

MINUTES
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING

RECEIVED FOR RECORD
WATERFORD, CT

WATERFORD POLICE DEPARTMENT
September 8, 2016
5:00 p.m.

16 SEP 14 PM 3:47

ATTEST: *David L. Conzo*

Present: Commissioners Jane Adams, Robert DeRosa, Robert Dutton, Philip Fine, James Hamsher, and Carlton Saari; Police Lieutenant David Burton, Harbor Master

Absent: Richard Miller, Deputy Harbor Master

1. Call to Order, Pledge of Allegiance

The meeting was called to order by the Chair, Ms. Adams, at 5:00 p.m. and the Pledge of Allegiance was recited.

2. Minutes of the June 9, 2016 Regular Meeting

A motion was made by Mr. Dutton, seconded by Mr. Fine and unanimously voted to approve the minutes of the June 9, 2016 meeting as presented.

3. Correspondence

The following items were received and reviewed by the Commission:

- a. 06/10/16 email from Brian Golembiewski (DEEP OLISP) regarding Public Act #16-89, which requires applicants for SD&F/TW DEEP permits to send a copy of the Notice of Application to any property owner within 500 feet of the subject property.
- b. 06/15/16 DEEP Permit #201509897-MG, Daniel Steward, 37 Riverside Drive, Waterford, for retention of an existing stone seawall and fixed pier, ramp and floating dock and installation of tie-off piles.
- c. 06/15/16 DEEP Notice of Tentative Determination #201509540-MG, Evan Carpenter, 5 Plant Drive, Waterford, for construction of a fixed pile and timber pier, ramp, floating dock and tie-off piles.
- d. 06/20/16 DEEP Notice of Tentative Determination Statewide General Permit, Section 401 Water Quality Certification, Notice of Federal Coastal Consistency Review.
- e. 07/01/16 DEEP Notice of Tentative Determination #201603690-MG, Town of Waterford, 3 River Street, for removal of existing timber decking and the construction of a cantilevered timber fishing platform.
- f. 07/28/16 DEEP Certificate of Permission Application, Rick Wood, 44 Oswegatchie Road, Waterford, for retention and maintenance of a retaining wall and dock.
- g. 08/22/16 DEEP Permit #201603690-MG, Town of Waterford, 3 River Street, to remove and replace, in-kind and in-place, an existing pile-supported timber walkway with railings and structural cross-bracing; and to construct a cantilevered public access fishing pier.
- h. 09/01/16 letter from Harbor Master Burton to First Selectman Steward, requesting re-appointment of Commissioners Dutton and Saari for three year terms.
- i. 07/28/16 transmittal of the Certificate of Permission application submitted by the State of CT DOT for Replacement of Bridge No. 00368 U.S. Route 1 over Niantic River (East Lyme/Waterford).

4. Shellfish Commission Liaison -no report.

5. Harbor Master

Harbor Master Burton was present and discussed the following items:

- a. 08/31/16 email from Town Attorney Robert Avena, in response to 06/09/16 consensus of the HMC to obtain the Town Attorney's opinion regarding the 05/16/16 letter from Attorney Mark Balaban, on behalf of his clients Mr. and Mrs. Wayne Records, requesting new measurements be taken on the Waterford side of the river to determine whether or not the additional moorings which have been installed near 15 Bella Vista Street in Quaker Hill are within the waterways under the control of the Waterford Harbor Management Commission.

Harbor Master Burton commented that Attorney Avena's email states, in part, that Attorney Avena "talked with Attorney Balaban...about the mooring issue and he appears satisfied that Waterford has done everything possible under our authority about the mooring controversy. I asked him if he had any more evidence to give us to add on the jurisdiction issue with New London relative to the location of the controversial moorings and he said no. I told him we would stand by at this point and that New London has continued to claim jurisdiction over the moorings at issue and he understood. As to a marine version of an 'A-2' survey.....on a jurisdictional issue between two Harbor Management Commissions, we first confirm with the state that no further mapping exists that you have not already reviewed, or perhaps the military or Federal mapping sources. Otherwise, without an individual coming forward, we would have to determine if there were enough funds for the Commission to have some mapping done in that area, to clarify a 'boundary issue' between the two communities....."

- b. 06/13/16 email between Harbor Master Burton and Joseph R. Salvatore, MPE, Dredge Project Coordinator/Project Management, CT DOT, regarding dredging of Niantic River and Jordan Cove.

Mr. Salvatore's email states, in part, that he "sent a message to the Army Corps of Engineers regarding Harbor Master Burton's shoaling concerns in the Niantic River Federal Channel. The Army Corps is responsible to maintain the federal channel. The Corps will want you to fill out a Harbor Information form to get the process going. The Corps will want to commission a survey first to determine the depths. Attached you will see the limits of the federal channel and responsibility. Outside of that area is the municipality's responsibility to maintain." He requested Harbor Master Burton provide him the exact locations that are of concern, and cautioned that dredging doesn't happen overnight. Testing protocols, disposal options and funding have to occur before dredging can take place. Harbor Master Burton provided the information and will review and complete the harbormaster form for the Army Corps of Engineers. Mr. Salvatore sent the information from Harbor Master Burton to the Corps.

- c. 08/20/16 email from Deputy Harbor Master Miller regarding a mushroom mooring sticking up above water at low tide, just south of 162 Niantic River Road

Harbor Master Burton stated that Mr. Miller took care of this situation.

