

**MINUTES  
HARBOR MANAGEMENT COMMISSION  
REGULAR MEETING**

WATERFORD POLICE DEPARTMENT  
March 13, 2014, 7:00 p.m.

Present: Commissioners Jane Adams, Robert Dutton, Philip Fine, James Hamsher, Eleanor Mariani and Carlton Saari; Harbor Master Murray J. Pendleton and Deputy Harbor Master Richard Miller

Also Present: Gary Smith, David Provencer, Bob Conigliaro, and Keith Nielsen

**1. Call to Order**

The meeting was called to order by Chief Pendleton at 7:00 p.m. and the Pledge of Allegiance was recited.

**2. Minutes of the November 14, 2013 Special Meeting**

A motion was made by Ms. Mariani and seconded by Mr. Hamsher to approve the minutes of the November 14, 2013 minutes as presented. The vote was five in favor, one abstention (Dutton).

A motion was made by Ms. Adams, seconded by Mr. Dutton and unanimously voted to move to Agenda Item 7, followed by Agenda Item 6, and then return to Agenda Item 3.

**3. Correspondence: the following correspondence was received and reviewed.**

- a. 11/15/13 correspondence to Town Clerk re: 2014 HMC regular meeting schedule.
- b. 11/20/13 correspondence to First Selectman re: HMC budget request for 2014/2015.
- c. 11/03/13 D.E.E.P. Notice of Tentative Determination and Intent to Waive Public Hearing for Application #201303344-MG, followed by 01/06/14 D.E.E.P. Permit #201303344-MG, Patricia Storace, 151R Oswegatchie Road, Waterford, to remove a piece of concrete and construct a 4' wide by 48' long fixed and timber pier with a top of deck elevation of +6.0' MLW, utilities and two sets of stairs, of which 38' is located waterward of the coastal jurisdiction line, a 3 ½ ' wide by 24' long ramp to an 8' wide by 20' long floating dock with float stops secured with four (4) float restraint piles, a float suspension system, five (5) tie-off piles with an amber navigation light.
- d. 11/25/13 Application for Certificate of Permission by D.E.E.P., Bureau of Outdoor Recreation, Boating Division, to repair ramp by removing power loading berm off end of ramp at the Niantic River State Boat Launch, 21 Avenue B off Niantic River Road, followed by 12/18/13 D.E.E.P. Certificate of Permission #201306228-MG issued to D.E.E.P. Bureau of Outdoor Recreation, Boating Division, to remove accumulated sediment from a 19' wide by 70' long area located between existing access floating docks to a depth of 2' and repair an existing scour hole located within the footprint of the existing ramp by placing crushed stone within the scour hole; dewater the sediment on the upland and dispose of the material on-site.
- e. 12/01/13 D.E.E.P. Notice of Tentative Determination to approve Application #201304013-MG, followed by 01/15/14 D.E.E.P. Permit issued to Suzanne Young, 11 Park Drive, Waterford, to construct a fixed pier, ramp, floating dock and personal watercraft lift for private recreational boating use.

**3. Correspondence (cont'd.)**

- f. 12/27/13 transmittal of Application for D.E.E.P. Certificate of Permission by Fedus Engineering, LLC on behalf of Barry Armstrong (applicant), Edmund Harrigan (owner), followed by 01/21/14 D.E.E.P. Certificate of Permission #201400235-MG issued to Barry Armstrong, property located at 13 Park Drive, Waterford, to modify the location of existing tie-off piles (move battered tie-off piles on the south side of the existing dock approximately 5 feet further south to allow 20 feet of berthing between the existing floating dock and the battered tie-off piles.)
- g. 01/22/14 e-mail from Eleanor Mariani re: 4/40 dock reference and info
- h. 02/03/14 Application for Certificate of Permission – Fish Barrier Maintenance by Dominion Nuclear Connecticut, Inc.
- i. 11/22/13 memo from Chief Pendleton regarding several concerns raised by the Harbor Management Commission at its November 14, 2013 meeting.
- j. 11/26/13 e-mail from Town Attorney Robert Avena re: D.E.E.P. application at 97 Oswegatchie Road.

**4. Shellfish Commission Liaison's Report**

Mr. Miller reported that the Waterford shellfish area is closed until April, and the WELSCO shellfish area has been open or closed depending on rainfall. He commented that a volunteer used to transport water samples to the lab, but cannot continue doing so. Meetings are being held regarding the need to find a way to get the water samples to the lab; it's approximately a one hour trip each time. Discussions are in the works to see if we could make it a regional effort.

