

**MINUTES
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING**

WATERFORD POLICE DEPARTMENT

July 9, 2015, 7:00 p.m.

Present: Commissioners Jane Adams, Robert Dutton, Philip Fine, and Carlton Saari;
Deputy Harbor Master Richard Miller

Also Present: Police Lieutenant David Burton, Waterford Marine Officer

Absent: Commissioner James Hamsher; Harbor Master Murray J. Pendleton

1. Call to Order

The meeting was called to order by the Chair, Ms. Adams, at 7:00 p.m. and the Pledge of Allegiance was recited. Ms. Adams commented that Keith Nielsen from Docko, Inc. is in attendance to present revised plans for the project at 21 Park Drive. Mr. Nielsen is under time constraints as he has another meeting to attend.

A motion was made by Mr. Fine, seconded by Mr. Saari and unanimously voted to address Agenda Item 6 at this time. For the purpose of these minutes, the agenda items will remain in chronological order.

2. Minutes of the June 11, 2015 Regular Meeting

A motion was made by Mr. Dutton, seconded by Mr. Saari and unanimously voted to approve the minutes of the June 11, 2015 meeting as presented.

3. Correspondence

The following correspondence was received and Ms. Adams reviewed it with the Commissioners.

- a. 06/22/15 correspondence from Jane B. Adams, Chair, Waterford Harbor Management Commission to Governor Dannel P. Malloy, submitting three nominees for consideration for appointment as Harbor Master.
- b. 06/30/15 correspondence from Gerwick Mereen Civil Engineering & Land Surveying, transmitting a copy of a Notice of Permit Application published in The Day newspaper in connection with the construction of a fixed pier, ramp and float and boat lift for private recreational use at 182 Niantic River Road.

4. Shellfish Commission Liaison's Report

Mr. Miller reported that both Waterford and Waterford/East Lyme Shellfish areas are open today. Waterford is planning on re-stocking clams on July 18 (approximately 80 – 90 bags). Waterford/East Lyme is seeing favorable conditions so far for scallops, for the winter season.

5. Harbor Master's Report

Lt. Burton commented that mooring permits are being processed. A notice will be sent at the end of this month to mooring owners who have not applied for their permit this year, telling them they must apply or their mooring will be removed.

5. Harbor Master's Report (cont'd.)

Discussion took place about a green trawler that is anchored in the river. Lt. Burton will research regulations regarding transient moorings and/or temporary anchoring.

6. Applications for review

- a. 06/15/15 Transmittal of revised D.E.E.P. Permit Application by Docko, Inc. on behalf of their client, Jeremy Burke, 21 Park Drive, Waterford, to construct 31 (+/-) LF of 4 ft. wide fixed wood pile and timber pier with water/electric utilities, install an 8 ft. x 20 ft. float with associated ramp, restraint piles, a kayak step and three tie-off piles. Also install a two-pile mounted boat elevator, waterward of the mean high water and coastal jurisdiction lines. Construct 10 (+/-) LF of 4 ft. wide wood pile and timber pier, and a 14 ft. x 14 ft. pile supported platform with two sets of 4-ft. wide access stairs, landward of the mean high water and coastal jurisdiction lines.

Mr. Nielsen reviewed the drawings revised in accordance with comments at the last Harbor Management Commission meeting he attended. He stated that he obtained a new letter of permission from Mr. Antonino, the abutting property owner. The pier has been raised to five feet plus at mean high water, to address concerns about public access.

The applicants, Jeremy and Christie Burke, gave a brief powerpoint presentation and provided a paper copy for the record.

Ms. Adams asked the Commissioners if they had any questions.

Mr. Miller expressed his concerns about the location of the project being on the west side of Sandy Point. He stated, among other concerns, that it will decrease the usable area for beach starts for water skiers. He commented it has been his observation that the activity is quieter on the south side, with people having picnics, swimming, etc. and that there is more "energy" on the west side, with jet skis, water skis, tubes, etc.

Lt. Burton commented that he was out in the Sandy Point area this past weekend (July 4th weekend) and saw a number of boats in the water on the west side of the Point. Mr. & Mrs. Burke spoke, stating that the boats belonged to members of their family.

Discussion was held regarding the distance of the proposed dock from the Antonino dock and concerns regarding public safety with beach start water skiing traffic and jet skis. The Antonino dock extends out about 150 ft. from shore. Questions were asked about the size of the Burke's boat, and it was determined their future boat would be 25 – 30 ft in length. The boat lift would be sized for the boat.

The following people spoke in favor of the proposed project:

Patty Heenan, 32 Riverside Drive, Waterford
Susan Hoben, 22 Park Drive, Waterford
Shannon Lane, 16 Park Drive, Waterford
Charlene Pease, 208 Shore Road, Waterford
Frank Dunn, 22 Park Drive, Waterford
Joanne Chirgwin, 206 Shore Road, Waterford
Nancy Appleby, 212R Shore Road, Waterford

6. Applications for review (cont'd.)

Comments made by those in favor of the project included, but were not limited to: beach starts for water skiing, etc. are already too dangerous, the Burke's project will make it safer for kayakers; we like the Burke's design; they were very inclusive with the neighborhood and supportive of neighbors' opinions; beach starts and landings should not be allowed; minimal traffic on west side of the beach; the Antonino dock is already there, put this one next to it.

