



HARBOR MANAGEMENT COMMISSION

Office of the First Selectman
101 Field Point Road
Greenwich, CT 06836-2540
Phone: 203-622-7713

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

5/28/2022 MINUTES

Town of Greenwich

Harbor Management Commission Meeting

Hybrid meeting via Zoom and in person at Town Hall

Members in attendance:

Bernard Armstrong, Chairman
Mike Van Oss, Vice-chair
Beth Forbes
Bill Ingraham
Skip Parker
Ed Keller

Ex-Officio Members in Attendance:

Brian Kerzner, Parks & Rec
Sue Baker, Conservation Commission
Janet McGuigan, BOS
Joe Benoit, RTM
Sean Jordan, Harbormaster
Roger Bowgen, Shellfish Commission
Sargent Shockley, Marine Police

Absent:

Lile Gibbons, Secretary
Ty Anderson
Fridolf Hansen
Patrick LeRow, P&Z
Sarah Coccaro, Inland Wetlands
Rick Loh, Board of Parks & Rec

Others in Attendance:

Laura Estevez
Geoff Steadman
Jenny Larkin, Zoom Host

1. Call to Order: The May 18, 2022 meeting was called to order at 6:00 pm by Chairman Bernard Anderson. Parker, Anderson, Forbes and Van Oss were present for a quorum. Ed Keller was seated as a full member (able to vote) and welcomed to his first meeting with the Commission.
2. Approval of Minutes for the April 20th regular Meeting:
Motion made to approve. Skip Parker seconded. Unanimously approved.
3. Chairman's Report:
 - a. Ty Anderson and Fridolf Hanson will join the Application Review Committee; Beth Forbes becomes the Chair. Geoff Steadman will continue to support them. Roger Bowgen and Susie Baker will help with site visitations.
 - b. Laura Estevez will become a part-time employee representative for the Town, signed off by the union and working with Human Resources.
 - c. Assistant Town Attorney Aamina Ahmed will join the June meeting to discuss the [Morache] Dock Appeal filed on February 14.
4. Mooring Committee Report
Laura Estevez (standing in for Bill Ingraham) reported the deadline for renewals was May 5th. To date renewals are ahead of schedule. We have collected 186 mooring fees with 130 outstanding. \$13,875 has been collected to date.
5. Harbormaster Report (see attached).
 - a. Kris Shockley reported plans for the Town Party over Memorial Day weekend are going well. They have assistance from the Coast Guard, Rye and Stamford. Mooring committee cleaned up moorings. Requested that Sean's safe sites map be posted on the website for residents and he will share on the PD website as well. Skip Parker asked how many moorings exist just south of the stage area. Kris replied that there are 7 legal, permitted moorings. Bill Ingraham knows the owners.
 - b. Harbormaster Jordan reported they are waiting to hear back from the coast guard about the 2J Buoy. Inquiries about rafting and if it is allowed for the GTP. Per the Harbor Management Plan, if your boat is on a permitted mooring you can have rafting. 2 requirements: (1) each vessel has to be manned (2) cannot encroach on the channel or obstruct navigation.
 - c. David Osler was asked to contact Harbor Management Mooring Committee about numerous unauthorized moorings. There has been no communication from him.

Bill Ingraham joined the meeting at 6:22 pm.

6. Finance Committee. No report.

7. Applications Review Committee Report (Forbes, Armstrong, Hanson)

a. 77 Club Road, Riverside: Pre-submission Consultation form for new pier, dock and boat lift for 77 Club Road, Riverside, CT Engineer Christina Lopes Docko. Tabled pending new survey from applicant.

Forbes showed maps and diagrams of the channel showing the proposed new dock and location. Three unsigned letters of objection were received from at least two paddle-boarders, and one kayaker. Safety concerns in the area from the channel to the pier that is heavily used by kayakers, rowers and paddle-boarders that this will push them into boat traffic in the channel. (24:54)

Armstrong asked if the applicant provided the requested littoral property lines and the following was discussed: Length of the dock and pier; ramp; wall; bulkhead; littoral property rights.

Ingraham: "Now we're talking 74 feet. I think that's an issue. It's disastrous. Boats have doubled in size." Baker: "There is a lot of rowing, kayaking and swimming in there and you would get pushed into the channel. The pier should be shortened."

Steadman asked if we received a response to our letter at the end of February. Forbes responded that original info was from January 19, 2022 and this revised map (shown during meeting) came on March 1, 2022 from them without comments.

