

Danvers River Committee
Thursday January 21, 2021
Meeting Minutes

The Danvers River Committee held a virtual public meeting on Thursday January 21, 2021 via Microsoft Teams, at 6:00pm.

Member(s) present: Dan DeLorenzo, Vice Chair
Joan George
Matthew Byrne
Bill Fouhey
Louie George
Bill Nicholson
Robert Hemeon
Tom Perry
Joseph Marabito
Gardner Trask, Selectman Liaison

Member(s) absent: Bob Moore

Staff Present: Christopher Sanborn, Director of Natural Resources
Carolann Powers, Secretary

Media Present: None

Other: Andrea Daley
Mike McCarthy
DCAT

Dan DeLorenzo called meeting called to order at 6:00pm. He read a statement regarding the virtual meeting process and ground rules.

Secretary's Report:

The committee was asked to accept the minutes of the November 23, 2020 meeting.

Motion: Made by Bill Nicholson made a motion, seconded by Bill Fouhey, to accept the minutes of the November 23, 2020; All in favor 9:0.

New Business:

Chris Sanborn informed the group that Joe Marabito approached him regarding concerns with speeding boats on the river. Chris S. gave the floor to Joe regarding his concerns. Chris is hoping the committee can make improvements regarding this issue next season. Joe M. Spoke about concerns of speeding boats in the river. He noted this was not a reflection of the Harbormaster's office and stated they do an excellent job. He said the

river has several breaches and particularly with higher tides it is causing problems, water is flowing into resident's yards and the riverbanks are caving in. He is asking the committee for help finding solutions to solve this problem. He is hoping that they can find a solution to allow boaters to operate at high speed if needed, for example for repairs. He is wondering if we should even be giving permission for boaters to speed in the river for repair purposes when there is open water to do this in. He is also open to thoughts on other solutions. He stated that many boaters perhaps are not aware of what headway speed looks like and suggested educating boater's may be part of the solution. In addition, perhaps notification to Marinas for boaters to follow the rules of 5mph.

Chris thanked Joe for his valid concerns that the Harbormaster's Office recognizes and thanked residents for their help in identifying these types of concerns and in turn taking action. Chris noted that the Harbormaster's staff was performing selective patrols to assist with this concern, but unfortunately, as Joe had mentioned, they can't be in all places at once. Chris does feel they do a good job positing the speed limits and no wake areas in addition to distributing this information with annual stickers. Part of the problem is that headway speed varies from boat to boat depending on it's size, it is variable, but there is no excuse for speeding and making a significant wake that can cause damage or a safety hazard. His department will address these issues, bottom line boaters need to be no wake. As for testing of boats in the river he noted that we have a number of marine repair facilities in town and several years ago when the board of selectmen adopted the speed limit regulations for the harbor his understanding was there was an exception made for marine maintenance facilities to perform test drive for repairs. These test drives are to be done between the two red cans in the river. They are required to report this to Harbormaster's Department prior to performing a test drive. He noted this process is strictly regulated and typically is only allowed to happen at low tide to minimize erosion. He also said 40' boats or bigger are not allowed to test in this area, they need to go to open water. He noted if some of these regulations need to change in the future, it can certainly be looked at.

Matt Byrne said Chris has addressed the concerns well and with the upcoming season we can see if any modifications need to be made.

Bill Fouhey said its great idea to continue to limit testing to low tide to not further aggravate the issue. He was also curious if speeding is a case of not knowing better or if they are simply ignoring the law. He asked if it is possible to encourage boaters to take a boating course to educate them to rules and perhaps give them a discount on their slip fees to encourage them to take the boater safety course.

Lou George had a question regarding the speeding fines issued last year, is the fine structure graduated, with more offenses does the fine increase. Chris said there are two civil penalties that can be enforced; there is a town by law and a state law, which allows them to issue one or the other or both fines. The town fine starts at \$30 and increases with each offense. The state fine is a one-time \$100 fine. Chris noted that any violation of Chapter 90B Boating Laws is an arrestable offense but unlikely in this case. He said the

town would essentially start with the \$30 town by law violation, but this past season did issue three state violations.

