

MINUTES OF WATERWAYS MANAGEMENT COMMISSION PUBLIC HEARING  
JUNE 29, 2010

A meeting/public hearing of the Waterways Management Commission was duly called and held on Tuesday, June 29, 2010 at 7:02 p.m. at the Dartmouth Town Hall. The meeting was called to order by the Chairman, Michael Gill. The following were present: Chris Hemingway, Gerry Hickey, and Joseph Hannon. Also present was Mr. Steven Melo, Harbormaster. Excused were Roger Race and Warren Hathaway. Norman Peloquin was absent.

At 7:06 it was moved by Mr. Hannon and seconded by Mr. Hemingway to open the public hearing on the proposed Rogers Street Regulations.

Mr. Melo read the article published in the June 15<sup>th</sup> issue of the Standard Times on the public hearing.

Mr. Melo said on Monday, June 28, 2010 he met with Mr. David Cressman, Gary Soares, Michael O'Reilly and Robert Swallow regarding closing of the end of Rogers Street. He said Rogers Street was accepted as a public way in 1911 and cannot be discontinued without legislative action. He said an option would be making the end of Rogers Street a one-way from St. John Street to the water. Mr. Melo said that the Town feels there will be a liability if it is opened as a launch facility with the ramp in the present condition. He said that Mr. O'Reilly feels building a new ramp is difficult and coastal engineering expertise will be required and there will be permitting issues. He said Mr. Cressman suggested the WMC give Mr. O'Reilly permission to consult with coastal engineers. He said that the type of boats to be launched there determines the amount of liability for the Town.

Mr. Melo said that the DEP is another concern in this area. The closure report on the lot is due mid-July. This would give clearance to open the area. He said Mr. Cressman feels if only rooftop boats are launched there it could be open after the DEP report is received. If boat trailers are allowed we will need coastal engineers and ramp permitting. It was also determined that signs will have to go up in the area before police can enforce. He said that Mr. Cressman doesn't feel the area will be open before August, only after consulting with Mr. Joseph Vieira, Safety Officer.

Mr. Melo asked Mr. Cressman when the Select Board would officially sign the land over to the Waterways Commission. He said Mr. Cressman felt it had been done, but will look into it. According to the Select Board minutes the assigning of the land was tabled at the Select Board meeting until the Waterways Commission could meet with the Select Board at a public meeting.

Mr. Hickey feels that the WMC should determine the regulations for the area and have it ready to go when DEP approval is received. Mr. Hickey said they reviewed the regulations at the subcommittee meeting and Mr. Peloquin was supposed to e-mail it to the WMC. None of the members have received the proposed regulations.

Mr. Hickey reviewed the notes on regulations he made. He said that the regulations are a take-off of the Rules and Regulations for the Apponagansett Point Dias Landing adapted for Rogers Street. Some regulations are:

- Vehicles. No person shall leave articles of a kind at the Clarks Cove landing for more than 24 hours without the approval of the Harbormaster.
- Parking Area. The Harbormaster is instructed and authorized to maintain and post an area of the landing to be used for the parking of vehicles and trailers used for the convenience of the boaters. These vehicles will be parked only in the reserved area for this use or be subjected to fines. An annual or daily town landing fee will be posted for this area.
- Fines. Whoever violates any of the regulations will be subjected to fines.

Mr. Hickey said that this shouldn't be a parking area for vehicles; it should only be a parking area for vehicles and trailers used for boating. Mr. Hemingway feels that 'rooftop' boats are a vague term. Mr. Hannon said that we are not stopping people from using the ramp; we are only providing a paid parking space for their use. Mr. Hickey said that people are using the ramp now for small boats. Mr. Melo said that Mr. Cressman feels that by providing the parking area we are inviting people to use the sub-standard ramp which may cause a liability for the Town. Mr. Hemingway suggested a sign stating that Boaters will use the ramp at their own risk.

Mr. Hickey feels that we should fix the sand on the ramp area as best we can to allow use of the area and address the water run-off issue later; he suggested maybe New Bedford will be able to help us with this. Deputy Chief Soares feels we should slow the project opening down until we get answers, regulations and signs. He again stressed the worry about liability for use of the ramp as it now is.

Mr. Hickey suggested we accept the rules and regulations now and amend them later. Mr. Hannon feels that the public and the Commission should be able to see the rules and regulations before we vote on them. Mr. Hickey said that the sands shift with the weather; something has to be put in the water to stop this. Mr. Hickey said that the parking area is to provide parking for the house and CBC to park their cars; also an area for people to park and enjoy the water.

Mr. Melo said that another problem is that CBC is looking into constructing a 90-foot pier perpendicular to the pier end. Mr. Hickey is also concerned with CBC using parking area with the dangerous bend in the road. Mr. Hickey said that Mr. Vieira, Safety Officer, will have to access the area and make recommendations; maybe working with New Bedford. A subcommittee spoke with New Bedford officials previously but nothing was finalized.

Mr. Hemingway suggested leasing the area to CBC with an area open to the public; until we can finalize the plans for the area. Mr. Hannon said that the Town will have to go out to bid for any lease.

Mr. Hannon said that the rules and regulations should be published in advance to allow the public and neighbors to view the proposed rules and regulations. Mr. Hickey suggested adjourning the public hearing to a later date and putting the rules and regulations on the website two weeks in advance for public comments at the meeting.

One New Bedford resident was present and said he has lived in the area since 1968. He said New Bedford has off-street parking on Padanaram Avenue and the parking is a big issue for residents in this area. When there are activities going on at CBC, there are boats parked in the street; people park in the crosswalks and leave vehicles in the street for a period of time. He suggested a crosswalk on Rogers Street may slow some cars down.

Irene of 1630 Padanaram Avenue was present. Her home is right next to CBC and would like to know what will be done with the area. Mr. Melo said that we had put up lights and will be installing security cameras. Mr. Hickey suggested the hours of operation be 7:00 am to 9:00 p.m. and if someone needs to stay longer they will have to get permission from the Harbormaster. Mr. Hemingway said that it should be closed in the winter months. Irene feels that the parking lot will help with some safety problems in the area. Mr. Gill feels that the ramp will not be used more than it is presently used. Mr. Hannon asked how many spaces are in the parking lot. Mr. Melo said that there is 38 with 12 spaces are for vehicles and 26 spaces are for vehicles with trailers or buses.

Mr. Donald White said that he feels we should get the project going. He feels it will be an improvement for the area; we have a parking area and the Town has fixed a contaminated area. Mr. Hickey said that there will be no swimming in this area; it is only for boat launching.

Mr. Hickey moved to continue the public hearing to the next Waterways Commission meeting and post the regulations on the web site two weeks prior for the public to review and comment on them at the next meeting. The next meeting with the public hearing will be Tuesday, July 27, 2010. Mr. Hannon seconded. So Moved.

The public hearing was adjourned at 8:14 p.m. and the open meeting was resumed.

Respectfully submitted,

Diane L. Vieira