

Minutes of Bay Management Commission, February 28, 2008

Present were Ned Lawson, Shawn Dahlen, John Brawley, Joe Messina, Don Beers, Jake Emerson and Michael Pforr.

Not Present were Jack Kent, Corey Wisneski, Emmet Sheehan and John Carnuccio

Draft Aquaculture Plan

Ned Lawson reported that the draft aquaculture plan had been distributed for comments and that the committee had proposed a deadline on March 6, 2008 for comments. Don Beers stated that he had reviewed the draft and agreed that the plan was good. Joe Messina and John Brawley reported that the Conservation Commission had reviewed the plan at its meeting on February 26th. The comments were generally positive.

Winter Safety

Don Beers made a presentation on the issue of winter safety and went through each of the items in Harbormaster's February 28, 2008 memorandum (attached here) in detail. After the presentation, the question was raised as to whether there is a need for public education relating to the plan for winter safety on the bay. The Harbormaster noted that most winter users of the bay know how to notify the Harbormaster and who to contact in case of an emergency. For example, water fowlers generally leave notification on their cars regarding where they are going and when they plan on returning. The Harbormaster office noted that they will be participating in the drill at the Percy Walker Pool relating to winter safety issues. Shawn Dahlen recommended that the Harbormaster's office notify the DPW that town landings should not be plowed in, as it may impede emergency access to the bay, rather than having to police the landings and call the DPW in the event of an access problem. It was recommended that the Harbormaster's memo on winter safety be incorporated into the Bay Management Plan.

Oil Spill Response

Joe Messina raised the issue of whether there is a plan in place to address an oil or chemical spill in the bay or on the front beach. The issue was raised as a result of a diesel fuel spill at the DYC this summer. Don Beers reported that there is an oil spill - hazardous materials response plan "of sorts" in place. Under the plan, the Fire Department is in charge of any hazardous materials response. There are state DEP funds and equipment available, in the form of a haz mat trailer, to coastal towns for oil and hazmat response. Both the Harbormaster and the Fire Department have written to the State seeking such funding and equipment. It was agreed that a more detailed oil spill or haz mat plan for such occurrences on the bay and the front beach should be developed. The Harbormaster will take the lead in developing the plan with the Bay Management Commission and the Fire Department. Such a plan, once complete, can then be included

in the Bay Management Plan. Joe Messina volunteered to work with the Harbormaster in developing such a plan.

Moorings

The Commission then addressed the issue of a management plan for moorings in the Bay. Don Beers reported that there is a surveyed plan for the basin itself and that other designated mooring fields, such as Two Rock Channel, Howland's Landing, Clark's Island, etc. are limited by a set maximum for the number of moorings. Once the maximum number of mooring permits are issued in each particular anchorage, a waiting list is then established. With respect to other tidal anchorages, there is no established limit due to the riparian rights of the adjacent property owners. These rights of adjacent land owners give the land owners the ability to object to the location of a mooring in front of their property. Thus, the Harbormaster is precluded from issuing a mooring permit if an adjacent landowner objects. These rights do not, however, entitle a landowner to any mooring. All moorings at issue are issued under M.G.L. ch. 91 at the reasonable discretion of the Harbormaster and, except under certain limited circumstances, expire annually. Don Beers reported that the often conflicting riparian rights of the adjacent landowners are becoming an issue with respect to moorings in the Bluefish River. It was discussed whether the limits on the total number of moorings permitted in certain mooring areas outside the basin are set in the rules and regulations or whether those limits are set at the discretion of the Harbormaster. Don Merry raised the issue of the placement of moorings in tidal areas that are productive areas for aquaculture. It was discussed that the presence of aquaculture and wild shellfish is a valid basis upon which the Harbormaster could refrain from issuing a mooring permit for a particular area of the bay.

By: _____
Clerk pro tem