

FINAL

**Town of Greenwich
Harbor Management Commission
Meeting
July 17, 2019
6:00 P.M.
Mazza Room, Town Hall**

Minutes

Members in attendance:

| | |
|-------------------|---------------|
| Mike Van Oss | Chairman |
| Lile Gibbons | Vice Chairman |
| Bernard Armstrong | Secretary |
| Don Carlson | |
| Bill Ingraham | |
| Frank Mazza | |

Absent:

Bruce Angiolillo

Alternates:

Casey McKee

Ex-Officio Members in Attendance:

| | |
|-----------------|----------------------------------|
| Joseph Benoit | RTM |
| Brian Kerzner | Department of Parks & Recreation |
| Sergeant Latiak | Police Department |
| Ian MacMillan | Harbormaster |
| John Toner | Board of Selectmen |

Absent:

| | |
|--------------|-----------------------------|
| Sue Baker | Conservation Commission |
| Roger Bowgen | Shellfish Commission |
| Rick Loh | Board of Parks & Recreation |

Consultant in Attendance:

Geoffrey Steadman

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

In the absence of Bruce Angiolillo, Chairman Van Oss seated Casey McKee.

2. Approval of Minutes of the June 19, 2019 Regular Meeting

Motion to approve the Minutes of the June 19, 2019 Regular Meeting by Bernie Armstrong, seconded by Casey McKee. Motion carried (Unanimous).

3. Chairman's Report

Chairman Van Oss expressed his feelings about feeling fortunate to be a resident of Greenwich and have had the opportunity to enjoy our beaches, parks and harbors. He commented that his daughter had an opportunity to camp at Great Captain's Island late last month. He expressed his pride in being Chairman of the Harbor Management Commission and to continue the work of the Commission.

Chairman Van Oss presented the attached letter from the Connecticut Harbor Management Association to CTDEEP. At the next meeting of the Harbor Management Commission Chairman Van Oss will lead a discussion relative to remain members of the CHMA. He further advised he has attended meetings of the association and feels it provides a unified voice for the various harbors to CTDEEP.

4. Greenwich Harbor Dredge Project Planning Update

Frank Mazza reported no work is being done at this time by the Army Corps of Engineers because the Town of Greenwich is not in compliance because they are not allowing non-residents to use facilities. The Harbor Management Commission is presently working with the Army Corps of Engineers and the Town of Greenwich Law Department to resolve this issue

5. Finance Committee Report

Frank Mazza reported the finance committee and the budget is off to a fresh start as the new fiscal year starts on July 1.

6. Mooring Committee Report

Bill Ingraham reported \$49,920 has been collected year to date for 2019.

Bill also advised communications between the Harbor Management Commission and the Harbormaster are working well. A total of 665 paid moorings YTD. Very few names on waiting list.

7. Application Review Committee Report

See attached.

The 700 Steamboat Rd application for waterfront improvements was reviewed. Bernie made motion to approve, seconded by Lile Gibbons. Motion carried unanimous.

Bernie was asked to have the Application Review committee come up with a program to properly notice the applications for review ahead of the regular meeting schedule.

8. Harbormaster Liaison Report

Bill Ingraham reported he is working with Harbormaster to post speed buoy signs at the railroad bridge on the Mianus River.

9. Unfinished Business -

a. Status of Potential Dredge of Greenwich Cove

Brian Kerzner reported not much progress at this time. The Town is presently working to expand the dredge area.

b. Status of No Wake Zone

Bill Ingraham reported progress. HMC is in the process of writing explanation of locating "No Wake Zone" markers to be sent to DEEP. Bill Ingraham said we need six speed zone buoys at a cost of \$9000 Bernie made motion to approve this expenditure, Bill Ingraham seconded. Voted in favor unanimous.

10. New Business

Greenwich Police Marine Sergeant Latiak reported the "Kevin B" is still there. Wood and metal are not a hazard to navigation, but a danger to kids swimming in the area. Greenwich Police Marine Division will forward a report to the Harbor Management Commission. Markers will remain at that

location. Greenwich Police Department Divers will conduct another dive in the area.