Steadman suggested no decision tonight and ask for a complete response to our questions. The requested information included description of survey method for the littoral property lines, and the use and purpose of the 20 foot-wide right-of-way. Those require written responses.

Steadman will make a phone call to them.

b. 10 Lighthouse Lane, Old Greenwich: Pre-Submission Form for permit to build a proposed 78' pier/dock at 10 Lighthouse Lane in Old Greenwich. HMC is waiting for updated drawings showing extended littoral property lines.

Forbes showed diagrams of the existing site plan received since April 20 meeting and the new proposed pier. Existing and proposed sections and extension of the extended southerly littoral property line. Discussed the adjacent property's relationship.

Steadman: The race engineer was responsive to our concerns and re-positioned the pier to be 25 feet away from the extended littoral property line.

Steadman: It's ok to say that the Commission has no objection to moving forward to a Permit Application while reserving the Commission's right to review it.

MOTION:

Armstrong: Motion to move forward with a full permit application without objection to the project plans being included in a Permit Application. The commission reserves the right to continue to review.

Public Comment:

Lynn Friedberg: Adjacent neighbor at 6 Lighthouse Lane. Friedbergs also submitting a dock application and are concerned about safety and environmental issues. She has reached out to the owners at 10 Lighthouse Lane and would like to have a conversation with them about how to approach this.

Gus Kreuzcamp, Harbor Engineering: Google earth shows a small cove that the properties share. It's limited. The 25 foot measurement for the setback should be made from the southeast corner of the float. They are working together with "Race" to plan the two docks in the shared space.

Van Oss: Timing to have a dock application? Kreuzcamp: Just received the property survey, so it will be a couple of months. Friedberg: We have a very friendly relationship with the neighbors. They both want to do what's best.

Forbes showed a Google aerial photo of the houses with the shared beach and cove. Van Oss said the HMC supports coordination between neighbors. As there is a 60-day time limit to respond to application that is submitted, timing a bit of concern. The 60 day should start when the HMC receives the information. Can talk to DEEP if necessary.

c. 31 Vista Drive, Greenwich: Pre-submission Consultation Form for a dock relocation and extension of an existing pier at 31 Vista Drive in Greenwich.

The dock extends farther past the neighbors' littoral rights with excessive encroachment into the channel where the littoral lines cross. Armstrong suggested we make a decision at the local level. Steadman stated that we need more information to make the recommendation. DEEP has guidelines that need to be met. We need to require that they (1) provide more information on littoral rights. And (2) consult with Army Corps of Engineers. It's not ready for a permit application.

29 Grimes Road (affects c. 3 Eggleston). The neighbor's' dock is ok, but new littoral rights run into the pier. Forbes presented this new applicant (55:30 in the recording) and showed there are three properties with 3 Eggleston in the middle. Forbes showed the "Structure and Dredging Permit" diagram. Steadman says the consultant is new and this is the actual type of permit that is to be filed for a new dock. If you look at the existing dock and the new dock, the new dock is in the neighbor's littoral area. Forbes showed Google map showing docks and 29 Grimes is next door. Van Oss noted that the dock was rotated and runs parallel to the property line.

There is not enough information to vote on this. The applicant and engineer needs to show the extended littoral property lines to make a determination.

d. 3 Eggleston Lane COP Submission Form for a 4/40 dock with access stairs for 3 Eggleston Lane, OG Forbes showed diagrams. It's a standard 440 dock with access stairs and rebuild. Traditional seawall to be repaired. Based on the review, it needs a Seawall certificate of permit and a dock registration. Steadman agreed, but for consistency, the drawing should be modified to show the extended littoral property lines.

Steadman explained that the seawall was never permitted but it pre-dates the HMC's Harbor Management Plan so is legal. There are approx. 30 feet of tidal wetlands that will be disturbed.

Armstrong motioned to approve the plan if they provide an updated drawing showing the extended littoral lines, and replant any wetlands that are disturbed. Forbes seconded, and the vote was unanimous. Van Oss, Parker, Armstrong, Forbes, Keller, and Ingraham

Other Application business (Forbes):

Mentioned article in the Greenwich Time about 112 South Water Street where the gas company wants to relocate. She spoke to Margarita Alban (P&Z) and corresponded with Patrick LeRow about it. The pre-application is non-binding and the Commission will see the application.

We were alerted that 6 Lighthouse Lane would be putting forth a residential dock permit. They spoke tonight.

