

Pleasant Bay Alliance Steering Committee
September 11, 2018, 4 pm, Brewster Town Hall
Meeting Minutes

SC members attending: Chuck Bartlett, Walter North, Jane Harris, Chris Miller, Allin Thompson, Fran McClennen, Dolly Howell, Carole Ridley-Coordinator

Guests – Ted Baylis, John O'Reilly, Brian Wall (PBCB supporters on attached sign in sheet)

Allin called the meeting to order at 4:02 pm.

1. Pleasant Bay Community Boating ENF

Ted Baylis described PBCB's programs, and the need for a larger, stronger, permanent dock to support the programs, particularly those for handicapped individuals.

John O'Reilly provided an overview of the proposal. He described design modifications that had been incorporated since the Alliance 2017 letter to the Orleans Conservation Commission. Notably:

- the height of the structure has increase to 5.2 ft, allowing pedestrian access at all levels of the tide
- an extensive alternatives analysis was undertaken. He noted that there was no more and possibly less permanent resource impact associated with the permanent structure due to fewer pilings.
- mitigation measures have been added which will reduce impacts and enhance marine ecology: replacement of mushroom moorings with use of helical moorings, shellfish aquaculture, year round access for local fire and rescue, removal of the boat haul out, and improved stormwater management.

Mr. Reilly addressed the ways in which the design modifications, alternatives analysis and mitigation responded to performance criteria 3 and 5, protection of public access, fishing, and recreation; and protection of marine ecology.

Brian Wall spoke to the permitting process and the case for applying RMP 7.3.5.2 to provide flexibility in compliance with dock and pier standards and criteria. He also noted that the test set forth in 7.3.5.2 ensure that a finding in favor of PBCB would not set a precedent.

Following the presentation, the Steering Committee asked questions and discussed the information.

Allin asked if anyone from the public would like to speak. Mr Rick Perry spoke to his personal experience sailing as a person with a physical disability, praised PBCBs

programs and urged the Steering Committee to consider the impact of PBCBs programs in the community.

Jane asked about icing and potential for storm damage. She felt that the issue of permanent versus seasonal is a big variance from PBA standards, and would like to see more information about options for mitigating icing.

Fran spoke to the importance of project mitigation in a determination of whether flexibility in the guidelines could be granted.

Allin expressed concern about the precedent that would be set if PBCB built a permanent structure.

Chuck asked how the project features related to the PBA plan recommendations.

Chris explained that his concerns had been addressed in the presentation, and that he thought the applicant has worked to respond to the Alliance's concerns by providing an alternatives analysis, modifying design and providing mitigation.

Following public comment, Allin asked if the Steering Committee would like to make a motion. Carole suggested addressing the issues in two parts, starting with the dimensional issues and then the issue of permanent v seasonal.

Chris indicated that the Steering Committee seems convinced that the proposal is associated with programming that provides broad long-term community benefits, including sailing programs for youth, adults, disabled persons, and veterans who might not otherwise have safe access to these activities. By providing access to boating infrastructure for individuals, families, schools and community organizations, the programs associated with the proposed structure promote shared access and would increase public access and, arguably, reduce environmental stress and/or the demand for structures in other parts of the system. Based on these facts, minor variances from performance criteria and design standards consistent with the Guidelines could be considered for the proposal. Jane also noted that the site is not an area of prohibition, and the provisions of 7.5.3.2 are applicable. By consensus the Steering Committee agreed with these statements.

Jane moved to affirm the Steering Committee's finding that the proposal does not meet design criteria for length, width, or float size. However, in accordance with 7.3.5.2, variances from these dimensional criteria are justified by the programmatic need to provide safe access for populations that are disabled or require other unique accommodations. By extension, the acceptance of these dimensional variances from the design criteria necessitates willingness to be flexible in the criteria for pile size and spacing. Dolly provided a second to the motion and it passed 7-0-0.

On the issue of dimensions, Chris moved that based on the unique circumstances, allowance for a permanent structure was consistent with the management plan and 7.3.5.2

because of the compelling public benefit and because the structure's permanency is tied to the programs, and would result in less permanent environmental impact given the size of the structure needed to support programs for handicapped individuals, and that the applicant had provided a detailed alternatives assessment and demonstrated the infeasibility of a seasonal structure, and offered mitigation that promoted the interests of the resource management plan. Walter seconded the motion. The vote was 5-2-0.

Chris then offered a superseding motion that that based on unique circumstances allowance for a permanent structure was consistent with the management plan and 7.3.5.2 because of the compelling public benefit and because the structure's permanency is tied to the programs, and would result in less permanent environmental impact given the size of the structure needed to support programs for handicapped individuals, and that the applicant had provided a detailed alternatives assessment and demonstrated the infeasibility of a seasonal structure, and offered mitigation that promoted the interests of the resource management plan. Jane offered and Chris agreed that the motion include that any comment to MassDEP or MEPA should request assessment of the feasibility of mechanisms to reduce the risk of icing, such as the protective sleeve described by John O'Reilly. Jane offered a second to the motion, and the motion passed 7-0-0.

The Steering Committee agreed by consensus that the positions as voted should be convey to MEPA in a comment letter on the ENF.

At 6 pm the Steering Committee needed to vacate room B and moved to room A. Allin, Jane, Walter, Dolly and Chuck met briefly in room A for two additional time sensitive business items.

2. Comments on Strawberry Lane NOI

The Steering Committee considered a letter of comment requested by the Chatham Conservation Commission on 34 and 26 Strawberry Lane. The letter reflected comments that had previously been circulated to the Steering Committee, based on a meeting of the Coastal Work Group. Carole indicated that the Commission was continuing the hearing on September 12 and requested a letter. Dolly moved to authorize the coordinator to send the letter. Chuck seconded the motion which passed 5-0-0.

3. Wright-Pierce/Mike Giggey proposed contract

The Steering Committee considered a proposal from Wright Pierce to perform tasks outlined in the SNEP grant and work plan. Walter moved to accept the proposal and enter into a contract with Wright Pierce for an amount not to exceed \$78,000 pending SNEP funding. Dolly seconded the motion which passed 5-0-0.

Allin accepted a motion to adjourn at 6:30 pm.

Signed



Date

October 9, 2018

Please Sign in 9/11/18 PB Alliance

John O'Reilly

Sarah Griscom

Kim Baylis

E. Columbus

Nicholas J. Theassial

Lyndy Rogers

Jeanne McNett

Charles Sumner

Allen Ward

Bill Donnelly

Ann Pike-Paris

Jane Labdon

Laurel Labdon

Richard D. Paris

Anthony R. Garrison

Heidi Heidt

Peter Trull

TED BAYLIS

Brian J. Wall