

**MINUTES
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING**

WATERFORD POLICE DEPARTMENT
October 8, 7:00 p.m.

Present: Commissioners Jane Adams, Philip Fine, James Hamsher and Carlton Saari

Also Present: Police Lieutenant David Burton, Harbor Master; Richard Miller, Deputy Harbor Master

Absent: Commissioner Robert Dutton

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.

2. Minutes of the August 13, 2015 Regular Meeting

A motion was made by Mr. Hamsher and seconded by Mr. Saari to approve the minutes of the 08/13/15 meeting as presented. The vote was 3 in favor, 1 abstention (Fine).

A motion was made by Mr. Hamsher, 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.

3. Correspondence

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

- a. 08/14/15 Transmittal of Docko revised drawings for Mr. Burke's project at 21 Park Drive.
- b. 08/19/15 Transmittal of D.E.E.P. Notice of Tentative Determination to Approve Application No. 201504576-MG submitted by Gerwick Mereen LLC on behalf of their client, Catherine Barnard Trust, to construct a fixed pier, ramp and floating dock with boatlift for private recreational boating use at 182 Niantic River Road, Waterford, CT.
- c. 08/24/15 Transmittal of D.E.E.P. Certificate of Permission Application submitted by Docko, Inc. on behalf of their client, Mr. Tracey Sherman, to construct stairs from the pier to the beach in lieu of ships ladders previously authorized by D.E.E.P. COP #201501134-MG, at 6 Windward Way, Waterford, CT.
- d. 8/27/15 Letter from Governor Dannel Malloy, appointing David Burton as the Harbor Master for the harbors and navigable waterways of Waterford.
- e. 08/28/15 Transmittal of Port Niantic Inc. Invoice #32784, dated 7/1/15, requesting payment in the amount of \$425.01 for storage of the Harbor Master Boat. Lt. Burton stated he spoke with East Lyme Harbor Master Richard Morris, who had an agreement with one of the owners of Port Niantic that there would be no charge for storage of the boat. Lt. Burton will confirm the status of this invoice.

4. Shellfish Commission Liaison's Report

Mr. Miller stated that the Waterford Shellfish Commission restocked about 1½ months ago, 80 – 85 bags of clams. Waterford-East Lyme Shellfish Commission is having problems with the rain gage. Mr. Miller discussed problems with the scallop sites and stated it is uncertain whether there will be an open scallop season.

5. Harbor Master's Report

- a. 09/01/15 email from Mr. Wayne Records, and response from Lt. Burton, regarding moorings in the vicinity of Harrison's Landing/Bella Vista.

Lt. Burton spoke about the "Boating on the Thames" Marina and 12 moorings with boats on them located directly off the Marina. The New London Harbor Master issued three permits for moorings that are in Waterford's jurisdiction; Lt. Burton has the names of those mooring owners and will follow up with them. However, the rest of the moorings are unauthorized.

Moorings established by Marinas are governed by the State and Lt. Burton will contact the State to see if the Marina has permits for these moorings.

If the moorings have not been permitted by the State, Lt. Burton will follow up with letters to the owners of the Marina and the boat owners, explaining the mooring permit process and telling them that unauthorized moorings need to be removed.

- b. Lt. Burton discussed the advantages of utilizing a website for Harbor Management Commission purposes. He has spoken with the person who designed the Police Department website, who is willing to work with the Harbor Management Commission. Information for transient boaters can be posted, as well as the Harbor Management Plan, information about unauthorized moorings that have been removed from the water, and a forum for comments, etc. could be established.

Mr. Miller stated he no longer has the "Deputy Harbor Master" phone line and asked that it be removed from the Harbor Management Commission contact list.

A motion was made by Mr. Hamsher, seconded by Mr. Saari, and unanimously voted to approve an expenditure of up to \$500.00 for design of a web site for the Harbor Management Commission.

6. Applications for review

- a. 06/26/15 Transmittal of D.E.E.P. Permit Application by Docko, Inc. on behalf of their client, Daniel Steward, 37 Riverside Drive, Waterford, for pier and float retention.

Mr. Keith Nielsen (Docko, Inc.) gave an overview of the application. He stated that the Steward family had a dock at this site for decades, but for approximately two years the float was not there. The CT DEEP won't accept a Certificate of Permission application because the float was not there for two years. Therefore, the Stewards are submitting a permit application to the DEEP which includes driven/drilled/pinned piles as support piers. This is a very expensive proposition and the Stewards want to get a permit to retain what's there right now, but also get permission to make it what it should be.