4 Beach Floats on Ford Lane in Old Greenwich: Forbes was alerted by Jason Defoe on May 9th and requested more information.

Ingraham discussed with Armstrong and there is no problem. He reported that Sue Baker looked and the swim floats are no larger than 10x10 and held by 1-2 moorings. They will be registered with the Commission as a mooring and can collect \$75. There were no objections by neighbors, all are in favor.

Armstrong made a motion to approve, it was seconded by Van Oss, and the vote was unanimous.

8. Water Hazards Committee Report (Skip Parker)

Discussion on the floats at the OG Yacht Club. Parker invited OGYC Commissioner Barry Michler to the June meeting or a future meeting to discuss. Armstrong stated that there is nothing more the Commission can do at this time.

9. Old Business

a. Captain's Island No Wake Zone Buoys (Parker / Ingraham)

Parker: DEEP has the application signed by the First Selectman. Will get an update on the review status. Informed them to expect another application based on the work Brian Kerzner is doing with his crew. We're interacting with the person who took Mr. Payton's place, Yolanda Cooley, and will contact her again.

The buoys are in a shed (Brian Kerzner will check if there are 6), we know where to put them and Sean Jordan can place them using the GPS locations. Van Oss volunteered to take responsibility and work with Steadman to get the buoys properly permitted and put them in. It's important to have them permitted to prevent Marine Police Department enforcement issues.

b. Grass Island "Open to all Policy" (Janet McGuigan)

Armstrong explained: The dredging needs to be completed or there will be no access to Grass Island by boat. We changed the "open to all" policy at Greenwich Point and it worked out fine.

McGuigan's report: Need buy-in from the HMC. Was on the BOS meeting, but item was removed from the agenda in Nov-Dec. (Lile Gibbons note: The HMC has discussed this issue numerous times and voted unanimously in November 2019 to have the policy changed.)

Johnson has been waiting to hear from DEEP and find out what the other Towns did to see if we can replicate that here.

Van Oss: They won't tell us what we need to do. They just say "make it open to all and then we'll tell you if it's acceptable or not." We asked for guidance and the USACE said to give them a proposal. Basically, the Marina needs to be open to non-residents. Based on other towns, you don't need to remove people from the waiting list, but add new non-residents to the list. The fees have to be the same, but if there is a reasonable justification for a modest difference then we can do that.

Also need to determine other access to Marina facilities, or just the floats. The City of Norwalk is going through something similar. They plan to change the footprints of their Marina, but they are "open to all" now with just a parking lot and a ramp.

Sue Baker asked if we could take our part of the Marina in the Federal Anchorage out, just take it away and there wouldn't be any Town Marina in there?

Steadman: That was another approach to the issue. "De-Federalize" the anchorage was being discussed as well, but that has its own issues. Not clear if the Army Corps would dredge the channel because the people using the Marina would need to use the channel.

Armstrong restated that until we revise the policy the whole dredging is "academic." We need to see what we can do to change the policy. Ingraham cautioned to "check the history." Town records show that the Cos Cob Harbor is to be "open to all" since "Nineteen fifty something" and it never got open.

McGuigan: The conversation has to happen in a public meeting and it has to be posted. Van Oss suggested that due to the complexity it should be a Special Meeting of the HMC, not a regular meeting. McGuigan will work with possible dates from HMC Commissioners.

c. Greenwich Cove Dredge Brian Kerzner

Nothing new to report. Still waiting for money to get the samples.

d. Harbor Plan drafting committee update (Beth Forbes).

On hold until August. Mr. Thompson from DEEP suggested to put on hold until the Cohen Case. We'll figure out what happens when the appellate court makes its decision. Expected by August 1, 2022. (Lile's notes: We've already discussed Mr. Thompson's suggestion. The crux of the matter is Figure 7-1, Chapter 7 in the HMC says "*Pursuant to Sec. 22a-113n of the CT General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan with respect to a proposed project shall be binding on any official of the State of CT....*" The judge in the Marache/Cohen case ruled in favor of DEEP's decision to approve the Marche dock without taking

the local HMC's comments into consideration which were not in favor as the proposed dock. This case is now in the appeals court. If the ruling stands in favor of DEEP, then local authority and recommendations are moot if DEEP can issue a permit without taking into consideration the HMC's comments. The aforementioned regulation in the Greenwich HMC was approved by DEEP. The HMC should continue with our drafting committee plans as scheduled.

