The meeting commenced at 4:40 p.m. in the Mazza Room. The minutes of the September 30th sub-committee meeting were approved as written.

The Chair posed a question stemming from comments received during the past week. The Chair quoted from the RTM resolution that created the HMC stating the Commission clearly has authority over Greenwich’s Harbors including moorings and issues on the waterfront below the mean high tide. The issue, if there is one, arises in the authority or leadership role of the HMC with regard to the Commission’s review of permits that affect the GHA due to water run off with grading or building elevations, or emanating from upland pollution. A robust discussion ensued between members of the Commission and members of the public. No one disagreed the HMC should play a role in the review of permits that could affect the GHA, the question arises as to who has the lead role and how does the review process of the HMC complement that of other agencies. Furthermore, the addition of the HMC in the review process adds another box to check off for the applicant. There is a need to keep this paperwork from being overly cumbersome. It was agreed that a review from the HMC generally would give added weight to a decision by the agency, especially if state review were needed. Also the HMC could instigate its own review if it felt a land agency had missed something or a member of the public asked for the HMC to review an application. The HMC would make a recommendation to P&Z or another land use agency based on their findings. It was unclear as to which commission has final authority in the event of a disagreement of findings. Gary Silberberg offered that P&Z could overrule HMC with a “super” majority vote of P&Z. Geoff Steadman said there should be a separation of review between the two agencies/commissions. The HMC does have the authority to hire consultants, if necessary, to aid in their reviews.
Discussion on dock permits. Denise Savageau and Susie Baker asked the HMC to write into the HM plan real specificity with regard to dock permitting. Ms. Savageau offered the HM plans of Guilford and Westbrook as examples of towns that are very specific as to the dimensions and siting of docks in their communities. Bruce Angiolillo asked if specificity on dock permits belonged in the HM plan or into accompanying regs as is being done with moorings. Regs can be amended more easily than amendments to the HM document. Ms. Savageau’s recommendation was to put the dock regs into the plan rather than as stand alone regs as the plan carries legal weight when a permit is under review with the DEEP or another state agency, accompanying regs do not. Geoff Steadman says the town cannot regulate docks. Consensus was the HMP could list some specifics with regard to dock permitting such as historical landscape of the neighborhood, view of the neighbors to an oversized dock, amount of navigable water at high tide, height of dock that would be required to reach navigable water.

Continued discussion on the review process of amendments to the HM plan and HMC regs. Attorney Ahmad said the legal department was in the process of reviewing all mooring regs that had come before the town and the BOS to determine the ultimate approval process. They were only up to the 1970s but to that date, mooring decisions, due to Greenwich’s Special acts, were only approved by the BOS and not the RTM as long as they didn’t conflict with existing regs already on the books. However, chapter 7-A of the Greenwich book is not current with exiting practices. The discussion continued with regard to docks and Ms. Ahmad said dock regs would most likely have to be approved by the RTM as they are not specifically included in the authorities given to the Selectmen in the Special Acts; she agreed with Ms. Savageau that regulations regarding dock permits would have stronger weight with the DEEP if part of the HM plan and not stand alone regs.

Jan Thalheim raised the issue of a proliferation of lunch hooks in Greenwich Cove. He suggested that some type of management might be necessary such as no lunch hooks are issued if there is anyone on wait list for a mooring. Discussion: Problem with monitoring how and when; only a problem on summer weekends. If the HMC has guest moorings, how does the visitor find a guest mooring? Suggestion that guest moorings be identified with a different colored sticker that resident moorings. Bruce Agiolillo indicated this issue could be worked out.

Comments from Chief Heavey regarding the Harbormaster designated as a “first responder” in the current draft of the HM plan. There would be an issue of liability for the town to include the Harbormaster as first responder as it is not required of the Greenwich HM to undergo emergency response training.

The Committee reviewed the comments from Ms. Swiggart with regard to the littoral rights of landowners. The current draft of the HM plan states that the HM plan supports the littoral rights of landowners. The committee needs further legal clarification as to whether MS. Swiggart’s language should be included in the plan or whether the existing language suffices.

Patricia Sesto commented on her letter from IWWA. She asked for more specifics as to water quality and how would the HM plan define “clean water”. More specificity would help the IWWA in approving or denying an application. What proposed projects would affect the water in Greenwich harbors? What building projects could contribute to an elevated level of nitrogen or PCBs in the waters? What is the level of “clean water” to
which the HM plan aspires? “Safe for swimming” is one standard. We should list the current TMDL levels in Greenwich’s estuaries and whether this is acceptable standard or should be increased. What does the HM plan mean by regular communication and liaison with the agencies? Monthly or semi annual meetings?

Comments from the Shellfish commission: The Shellfish commission does ongoing monitoring of Greenwich’s waters, which should be so noted. If a member of the public notices contaminated water, what agency should be notified?

The Sub-committee noted the extensive edits submitted by Katy DeLuca, Director of P&Z. The substantive comments, Geoff Steadman and the committee will take under consideration. Ms. De Luca also suggested a reorganization of chapters, 4, 5 and 6 into one chapter and under each policy heading would be the goal and action items. The committee decided it was too late in the writing process to totally reorganize the material, however, it would ensure that goals, policies and actions items, currently found in three different chapters, would line up and be consistent.

The meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Lile Gibbons and Steve Kinner