

FINAL 3/17/21 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

Beth Forbes- seated

Alternates:

Ty Anderson.

Ex-Officio Members in Attendance:

Ted Latiak Police Department Sean
Jordan, Harbormaster
Brian Kerzner, Parks and Recreation
Joseph Benoit
Sue Baker
Valerie Stauffer

Absent:

Katie DeLuca P & Z
Rick Loh, Board of Parks & Rec Bill
Ingraham
Roger Bowgen
Jill Oberender

Others in Attendance:

Geoffrey Steadman
Aamina Ahmad
Laura Estevez

1. Meeting called to order at 6:06 P.M. by Chairman Mike Van Oss

Ty Anderson was seated in place of Bill Ingraham.

2. At 6:08 pm Chairman Van Oss moved all commissioners plus Geoff Steadman and Aamina Ahmad into Executive Session. The Executive Session concluded at 6:21 pm and the regular meeting resumed immediately. Upon leaving the Executive Session Lile Gibbons made motion that the HMC grant a waiver of possible "conflict of interest" with the Robinson & Cole Law firm in the appeal of 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 February 17th HMC Meeting

Lile Gibbons motioned to approve the Minutes of February 17, 2021 meeting. Casey McKee seconded. Vote unanimous.

4. Chairman's Report

Chairman Van Oss welcomed Laura Estevez to the HMC staff, thanked Bill Ingraham, Casey McKee and Brian Kerzner for their hard work getting Skipper commissioned for the 2021 season.

4. Mooring Committee Report

No report just catching up. The mooring renewal letters should go out in 2 weeks

6. Harbormaster Report

The Harbor Master presented his monthly report attached. Kevin Zawoy confirmed that no catches have been registered for these lobster pots in many years and that DEEP is still reviewing this situation. Bernard Armstrong motioned that the HMC send an official letter to Brian Thompson (DEEP) requesting that the state take whatever action to enforce removal of these lobster pot storage docks from the Mianus River. Beth Forbes seconded. Vote unanimous.

7. Finance Committee. Frank Mazza reported on remaining steps of the budget approval process.

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

Mr. Armstrong reported that four dock items were reviewed at great length and the HMC had no objections to these.

- a. **12 Indian Lane.** The possible dock and float encroachment on the extended property lines is no longer an issue. The commission agreed that permits grandfathered the encroachments. Beth Forbes motioned that the HMC has no objections to this project with written notification that no further encroachments. Casey Mc Kee seconded. Vote unanimous.
- b. **54 Byram Lane.** Nothing to report.
- c. **18 Chimney Corner Lane.** Bernard Armstrong reported that the seawall repair and proposed dock were consistent with the HMC plan and motioned that the HMC would have no objection. Casey Mc Kee seconded. Vote unanimous.
- d. **9 Oak Lane.** Mr. Armstrong reported that the client revised the proposed dock plan to comply with the 25' setback for the extended property lines and provided proof of a residence on the property. Mr. Armstrong motioned that the HMC have no objection to this application with written notification that the client must use the drawing delineating the 25' set back. Ty Anderson seconded. Vote unanimous.
- e. **Timchak Kelp Farm.** Mr. Armstrong reported that DEEP published "a public comment date" no later than March 27. Mr. Steadman said that we needed to update the original letter and send to state by March 27, 2021. No other action required at this time.

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

Chairman Van Oss reported that we are building support across all HMCs in the state for a stronger recognition of HMCs at the state level. Geoff Steadman he is pleased that the HMC chairs are willing to discuss this and also the we are well into the current legislation session and any change now is not likely.

10. Public Comment. None

Adjournment. Lile Gibbons motioned to adjourn. Casey Mc Kee seconded. Vote unanimous.

Meeting adjourned at 7:33 pm

Michael Van Oss, Chairman

Bernard Armstrong, Secretary

Application Review Committee Report

3/17/21 HMC Meeting

Bernard Armstrong, Chairman

Casey Mc Kee, Beth Forbes

Finished business

1 Item

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. 2/25/21 Rec'd DRAFT DEEP Protection License 202079714-SDF signed by Betsey Wingfield for Steve Timchak Kelp Farm.

22 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 Hilt. 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

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.

Pre-Submission Consultation Form for 200 Shore Road in Old Greenwich to construct a 4 x 88 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

Certificate of Permission Application for 708 Steamboat Rd, Greenwich to rebuild and repair substantial damage to an unauthorized seawall in Greenwich Harbor.

