Areas A. Authorized Areas.**

Section 11 Designated Anchorage Areas

E. Transient Vessel

Current Language:

For the purposes of these regulations, the term “Transient Vessels” shall include commercial or recreational vessels visiting areas of Gloucester for up to fourteen (14) days. This includes vessels under or awaiting repair or service at a boat yard, marina, or other service facility. The Harbormaster may consider extending the use not to exceed thirty (30) days in a boating season on a case by case basis.

Proposed Language:

Delete the existing and replace with the following;

The Gloucester Waterways regulations seek to promote tourism and development of Gloucester Harbor as a welcoming port to transient vessels which are travelling from port to port as well as encourage locally-based vessels to anchor in the public anchorage and utilize onshore/downtown facilities and to regulate the use of moorings.

Proposed Changes to The Policies, Rules and Regulations Governing Gloucester's Waterways and Public Waterfront Facilities

Article IV

Section 11 Designated Anchorage Areas

F. Use of Anchorage

Current Language:

No person shall anchor a vessel in Gloucester waterways if in the opinion of the Harbormaster such anchoring has created an unsafe, unauthorized and/or illegal mooring. If such a mooring has been established, the owner and/or operator of said vessel shall be notified by the Harbormaster to cease and desist the violation. The Harbormaster may further order the vessel to be removed. Failure to comply with said order shall constitute a violation of the City of Gloucester Ordinance; Section 10-51 and shall be subject to a penalty pursuant to Section 10-51. Each day the vessel remains anchored in violation of said Ordinance shall constitute a separate violation.

Proposed Language: (new language in **BOLD)**

No person shall anchor a vessel in Gloucester waterways if in the opinion of the Harbormaster such anchoring has created an unsafe, unauthorized and/or illegal mooring. If such a mooring has been established, the owner and/or operator of said vessel shall be notified by the Harbormaster to cease and desist the violation. The Harbormaster may further order the vessel to be removed. Failure to comply with said order shall constitute a violation of the City of Gloucester Ordinance; Section 10-51 and shall be subject to a penalty pursuant to Section 10-51. Each day the vessel remains anchored in violation of said Ordinance shall constitute a separate violation.

An illegal mooring is defined as 1) an unpermitted mooring or 2) ground tackle including an anchor and chain which is used to temporarily secure a vessel for a period of more than 30 days in a calendar year in the Gloucester waterways, except that, vessels secured by ground tackle which are travelling or cruising from one port to another port and are transient vessels shall not be viewed as creating illegal moorings.