

FINAL 2/17/21 MINUTES
Town of Greenwich
Harbor Management Commission Meeting
Via Zoom Conference

Members in attendance:

Mike Van Oss, Chairman
Bernard Armstrong, Secretary
Frank Mazza
Casey McKee
Skip Parker
Lile Gibbons, Vice Chairman

Alternates:

Ty Anderson.
Beth Forbes

Ex-Officio Members in Attendance:

James Bonney, Police Department
Sean Jordan, Harbormaster
Brian Kerzner, Parks and Recreation
Roger Bowgen.
Jill Oberender
Joseph Benoit
Sue Baker
Valerie Stauffer

Absent:

Katie DeLuca P & Z
Rick Loh, Board of Parks & Rec
Bill Ingraham

Consultants in Attendance:

Geoffrey Steadman
Aamina Ahmad

1. Meeting called to order at 6:10 P.M. by Chairman Mike Van Oss

Beth Forbes was seated in place of Bill Ingraham. The Chairman then moved item 9 to item 2 on the agenda.

2. At 6:12 pm Chairman Van Oss moved all commissioners plus Geoff Steadman and Aimina Ahmad into Executive Session. The Executive Session concluded at 6:40pm and the regular meeting resumed immediately. Upon leaving the Executive Session Lile Gibbons made motion that the HMC appeal the Memorandum of Decision in the Cohen vs. State of Connecticut case dated 1/27/21. Bernard Armstrong seconded, vote unanimous.

3. Approval of Minutes for the January 20th HMC Meeting

Lile Gibbons motioned to approve the Minutes of January 20, 2021. Frank Mazza seconded. Vote Unanimous.

4. Chairman's Report

Chairman Van Oss expressed his disappointment with the Memorandum of Decision dated 1/27/21 in which case the judge ruled against the HMC in the case of Cohen vs. The State of Connecticut. He commented that there are differences between the Harbor Management Act that created us and the judge's verdict.

4. Mooring Committee Report

No report. Casey Mc Kee reported likewise on the drone activity mainly because of the severe weather so far this year.

6. Harbormaster Report

The Harbor Master presented his monthly report attached. No actions since last meeting on the lobster barges. Mr. Zawoy in agreement with the fact that action needs to be taken on this. Sean Jordon to contact Rick Kral as well as Mr. Visa and Bertof by the March meeting. Roger Bowgen offered to provide contact phone number. Mr. Jordon to make contacts and report back at March meeting. Mr. Jordon confirmed that the Harbor Commission boat will be in the water on April 1st.

7. Finance Committee. Frank Mazza reiterated that all monies in the budget come from the HMC dedicated fund and the annual revenues all come from mooring fees. He requested that the HMC budget be included in the minutes which it was in the January minutes. It has also been sent to the BOS.

8. Applications Review Committee Report (Chairman Armstrong & McKee and Forbes). Report attached.

Mr. Armstrong reported that five dock items were reviewed at great length and the HMC had no objections to 3 of the 5 items.

- a. **708 Steamboat Rd** Lile Gibbons motioned that a letter be sent to applicant and DEEP that the unpermitted structure be removed or file an amended application. The letter is to include a brief timeline for resolution. Casey Mc Kee seconded. Vote unanimous.
- b. **15 Northway Dock.** The commission having no objections, Bernard Armstrong motioned to approve. Lile Gibbons seconded. Vote Unanimous.
- c. **12 Indian Lane.** The possible dock and float encroachment on the extended property lines is still an issue. The commission requested to see copies of prior permits and a drawing accurately showing the extended property lines with relationship to dock & float.
- d. **54 Byram Lane.** Shellfish continued to express serious concerns about the dock's impact on the established shellfish beds and has requested more accurate information. Chairman Van Oss commented that DEEP has no interest in supporting the HMC or Shellfish commission on this project at this time.
- e. **675 Steamboat Road.** The commission had no objection to this application but needs to see a redrawing of page 28 showing the extended property lines into Smith Cove. Bernard Armstrong motioned to approve. Casey Mc Kee seconded. Vote unanimous

8. Old Business

- a. Captain Island No Wake zone buoys-no report
- b. Captain Harbor Dredge is still ON HOLD pending a town policy change on the "equal to all" issue.
- c. Greenwich Cove dredge- Brian Kerzner no reply from DEEP on P&Zs revised application.