**5. Harbor Master's Report**

- a. 01/21/14 Invoice from Newton Manufacturing Co. in the amount of \$338.21, sent on 01/29/14 to Finance for payment, for 2014 mooring decals (red/white/black).
- b. 03/06/14 approval letter to William Pepin, granting permission to perform inspections of his own mooring.
- c. Chief Pendleton commented that the State will be transferring to the Town a portion of the Niantic River State boat launch parking lot, in exchange for in-kind work on the remaining portion of the lot to be performed by the Town (redesign, preparation, paving and striping).

**6. Applications for review**

- a. (12/31/13) D.E.E.P. Permit Application submitted by Docko, Inc. on behalf of David Keatley, 54 Niantic River Road, Waterford, CT, to construct 50 (+/-) LF of 4-ft. wide fixed wood pile and timber pier, install an 8 ft. x 20 ft. float with associated access ramp and restraint piles, four new tie-off piles, a boat lift and three new PWC lifts, all waterward of the CT Coastal Jurisdiction line and mean high water line.

Keith Nielsen from Docko, Inc. was present and he reviewed the application. He stated that a dock had been approved 10 years ago for the former homeowners, but the dock

**6. Applications for review (cont'd.)**

**a. (Keatley, 54 Niantic River Road)**

was never built. Mr. Nielsen commented that he has met extensively with D.E.E.P. regarding the configuration of the dock that is now being proposed. The applicant has approximately 250 ft. of frontage on the water but much of it is wetlands. Discussion was held which included, but was not limited to, setbacks from property lines (at least 10 ft.), being perpendicular instead of parallel (the client wanted it that way), the “dog-leg” towards the neighbor’s property (to reach the deepest water a.s.a.p.), the boat lift, and concern about the view from the neighbor’s house. Chief Pendleton suggested Mr. Nielsen confer with the neighbor regarding the dogleg, the boat lift, and the view.

Mr. Nielsen stated that he will demonstrate that the project is at least 10’ away from the neighbor’s property and he will meet with the neighbor regarding the boat lift and “dog-leg”.

A motion was made by Mr. Saari, seconded by Mr. Dutton and unanimously voted to table this application until the next Commission meeting.

**b. (01/21/14) D.E.E.P. Permit Consultation Form submitted by Gary D. Smith, PHD, P.E. on behalf of Peppermint Ridge, LLC, for work proposed at 1 First Street (Mago Point), Waterford.**

Mr. Gary Smith, owner of the subject property, was present and reviewed the application, stating that 1 First Street is the most western property in Mago Point. His proposal includes 293’ of floating dock with 17 slips, 2 of which would be for transient boaters. Discussion was held which included, but was not limited to, whether any dock encroaches on any channel (no, there’s plenty of clearance for channels and clearance to nearest docks); concern about the gas dock, concern about “choking off” people using the State boat launch; concern about the distance from shore; proposed public bathrooms (a good idea). Mr. Smith stated that the Mago Point Business Association (MPBA) is trying to upgrade the whole area. The MPBA voted to support this project and voted to write a letter of support to the Army Corps of Engineers. The Commission requested that Mr. Smith provide a copy of the officially approved MPBA meeting minutes and a copy of the letter of support they wrote to the Army Corps. Consensus of the Commission was to approve the project, contingent upon receipt of the requested documents.

A motion was made by Mr. Hamsher, seconded by Mr. Dutton and unanimously voted to find that the work as described is consistent with the Waterford Harbor Management Plan. This approval is contingent upon receipt of requested documents.

**c. (03/04/14) D.E.E.P. Permit Application submitted by Coastline Consulting & Development, LLC on behalf of Wayne Records, applicant, to install a 4’ x 34.5’ fixed pier, 3’ x 25’ ramp, and 8’ x 20’ floating dock at 15 Bella Vista Street.**

Mr. David Provencer from Coastline Consulting & Development, LLC was present and reviewed the application. He commented that this is a new dock, located in the middle of the applicant’s property, and it meets all of D.E.E.P.’s policies. He met with D.E.E.P. and the Army Corps of Engineers and has their blessing. The dock has a float and the float has stops. Discussion was held which included, but was not limited to, chains

**6. Applications for review (cont'd.)**

**c. (Records, 15 Bella Vista Street)**

serving as stops (Mr. Provencer stated the chains were recommended by D.E.E.P.); and electricity (no electricity is being proposed).

A motion was made by Mr. Fine, seconded by Ms. Mariani and unanimously voted to find that the work as described is consistent with the Waterford Harbor Management Plan.

