

1. Packet

Documents:

JULY 12, 2017 SPECIAL MEETING AGENDA.PDF
JULY 12, 2017 SPECIAL MEETING MINUTES - DRAFT.PDF



HARBOR MANAGEMENT COMMISSION
 Selectmen's Office
 101 Field Point Road
 Greenwich, CT 06836-2540
 203-622-7710

Bruce Angiolillo, Chairman
 Lile Gibbons, Vice Chairman
 Mike Van Oss, Secretary

Special Meeting Notice
 Harbor Management Commission
 Wednesday, July 12, 2017
 7:00 P.M.
 Mazza Room - Town Hall

AGENDA

1. Call to Order.
2. Review and authorization for submission of Approval Draft of Proposed Harbor Management Plan to the State of Connecticut (DEEP) for approval, and next steps.
3. Adjournment.



Bruce Angiolillo
 Chairman

This certificate received on file

On JUN 26 2017

At 11:55 AM.



Town Clerk

DRAFT

**Town of Greenwich
Harbor Management Commission
Special Meeting
July 12, 2017
7:00 P.M.
Mazza Room, Town Hall**

Minutes

Members in attendance:

Bruce Angiolillo	Chairman
Lile Gibbons	Vice Chairman
Mike Van Oss	Secretary
Bernard Armstrong	
Bill Ingraham	
Steve Kinner	
Frank Mazza	

Alternates:

Casey McKee

Absent:

Don Carlson

Ex-Officio Members in Attendance:

Sue Baker	Conservation Commission
Roger Bowgen	Shellfish Commission
Frank DiPietro	Police Department Marine Division
Ian MacMillan	Harbormaster
John Toner	Board of Selectmen
Joe Turcsanyi	Police Department Marine Division

Absent:

Jeff Freidag	Department of Parks & Recreation
Rick Loh	Board of Parks & Recreation
Horst Tebbe	RTM

Consultant in Attendance:

Geoffrey Steadman

1. Meeting called to order at 7:01 P.M. by Chairman Bruce Angiolillo

All Members and Alternate Members present except Alternate Member Don Carlson who sent an email in which he conveyed his strong endorsement of the Harbor Management Plan as revised and requested the record to reflect that he would vote to approve the HMP as currently written if he were present and seated. Chairman Angiolillo read the email aloud and directed that a copy of Mr. Carlson's email be attached to the Minutes. Mr. Angiolillo also noted that he had received a legal memorandum, dated July 11, 2017, from the Town Law Department, confirming: "It is our opinion that the draft Plan is in legal order and may be submitted to the Board of Selectmen for its review." Copies of Mr. Carlson's email and the Law Department's memorandum are attached to these Minutes.

2. Review and authorization for submission of Approval Draft of Proposed Harbor Management Plan to the State of Connecticut (DEEP) for approval, and next steps.

Chairman Angiolillo turned the meeting over to Vice Chairman Lile Gibbons, Chairman of the Harbor Management Plan Drafting Subcommittee.

Lile reviewed the history and process since the Commission began working on the Plan. Ms. Gibbons then turned to outlining the proposed revisions to the draft Plan that had been negotiated with DEEP. She explained that Mr. John Gaucher, who is in charge of reviewing our Plan, represented to us on June 19 that with these additional changes made, DEEP will recommend approval of the proposed Greenwich Harbor Management Plan. She reconfirmed that we had reached agreement with DEEP on all of the language in the Plan and that there were no open items.

Notwithstanding that it had taken six months to do so, Ms. Gibbons stated that the proposed changes to the January 2017 draft of the Plan are more matters of language than substance. She explained that there were three areas of concern to DEEP which were the focus of the extended discussions, namely:

- 1. The authority of the Board of Selectmen to review HMC decisions.** We agreed with DEEP to modify the draft Plan's language to clarify that the power of the

Board of Selectmen to hear appeals and overturn decisions of the HMC is defined by the subject matter jurisdiction granted to the Board of Selectmen in the Special Legislative Acts.

- 2. The permitting of Docks and Piers.** DEEP expressed a preference for language that specified size, location, design, material, etc. for all in-water structures in the Greenwich Harbors Area. With 26 miles of varied shoreline and the largest harbors area of any town in Connecticut, we explained that it was not possible to draft a “one size fits all” set of criteria, but wanted nonetheless to be responsive to DEEP’s concerns. We added considerable additional detail to this section of the draft Plan. Specifically, while acknowledging the littoral rights of waterfront property owners, we added language that in reviewing new permit applications, consideration should be given to whether the proposed structure would impair the visual site lines within the neighboring waterfront, impede navigation within the area, harm coastal vegetation, or detract from the traditional features of an otherwise scenic harbor or cove.