A meeting will be held the first Monday in August to identify alternate location in Stamford for Weeks Marine mooring in Stamford. Geoff Steadman will advise HMC after meeting takes place.

Chairman Van Oss advised we need long range planning for the future, i.e., funding for future dredge, Items of Public Concern, Capital Expenditures.

At the September HMC Meeting HMC will vote on approving dues for membership in the Harbor Management Association.

11. Public Comment

Questions about permits for vendors to use launch ramp at Grass Island. Brian Kerzner advised that much damage has occurred with heavy use on a regular basis by heavy equipment. Ramps are not designed to accommodate heavy commercial equipment such as concrete trucks.

Chairman Van Oss agreed to schedule a special meeting to help facilitate a resolution to the problem.

12. Adjournment

Motion to adjourn made by Lile Gibbons, seconded by Casey McKee.
Meeting adjourned at 7:55 P.M.



Mike Van Oss
Chairman



Bernard Armstrong
Secretary

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



Connecticut Harbor Management Association

VIA EMAIL TRANSMISSION

June 21, 2019

Mr. David Blatt
Connecticut Department of Energy and Environmental Protection
Land and Water Resources Division
79 Elm Street
Hartford, Connecticut 06106-5127

CHMA Board Members

President

John Thomas Pinto, Ph.D.
Norwalk Harbor Mgmt. Comm.

Treasurer

Stephen Dinsmore
East Lyme Harbor Mgmt. Comm.

Peter Holecz
Bridgeport Harbor Mgmt. Comm.

Joel P. Severance
Chester Harbor Mgmt. Comm.

James Harmon
Fairfield Harbor Mgmt. Comm.

Raymond Redniss
Stamford Harbor Mgmt. Comm.

William Rock
Stratford Waterfront and Harbor
Mgmt. Comm.

John Rie
Westbrook Harbor Mgmt. Comm.

Tucker Braddock
Norwich Harbor Mgmt. Comm.

Jeffery Dziejcz
Harbor master, City of Groton

Geoffrey Steadman
Coastal Area Planning Consultant
Westport, CT.

Ned Farman (Alternate)
Old Lyme Harbor Mgmt. Comm.

Mr. Christian Fox
LIS Blue Plan Outreach Coordinator
The Nature Conservancy
55 Church Street 3rd Floor
New Haven, Connecticut 06510

Subject: Long Island Sound Blue Plan

Dear Mr. Blatt and Mr. Fox:

On behalf of the Board of Directors (Board) of the Connecticut Harbor Management Association (CHMA), I wish to thank you for the opportunity to discuss the Long Island Sound (LIS) Blue Plan with you and members of your plan development team. We very much appreciate your willingness to meet with representatives of Connecticut's municipal harbor management commissions on several occasions during the planning process to hear our concerns and comments and to address our questions in a most thoughtful way.

Our Board shares your vision for beneficial use and conservation of LIS and for the stewardship needed to ensure that the environmental, economic, and cultural values of LIS are preserved and enhanced for future generations.

As the public comment period closes and final adjustments are made to the draft Blue Plan (Version 1.1, March 2019) prior to its submittal for legislative approval, we ask that you consider the comments and recommendations presented herein.

Before commenting specifically on the draft Blue Plan, I wish to provide some background information concerning the CHMA. The CHMA is a state-wide, not-for-profit organization representing the interests of municipal harbor management commissions, state harbor masters appointed by the Governor, and others concerned with Connecticut's harbors and marine resources. In 2019, we report that there are 27 municipal harbor management commissions in Connecticut (including three in the Town of Stonington) and 26 duly established municipal harbor management plans (including three in Stonington). In addition, there are more than 60 State of Connecticut harbor masters and deputy harbor masters appointed by the Governor with authority for managing the state's waterways in the public interest.

The CHMA's mission is to share information and facilitate coordination among our member harbor management commissions, harbor masters, and state and federal agencies to address issues of common interest and concern. Our Board members volunteer their time to advance this mission.