6. Applications for review (cont'd.)

The current pier is old and has been damaged by ice. The cracks in the existing sea wall indicate it needs maintenance. Questions were asked and answered and it was established that the Stewards will be staying within the current footprint. Lt. Burton stated he is familiar with the dock and the project poses no issues as far as the public is concerned.

A motion was made by Mr. Hamsher, seconded by Mr. Saari and unanimously voted to find that the work as described in the application for 37 Riverside Drive is consistent with the Harbor Management Plan.

- b. 09/25/15 transmittal of Waterford Planning & Zoning Commission Comment Sheet and Coastal Area Management (CAM) Site Plan – Living Shoreline Restoration & Stair Construction at 15, 17 & 19 Magonk Point Road.

Mr. Nielsen explained the CAM Site Plan application. He stated that the applicants have a right-of-way for beach access but hurricanes have washed out a large part of the access area. The intent of this project is to replace fill, rebuild the stairs and make them removable, and put armor stone down. Mr. Nielsen has worked closely with the applicants' neighbor, Brian Carey, who had concerns about his fence. The project has been designed to have no negative effect on Mr. Carey's fence. The project is landward of the coastal jurisdiction line and will have no effect on the water.

A motion was made by Mr. Hamsher, seconded by Mr. Saari and unanimously voted to find that there is nothing in this CAM Site Plan application that would be considered inconsistent with the Harbor Management Plan.

7. Old Business

- a. Status of Warning Notice for Anchored Vessels
Lt. Burton stated this is ongoing and requested it be kept on the agenda as old business.

8. New Business

- a. Establishment of a Harbor Management Office at the Waterford Police Department

Police Chief Mahoney has agreed to let the Harbor Management Commission use office space off of the Training Room to establish a Harbor Management Office. Discussion was held about the need for a laptop computer and the recording secretary will research this.

- b. 2016 Meeting Schedule
Discussion was held and consensus was to continue meeting on the second Thursday of each month, but change the regular meeting time to 5:00 p.m. A notice will be sent to the Town Clerk.
- c. East Lyme Harbor Management Plan, 2015 Plan Amendments, Draft for Public Review, dated June, 2015. Discussion was held and consensus was that if any water-related engineered projects are planned by either Waterford or East Lyme, both Harbor Management Commissions should meet to discuss the project.

8. New Business (cont'd.)

- d. 09/21/15 email from Lt. David Burton, Harbor Master, transmitting East Lyme's grant approval letter for the shared Harbor Management/Harbor Master boat. East Lyme has issued a Purchase Order to Defender Industries in the amount of \$91,512.82. The grant will cover \$73,553 and Waterford's contribution is \$12,000.

Discussion was held regarding the Memorandum of Agreement between Waterford and East Lyme for shared use of the 1998 Parker Boat; the agreement needs to be updated, reviewed (send by e-mail to members of HMC), and executed.

Discussion was held regarding the need to receive an invoice or something in writing from East Lyme requesting payment from the Waterford Harbor Management Commission in the amount of \$12,000 for Waterford's share of the new Harbor Master boat.

A motion was made by Mr. Saari, seconded by Mr. Fine and unanimously voted to approve the expenditure of \$12,000 from the Harbor Management Fund for Waterford's share of the new Harbor Management/Harbor Master boat upon the receipt of an appropriately framed request for payment from East Lyme and a fully executed Memorandum of Agreement between East Lyme and Waterford for use of the new boat.

- e. J. Adams requested the Commissioners consider the establishment of a policy to require that permit applications to be reviewed for consistency with the Harbor Management Plan be provided to the Commission as complete drafts, to include all information that will be forwarded to the DEEP as part of the permit application. Discussion was held.

A motion was made by Mr. Hamsher, seconded by Mr. Fine and unanimously voted to establish a policy that requires applicants and/or agents to submit complete drafts (including all information that will be forwarded to the DEEP as part of the permit application) when requesting the Commission to review their permit application's consistency with the Harbor Management Plan.

- f. Harbor Management Plan changes: Discussion was held about the appropriate process to follow when making changes to the Harbor Management Plan. Consensus was to obtain an opinion from the Town Attorney on whether all changes must be submitted to the RTM.
- g. The recording secretary will provide to the Commissioners a copy of the statutory language regarding establishment and use of harbor management funds for next meeting.

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 9:00 p.m.

Respectfully Submitted,


Kathy A. Kent
Recording Secretary