9. New Business Geoff Steadman will draft legislation to clarify the role of recommendations offered by local HMCs. Lile Gibbons and Mike Van Oss suggested that Bruce Angiolillo be invited back to assist with this initiative.

10. Public Comment. Sue Baker recommended that the HMC not approve a fine to the owner at 708 Steamboat Road over the unpermitted steps or future owners could take this as a means to build whatever they want and just pay the fine. Chairman Van Oss commented that we need to review the HMP annual each December to identify any incompletes.

Adjournment. Casey Mc Kee to adjourn; Beth Forbes seconded. Vote unanimous.

Meeting adjourned at 8:30 pm

Michael Van Oss, Chairman

Bernard Armstrong, Secretary

Lile Gibbons assisted in preparation of these minutes

Application Review Committee Report

2/17/21 HMC Meeting

Bernard Armstrong, Chairman

Casey Mc Kee, Beth Forbes

Finished business

0 items

20 open Items (pending DEEP action)

Rec'd COP Application for Removal of Invasive Phragmites in Bruce Park, Greenwich. Coastal resources in Bruce Park are Greenwich Creek, tidal ponds and associated tidal marshes. Approved by HMC 12/19/18.

Sent signed Pre-application approval letter to Jill Pietropaolo at Race along with the signed Deep Permit Consultation Form (file **17 Byron Dock**).

5/21/19 rec'd Certificate of Permission Application Form for **8 Eggleston Lane** to rebuild a stone seawall. Engineer Jim Bajek. See Dock application now permitted. 2 separate Permission Applications.

Rec'd DEEP Notice of Tentative Determination to approve the application submitted by River Road Development LLC for proposed activity that includes modifying a marina and rowing club. Written comments due to DEEP by June 16, 2020.

9/23/19 General Permit Registration Form for 152 Indian Head Rd for waterfront improvements to replace broken timbers and gangway and ramp. HMC voted in favor at 10/16/19 meeting

Rec'd the Public Notice from the USACOE regarding the kelp farm North of Payea Reach. File NAE-2019-00271 The ACOE is seeking comments regarding this plan. N.B the HMC approved a similar request in 2017,

1/3/2020 Rec'd LWRD License Application for 228 Byram Shore to retain and maintain a 3'x40' aluminum ramp and a 10' by 42" timber floating dock in the Byram Riven in Greenwich. Engineer John Hilts. 1/21/20 Sent HMC position letter to Susan Jacobson.

LWRD License Application for Additional floating docks, replacement of deteriorated bulkheads, seawalls and ramp landings, and reinstallation of and/or modifications to ramps at a commercial recreational boating marina for **112 Water Street**, Greenwich. Engineer John Hilts. There was no objection to this application and letter sent to DEEP on

Application by Cos Cob Kelp & Shell to build a kelp farm Southeast of Hen and Chickens and West of Green Gong 1 in Greenwich Harbor. Engineer Steve Timchak. There was no objection to this application and letter sent to DEEP on

LWRD License Application for 207 Byram Shore Road to build a 4/40 dock. John Hilts Engineer. The HMC reviewed this project on April 15th and sent is notification out on 4/20/20.

Certificate of Permission Application for dock modifications for 31 Indian Point Lane, Riverside. Engineer is Christina Lopes with Dockos in Mystic, CT. The HMC had no objection to this at its 6/17 meeting.

Pre-submission Consultation Form for Greenwich Point Park to dredge 2.4 acres in Greenwich Cove. This area is part of the 147acre Greenwich Point Park with significant residential development in the area. Sponsor is Brian Kerzner. Engineering by Steve Sternberg, Race Coastal. The HMC had no objection to this at its 6/17/20 meeting.

Pre-Submission Consultation Form for 7 Meadow Place, Old Greenwich., to extend the 50 ft pier, add gangway and timber floating dock. Engineer, Jill Pietropaolo, Race Coastal. Rec'd Shellfish signoff for same.