Since its formation, the CHMA has interacted with DEEP, including DEEP's Office of Long Island Sound Programs and now DEEP's Land and Water Resources Division (LWRD), the U.S. Army Corps of Engineers (USACE, and other state and federal agencies on a number of initiatives to enhance the capabilities of harbor management commissions to plan for the most desirable use of their harbors. Three of our major initiatives have involved evaluation and recommendations concerning: 1) DEEP's coastal permitting programs and the important role of harbor management commissions in those programs; 2) LIS dredging and dredged material disposal issues which affect every Connecticut port and harbor and are now the subject of significant conflict between Connecticut and New York State; and 3) programs to support State of Connecticut Harbor Masters and their important role for guiding safe and efficient use of our waterways in a manner consistent with municipal harbor management plans. Our efforts with respect to these matters are well documented and presented through numerous reports and studies that are available upon your request.

It is within this context that our following comments, recommendations, and understandings are now presented with respect to the LIS Blue Plan. These are presented with respect to several main topics that we have discussed with you and members of your project planning team over the past year, namely: 1) the effect of the Blue Plan on municipal harbor management jurisdictions; 2) the relationship of the Blue Plan to Connecticut's federally approved Coastal Management Program; and 3) the effect of the Blue Plan on Connecticut's coastal management relationship with New York State, and particularly the ongoing dredged material management issues.

Comments, Recommendations, and Understandings Concerning the LIS Blue Plan

1. Effect of the Blue Plan on Municipal Harbor Management Jurisdictions:

The Blue Plan's authorizing legislation calls for a "spatial planning area located seaward of the bathymetric contour of minus ten feet North American Vertical Datum to the state's waterward boundaries with the states of New York and Rhode Island." The legislation also specifies that such jurisdiction will extend upstream to the first railroad or motor vehicle bridge crossing the affected waterway. As so defined, this planning area overlaps significantly with municipal harbor management jurisdictions in a number of locations. As we have discussed, one of the Board's principal questions concerns how the Blue Plan may conflict with or otherwise affect municipal harbor management commissions, plans, and

jurisdictions. It is our understanding, based on our most recent discussions, that the Blue Plan is not intended to conflict with municipal harbor management jurisdictions, and that a new Blue Plan policy clarifying that intent will be added. That policy will make clear that the Blue Plan will not diminish or otherwise adversely impact municipal harbor management plans and authorities.

Of equal importance to avoiding conflicts with local harbor management authority, we believe that consideration should be given to how the Blue Plan can serve as a positive influence to advance the interests of municipal harbor management commissions and harbor management plans for safe and beneficial use of the state's harbors and conservation of coastal resources. We recommend that the new policy also make this clear.

As promised, the Board is assembling maps of municipal harbor management jurisdictions and will provide those maps to you with the understanding, based on our recommendation, that those jurisdictions will be appropriately added to the Blue Plan's depiction of existing LIS conditions that must be considered for Blue Plan implementation.

We also recommend that the Blue Plan's depiction of existing LIS conditions include identification of the several nearshore sites designated for dispersal of sandy dredged material from harbors maintained by the USACE and others.

We also understand, based on our most recent discussions, that extension of the Blue Plan jurisdiction upstream in dredged channels 10-feet and deeper to the first bridge will be eliminated from the Blue Plan planning area.

2. **Relationship of the Blue Plan to Connecticut's Federally Approved Coastal Management Program:**

Implementation of Connecticut's Coastal Management Program has been a matter of significant interest to the Board. We have participated in NOAA evaluations of the program and have provided recommendations to DEEP concerning, among other things, that implementation of the Coastal Management Program should advance (achieve) the dual coastal management objectives, established by the 1972 federal Coastal Zone Management Act (CZMA), to promote both environmental conservation and economic development of the nation's coasts. The Connecticut Legislature recognized those dual objectives when establishing the state legislation, known as the Connecticut Coastal Management Act (CCMA), to develop the state's Coastal Management Program.