- d. 08/31/16 letter from Harbor Master Burton to Jennifer Henschel, advising her to change the location of her dinghy access on her permit application form, as the address she was using was private property and the property owner did not grant her permission to do so.
- e. Report on progress regarding sale or auction of the 1998 Parker boat.
Harbor Master Burton reported that a bid in the amount of approximately \$23,000 has been received and accepted by the Purchasing Agent. The process is moving forward.

6. Applications for review

a. (This item has been postponed and will be scheduled for a future meeting, at the request of Docko, Inc.)

07/13/16 transmittal of DEEP Permit Application by Docko, Inc. on behalf of their client, Kevin Reardon5 Shawandasse Road, Waterford, to retain 50 (+/-) CY of shore line bluff toe armor stone over 3,000 (+/-) SF and retain and maintain a 100 (+/-) LF groin, 50 (+/-) CY over 2,500 (+/-) SF. Construct 77 (+/-) LF of 4-FT wide wood pile and timber pier with rails and electric/water utilities. Also install a batter braced boat lift with controls, electric panel and associated piles, an 8-FT x 20-FT float and associated piles, ramp and four tie-off piles, all waterward of the Mean High Water and Coastal Jurisdiction Lines.

b. Information only; no action required. 08/08/16 email from Kristin Zawacki, Director of Public Works, with information indicating that the Rehab of Bridge over Jordan Cove project will be handled with a Certificate of Permission application instead of a Permit application. Harbor Management Commission DEEP Permit Consultation Form, Applicant: Town of Waterford; Agent: CME Associates, Inc.; for Bridge No. 04075, Jordan Cove Road over Jordan Cove.

Brief discussion was held by the Commissioners, who are concerned about sufficient clearance for passing under the new bridge. The Commission anticipates receiving a copy of the complete C.O.P. Application in the near future.

7. Harbor Management Plan

a. Email correspondence to and from the HMC Recording Secretary, Town Attorney Rob Avena, Abby Piersall, Planning Director, and OLISP, regarding proposed changes to the Harbor Management Plan.

The Commission discussed the email, and reviewed and edited the proposed changes. Ms. Adams will make the edits and the document will be reviewed by the Commission at the next meeting.

b. CT DEEP Residential Dock Guidelines

c. Revised proposed changes to the Harbor Management Plan, received from Ms. Adams on 09/07/16.

8. Mooring Permit Fees

a. Status of mooring permit fees after 08/01/16 action by the RTM.

The RTM voted on August 1, 2016 to approve the Commission's request to approve, pursuant to town ordinance 2.82, the proposed increase on mooring permit fees. Therefore, all new applications will be \$75.00 and all renewal applications will be \$50.00. This will begin with the 2017 mooring permits.

9. Old Business

a. Niantic Bay Shellfish Farm proposal (Tabled at the 05/12/16 meeting)

A motion was made by Mr. Dutton, seconded by Ms. Adams and unanimously voted to take this matter from the table for the purpose of discussion. Commissioners expressed concerns that the Niantic Bay Shellfish Farm seems to be operating on the river although the Harbor Management Commission never heard back from them after the initial presentation. Ms. Adams and/or Harbor Master Burton will speak with Deputy Harbor Master Miller to see what, if any, permission was granted by the Shellfish Commissions and/or the State D.E.E.P. This matter will be kept open for purposes of discussion at the next Harbor Management Commission meeting.

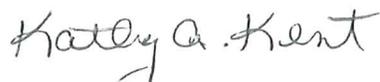
10. New Business

- a. Waterford Harbor Management Commission's submission of a project (the dredging of Jordan Cove) to the Connecticut Harbor Management Association, for inclusion on their list to be submitted to the Connecticut Port Authority.
- b. 09/06/16 email from Ms. Adams regarding the CMHA's submission, made to the CT Port Authority by the President of the CHMA, of the list of potential projects for funding support by the CT Port Authority. Harbor Master Burton stated that the town will need to appoint a municipal dredging coordinator for these types of projects. The Flood and Erosion Control Board and former Planning Director Tom Wagner were mentioned as having been involved in dredging projects in the past. Lt. Burton will follow-up with the Director of Planning.
- c. Golden Spur
Harbor Master Burton commented he has received an application for a mooring inside of Golden Spur. Discussion took place and consensus was that the area is too shallow and the Commission is not in favor of moorings being placed inside of Golden Spur.
- d. High-speed boating on Niantic River
Harbor Master Burton commented that discussions need to begin regarding a long term plan for the Niantic River. This is a narrow river and conditions do not support the high-speed boating/water-skiing north of Sandy Point; the area is becoming more congested. Some of the long term goals should include speed restrictions north of Sandy Point; possibly moving some of the mooring fields to open up a center area for skiing, although the narrowness of the River is an issue. Discussion was held regarding the desires of boaters, water-skiers, and personal watercraft users vs. the desires of waterfront property owners with docked boats that sometimes sustain damage from the wake caused by high-speed boaters. Discussion was also held regarding the possibility of posting notices and buoys which indicate a 100 ft. from shore "no wake zone". Further discussion was held and Harbor Master Burton will get a quote for day markers and marker buoys.

11. 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 6:30 p.m.

Respectfully Submitted,



Kathy A. Kent
Recording Secretary