Bill Nicholson agrees with the committee's thoughts. He thinks the more aware people become of the fines and more often they are fined they may stop the behavior.

Tom Perry feels the channel is marked well and doesn't think notification is the problem. He noted that Chris has a great group of employees in the Harbormaster's Office and has seen it firsthand. He feels some of issue may be ignorance on the boater's part, but some may be arrogance.

Bob Hemeon stated as a former Assistant Harbor Master he has experienced this firsthand and noted it is hard to regulate but feels it is well marked and citations are and should be issued. It is hard to monitor all the time but hopefully cameras in the river will help to deter this activity.

Joe M. said the Harbormaster's Department does a fantastic job, it is a big river and they are very limited and do a great job. He felt the fine of \$30 may be too small and would like to think about raising the fines to help prohibit speeding. Also, he is wondering if perhaps we could find a location over in the pond, by the Kernwood Golf Course, where boats can open up to higher speed instead of in between the red cans in the river. He feels there is too much erosion on the banks.

Gardner Trask noted that the Harbormaster's team does a great job. They are constrained by the fact that if they don't see the activity, they can't issue fines. He would like to see if they can add to town by law, if not already in it, that is must be low tide only for testing boats. He also asked Chris S. to compare our fine structure to other surrounding communities and asked if the town can consider raising their fines if not restricted by the state of Massachusetts. Gardner asked Joe M. if he noted which direction the speeding boats tend to be heading in. Joe said it is both directions. Joe M. again stated this is not a concern or problem with the Harbormaster's Department, they are great, but it is an issue with the boaters.

Lou G. noted that he likes Gardner's suggestion to see if there is anything that can be done to revisit the waiver bylaw for boat testing.

Chris S. said he wanted to clarify the fine structures for speeding violations. When they stop a boat for speeding the violation is issued on a state citation form which is \$100 fine, however, they have option to issue a town by law violation starting at \$30. Keep in mind the town's fine structure applies to all waterways fees including slip fees, so if the town changes this fine fee structure it would apply to all waterways violations, including slip fee violations, which would be steep for those such violations. Chris is open to the selectmen reviewing their position regarding boat testing speeds in the harbor. It was an agreement made many years ago and may need to be updated.

Mike McCarthy, had a Public comment, he lives on the end of Tibbets Ave. He stated he is very appreciative of Chris's Harbormaster's team and all that they do. He understands how maintaining headway speed can be hard with some boats but agrees this is a problem currently that needs to be addressed. He likes the idea keeping the boat testing to low tide only.

Andrea Daley thanked Joe M. for his contribution regarding this concern. She suggested adding two more markers at either end of the channel prior to approaching this area so boaters know it is coming. Hoping this would remind them to slow down prior to reaching this area similar to a blinking yellow light on roadways. In addition she likes the idea of limiting high speed test drives to low tide as she is concerned about erosion and losing feet of the riverbank each year.

Old Business:

Chris S. update the committee on the property at 107 Bradstreet Ave. he noted he and Georgia Pendergast, Town of Danvers, Staff Planner, met with the property owner in December and recently followed up with them via email in January. The owner was asked to remove the fence that was on town property and the fence has since been removed. Signage has also been placed at the location stating it is a Public Access Area. They will follow up with the owner regarding the other violations/issues on his property that were brought to the Board of Selectmen. Gardner Trask asked, if looking from the water, which fence had been removed. Chris said it was the fence on the right, the fence on the left was actually installed by the town to mark the property line.

Lou G. inquired as to the timeline in which the remaining issues will be addressed/resolved. Chris said the remaining issues to be resolved at that property are more Conservation, DEP and Army Corp issues that are being addressed at that level, and his office will work with them on. Georgia Pendergast Staff Planner/Conservation Commission Liaison will forward all information to the Conservation Commission and will inform his department of the resolutions.

Joe M. thanked Chris and Georgia for having this conversation with the homeowner as it was sure to be a tough conversation to have.

