

**MINUTES
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING**

WATERFORD POLICE DEPARTMENT
May 8, 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

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 April 10, 2014 Regular Meeting

A motion was made by Ms. Adams and seconded by Mr. Saari to approve the minutes of the April 10, 2014 meeting as presented. The vote was 4 in favor, 2 abstentions (Dutton, Mariani).

3. Correspondence

- a. 04/23/14 correspondence and public notice from Coastline Consulting & Development, LLC regarding the Coastal Permit Application they have submitted for the Records property, 15 Bella Vista Street.
- b. 04/25/14 e-mail from Town Attorney Robert Avena, regarding the Vincenti application (97 Oswegatchie Road).

4. Shellfish Commission Liaison's Report

Mr. Miller commented that Waterford Shellfish is discussing doing a re-stock in June.

5. Harbor Master's Report

Chief Pendleton commented that he's dealing with a small number of private docks that have broken loose and washed up on people's beaches.

6. Applications for review – None.

7. Old Business

- a. (10/11/13) D.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.

A motion was made by Mr. Fine, seconded by Ms. Mariani and unanimously voted to take the above referenced matter from the table for purposes of discussion and action.

Chief Pendleton read Town Attorney Robert Avena's April 25, 2014 e-mail, which stated, in part, that he has "reviewed the Harbor Management Plan and the proposed dock and I do not see any conflict between them that would make the dock proposal inconsistent with the Harbor Management Plan. According to the survey supplied by the applicant and the certificate of title by his attorney, the applicant owns, by virtue of a

7. Old Business, cont'd.
(10/11/13) D.E.E.P. Permit Application, Vincenti, 97 Oswegatchie Road

single deed, frontage on the river of about 12 feet in fee simple, subject to a private right of passage over it by an adjoining land owner. In my opinion, only the subject lot owner, (this applicant), and no other party has the ownership right to 12 feet of river frontage, and therefore the right to request a dock on the state controlled property beneath the Niantic River. I do not see this proposal any differently than another property owner along the river who seeks to use his river frontage for dockage, provided he does not interfere with the riparian rights of his neighbors to do the same. Mr. Nielsen from DOCKO can explain to the Commission how the dock design is to be built in such a way that neighbors' parcels riparian rights adjoining this 12 foot wide parcel will not be interfered with after the dock is constructed and a boat is docked to it. As to the 'merger' of the right of way piece to the building lot, I would ask that the zoning officer first review your question of whether the right of way with the dockage can be sold separately from the house lot, but I do not see any provision in the Harbor Plan that would be affected by such a possibility..."

Chief Pendleton commented that it appears, based on advice from counsel, that the proposed work is "not inconsistent" and therefore should be found to be consistent with the Harbor Management Plan.

Lengthy discussion was held regarding this application and concerns were expressed by the Commissioners. Although the application is found to be consistent with the Harbor Management Plan, consensus of the Commissioners is that their concerns should be brought to the attention of the D.E.E.P. Therefore, the following will be included on the Harbor Management comment sheet:

The Waterford Harbor Management Commission requests that the D.E.E.P.

- obtain written approval from both abutting property owners and send copies of the written approvals to the Commission.
- note that the plan as reviewed was a draft plan without apparent littoral lines drawn
- note that because the property is only 12' wide, the proposed dock cannot meet setbacks from abutting property lines
- note the Commissioners' concerns about the future use of the dock should it be sold independent of adjoining property

A motion was made by Mr. Fine and seconded by Mr. Saari to find that the proposed project is consistent with the Waterford Harbor Management Plan. The vote was 5 in favor, one opposed (Hamsher).

Consensus was to send a copy of the comment sheet to Dennis Goderre, Director of Planning, and let him know that one or two of the Commissioners would like to speak with him.

8. New Business

a. Jordan Cove Road Bridge

Discussion was held regarding the status of the plans to repair/replace Jordan Cove Road Bridge and the gross vehicle weight limit of the existing bridge. Consensus of the Commission was that they would like to be able to give some input during the design phase of the bridge, particularly pertaining to the movement of water in and out of the Cove ("flushing").

A motion was made by Mr. Hamsher, seconded by Ms. Mariani and unanimously voted to contact the First Selectman and request a copy of the report submitted by appropriate firms regarding flushing of Jordan Cove in relation to Jordan Cove Road Bridge.

b. "Pulley Pole" moorings

Brief discussion was held regarding "pulley pole" moorings. Chief Pendleton stated that no new pulley pole moorings are being allowed, but the existing ones are being inspected and treated like moorings.

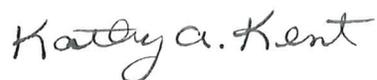
c. Harbor Management Boat

Brief discussion took place regarding the Harbor Management boat and a possible steering issue that needs to be resolved.

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 7:40 p.m.

Respectfully Submitted,



Kathy A. Kent
Recording Secretary