As we have discussed, it is not clear to us why the Blue Plan would not be prepared, presented and implemented from the start as an element of Connecticut's federally approved Coastal Management Program which is authorized to encompass all of the state's territorial jurisdiction in LIS. Implementation of the Blue Plan as an element of the Coastal Management Program would enable use of the federal consistency provision of the CZMA to ensure that all federal actions, including permit actions, are consistent with the Blue Plan policies.

We now understand, based on our most recent discussions, that the Blue Plan, or at least parts of the Blue Plan, will be considered as part of the Connecticut Coastal Management Program and that some of the Blue Plan policies will be presented for federal approval as enforceable coastal management policies. However, we still question the Legislature's intent and wisdom in establishing separate Blue Plan legislation instead of adding to the existing CCMA and building upon the well-established Coastal Management Program.

3. **Effect of the Blue Plan on Connecticut's Coastal Management Relationship with New York State:**

For a number of years during its review of LIS dredging issues, the Board has expressed concerns regarding the conflicts between the interests of the states of Connecticut and New York for management of LIS. The Board recognizes that New York is a major stakeholder with respect to a number of LIS issues, including LIS dredging issues affecting maintenance of Connecticut ports and harbors and the designation of dredged material disposal sites under the federal Marine Protection, Research and Sanctuaries Act.

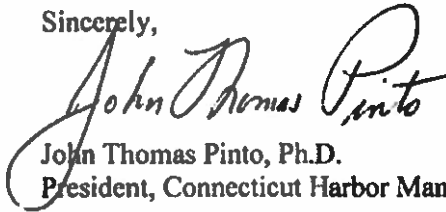
While the CZMA envisions coordination between coastal states sharing jurisdiction in a coastal water body, such coordination between Connecticut and New York for managing LIS historically has been lacking. Efforts to encourage a bi-state diplomatic resolution to the issues affecting the designation of dredged material disposal sites in LI and other issues affecting LIS have been unsuccessful as evidenced by the ongoing court battle over designation of an open water disposal site in eastern Long Island Sound.

Almost 15 years ago, the Board prepared formal recommendations to the Connecticut Congressional Delegation and the then-Connecticut DEP that the States of Connecticut and New York should recognize their responsibility to work together as neighbors to address Long Island Sound-wide issues through coordinated and effective planning and coastal management initiatives. The coastal management agencies of the two states, we said, should coordinate initiatives to address and resolve issues concerning not only dredging and dredged material management, but also placement of energy transmission and distribution facilities, and other issues of LIS-wide significance. Unfortunately, that coordination has not been achieved.

As a result of the Board's interests and concerns in this regard, one of our principal questions concerns how the Blue Plan, which covers only the Connecticut half of LIS, may result in some measure of meaningful cooperation between the coastal management programs of CT and NY--in other words, some improvement in the existing and historical relationship. It is our understanding, based on our most recent discussions, that the Blue Plan has not been prepared with significant input from New York's coastal management agency and is not expected to influence the ongoing dredge material management conflicts in any significant way. We recommend that an additional Blue Plan policy be added that would call for active, coordinated management of LIS by the states of Connecticut and New York, and calling for resolution of the current issues in an objective, balanced, and practical manner.

Thank you for considering our comments and recommendations. We look forward to providing additional comments and recommendations as opportunities may arise during the legislative review process. If you have any questions or desire any additional information, please contact me at (203) 984-5339 or pintoj@optonline.net.

Sincerely,

A handwritten signature in black ink that reads "John Thomas Pinto". The signature is written in a cursive style with a large initial "J".

John Thomas Pinto, Ph.D.
President, Connecticut Harbor Management Association

JTP/gs

cc:

CHMA Board of Directors

Ms. Katie Dykes, Commissioner of Energy and Environmental Protection

Mr. Brian Thompson, Acting Chief, DEEP Bureau of Water Protection and Land Reuse

Application Review Committee Report

7/17/19 HMC Meeting

Bernard Armstrong, Chairman

Casey Mc Kee, Bruce Angiolillo

Finished business

3 actions removed from report

- Weeks Marine proposal to place a large commercial mooring very near the Greenwich Harbor Area. Withdrawn. No further action required
- 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. Removed from list pending new Certificate of Permission Application.
- 7/1/19 Rec'd Notice of Tentative Determination to Approve Structures, dredging & fill for Belle Haven Club for application# 201711160-SDFQ Greenwich, CT

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.