**7. Old Business**

**a. D.E.E.P. Permit Application submitted by Docko, Inc. on behalf of Brian Vincenti, 97 Oswegatchie Road, Waterford, CT, to construct a new dock facility and retain an existing stone wall.**

Mr. Keith Nielsen from Docko, Inc., was present and stated that when this application was presented to the Commission in November, 2013, the Commission expressed some concerns about the property so he commissioned an A-2 Survey. Due to inclement weather, the survey has not yet been completed but he should have it in time for the next regular meeting of the Commission. Brief discussion was held about the right-of-way. The recording secretary was directed to send to Mr. Nielsen a copy of Town Attorney Avena's e-mail regarding Certificate of Title. Discussion was also held regarding the need to clarify the Harbor Management Plan's language regarding what is considered a lot. Ms. Mariani commented that in other areas of the State, particularly on lakes, situations similar to this one create "keyhole" properties that would allow for condos to be built and use the "keyhole". Further discussion was held and consensus was to table this application until the next regular meeting.

A motion was made by Mr. Fine, seconded by Mr. Saari, and unanimously voted to table this application until the next regular meeting.

**b. D.E.E.P. Permit Application submitted by Gerwick Mereen LLC on behalf of Joseph Mingrone, 19 Best View Road, Quaker Hill, to construct a 4' x 30' fixed pier attached to a 3' x 32' ramp followed by a 6' x 16.5' float with float stops.**

Mr. Robert Conigliaro from Gerwick Mereen LLC was present and he reviewed the revisions made to this application as a result of concerns expressed by the Commission at its last meeting. These revisions were outlined in an e-mail dated February 7, 2014 from Mr. Conigliaro to the Commission's recording secretary, as follows:

*"Attached are revised plans for the proposed dock located at 19 Best View Road in Quaker Hill. We have read the minutes of your last meeting in November as well as your concerns. We have addressed them in the following ways.*

- 1.) We have removed the mushroom anchors and installed helical pilings on each end to support the float instead.*
- 2.) The float stops will be approximately 1'x1'x1' in dimension and be attached to the bottom of the float. They will be placed on the four corners of the float. The float stops under mean low water conditions will still be approximately 10 inches above the bottom and 4.5 feet during high tide. It is only during periods of extremely low tides that they will have the potential to come into contact with the bottom.*

**7. Old Business (cont'd.)**

**b. (Mingrone, 19 Best View Road)**

- 3.) *The Waterford Shellfish Commission signed off on this proposed application on November 27, 2013. I am attaching the consultation form for the Commission's review.*
- 4.) *We have shown a proposed 17' outboard power boat with a beam of 6-10" and a draft of 9" which (is) the maximum boat size the applicant plans on berthing at the site. The immediate plan is (to) launch kayaks and canoes from the dock.*

*We hope this addresses all of your questions and concerns. Please feel free to contact our office if you have any additional questions."*

Brief discussion was held and consensus was that the Commission's concerns had been appropriately addressed.

A motion was made by Ms. Adams, seconded by Mr. Hamsher and unanimously voted to find that the work as described is consistent with the Waterford Harbor Management Plan.

**c. 01/06/14 e-mail from E. Mariani with proposed language changes to the Waterways Regulations Ordinance in the Harbor Management Plan.**

The changes are proposed in order to bring the Plan into conformance with the 04/25/13 response from D.E.E.P. regarding the Waterford Harbor Management Plan as amended 05/07/12.

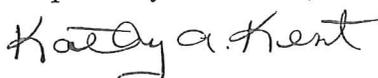
A motion was made by Ms. Adams, seconded by Mr. Fine and unanimously voted to change the language of 2.82.100 Waterways Regulations as follows:

**Section 2 (Vessel Speed)**

~~Vessel speed shall be strictly enforced in accordance with the provisions of Section 15-16 of the Connecticut General Statutes on that portion of the Thames River within the Town of Waterford. On the Thames River, no vessel when operated within two hundred feet of a dock, pier or wharf shall move at a speed greater than six miles per hour or at a speed that causes more than a minimal wake, whichever speed is less. In Alewife Cove vessel speed shall be restricted to six miles per hour. Vessel speed, **including speeds set by state regulation**, in all Waterford waterways shall be strictly enforced by state or local police.~~

8. **New Business:** Ms. Mariani reported that material dredged at the State Boat Launch will be de-watered on site and then moved to one of the State Parks.
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 8:55 p.m.

Respectfully Submitted,



Kathy A. Kent  
Recording Secretary