DRAFT

Town of Greenwich
Harbor Management Commission
Meeting
June 19, 2019
6:00 P.M.
Mazza Room, Town Hall

Minutes

Members in attendance:

Mike Van Oss Chairman
Bernard Armstrong Secretary
Bruce Angiolillo
Bill Ingraham
Frank Mazza

Absent:

Lile Gibbons Vice Chairman
Donald Carlson

Alternates:

Absent:

Casey McKee
David Noble

Ex-Officio Members:

James Bonney-YES Police Department
Joseph Benoit-NO RTM
Amy Hansen-NO Department of Parks & Recreation
Ian MacMillan-YES Harbormaster
John Toner-NO Board of Selectmen
Police Department
Police Department

Sue Baker-NO Conservation
Roger Bowgen-NO Shellfish
Katie DeLuca-NO P&Z
Brian Kerzner-NO Parks & Recreation
Consultant in Attendance:
Geoffrey Steadman

1. Meeting called to order at 6:01 P.M. by Chairman Mike Van Oss

2. Approval of Minutes of the May 15, 2019 Regular Meeting

Motion to approve the Minutes of the May 15, 2019 Regular Meeting by Bernie Armstrong, seconded by Bruce Angiolillo. Motion carried (Unanimous).

3. Chairman’s Report

Chairman Mike Van Oss reported that as we approach the first day of Summer, the Harbor Management Commission has been very busy. On June 8th he issued a letter to the Planning & Zoning Commission outlining our concerns related to the Coastal Site Plan and Special Permit Application for 89 River Road, also known as the Row America Application, a copy of which is attached to these minutes. During public comment at the June 11th meeting Chairman Van Oss was offered the opportunity to read this letter and answer questions from the P & Z Commission. Chairman Van Oss expressed his appreciation for the opportunity the Harbor Management Commission was provided to outline our potential concerns about this project.

4. Greenwich Harbor Dredge Project Planning Update

Frank Mazza reported the Greenwich Harbor Dredge Project is presently on hold. The Town Law Department is working with the U. S. Army Corps of Engineers to move this project forward.

5. Finance Committee Report

Frank Mazza reported the new fiscal year starts on July 1. He advised we are making it through the present fiscal year.

Bernie Armstrong requested an update on finances be provided at the September meeting of the Harbor Management Commission.

6. Mooring Committee Report
Bill Ingraham reported the mooring registration process is moving along. Most stickers have been mailed.

7. Application Review Committee Report

See attached.

The following are the decisions of the Harbor Management Commission with respect to the three applications reviewed at the meeting:

Certificate of Permission application to DEEP by Richard Granoff, 330 Railroad Avenue, Greenwich, to rebuild an existing stone and masonry seawall at 8 Eggleston Lane, Old Greenwich.

The HMC agreed to inform the DEEP that the proposal is consistent with the Harbor Management Plan. The Plan calls for timely repair and maintenance of existing shore protection structures necessary to protect existing development.

Pre-application plans and DEEP permit consultation form submitted to the HMC by RACE coastal engineering on behalf of David and Nicole Areson, 14 Hendrie Avenue, Greenwich, for removal of in-water structures, retention and maintenance of an existing revetment and pier, and installation of a permeable driveway (a significant portion of which is below the Coastal Jurisdiction Line) at 17 Bryon Road, Old Greenwich, Connecticut.

The HMC agreed to inform the Applicants and DEEP that the HMC has: 1) conducted a preliminary review of the Applicants’ plans and has no objection to their inclusion in an application submitted to DEEP; and 2) reserves its right to make a final determination of the proposal’s consistency with the Plan at such time as the proposal may be the subject of a DEEP public notice or hearing.

Pre-application plans and DEEP permit consultation form submitted to the HMC by RACE coastal engineering on behalf of River Road Development, LLC, 2 Greenwich Office Park, 3rd Floor, Greenwich, Connecticut for installation of docks and other in-water structures to support a planned marina and rowing club at 89 River Road, Cos Cob, Connecticut.

The HMC agreed to inform the Applicant and DEEP that the HMC has: 1) conducted a preliminary review of the Applicant’s plans and has no objection to their inclusion in an application submitted to DEEP; and 2) reserves its right to make a final determination of the proposal’s consistency with the Plan at such time as the proposal may be subject of a DEEP public notice or hearing. In addition, the HMC agreed to provide to the Applicant and DEEP as discussed concerning: 1) need to show location of
federal channel more precisely and a set-back of not less than 18 feet; 2) need for applicant to manage the marina and provide sufficient amenities on upland portion of the property to support the marina; and 3) location of proposed docks close to extended property lines contrary to guidelines.

