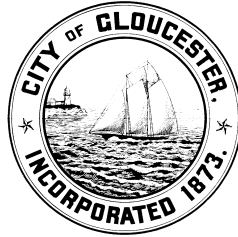


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CITY OF GLOUCESTER
HARBOR PLANNING

Members:

Rick Noonan, Planning Board PRESENT
Paul Vitale, Fisheries Commission **ABSENT**
Ralph Pino, Waterways Board PRESENT
Greg Verga, City Council **ABSENT**
Paul McGeary, City Council PRESENT

Jeffrey Amero PRESENT
Ann Molloy PRESENT
Marcy Pregent PRESENT
Mike Potter PRESENT
Steve Cefalo PRESENT

Also in attendance: Sarah Garcia; Brad Washburn; Kathryn Glenn, Patti Page; Valerie Nelson; Sunny Robinson; Eric Bornhoft

2013 Harbor Plan

October 9, 2013
3rd Floor Conference Room, City Hall
7 - 9 pm

Meeting called to order at 7:02 PM by Chair Rick Noonan.

Approval of Minutes from September 18, 2013.

- pg 1, top of page, commission should have two m's
- pg 4: to clarify DPA requirements are in Ch 91, jurisdiction is the same whether or not it is a DPA. the 50% supporting use is achieved through local zoning jurisdiction
 - cross out "is the same for Ch 91" is the same in or out

MOTION: On motion by Councilor Verga, seconded by Councilor McGeary, the Committee voted to approve the minutes from September 18, 2013 as amended. All in favor.

Discussion of DPA Technical Advisory Committee recommendations: presentation by Brad Washburn of CZM.

Rick Noonan: Paul McGeary and I met with Sarah Garcia to review the document as a primer for this meeting. The point is to review how it affects Gloucester and determine what we can bring forward as a statewide document.

Kathryn Glenn: Before discussing the DPA TAC report, we'd like to give you an update on the DPA Boundary Review. So far we're on target with the timing. We'll be done gathering information by the beginning of December. There will then be 30 days to write the report and gather as much information as possible. We met with various waterfront people to get information on the properties, what's been authorized, how different areas have been functioning together, and just an in depth view of what's happening. December-January will be designated to writing the draft report. That'll come out and there'll be a 30 day comment period. We really want everybody's comments. In the middle of the comment period there will be a public hearing, probably about mid-January. Then there will be 60 days to incorporate comments into the final decision which will come out around the beginning of April.

Rick Noonan: Checks for any other questions on boundary review before moving on.

Brad Washburn: This DPA TAC document is a potential tool for flexibility for everyone. The goal today is to address DPA policy including chapter 91 regulations, zoning requirements, etc. The last page of the packet shows who was on the technical advisory committee that started in 2009. Any changes would be applicable statewide so the group had statewide representation.

Rick Noonan: This will be a two meeting topic. Today is mainly for understanding the body of work and there'll be another meeting on this exclusively.

Sarah Garcia: Brad Washburn and Kathryn Glenn work at CZM. The DPA Technical Advisory Committee's work was inspired by a waterfront properties working group in '07 that wrote a letter to former Mayor Bell recommending specific targeted changes to the DPA. While the city moved forward from 2008 with 50% supporting commercial uses allowable through the Harbor Plan, these moderate regulatory changes that were asked for were pursued through the state's technical advisory committee. The recommended regulatory changes included allowing supporting commercial uses over pile-supported structures. Right now commercial uses can only be on the land side of the property, they can't extend out over the pier. (This prohibited, for example, the Barking Crab from putting a restaurant and ferry out on the pier in Harbor Cove.) Properties with large pile supported wharves don't have a lot of area for commercial use. Secondly the recommendations looked to see if there's a way that we can have a mix of recreational and commercial dockage that supports the fishing industry and doesn't undermine it. After the Harbor Plan was approved by the state in '09, the DPA TAC met for a year, and then state agency staff drafted the regulatory changes over the following year. But the recommendations never went forward. There was change in the administration at the state level as well as no harbor plan committee so it wasn't a good time to bring it forward which is why we're bringing it forward now.

Ann Molloy: This document is over 6 years old and the working group on it was handpicked, not a general representative group. A lot of waterfront people don't agree with this.

Mike Potter: Questions if the document is solid enough to be looking at it or if it's a waste of time, as well as if this was possible in 2010 why hasn't it been changed to make it possible?