We insisted that DEEP must consider “visual aspects” in its review of dock and other in-water permit applications. DEEP was equally insistent that “visual aspects” are subjective in nature and difficult to apply. In the end, we agreed with DEEP to add language to the draft Plan which acknowledges DEEP’s view. Accordingly, the revised draft Plan continues to set forth our view that the construction of public and private floats, docks and piers should not have a significant adverse impact on the natural features of vistas and viewpoints and the traditional character of shorefront areas. And we agreed to allow DEEP “to asterisk” this statement by acknowledging that visual impacts have rarely been determining factors in DEEP’s coastal regulatory decisions.

- 3. The binding nature of HMC decisions on DEEP.** We argued if DEEP could override any decision made by a local harbor commission, that would mean that home rule is a fiction and there is no purpose for having a Harbor Management Commission. We compromised by adopting language clarifying that DEEP will accept and respect decisions made by the HMC that are consistent with, and adequately supported by, the Plan’s policies.

Ms. Gibbons also noted that we were successful in retaining environmentally sound, nonfederal dredging as a goal of the Plan. DEEP, however, insisted that it will not accept dredging as an alternative to permitting docks and other in-water structures. She also highlighted a change in the description of Steamboat Landing. And she underscored that DEEP continues to agree that the proposed Mooring Regulations do not have to be included in the Plan itself. At the suggestion of DEEP, we added some additional descriptive language to the draft Plan regarding the proposed Mooring Regulations.

Lile Gibbons then invited her fellow Commission and Alternate Members to comment.

Mike Van Oss complimented the Drafting Subcommittee “on the time, effort and detail” in preparing and revising the Plan and expressed his full support.

Bill Ingraham expressed his “appreciation for the work of the Drafting Subcommittee” and expressed his full support for the revised Plan.

Steve Kinner complimented “the great job” by the Subcommittee and volunteered to help in the contemplated annual Plan review once it is approved.

Frank Mazza called attention to the “intense” challenges faced in preparing the Plan and thanked the Drafting Subcommittee. He expressed his full support.

Bernie Armstrong complimented Bruce, Lile and Geoff Steadman on preparing a Plan “that is understandable” and offered “a very big thanks” to the Subcommittee “on a job well done.”

Casey McKee said the Subcommittee had done “a yeoman’s job” and thanked them for their efforts. He added that if he had been seated for this meeting, he would vote in favor of the revised Plan.

Chairman Angiolillo commented that the draft Plan advances the most important Town goal in preparing a harbor management plan, namely to give State-endorsed, local control over its harbors. Upon Plan approval, our Town will have greater “control of its own destiny” over the GHA. He added that the proposed Plan is a direct consequence of Geoff Steadman’s knowledge and experience, which was invaluable in our negotiations with DEEP. He expressed, on behalf of all, great appreciation for Geoff’s contribution.

Chairman Angiolillo then invited a motion to approve the revised draft Plan (*i.e.* “The Approval Draft of Proposed Harbor Management Plan Harbor Management Plan as of July 12, 2017”) and forward it to the Board of Selectmen for its authorization to submit it to the State of Connecticut (DEEP) for approval. Said motion for approval made by Bernie Armstrong, seconded by Steve Kinner. Motion carried (Unanimous).

On behalf of the Board of Selectmen and the citizens of the Town of Greenwich, John Toner then thanked the Harbor Management Commission for their efforts and dedication in preparing the Harbor Management Plan.

Geoff Steadman expressed his pleasure on working on the preparation of the Plan. He said a plan is only as good at the harbor management commission and this has been an outstanding group in his view.

Adjournment

Motion to adjourn made by Lile Gibbons, seconded by Steve Kinner.
Motion carried (Unanimous).

Meeting adjourned at 7:26 P.M

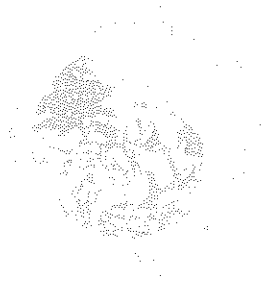
Bruce Angiolillo
Chairman

Mike Van Oss
Secretary

Penny Monahan assisted the Secretary in the preparation of these minutes.

John Wayne Fox
Town Attorney

Eugene F. McLaughlin, Jr.
Fernando F. de Arango
Valerie Maze Keeney
Aamina Ahmad
Abby R. Wadler



John K. Wetmore
Special Counsel

LAW DEPARTMENT

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TO: Bruce Angiolillo, Chairman – Harbor Management Commission
Lile Gibbons, Vice-Chairman – Harbor Management Commission
FROM: Aamina Ahmad, Assistant Town Attorney
DATE: July 11, 2017
RE: Harbor Management Plan Review

Pursuant to your request, the Town Attorney's Office has reviewed the draft Harbor Management Plan which was delivered to us on July 7, 2017. It is our opinion that the draft Plan is in legal order and may be submitted to the Board of Selectmen for its review.

Please let us know if we can be of any further assistance.

cc: Peter J. Tesei, First Selectman
John Wayne Fox, Town Attorney