7/9/19 Bruce Angiolillo clarified, in an email note, that the HMC does not have to intervene to express its concerns or judgement but may do both (provide written testimony (which it did) and may also intervene.

2. 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.

3. 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.
4. 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.
5. 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.
6. 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
7. 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.
8. 4/15/19 Rec'd updated Structures, Dredging and Fill, and Tidal Wetlands Permit Application from the Town of Greenwich for **Byram Boat Ramp** Improvements. Sponsor Brian Kerzner. Race Coastal Engineer Matthew Taverna. HMC letter sent 2/22/19.

9. 5/16/19 Rec'd copy of public notice for the **Davis Ave Pedestrian Bridge** in Bruce Park.
10. 6/24/19 Sent out signed Pre-application approval letter and signed HMC Consultation Form to Matt Taverna et al for **89 River Road** marina.
11. 6/24/19 Sent signed Pre-application approval letter to Jill Pietropaolo at Race along with the signed Deep Permit Consultation Form (file **17 Byron Dock**).

New Business

2 items to be reviewed and voted on at the 7/17/19 HMC Meeting

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.

7/2/19 rec'd Certificate of Permission Application for **700 Steamboat Rd** for waterfront improvements. Engineer Jill Pietropaolo.

No other permit actions were received by the HMC affecting the GHA since the June meeting.

2018 Harbor Master vessel log

Item # 8
7-17-19

| DATE | ENGINE HOURS | TASK | TIME | COMMENT |
|---|--|--|------|--------------------------|
| 5/23/19 | 470 | prep vessel | | bilge pump runs on & off |
| Move vessel to slip S 1, then S7 and then to N8. Fueled up 12.10 gal | | | | |
| 5/24/19 | 471 | prep vessel | | batteries dead, charged |
| 5/25/19 | 429 | fuel, sea trials. Town party Beach Boys and lenard skinnerd, bow | | |
| 5/26/19 | 481 | clean up cockpit | | |
| 5/31/19 | 482 to 483 | patrol cove and great capt | | |
| 6/4/19 | 484 | patrol west of shell island | | |
| 6/19/19 | charger quit | needs solar charger | | |
| Advice: waterproof locker for equipment. Solar battery charger. Mooring waiting list. | | | | |
| 7/1/19 | 485 hrs | patrol of shell island east for space for moorings | | |
| 7/7/19 | 200 ft megayacht ketch Hetairos, anchored just North of hens & chickens for fire works | | | |
| 7/10/19 | \$35.00 bought portable running light after 1 hour of attempt to fix it. Bilge pump drains batteries | | | |
| 7/15/19 | slip S 1 unused since HM moved to N 8 is too tight with other boats | | | |

Ian Macmillan

Harbor Master

2018 Harbor Master vessel log

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

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

Harbor Management Commission

2019 Meeting Schedule

Revised 8/1/2019

| | | |
|-------------------------|-----------|-------------------------------|
| Wednesday, January 23 | 6:00 P.M. | Employee Lounge |
| Wednesday, February 20 | 6:00 P.M. | Employee Lounge |
| Wednesday, March 20 | 6:00 P.M. | Employee Lounge |
| Wednesday, April 17 | 6:00 P.M. | Mazza Room |
| Wednesday, May 15 | 6:00 P.M. | Mazza Room |
| Wednesday, June 19 | 6:00 P.M. | Mazza Room |
| Wednesday, July 17 | 6:00 P.M. | Mazza Room |
| Wednesday, August 21 | 6:00 P.M. | Mazza Room <i>(Cancelled)</i> |
| Wednesday, September 18 | 6:00 P.M. | Mazza Room |
| Wednesday, October 16 | 6:00 P.M. | Mazza Room |
| Wednesday, November 20 | 6:00 P.M. | Employee Lounge |
| Wednesday, December 18 | 6:00 P.M. | Mazza Room |