Sarah Garcia: Restates that when the draft was finally ready there was no local voice, but since they're here now why not use them?

Ann Molloy: Questions whether it's worth it since if it's changed in one spot, doesn't it have to be adjusted everywhere else?

Paul McGeary: Questions if the document is drafted and just waiting to be used, or if the point is to adopt it, or is it just on the to do list?

Mike Potter: Questions if since this is connected to other communities, if it's more important than just focusing on Gloucester?

Brad Washburn: Decides to go through the document topic by topic, not the technical details. Starts on page 3 which is about supporting uses: a baseline would be to take up ¼ of the pier for a limited amount of commercial business use over water.

Sunny Robinson: Asks for elaboration on how changes would operate.

Brad Washburn: Clarifies that the amount wouldn't change, but simply where it's allowed and shifts some out on to the pier.

Ann Molloy: Compares document to situation with Barking Crab; would that have been allowed if this document had been put through beforehand?

Kathryn Glenn: Explains that it would not have since this motion is scaled based on the pier size, and only an enormous pier could have a large building on it.

Paul McGeary: Questions if the scale would be held to this amount or if in the municipal harbor plan it could be expanded and this would just be a baseline.

Brad Washburn: Says there's more information in chapter 91, but yes it's just a baseline.

Kathryn Glenn: Clarifies that it would require offsets to go higher than the designated amount.

Marcy Pregent: Questions how the 25% was decided upon and for an example of how it would work.

Sarah Garcia: Gives example of the Ciaramitaro wharf. That this flexibility would allow some supporting uses out over the water, where it's currently totally prohibited. Gloucester's port is not one size fits all, there needs to be some leniency over where it can be allowed. Gloucester Marine Railways, for example, just built expanded a large wharf where they might want to host occasional functions as an income stream. Some industrial uses want to be on land while commercial use could benefit more from the water.

Ralph Pino: Disagrees saying it's totally uneconomic. The cost to rebuild piers and make them possible for a small amount of a restaurant would make no sense since it would need to be of a significant size to be helpful. Mentions that Fisherman's Warf is a possible place for this to be applicable since it's possible to take the right side overlooking the harbor and place a restaurant there considering it's already designed for it.

Sarah Garcia: Clarifies that it's a combination of all suggestion changes, small may or may not work, but is only one of the five changes.

Brad Washburn: Clarifies that none of the points could work for every single possible port or location.

Mike Potter: Brings up that it's necessary to look into the future. This would be in place 10 years from now and many places have a good chance of suffering from this or being utilized, emphasizes necessity of looking at it in the long range thinking process.

Rick Noonan: Says that this document was started in '09 and drafted as regulatory changes for flexibility to modify what's already there. Boundary review has been initiated outside of this document, but it's necessary to understand it and then decide whether or not to move forward with it. A lot of time and effort has gone into it so it's possible that some minor changes could be used, it's not necessarily line by line.

Brad Washburn: Says this will apply statewide and just meeting to see if some version of it is worth sending forward.

Kathryn Glenn: Brings up that there will be things tried to put through that fit with the regulations and some that won't. This document would make more things possible.

Marcy Pregent: Questions why not separate things out by port?

Brad Washburn: Answers that chapter 91 doesn't allow it, basic merit requirements that have to be made statewide and this is trying to change them to fit Gloucester's needs.

Paul McGeary: Restates that some commercial supporting structures could be useful, but there's no power to do so unless some changes go through.

Brad Washburn: Moves on to DPA TAC report page 5. Explains that DPA regulations don't allow more than 25%, but TAC decided flexibility makes sense and it would be individual to each harbor plan so Gloucester would modify the percent how they want to; provides protection and flexibility.

Kathryn Glenn: Clarifies that the key point is flexibility is ok as long as there's protection.

Brad Washburn: Moves to bottom of page 6; supporting use as accessory. Uses example that if a commercial enterprise was on the water they might have to have their office hundreds of feet away since it's not allowed on the water side. Moves to bottom of page 7. Explains that it's all about the scale and compatibility. On page 8 it shows that the Harbormaster can't currently authorize a recreational float, only a chapter 91 license can.

Sarah Garcia: Brings up the issues they'd run into with 10a floats being unusable and not allowed to connect with a gang plank. Ben Lynch of DEP waterways wrote a letter and still didn't get clarification.