The following people spoke in opposition to the proposed project:

Kristin DeLay, 24 Lincoln Street, Niantic

Dan Landry, 120 Niles Hill Road, Waterford

Comments made by those in opposition of the project included, but were not limited to: opposed to construction on the west side of the point; location is detrimental to kayakers and water skiers; moorings are located on the west side; the Antonino dock has already reduced the use of the beach by the public; concerns about dune grass and beach erosion; structure will hinder the use for water sports/public use; opposed to structure in that location.

Mr. Dutton expressed concern regarding the pilings located a distance of approximately 60 ft. from shore out into the river. Mr. Nielsen commented the applicant would be willing to put reflective markers and solar lights on the pilings. Ms. Adams asked Lt. Burton if he had safety concerns about the pilings and Lt. Burton commented there is a concern because people are still going to use the west side of the Point. He suggested the pilings be marked with reflective tape and solar light. Mr. Dutton stated he is concerned about possible safety issues with teenagers using boats at dusk or after dark and running into the pilings. Mr. Nielsen stated there is a bright yellow foam sheath made to go over the piling; they could use these in addition to reflective tape and solar lights.

Mr. Fine commented that many times there is no perfect solution and both parties need to compromise.

Discussion took place regarding the fact that the Harbor Management Commission is not the approving authority for the dock permit, the D.E.E.P. is the approving authority. The Harbor Management Commission is charged with determining whether the proposed project is consistent or inconsistent with the Harbor Management Plan. If it is found to be inconsistent, the Commission must indicate the section of the Plan the project is inconsistent with. If it is found to be consistent with the Plan but the Commissioners have concerns, their comments/recommendations can be included on the consultation form that will become part of the project application to D.E.E.P.

Ms. Adams asked Lt. Burton whether or not the public would still be able to use the west side of Sandy Point for water ski beach starts if the Burke's project moves forward in its proposed location. Lt. Burton responded yes, just maybe not to the extent that it is used currently and the traffic might be slower.

6. Applications for review (cont'd.)

Further discussion took place and the consensus of the Commission was to recommend that if the D.E.E.P. approves this application, they should incorporate into the permit the condition that low lights or solar lights be installed on both pilings, that the pilings be covered with brightly colored foam sheaths marked with reflective tape, that these conditions be made a permanent part of the permit, and that the applicant or any future owner of the property be required to maintain these conditions.

A motion was made by Mr. Saari and seconded by Mr. Fine to find that the proposed project at 21 Park Drive is consistent with the Waterford Harbor Management Plan. The vote was three in favor, one opposed (Adams).

7. Old Business

- a. Harbor Master/Harbor Management boat repairs
Lt. Burton commented there is a strong possibility that East Lyme will receive a grant for a new regional Harbor Management boat. A funding announcement will most likely be made around July 23, 2015. The grant requires a 25% local match, which would be approximately \$25,000.00. East Lyme Harbormaster Richard Morris will be asking for help from Waterford to come up with half of the local match. Yearly maintenance would be paid for by the New London Marine Group, as long as grant funds are available. Discussion was held and consensus of the Commission was to hold off on repairs to the 1998 Parker boat for the time being.

8. New Business

- a. "Welcome to Niantic River" sign
Fred Grimsey (Save the River, Save the Hills) contacted the Waterford HMC recording secretary to say the sign we helped pay for hasn't been installed yet. Originally, AMTRAK had agreed to do the installation but now they say they can't pay for the materials required for the installation. Mr. Grimsey stated that he had spoken with Chief Pendleton, who in turn spoke with an AMTRAK representative, and Chief Pendleton was going to ask the Harbor Management Commission to pay for the installation materials. Mr. Grimsey is trying to locate the name and contact information for the AMTRAK representative, and requests that the HMC consider this matter at its July 9, 2015 meeting. Brief discussion was held.

A motion was made by Mr. Dutton, seconded by Mr. Saari and unanimously voted to authorize the expenditure of up to \$200.00 to assist in getting the Welcome to Niantic River sign installed.

- b. Consider and act on amendments to the Mooring Permit Application Package, to add the requirement that mooring equipment needs to be removed by the permit holder if the permit is not renewed. (Attachments: 01/08/15 HMC Minutes re: recovery of lost or abandoned moorings; Page 20 of the HM Plan, Article II, Section 14 - Fees Incidental to Recovery, Movement and Storage and Article III, Section 1 – Placement of Moorings.

Discussion was held and consensus was to add a "bullet" to page 2 of the Mooring Permit Application package, stating that the mooring owner is responsible for removing his/her ground tackle if they are not renewing their mooring permit.

8. New Business (cont'd.)

b. ...Amendments to the Mooring Permit Application (cont'd.)

Discussion was also held regarding lost or abandoned moorings, and consensus was to add another "bullet" to page 2 of the Mooring Permit Application package, stating that prior to obtaining a new mooring permit, the mooring owner is responsible for hiring a certified diver to search for the lost or abandoned mooring and the certified diver is to provide a signed statement to the Harbor Master, attesting to the details of the search.

c. Lt. Burton requested that the Harbor Management Plan be revised to require that moorings be "purpose built"; he recently had an applicant who bought a "re-purposed" train wheel and axle that was marketed and sold as a mushroom anchor.

Discussion was held regarding the need to begin discussing revisions to the Harbor Management Plan; any and all revisions or amendments would need to go through the appropriate process, which includes approval by the RTM and D.E.E.P.

9. Adjourn

There being no further business to come before the Commission, and upon motion duly made, seconded, and unanimously voted, the meeting was adjourned at 9:15 p.m.

Respectfully Submitted,



Kathy A. Kent
Recording Secretary