Coastal General Permit Registration for a 4/40 dock and stairs at 15 Northway, Old Greenwich.

General Coastal Plan for a 4/40 dock at 675 Steamboat Rd, Greenwich. New drawing required showing extended property lines into Smith Cove (requested 3/8/21)

New Business

3 new Business Items for review at the 3/17/21 HMC Meeting

- 12/15/20 Unpermitted floating lobster pot docks in Mianus River made fast to I95 bridge. What action is required? Sean Jordan has the lead on this.
- 2/22/21 Rec'd Certificate of Permission Application for 18 Chimney Corner Lane, Greenwich for seawall improvements and a 10% increase in elevation. Plus, a 4/40 dock Engineer, Jill Pietropaolo, at RACE Coastal. Sent to committee 2/23/21. Shellfish to complete a site visit for potential harm to oyster beds in the area. Active Shellfish beds but commission has no objections but requested details on how work will be done. Dock plan is for a 4/40 dock.
- Pre-Submission Consultation form for 12 Indian Lane, Old Greenwich to repair an existing 77" dock, gangway, float, and seawall. The encroachment on "right of way" was previously permitted in 2010. Permits reviewed and confirming letters sent 2/26/21 to Azure Dee Sleicher. HMC has no objections to this application.
- 9 Oak Lane Pre-application plans to rebuild a dock extension at 9 Oak Lane, Old Greenwich. HMC letter sent 11/9/20 requesting information. 3/1/21 Dock Design revised to respect extended littoral property lines for 25' setback

USACOE had no posted action in the GHA for past month.



**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
March 17th, 2021 Agenda
6:00 P.M.
Via Zoom Conference**

Join Zoom Meeting

<https://greenwichct.zoom.us/j/89675613167?pwd=TDN4RWZkWGZzMFdRMHo4RmtLdjd4Zz09>

Meeting ID: 896 7561 3167

Passcode: 7486466

- 1) Call to Order
- 2) Approval of Minutes for February 17th regular Meeting
- 3) Executive Session to discuss pending litigation
- 4) Chairman's Report
- 5) Mooring Committee Report(Ingraham)
- 6) Harbormaster Report(Harbormaster Sean Jordan)
- 7) Finance Committee Report(Mazza)
 - a. 2021 Budget(attached)
- 8) Applications Review Committee Report(Armstrong)
 - a. 18 Chimney Corner Lane
 - b. 12 Indian Lane
 - c. 54 Byram Drive
 - d. 9 Oak Lane
- 9) Old Business
 - a. Captain's Island No Wake Zone Bouys
 - b. Greenwich Harbor Dredge/Grass Island
- 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.

Good Day,

Please note the below written summary of activities:

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

Moorings 2021 – 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
03 March 2021	Abandoned Lobster pot removal program – Public Meeting (virtua presentation)

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). Leasee 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 Disctric 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 to Beason Point Marine.</p>

		<p>DOT has advised 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> <p>It does appear Gus Jr is the correct lobsterman. DEEP has confirmed with fishery department no catches logged.</p> <p>Believe we have enough information now to evaluate our next steps. Besides waiting for CT Deep Management guidance I recommend a member of the HMC be appointed or designated to coordinate the next local steps and potential meetings to keep things moving on a local level. I will, with no doubt, continue to work with whoever is appointed. Potential Course of actions:</p> <ol style="list-style-type: none">1) Reach out to Gus to initiate communications to clarify the concerns and work towards a mutual solution (if there is one). Perhaps he's willing to remove via the abandoned lobster pot removal program.2) Start discussing with town legal department and GPD on action plan in the event the State decides not to take action (which is their right apparently under the state statutes) <p>I'm very much interested in being a part of the discussion, however I'm not observing where this structure is violating an area which is overseen by the Harbor Master. Also I don't have a relationship to commence discussions with</p>
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		<p>Gus. It feels like we have the info we need to commence acting in either direction.</p> <p>I think</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. Mike, Beth and all currently clarifying details.</p> <p>Greenwich PD Marine Section do not observe anyone living aboard. Also commented the local laws may be unclear on specifics for live aboards on private docks.</p>
Various Mooring Application Comms	-	<p>WE have had some communications related to mooring renewals. Some queries are from residents who either coordinated with Ian directly (without town knowledge) or have not maintained their equipment. All have been referred to the mooring committee and requested to keep the Harbor master email in CC. We are working to channel all request received through the correct process.</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 mooring info 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. 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>