Kathryn Glenn: Negates the validity of that - 10a should be usable with a gangplank and DPA permit.

Rick Noonan: Redirects conversation back to the document.

Brad Washburn: Moves to the top of page 9: would allow recreational boating slips at a boat yard through licensing, not the harbor plan. Clarifies that dry rack storage is an acceptable accessory use. **Steve Cefalo:** Asks if these are new or existing laws.

Brad Washburn: Clarifies that the document includes both. Acceptance of the document would acknowledge licensed uses that are already there, not new marinas.

Kathryn Glenn: Elaborates that if a business or person is recreational, doesn't have a license, and can't get one, this allows them to get one.

Brad Washburn: Adds that it allows repairs or enhancements to be made, not expansions. Properties that are not boatyards would be eligible for up to 9 slips for recreational boating through the DPA Master Plan, so it wouldn't be a conflict and could coexist with water dependent industrial uses. It's cut off at 10 because that's what the state recognizes as a marina.

Rick Noonan: Questions what the vision is and if it could be more than 10 slips if wanted.

Kathryn Glenn: The vision is to identify areas where it makes sense and doesn't cause conflict. Attests to the validity of that statement, it's made so that each individual community can look at it and decide what they want.

Rick Noonan: Gives example of the sailing program that put inner city kids on the ocean every weekend and how it made certain people really mad that the sailboats were in the middle, didn't see the good side.

Eric Bornhoft: Brings up how the harbor has been the same for 50 years and if this isn't pushed it'll stay the same for another 50.

Steve Cefalo: Questions the second to last bullet point on page 10 and what public means in reference to boating facilities?

Brad Washburn: Clarifies that it's about the way it functions, not privatizing it; not about who's using it.

Ralph Pino: Questions the mechanism to make recommendations to CZM and if requests can be made.

Brad Washburn: Answers that even if this went forward as is, they would reconvene and modify it.

Sarah Garcia: Adds that the time for modification requests would be when TAC convenes or during the input process.

Paul McGeary: Goes back to Ralph's questions to clarify that modifying this further is possible.

Brad Washburn: Agrees, the city or community has the power to decide how they want it used.

Mike Potter: Questions if the 25% has to be a property by property basis or if they could tailor it to Gloucester harbor and decide how to get to the 25% themselves.

Brad Washburn: Answers yes that's possible; it has to be sort of a general area, but not site by site.

Mike Potter: Uses the example of Boston and how they've kept their harbor open to all types of boating.

Brad Washburn: Mentions that Boston has multiple DPA's, in this instance it's more varied and therefore more difficult. Moves on to the last change on page 11. The way it's written now things surrounded by a road can't be reviewed, this would just let places be reviewed. It's not a big problem, mostly technicalities. People thought if it was bound by a road it couldn't be reviewed, but it can. It makes sense to clarify from a policy standpoint but not much difference overall.

Ann Molloy: Interjects that it's to protect businesses that need that road.

Ralph Pino: Re-questions why it didn't move forward in '10? He was surprised he'd never heard of it, all new information. (great news though)

Brad Washburn: Recaps the state and local level changes that stopped it.

Sarah Garcia: Adds that there was a lack of committee and it had died down a bit, hard to bring out cold.

Marcy Pregent: Questions that this didn't come from the waterfront working group?

Sarah Garcia: Explains that the mayor went to the state, state appointed a committee, but a bunch of people left and work slowed so a draft came out a year and a half after it stopped meeting.

Marcy Pregent: The group met, came down with a list of recommendations, and then what?

Sarah Garcia: Further explains that the group went forward based on what property owners asked for, then at request convened a state wide review, then drafted regulations.

Mike Potter: Mentions a letter from the chamber of commerce on the same subject a year earlier.

Brad Washburn: Says there are other things going on statewide right now, so this is a strategic time. Meant to look at how to link ports together, regulatory reform and boundary changes, and this could be a good time to do so since a lot of the document is centered on Gloucester.

Sarah Garcia: Elaborates that it was drafted to not hurt larger ports, while allowing for modest changes that are beneficial to Gloucester.

Marcy Pregent: Questions what the next step would be if this was brought back in motion.

Sarah Garcia: Answers that like we did for the DPA boundary review, the committee would recommend it to the Mayor and see if they can get traction. Mentions she might mention it to fisheries next week as well.