Revised Pre-Submission Consultation Form for 7 Meadow Place, Old Greenwich. 7/21/20 sent signed Pre-Submission application and letter to Race Coastal,

Pre-Submission Consultation Form to repair a 190 'stone seawall and build a new 110'x4 'pier and gangway at 54 Byram Drive, Greenwich. RACE is the engineer. The commission had great concerns about the non-compliant size of the proposed dock (155 ft) considering there are no other docks in the area and the extreme low tidal conditions mostly mud flats. Armstrong to contact Shellfish to request its inspection. Inspection planned for 9/29/20. Reviewed by HMC on 9/16 & 10/21/20. Unable to provide favorable recommendation.

Certificate of Permission Application to retain and repair the pre-1995 gangway and floating dock structure as well as maintain the existing stone masonry retaining wall and existing stone revetment. Site is 7 Byram Road, Old Greenwich. Jill P is engineer at RACE. 10/2/20 sent to committee for comment. Reviewed by HMC 10/21/20.

Oak Lane Pre-application plans to rebuild an unpermitted dock at 9 Oak Lane, Old Greenwich. HMC letter sent 11/9/20 requesting information.

Pre-Submission Consultation Form for 200 Shore Road in Old Greenwich to construct a 4 x 88 ft. dock and boat lift and retain a pr-95 stone revetment. Engineer David Provencher at Coastline Consulting. HMC letter sent 2/2/21

Updated Pre-Submission form for an 81' dock, 25' gangway and 10x10 float at 3 Perkely Lane, Riverside. Chris Eggers of RACE is the engineer. The dock location would be at the head of Longmeadow Creek. HMC letter sent 11/11/20 requesting additional information. 12/29/20 Rec'd response from Chris Eggers (RACE) in response to HMC letter. HMC second OK letter sent 2/2/21

Pre-Submission Consultation Form for the footbridge at Greenwich Point Park. Engineer; Race Coastal. Sent to committee. Rec'd Shellfish Pre-submission Consultation Form signed by Roger Bowgen. HMC ok letter sent 2/6/21

Pre-Submission Consultation Form for a 4x34 residential dock, ramp & float at 10 South Crossway, Old Greenwich. Engineer, James Bajek. HMC OK letter sent 2/2/21

New Business

5 new Business Items for review at the 2/17/21 HMC Meeting

- 11/7/20 Rec'd Certificate of Permission Application for 708 Steamboat Rd, Greenwich to rebuild and repair substantial seawall damage in Greenwich Harbor. Engineer Jill Pietropaolo at Race Coastal. 11/23 BFA sent letter Kevin Zawoy regarding the unauthorized seawall repair work at 708 Steamboat Rd. Awaiting response
- 12/15/20 Unpermitted Floating lobster pot docks in Mianus River made fast to I95 bridge. What action is required?
- 1/21/21 Rec'd Coastal General Permit Registration for a 4/40 dock and stairs at 15 Northway, Old Greenwich. Engineer John Hilts. Sent to committee 1/21/21.
- 2/2/21 Pre-Submission Consultation form for 12 Indian Lane, Old Greenwich to repair an existing 77" dock, gangway and seawall. HMC letter sent 11/16/20. 2/6/21 Shellfish Commission filed report stating that this project will have no adverse effects on shellfish
- Pre-submission Consultation Form for 54 Byram Drive. Update only. No action required at this time.
- 2/11/21 General Coastal Plan for a 4/40 dock at 675 Steamboat Rd, Greenwich. Engineer Hailey Simpson at RACE

USACOE posted NO Public Notices for Greenwich in January

Good Day,

Please note the below written summary of activities:

For items included on previous months reports, **red text** indicates updated comments.

Moorings 2021 – In preparation for the upcoming season and now that Joanna has transitioned to her new opportunity, I would like to offer my assistance with any documentation and communications needed. It seems a signature is needed from the Harbormaster on the mooring permits to make them official. We may need to double check the regs or permits. The historical process for establishing mooring should remain unchanged, it seems we only need to add the step of obtaining the Harbormaster signature.