8. **Harbormaster Liaison Report**

Bill Ingraham reported good cooperation between Mooring Committee and Harbormaster.

9. **Unfinished Business -**

a. **Update from Brian Kerzner on Dredge Project in Greenwich Cove**

Brian Kerzner absent, but sent word that the project is moving forward.

b. **Status of No Wake Zone**

Bill Ingraham reported he recently met Michael Payton, Supervisor, Navigation & Boating, Infrastructure Unit, State of Connecticut DEEP. With the help of Chief Heavey and the Greenwich Police Marine Division, Mr. Payton, Brian Kerzner, Geoff Steadman and Bill Ingraham conducted a tour of the Greenwich Harbors and Mr. Payton was made aware of safety concerns. Mr. Payton identified locations where buoys can be installed, 300 feet apart.

There will be a total of 6 buoys at an estimated cost of approximately $9,000. We have $3,000. presently appropriated ($1,5600. each). Bill Ingraham advised he is presently meeting with Law Department relative to Town Ord. permitting the buoys. There was much discussion of any remaining obstructions below the water surface as such could be a danger to divers and swimmers. Lt Bonney was asked to have his divers reinspect the old Kevin B site and report on conditions at the July meeting.

c. **Status of Weeks Marine No Wake Zone**

The pre-application of Weeks Marine for a commercial buoy in Stamford in the vicinity of the Rocky Point Club has been denied and the parties involved are working to find an alternate location.

10. **New Business**

None

11. **Public Comment**
None

12. Adjournment

Motion to adjourn made by Bill Ingraham, seconded by Frank Mazza. Meeting adjourned at 6:37 P.M.

Mike Van Oss
Chairman

Bernard Armstrong
Secretary

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

June 8, 2018  

Ms. Katie DeLuca  
Director of Planning and Zoning  
Town of Greenwich  
101 Field Point Road  
Greenwich, Connecticut 06830  

Subject: Coastal Site Plan and Special Permit Applications by River Road Development, LLC for property at 89 River Road  

Dear Ms. DeLuca:  

As chairman of the Greenwich Harbor Management Commission (HMC), I wish to provide some comments and questions regarding the above-referenced applications by River Road Development, LLC (the Applicant). The applications seek to modify previously approved plans for development of a rowing club on the shoreline of Cos Cob Harbor at 89 River Road. The current proposal would reduce the scope of the rowing club as previously approved, add a third story and 12 residential units within the footprint of the previously approved building, construct 21 new boat slips available to the general public, and provide a 15-foot wide public access easement with a 10-foot wide walkway along the water.  

The HMC appreciates the Planning and Zoning (P&Z) Commission’s challenging task to evaluate the applications with respect to the 2019 amendments to the Greenwich Waterfront Business (WB) Zone regulations. Those amendments were the subject of much discussion and careful deliberation by both the P&Z Commission and HMC over many months in an effort to ensure that the amendments do not adversely affect existing water-dependent uses and future water-dependent development opportunities and therefore are consistent with the Greenwich Harbor Management Plan.  

As we have discussed at length, the Harbor Management Plan contains a number of provisions to encourage and support the development and continued operation of water-dependent land uses,
and to ensure that the Town’s limited waterfront commercial areas are not redeveloped over time with principal site uses that are not water-dependent. Pursuant to the Plan, the HMC has stated its position that pedestrian walkways in the River Road WB Zone should not be considered as adequate substitutes for such water-dependent uses as boat maintenance, repair, berthing, and storage facilities.

We trust that review of the 89 River Road applications is being conducted with the same high level of analysis and deliberation that characterized preparation and adoption of the WB Zone amendments, and for the purpose of achieving the established priorities of the WB regulations, including the first priority, set forth in Sec. 6-107(a) of the WB regulations, “to protect and nurture existing and potential water-dependent uses.”

The P&Z Commission’s review of the applications will set an important precedent for evaluation of future development proposals within the WB zones. We therefore ask that the Commission’s findings and analysis with respect to the several tests required to determine the applications’ compliance with the WB zone regulations be clearly presented and made part of the public record.