10. New Business

a. Legislative Measures Related to recent court decision

No report. Aamina Ahmad will attend the next meeting on June 15.

b. Update on Southport Harbor Water Pollution Monitoring (Steadman)

These are US Geological Survey programs to monitor water quality in harbors where DEEP has identified excessive nutrients that cause water pollution. They are setting up instruments in Mystic, Norwalk, Southport and the Saugatuck River coordinating with the Harbor Management Commissions. Steadman left a message with the USGS person that Greenwich would be interested if expanded to Greenwich Harbor even though Greenwich Harbors have not been identified as a problem by DEEP.

c. Report from Roger Bowgen, Shellfish Commission: The Shellfish Commission has been monitoring Greenwich waters for over 20 years in 36 different locations. The Commission goes out as required a minimum of 16 times a year. If there is rainfall of over an inch or inch and a half, shellfish beds are closed down until new water samples have been taken.

If there is a sewer problem in Stamford which could result in sewage washing into Greenwich waters, Greenwich waters are sampled.

Steadman: Maybe we can combine data from both programs. Bacteria data from Shellfish and nutrients from USGS. Sue Baker says we're the poster child and others are sent to us to learn how to do it. We have a Shellfish Restoration Program.

11. Public Comment. None.

12. Adjournment: Skip Parker motioned, Van Oss Second. Unanimous. Adjourned at 7:40.

Lile Gibbons, Secretary

These minutes were prepared by Jenny Larkin

Bernard Armstrong, Chairman



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

Bernard Armstrong, Chairman
Mike Van Oss, Vice Chairman
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**Meeting Notice
Harbor Management Commission
May 18, 2022 Agenda
6:00 P.M.
Mazza Room and Via Zoom Conference**

Here's the Zoom link:

<https://greenwichct.zoom.us/j/84205004136?pwd=dy8wZlVhYlBKNUhUM25YZ2Z5VStVQT09>

877 853 5257 or 888 475 4499

Webinar ID: 842 0500 4136

Password: 2186181

- 1) Call to Order
- 2) Approval of Minutes for the April 20th regular Meeting
- 3) Chairman's Report
- 4) Mooring Committee Report (Ingraham, Van Oss)
- 5) Harbormaster Report (Harbormaster Sean Jordan)
- 6) Finance Committee Report (Anderson)
- 7) Applications Review Committee Report (Forbes, Anderson, Hanson)
 - a. 77 Club Road. Pre-submission Consultation form for new pier, dock and boat lift for **77 Club Road**, Riverside, CT Engineer Christina Lopes Docko's. Tabled pending new survey from applicant.
 - b. Pre-Submission Form for a proposed 78' pier/dock at 10 Lighthouse Lane in Old Greenwich. HMC is waiting for updated drawings showing extended litorial property lines
 - c. Pre-submission Consultation Form for a dock relocation and extension of an existing pier at 31 Vista Drive in Old Greenwich
 - d. COP Submission Form for a 4/40 dock with access stairs for 3 Eggleston Lane, Old Greenwich
- 8) Water Hazards Committee Report (Skip Parker)
- 9) Old Business

- a. Captain's Island No Wake Zone Buoys Bill Ingraham
- b. Grass Island "Open to all Policy" Janet McGuigan
- c. Greenwich Cove Dredge Brian Kerzner
- d. Harbor Plan drafting committee update (Beth Forbes).

New Business

- e. Legislative Measures Related to recent court decision
- f. Greenwich Town Party Harbor Plan (Sean Jordan)
- g. Update on Southport Harbor Water Pollution Monitoring (Steadman)

10) Public Comment

11) Adjournment

N.B Jenny Larkin (ZOOM Technical Support) will attend the meeting in the Mazza room and co-ordinate the technical aspects of the combined live meeting and the Zoom meeting

Bernard Armstrong, 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 .Alan Barry was replaced by Demetria Nelson demetria.nelson@greenwichct.org. The phone number remains the same.

Application Review Committee Report

5/18/22 HMC Meeting

Beth Forbes, Chairman

Ty Anderson, Fridolf Hanson

Finished business

1 new item

10 open Items (pending DEEP action)

n.b. Applications received prior to 4/1/20 are presumed complete and have been removed from this report.

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.

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 6/17/20 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.

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 Byron 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

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.

Tod's Drift Way. The HMC no objections to this application at its 6/16th meeting. Letter sent 7/14/21.