Date	Activity

Communications/Queries/Events from Public

Person/Business/Name	Description	Action (open/closed)
Lobster storage floating docks made fast to I-95 in Mianus River	For a prolonged period of time these floating docks are not in compliance with local regs, state DEEP. Dock use has reportedly been in steep decline where dock is in poor condition	<p>We have clarified there is no local agreement with the town or permits for this structure</p> <p>In 2012 DEEP issued a permit requiring the docks to be shifted from the East Bank to the western part of the river. Docks were to be made fast to pilings under the I-95 over pass. This permit was valid for 5 years and no action has been taken. Permit issued to Beacon Point Marine.</p> <p>In 2012 DOT issued conditional approval for a lease allowing the docks to be placed as per the DEEP permit (under the I-95 over pass in the western part of the river out of the navigational channel). Lessee Beacon Point Marine, Inc.</p> <p>In 2013 DOT terminated the lease agreement. This was result of Beacon Point Marine and/or the lobstermen not obtaining an “encroachment permit” from District II Maintenance. in this encroachment letter there is instruction to take corrective action.</p> <p>Kevin Zawoy of DEEP enforcement has visited the site and has verbally indicated he will issue a recommendation for DEEP to take enforcement action. We now await advice from CT DOT</p> <p>One note, I’m unclear why the permits and leases were issued</p>

		<p>to Beason Point Marine.</p> <p>DOT has advises for this case there authority lies only related to the lines tied to the footings. They have advised willingness to send formal letter ordering the removal of the attachments once the ID's have been confirmed.</p> <p>DEEP Management is in Receipt of Mr. Zawoy's report where no instruction has been issued at this time. Understand DEEP needs to confirm the fish catches reported to the state for the lobstermen. Mr. Zawoy is asking for confirmation Robert J. Visa Jr and Gustave Bertolf JR are the correct persons?</p>
Beth Forbes	Possible Live aboard at 600 Steamboat Road	<p>Mike has confirmed no live aboard are allowed according to town ordinance section 7-75 of the town code.</p> <p>Mike, Beth and all currently clarifying details.</p> <p>No change</p>

Previous items

Person/Business/Name	Description	Action (open/closed)
Jonathan Wilkes (S/V Mystic Pearl)	<p>Verbal report received via Grass Island Dock Master of a line in water between S/V Mystic Pearl and near by mooring buoy. After checking our mooringinfo data this vessel is not registered with the town and appears to be moored to a winter stick</p>	<p>I have initiated contact understand he will remove the line and work with mooring committee to provide the required information for his mooring.</p> <p>Understand this has been resolved. Will need to verify. After rechecking locally this was not done. We will need to follow up with Mr. Wilkes to clarify the location in which he is permitted to moor. Currently he is not in the system.</p> <p>Boat has been removed we will need to send an email with the mooring committee to assist clarify the local mooring regulations</p>



**Harbor Management Commission
Selectmen's Office
101 Field Point Road
Greenwich, CT 06836-2540
203-622-7713**

Mike Van Oss, Chairman
Lile Gibbons, Vice Chairman
Bernie Armstrong, Secretary

**Meeting Notice
Harbor Management Commission
February 17th, 2021 Agenda
6:00 P.M.**

Via Zoom Conference

Topic: HMC January

Time: Jan 20, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://greenwichct.zoom.us/j/85034981277?pwd=TKJQZmVwZWo1YUNDeHFNSW5YTG9YUT09>

Meeting ID: 850 3498 1277

Passcode: 8159765

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Meeting ID: 850 3498 1277

Passcode: 8159765

Find your local number: <https://greenwichct.zoom.us/j/kdKgVHgCgN>

- 1) Call to Order
- 2) Approval of Minutes for January 20th regular Meeting
- 3) Chairman's Report
- 4) Mooring Committee Report(Ingraham, McKee, Van Oss)

- 5) Harbormaster Report(Harbormaster Sean Jordan)
- 6) Finance Committee Report(Mazza)
 - a. 2021 Budget(attached)
- 7) Applications Review Committee Report(Armstrong & McKee)
 - a. 708 Steamboat Road
 - b. Lobster Pot Docks on Mianus
 - c. 15 Northway
 - d. 12 Indian Lane
 - e. 54 Byram Drive
 - f. 10 South Crossway
 - g. 675 Steamboat Road
- 8) Old Business
 - a. Captain's Island No Wake Zone Bouys
 - b. Greenwich Harbor Dredge/Grass Island
 - c. Greenwich Cove Dredge
- 9) Executive Session to discuss pending litigation
- 10) New Business
 - a. Legislative Measures Related to recent court decision
- 11) Public Comment
- 12) Adjournment

Mike Van Oss, Chairman

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or alan.barry@greenwichct.org as soon as possible in advance of the event.