

Minutes

**Regulations Review Committee
1st Floor Council Conference Room
City Hall 9 Dale Avenue
Gloucester, MA 01930
Sept 12, 2013**

Present: Ralph Pino, Cate Banks, Jim Caulkett, Tony Gross (arrived later)

Also Present: Patti Page, Jim Bordinaro, Joe Boreland, Brett Ramsey, Aaron Tuffly, Michael Patil, “Dirt” Murray (arrived later)

Chairperson Banks opened the meeting at 5:03 P.M.

Item One: Article IV Section 2 Mooring Permits subsection E and J

Chairperson Banks explained the origin and the work that the Regulations Review committee has done over the past few years. She also explained that there has been a history of controversy surrounding vessels commonly known as “houseboats”. Due to a recent application to amend a permit so that a vessel known as a “houseboat” could increase the width by adding an “outrigger”, Banks felt it was time to try to clarify the intent of the regulations to guide current and future Board Members and Harbormaster when amendments such as this come before the board. Banks asked Jim Caulkett what his process was for dealing with amendment requests. He stated that normally his office visits the mooring site and evaluates the swing area for the proposed length. Width has not been considered as a rule. Banks explained that with the interest in vessels that have non-traditional width, for example, catamarans, trimarans as well as houseboats that perhaps width should be considered. Ralph Pino commented that he did not see a need to change the current regulations despite a Supreme Court ruling in Florida regarding “houseboats”. He felt that the wording of the regulations “change the use, location, size or mass of the vessel” was clear enough. Jim Bordinaro mentioned width as a consideration.

On a **motion** by Cate Banks, seconded by Ralph Pino it was voted unanimously (Tony Gross not present yet) to recommend to the full Board that Article IV Section 2 subsection J be amended as follows; (proposed changes shown in *bold italics*)

Regulations Review Committee Minutes continued

Article IV Section 2. Mooring Permits

J. Amendment of Permit 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.

Item Two: Article IV Section 10 Designated Mooring areas subsection B

Chairperson Banks explained that this item was included on the agenda because recent observation of the use of some mooring fields, Light House Beach and Cambridge Beach in particular, indicated that it was time for the Board to review the need for a limited access designation for these areas. The regulations call for a 5 year review of the limited access areas to determine if the public's best interests are continuing to be served by these limitations. Banks explained that in her opinion there was no longer a need for Lighthouse Beach and Cambridge Beach to have such a limitation since she had witnessed several people safely accessing vessels in those mooring fields from as far away as the wooden bridge area of Lobster Cove rather than the "property owners who have immediate access" as stated in the current regulations. Ralph Pino questioned why there was a need to have any mooring field be designated as limited access. Banks agreed based on the fact that tenders have grown in size and safety since this designation was originally created. Joe Boreland pointed out that the mooring permits issued in the Eastern Point area are issued to the individual and not to an entity like the Eastern Point Yacht Club. Banks pointed out that subsection A, Authorized Areas, gives the Harbormaster the authority to determine the safe access by applicants.

On a **Motion** by Cate Banks seconded by Ralph Pino it was unanimously by the three committee members to recommend to the Board that Subsection B of Article IV Section 10 be removed from the regulations.

Regulations Review Committee Minutes continued

Item Three: Prioritize any other Policies, Rules and Regulation issues that need to be discussed at future meetings

Chairperson Banks informed the committee that language might be needed to be added to the regulations regarding the use of Soloman Jacobs landing if BIG grant funds are received for the rebuild of that facility.

Item Five: Continuing and unanticipated business None

Meeting adjourned at 6:03 P.M

Respectfully submitted,

Cate Banks