Among those tests to determine compliance with the WB Zone regulations, the Applicant must demonstrate that: 1) the proposed multi-family residential components of the development proposal will “not interfere with and are not incompatible with” the development priorities set forth in Section 6-107(a) of the WB regulations; 2) the proposed residential development will be “subordinate to, or provide supportive services to” a water-dependent use; 3) the “majority of the waterside improvement will be in support of” water-dependent uses; 4) the project has exhausted all of the developable area suitable for water-dependent uses; and 5) the building including the proposed residential units “shall use no more than fifteen percent of the gross lot area.”

Absent clear compliance with the required tests, the requested special permit for modification of the previously approved development plan for this site should not be approved. When considering the applications, members of the HMC have raised questions concerning compliance of the proposed project with these tests. For example, the site’s principal water-dependent use (to be among the “Use Group 7a” uses defined in the regulation) is not clear. It appears that the principal water-dependent use, as proposed on the upland portion of the site, would be “public waterfront access” in the form of a 10-foot wide walkway. Marinas, water-based recreation uses, and dock facilities also are among the Use Group 7a water-dependent uses, but it is not clear how those uses are incorporated into the upland portion of the development proposal. In addition, it is not clear how, as required, the proposed residential development (a listed Use Group 7c water-enhanced use), would be subordinate to, or provide supportive services to, a Use Group 7a water-dependent use on the site.

HMC members also have expressed concern about the future impact on site development should the proposed rowing club (a Use Group 7b water-related use) cease to operate on the site. In other words, would there be opportunity for expansion of residential development or other water enhanced uses if the rowing club or any permitted marina facilities are diminished? The HMC remains concerned that, over time, waterfront properties that historically supported marine commercial water-dependent uses may become redeveloped with residential and other principal site uses that are not truly water-dependent but are considered compliant with the Connecticut
Coastal Management Act and WB Zone regulations by virtue of providing pedestrian walkways and boat slips. To address this possibility, specific conditions of development approval should be applied. Any approval of multi-family dwellings or other water-enhanced uses in the WB Zone should be expressly conditioned on the underlying water-dependent and water-related uses, including the rowing club, being maintained and not diminished in any material way. This would mean that any future reduction in the scope of the water-dependent and water-related uses would render the multi-family dwellings and any other water-enhanced uses non-conforming in the WB Zone. Failure to attach such conditions would result in an unintended loophole in the WB Zone contrary to the established priorities of the regulations.

Please be advised that the HMC has received the Applicant’s pre-application plans for the in-water components of the pending development proposal, including the dock components. The HMC’s review of those plans, prior to their inclusion by the Applicant in a permit application to the Connecticut DEEP, is required by DEEP’s coastal regulatory process. The HMC will be reviewing the submitted pre-application plans, including the proposed 21 new boat slips, for consistency with the policies of the Harbor Management Plan and will provide its recommendations to DEEP and the Applicant. The Applicant’s intentions for managing the marina and providing services to boaters using the marina, including the upland requirements for doing so, will be a significant consideration during our review process along with any additional information that the HMC may require to complete its review. Although DEEP, as administrator of the Coastal Management Act, declined to comment on the Applicant’s proposal to the P&Z Commission, we are aware that upland site requirements for managing and operating the marina will be a significant consideration in DEEP’s coastal permitting process. Those requirements also should be considered in the P&Z Commission’s review of the submitted development applications.

The Applicant’s pre-application plans for in-water work subject to DEEP’s regulatory process will be discussed during the HMC’s next regularly scheduled meeting on June 19, 2019. Insofar as the water-dependency of the Applicant’s upland development proposal is intrinsically tied to the in-water components, including the proposed marina slips, it seems reasonable to suggest that final action by the P&Z Commission on the proposal’s compliance with the WB regulations take into consideration the results of a proper review of the proposed in-water components by DEEP and the HMC.

In conclusion, we appreciate the P&Z Commission’s consideration of our comments and we look forward to additional discussions with your office and the Applicant’s representatives concerning this important, precedent-setting project affecting future use and condition of the Greenwich waterfront. We also look forward to continued coordination with the Commission and your office to achieve our shared goals for encouraging and supporting water-dependent uses of the Greenwich Harbors Area.