Andrea Daley asked if the town has made any advancement in the grants they were looking for in order to establish the parameters by survey to all of the rights of way to the water in Danvers, were they able to secure that grant. Chris Sanborn said yes, the town was received a \$15k grant and will be getting started on survey work and on installing and updating the signage for rights of way to the water for public access. She suggested using the town engineering department to assist with mapping these areas. He noted the town is also working with Hancock Associates to do the surveying and deed research work for this project and expects work to begin on the project in the next couple of weeks.

Chris S. said not much to update from the last committee meeting regarding budget and warrant articles. Their operating budget is level funded this year and they did not ask for

any increases. There were no capital requests put forward and the only warrant article is the earmark of funds for dredging which is the annual request of \$20k to be put toward the anticipated costs of engineering, planning and permitting for future dredging projects.

Chris noted there was not much to update regarding the Crane Riverbank stabilization since the last committee meeting. Town Engineer, Steve King, said at this point the town is in a holding pattern until the next round of grants are advertised. They are hopeful to receive some support from Coastal Zone Management through the grant programs they offer.

Lou G. asked when next round of grant applications would be available. Chris S. he was not 100% certain but said typically the state puts out applications in the spring with awards announced July 1st; but he will follow up and update the committee at their next meeting.

Andrea Daley noted that has made previous presentations to River Committee regarding this subject. She asked if town has zeroed in on a specific methodology for a solution, something better than plants.

Chris S. said the short answer is town wants a stone solution but they knew it would not be allowed so they put forth a hybrid plan of stone and plant and were unfortunately told by DEP and Coastal Zone Management that would not be allowed. The town is back to the drawing board now and depending on grant funding they will pursue other options at this point, as the town money for this exploratory phase of the project is exhausted.

Dan D asked if there is a solution that Coastal Zone Management would suggest. Chris said yes, they want to do the same type of revetment we previously did in past years (which we know did not work), but they want do it a different way in hopes of more success this time. Chris said if this is the only option they provide then it is worth exploring.

Dan D. revisited the idea of Kayak Storage on the Danvers River. He asked Chris S. if he had chance to look into this. Chris reminded the committee that they thought this could potentially be a good Eagle Scout project. Chris was approached recently for a list of Eagle Scout Project ideas and this was one submitted. He said Sandy Beach is an ideal location for this project. If no interest as an Eagle Scout project the town will look into the project and is willing to do it. Dan said racks should be reasonably priced and readily available; and rental fees just from the first year alone could potentially cover the cost. It was suggested that Chris connect with Beverly regarding the details of their program as it appears to be successful.

Tom Perry thinks this is an awesome idea, likes the idea of having this at Sandy Beach as it would eliminate the congestion of kayakers using the Popes Landing ramp.

Joe M. agrees it is a great idea. He also mentioned these racks are easy to make.

Bob H. also thinks this a great idea and sees a need for it, noting Salem has a wait list for their kayak storage.

Andrea Daley asked if the kayak storage, which needs to be under lock and key, has to be at sandy beach, is it possible to use the town owned lot next to sandy beach for this purpose as it too has a fence that could be locked and secured. She was curious why we haven't progressed further along with this program. Dan said we are at the point where the town is ready to implement the program, even it is on a small scale for this year to see how it goes.

Mike M. said number of kayaks increased in river, it's great, he sees the racks in Beverly and how successful they are and likes the idea. He thinks it will be successful in Danvers.

Bill N. spoke about the committee wanting to memorialize and recognize former chairman Aileen L 'Abbe in some way. He mentioned as former Treasurer of Santa by Sea there is a balance left in the fund that perhaps could be applied toward her memorial. Dan D. said that seems like a good idea. Dan noted that the committee had talked about naming a public/guest mooring in her memory along with a dedicated plaque or recognition at Popes Landing/Harbormaster's Office. In addition, Joe M. suggested perhaps a plaque in memory of Aileen could be placed on one of the kayak racks.

Andrea Daley said she is happy; feels we have accomplished a lot at this meeting and thanked the committee.

Motion: made by Bill Nicholson, seconded by Bill Fouhey, to adjourn the meeting of January 21, 2021. All in favor: 9:0

cc: Steve Bartha, Town Manager
David Mountain, Recreation Director