12/13/21 Pre-Submission Consultation Form to construct a 4'x4' wooden landing and an 8'x12.5' float at **619 Steamboat Rd**, Greenwich, CT. Engineer Tom Ryder at Land Tech, Westport Rec'd Pre-Submission Consultation Form from Shellfish for 619 Steamboat Rd. Greenwich, stating will "not adversely impact shellfish". Conservation cited many issues of concern that will need to be addressed.

- 11/26/21 Pre-Submission Consultation form to construct a 36" x 3" ramp and a 8x12 Float at 613 Steamboat Road, Greenwich. Engineer Land Tech, Westport. Rec'd Pre-Submission Consultation Form from Shellfish for **613 Steamboat Road** stating that this will not adversely impact shellfish."
- 1/14/22 Rec's COP Application for **10 Lighthouse Lane**, Old Greenwich Sea Wall repair. Engineer Race Coastal. 25 Indian Chase. The HMC had no objections to this application

New Business

4 Items for review at the 5/18/22 HMC Meeting

- 1/12/2022 Rec'd Pre-submission Consultation form for new pier, dock and boat lift for **77 Club Road**, Riverside, CT Engineer Christina Lopes Docko's. Tabled pending additional information from Docko's. Dockos notified 2X. Requested time to redo survey
- 4/22/22 Rec'd Pre-Submission Consultation form for a dock relocation and extension of an existing pier at 31 Vista Drive in Old Greenwich. Engineer Azure Dee Sleicher at RACE
- 5/9/22 Rec'd COP Submission form for a 4/40 dock with access stairs for 3 Eggleston Lane, Old Greenwich. Engineer James Bajek.
- 3/11/22 Rec'd Pre-Submission form for a proposed 78' pier/dock at 10 Lighthouse Lane in Old Greenwich. Engineer Jill Peitropaolo at Race Coastal. N.b. tied to sea wall repair application of 1/14/22 (above). HMC needs to request litorial property lines be shown.

Monthly Written Report HMC Monthly Meeting

Sean Jordan

Good Day,

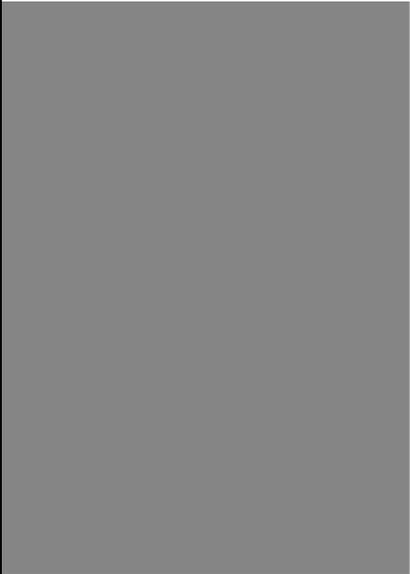
Please note the below written summary of activities:

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

May 2022

Moorings– 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.

Communications/Queries/Events from Public

Person/Business/Name	Description	Action (open/closed)
2J Buoy	Buoy not on station 	When passing the area “2J” buoy is marked on chart I did not observe on station. Intention is to send email to USCG to see if any changes made and if new buoy needs to be placed on station. Have requested update from USCG
Town Party	Fielding queries on mooring/rafting advice	No formal recommendation given in this regard. Only permitted vessel and their corresponding moorings can be used. Rafting and anchoring is allowed according to the HMP with conditions for not encroaching on the channel. Individual boats are/will be responsible for ensuring their vessel is in a safe location during the event.
Mooring Field maintenance	Contract mooring vendors to inspect and remove unpermitted/derelict moorings	
David Osler	Alleged unauthorized mooring servicing	Has reached out to me for comment if I have authorized the removal of some of “his” moorings. I have requested he urgently contact the mooring committee to discuss best steps managing his mooring(s).

Previous items

Person/Business/Name	Description	Action (open/closed)
Norm Bloom	Moorings in Oyster beds	They will be sharing the seasonal mooring information they have approved for their beds. This is to cross check and update the town records. Understand moorings are historically approved and accepted by the shell fish commission.

Monthly Written Report HMC Monthly Meeting Sean Jordan May 2022

2J Buoy

		Not yet received
US Army Corp of Engineers – Alexandra Schafer	Confirmation of Greenwich CT Port Boundaries	Request for HM and HMC confirmation of port boundary currently waiting to reply. No change