Brad Washburn: Cautions against rushing.

Sarah Garcia: Clarifies that many changes only become effective through the master plan which is the reason to consider it now. Another master plan won't happen for another 5 years.

Rick Noonan: Whatever flexibility these changes would allow, the harbor plan would move forward with.

Paul McGeary: Questions if these could still be used if they're finished after the harbor plan has been or would it be necessary to wait 5 years for the next harbor plan.

Brad Washburn: Answers that they could be incorporated by an amendment or update to the harbor plan, not waiting till the next formal plan.

Mike Potter: States that the harbor plan should be done first, then compared to regulations later.

Brad Washburn: Says that not everything in the harbor plan that they want can currently be approved.

Sarah Garcia: Says the next meeting will look at strategies and options to bring it to the community.

Rick Noonan: Questions if Kevin Hively, the consultant, has seen the recommendations.

Mike Potter: Says some of Kevin's numbers don't add up. He was working with a bunch of federal people that are on furlough at the moment. Uses example of how Kevin came up with 700 boats in the harbor.

Sarah Garcia: Corrects that 700 is the number of permits, 275 is the number of boats in the harbor and that the numbers are really from the fisheries commission which is working on getting the exact number of vessels and linear footage of dockage.

Sunny Robinson: Questions when that data will be publicly available?

Sarah Garcia: Says that the first vessel piece is done and hopefully the full draft in time for the November meeting.

Brad Washburn: Explains that the city does what it wants, but that it has to get approved and these changes are fairly narrow. Maybe other financial incentive approaches or recommended regulatory change will come out of the Ports Compact.

Sarah Garcia: Says she hasn't seen any of that in the Ports Compact yet and edited the first 3 technical memos from that closely.

Brad Washburn: Explains that the next chapters will have the real bulk, but there's no scope yet.

Eric Bornhoft: Says he's confused about boundaries. He heard that DPA isn't optional but submission of plans is. Ch 91 is the historic high water mark, questions how to get that to all of Gloucester. Questions that if there's no plan would those houses come out of the DPA or if they burned down could they be rebuilt.

Kathryn Glenn: Explains that what's allowed is based on what the state says is the historical high water mark. As of now 50% is supporting use on properties, city uses the rest of land for leverage for more supporting use in areas by balancing it out in others. The state doesn't have jurisdiction above that line.

Kathryn Glenn: Clarifies that out of jurisdiction don't get chapter 91 licenses, but zoning permits.

Brad Washburn: Adds that the chapter 91 line is a fixed line while the DPA line is a line the state drew since chapter 91 line cuts through weird places; DPA line follows roads and encompasses the harbor.

Eric Bornhoft: Says if the state were to retreat to the high water mark, a lot of land would come out.

Ralph Pino: Adds that it's mostly filled land anyways.

Marcy Pregent: States the importance of a map to have at every meeting to point out examples and lines.

Kathryn Glenn: Agrees to bring in a map.

Rick Noonan: Asks for closing comments. Questions if this should be taken off the shelf, either way it will be discussed again.

Brad Washburn: Adds that the enacting the regulatory reforms recommended by the DPA Technical Advisory Committee is a regulatory process. The committee should request the mayor to bring this forward if that's what's wanted.

Kathryn Glenn: Advises to say what you want to do in the Harbor Plan and then sort to what you can do. Brings up Paul's point about getting what you can now and amend the plan later if these regulatory changes get enacted. The drafted regulatory changes have to get through a public process.

Brad Washburn: Agrees that they shouldn't wait for this since it's undefined how long it will take.

Sarah Garcia: Asks that if the committee thinks some of this would be helpful and a tool then why wait for the whole master planning process to end. It should be done sooner rather than later.

Rick Noonan: Advises not for it to be a parallel process, but more as a framework.

Paul McGeary: Suggests that they should get the mayor going, work on what they can, if it's fast great but if not ok. Mostly know it's there and be ready to act if the changes get enacted.

Mike Potter: Disagrees saying it's better to come up with a harbor plan, comparing it to these points, and then seeing how it's necessary to twist things.

Ralph Pino: Says he doesn't see this as doing much more than giving the ability to have a much broader and more flexible harbor; simply gives the ability to do more.

Rick Noonan: Thanks Brad and Kathryn and moves to adjourn the meeting.

Meeting adjourned at 9:00 PM by Chair Rick Noonan.