If you have any questions and to discuss this matter further, feel free to contact me at (203) 247-0509 or mike@vanops.us.
Sincerely,

M. Van Oss

Mike Van Oss, Chairman
cc:
HMC Commissioners
Ms. Margarita T. Alban, Acting Chair, P&Z Commission
Mr. John Gaucher, CT DEEP
Mr. John Heagney, Attorney for Applicant
Application Review Committee Report

6/19/19 HMC Meeting

Bernard Armstrong, Chairman

Casey Mc Kee, Bruce Angilillo

Finished business

6/1/19 Rec’d Permit# CT0100234 for Grass Island Wastewater Treatment Plant

4/16/19 Rec’d DEEP Permit# 201901540 for 8 Eggleston Lane to install a 4/40 dock in Greenwich Cove.  
see application for seawall below. Rec’d Residential Dock Application for 8 Eggleston Lane in Old Greenwich to install a new 4/40 dock in Greenwich Cove. Engineer Bajek. The closest vegetation is 10 ft. The dock will be located downstream of the proposed Marache and presents no obvious navigational issues. Recommended position. The Harbor Commission has no objection to proceeding with this permit application. HMC letter sent 2/22/19. DONE

2 permit authorizations received

11 Open Items (pending DEEP action)

1. Marache Dock  
Request for public hearing received by DEEP which conducted a Status Meeting including representatives of the HMC in Hartford on May 22, 2018. This was a preliminary meeting to a site visit and pre-hearing conference to be held in Greenwich on August 8, 2018 and a public meeting to be held in Greenwich on September 13, 2018.

6/6/18 received a petition of Intervention by Susan Cohen
6/13/18 received an Objection to the above petition of Intervention
6/15/18 received Susan Cohen’s response to the above Objection.
8/8/18 DEEP and HMC site visit/ and 9/13/18 Public Hearing
9/24-26 DEEP Major Hearing in Hartford. Steadman and Armstrong attended.
11/9/18 received DEEP notification that a permit to build dock has been issued
11/9/18 received Post Hearing memorandum from Bruce Cohen.
11/9/18 received Post Hearing memorandum from John Casey (attorney for Marache) 
This is all preliminary to the Hearing Officer making his ruling on the matter expected later this month. This can then be appealed to the DEEP Commissioner.
3/8/19 Rec’d Intervening Party’s Exception to Proposed Final Decision and Request for Oral Argument for Application No. 2015-02692. 6/21/19 set as last day for all parties to submit their respective documents.
6/5/19 Rec’d Notice of Oral Arguments to be heard on 7/24/19 in Hartford. Armstrong and Steadman to attend,

2. Eversource The HMC has deferred a review of this request until such time that the Town’s petition to revise the Siting Council’s decision is resolved.

3. Oneida Indian Harbor, LLC

5/11/18 Received a Certificate of Permission Application for substantial maintenance of existing waterfront structures, including a pier, gangway, floating dock, and pier foundation at 60 Oneida Drive, Greenwich. This application is consistent with the Harbor Management Plan with the understanding that the existing, unpermitted structures pre-date the Harbor Management Plan and do not have an adverse impact on coastal resources, including shellfish resources. Sent 6/26/18 Draft Certificate of Permission Application letter to DEEP.

4. 5/8/18 Rec’d Certificate of Permission application by Quatro Partners for 5 Meadow Place to retain and maintain an existing seawall and pier. Committee agreed that application is consistent with the Harbor Management Plan. Pending DEEP approval.

5. 12/17/18 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.

6. 12/18/18 Rec’d DEEP Permit Consultation Form for 30 Oneida Drive, Greenwich (on Smith Cove) to build a new 4’x 55’ fixed steel pier. The pier will contain a 10’x10’ pier head and a kayak lift for safe access to GHA waters. Engineer Sleicher. Concerns: Heavy Spartina grass and tidal mud area. HMC Letter sent 2/22/19 with no objection to this application.

7. Rec’d DEEP Permit Consultation form for Byram Harbor Marina to replace an existing 20x87 boat ramp with a new 20x98 boat ramp and floating dock. Also, to modify the stone retaining wall to add 20’. Engineer M. Taverna. Shellfish commission sees no adverse impact to shellfish areas. Recommended position. The Harbor Commission has no objection to proceeding with this permit application and finds this proposed activity consistent with the Harbor Management Plan. Letter sent 2/22/19. 4/15/19 rec’d copy of the published notice for the application for the proposed boat ramp at Byram Park.

8. 2/13/19 Rec’d Application for Certificate of Permission for Seawall Repair and Reconstruction at 20 East Point Lane. Engineer Chris Eggers. Commissioner Armstrong completed a site visit on 2/18/19 and recommends “no objection to this application”. DEEP notified by letter on 3/27/19.

9. 2/28/19 Rec’d DEEP Permit Consultation Form for Belle Haven Club in Greenwich to dredge expand its marina area. Steve at Race Coastal in the project engineer. Rec’d Shellfish Commission Determination for this project dated 3/29/17 that it has no objection.
Recommend that the HMC has no objection to this application. 4/25/19 signed Pre-application letter and form sent to Steve Sternberg at Race Coastal.


11 5/16/19 Rec’d copy of public notice for the Davis Ave Pedestrian Bridge in Bruce Park.

12 5/20/19 Sent our HMC comments to DEEP regarding Weeks Marine proposal to place a large commercial morning very near the Greenwich Harbor Area

New Business

3 items to be reviewed and voted on at the 6/19/19 HMC Meeting

5/18/19 Rec’d DEEP Consultation Form to install a marina and modify existing rowing float at 89 River Road. The applicant proposes to install main docks, 3 T Docks, 6 finger docks including a float and a rowing float supported by 25 piles. A total of 21 slips on the Mianus River. Sent to committee 5/28/19

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.

6/3/19 Rec’d DEEP Permit Consultation Form for 17 Bryon Lane in Old Greenwich to remove a floating dock and install an 1850 sf driveway of which 1450 sf would be CJL Engineer Race Coastal

No other permit actions were received by the HMC affecting the GHA since the May meeting.
### 2018 Harbor Master vessel log

<table>
<thead>
<tr>
<th>DATE</th>
<th>ENGINE HOURS</th>
<th>TASK</th>
<th>TIME</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/8/18</td>
<td>428</td>
<td>prep vessel</td>
<td></td>
<td>bilge pump runs on &amp; off</td>
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<tr>
<td>4/14/18</td>
<td>429</td>
<td>fuel, sea trials</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4/28/18</td>
<td>431,432,435</td>
<td>prep harbor</td>
<td>talk with shell fishermen about moorings</td>
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</tr>
<tr>
<td>5/9/18</td>
<td></td>
<td>cleaned consol, ck lights charged batteries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/11/18</td>
<td>436</td>
<td>speed, depth, hose, down, pickup hook</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/16/18 thru 6/20/18, prep for TOG party on 5/26/18</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/25/18</td>
<td>437</td>
<td>locate mooring at OGYC</td>
<td></td>
<td></td>
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<tr>
<td>5/29/18</td>
<td>451,452</td>
<td>recover 4 sunk buoys</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/9/18 thru 6/11/18, haul out, empty, power wash, replace prop, change stern light, vacuum, launched, back in slip, w/ Ray Brody</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/12/18</td>
<td>454</td>
<td>locations in Hinckley park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/16/18</td>
<td>454 to 459</td>
<td>fueled at IHYC, RYC, ID moorings in cove, patrol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/11/18</td>
<td>464</td>
<td>drop off &amp; pick up from catalanos</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7/16/18</td>
<td>466</td>
<td>with werner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/5/18</td>
<td>468,469</td>
<td>check moorings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10/19/18</td>
<td>469-470</td>
<td>change prop</td>
<td>1 hour</td>
<td>last of the spare props</td>
</tr>
</tbody>
</table>

Sea trial, still a light vibration boat does 28 knots, patrol to cove & Great Capt.

The above is the hours of engine use. It should be noted that the boat was not seaworthy until 4/15/18. The boat was not available from November 1st 2018 to 4/15/19.

The best time for use of the HM vessel is during the spring and fall when boats are not on their moorings. The fall is the best time as the water is still warm.

Ian Macmillan

Harbor Master
2018 Harbor Master vessel log

<table>
<thead>
<tr>
<th>DATE</th>
<th>ENGINE HOURS</th>
<th>TASK</th>
<th>TIME</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/23/19</td>
<td>470</td>
<td>prep vessel</td>
<td></td>
<td>bilge pump runs on &amp; off</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Move vessel to slip S1, then S7 and then to N8. Fueled up 12.10 gal</td>
<td></td>
<td></td>
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<tr>
<td>5/24/19</td>
<td>471</td>
<td>prep vessel</td>
<td></td>
<td>batteries dead, charged</td>
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<tr>
<td>5/25/19</td>
<td>429</td>
<td>fuel, sea trials. Town party Beach Boys and Lenard skinnerd, bow</td>
<td></td>
<td></td>
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<tr>
<td>5/26/19</td>
<td>481</td>
<td>clean up cockpit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5/31/19</td>
<td>482 to 483</td>
<td>patrol cove and great capt</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Ian Macmillan

Harbor Master