



FILED Feb 24, 2012
AT 8:15 a.m.

TOWN OF EAST LYME
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

L. Johnston
TOWN CLERK
Secretary
Barbara Johnston

Chairman
Donald F. Landers Jr.

Treasurer
Stephen Dinsmore

HARBOR MANAGEMENT/SHELLFISH COMMISSION
FEBRUARY 21, 2012 MEETING MINUTES

Members Present: Don Landers, Marvin Schutt, Bill Mountzoures, Rick Kanter, Steve Dinsmore, Barbara Johnston

Also Present: Joe Hitchery (Harbor Master), Marc Berger (Deputy Harbor Master) Kevin Seery (Ex-Officio), Keith Neilson (Docko Inc.)

Members Absent: Greg Murin

1. **CALL TO ORDER** Chairman Landers called the meeting to order at 7:31 p.m.
2. **APPROVAL OF MINUTES OF REGULAR MEETING OF DECEMBER 20, 2011 AND JANUARY 17, 2012.**

Motion (1) Mr. Schutt moved to approve the minutes of December 20, 2011 and January 17, 2012. Seconded by Mr. Dinsmore. Motion Passed 5-0-1 (Mr. Mountzoures abstained)

Motion (2) Ms. Johnston moved to move Item 6E and Item 6F to Item 3 and Item 4. Seconded by Mr. Schutt. Motion Passed 6-0.

3. **PERMITS: DOWLING DOCK PROPOSAL OLD BLACK POINT, NIAN TIC**
Keith Neilson of Docko Inc presented the application for the property owner. He had been before this Commission last year on this application, and the directive that he had been given was to get neighbor consent, and to get indication from the Black Point Association that they had no objection. He was not able to get the Black Point position in writing, they would not give him a letter, but they have no objection. He previously sent in the letter from the adjoining property owners. The application is to install a dock centered on the property. This will be a steel pile supported pier with a removable decking system. When the owner is not there his boat will not be there. There will be electrical and water service to the end of the dock.

Mr. Dinsmore stated this dock seems very exposed, what reinforcements are they designing it with? Mr. Neilson stated they built the Thompson's dock around the corner in 1992, and that has withstood all storms since then. That is a 20 year old wood pier and that is fair testament to this design, although this will have the steel piers. This is a similar model to the dock on Gull Island.

Ms. Johnston asked what the decking would be and where the decking would be stored when removed. Mr. Neilson stated it will probably be wood, removable in 3 foot sections, and they would be stored in the yard by the garage when they are removed. He reiterated when the owner is not present his boat will not be there. Mr. Neilson is thinking now of having a 26 foot boat, but has discussed having a 34 foot boat. It would be stored at Port Niantic when he is not there.

Mr. Dinsmore stated as long as the boat is not there when the owners is not there and the neighbors don't object we can't really object to it. He does not think this is a good location, but



the risk is the owner's.

Mr. Berger asked how far this dock would protrude. Mr. Neilson stated about 40 feet from the mean low water, it has been run by the DEEP fisheries division and they have no objections, and it is not a navigational hazard. He stated there would be lighting on top of the posts, they will be low solar power, and not very bright. The lights that they will use have been approved by the Coast Guard for navigational use.

Chairman Landers stated the owner has the right to build a dock, but he does not know if this is in this Commission's jurisdiction and if this is the best place for a dock. Mr. Kanter stated this puts this Commission in a tough spot. We know this is not a good spot for a dock, but it could be consistent with the Harbor Management Plan. Mr. Neilson stated they have addressed the survivability issue by making the piers steel. They have taken precautions to keep it out of harm's way. It is difficult to predict what is sufficient. He feels this is a prudent design. This does not look obtrusive. Mr. Dinsmore stated if there was a hurricane and the dock was obliterated there are no neighbors with adjoining docks, so even though this is not a good location for the dock. He does not see much liability on this Commission's part.

Chairman Landers stated we can say this is consistent with the Harbor Management Plan and we can provide comment, including the issues with location, navigational safety, and being unclear of our jurisdiction. Mr. Neilson stated the piles will weigh 6000 pounds. If they are knocked over they will not be going anywhere. Mr. Mountzoures stated our position is to give comments to DEEP, not to approve the application. Chairman Landers stated we have a consultation form, we need to check consistent or inconsistent with the plan. We can say consistent and then provide comments below. Mr. Kanter stated we can attach a copy of the minutes. Chairman Landers stated he can do a write up of our concerns and send it around to members.

Motion (3) Mr. Dinsmore moved to find the application consistent with the Harbor Management plan with comments to be attached based on the discussion during this meeting. Seconded by Mr. Schutt

Chairman Landers stated he will get it written up and send it out electronically to everyone to discuss next month. The concerns will include the location, the exposure, navigation, jurisdiction, season to include May through September, removal of decking to lessen exposure prior to a storm, navigational lighting.

Motion Passed 5-1 (Ms. Johnston – Nay vote)

4. PERMITS: KRUSE SEAWALL AND DOCK PROPOSAL QUARRY DOCK ROAD, NIAN TIC

Mr. Neilson stated Tropical Storm Irene caused 60% failure of the seawall. It had been built without a permit. This will be a small fixed pier to a float. The water is almost 20 feet deep. He has met with DEEP twice, and they believe it conforms to the necessary guidelines and is consistent with the Harbor Management Plan.

Motion (4) Mr. Dinsmore moved to find this application consistent with the Harbor Management Plan. Seconded by Mr. Mountzoures.



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Ms. Johnston asked how many tie off pilings there are. Mr. Neilson stated there are 5 and there are also pilings holding the floating dock in place. Mr. Schutt stated he would like to be able to look at the site. Mr. Dinsmore stated we could comment to DEEP to look at the tie off pilings being a hazard. Mr. Hitchery stated there is a lot of traffic out there, and the pilings are 20 feet away from the structure. There are no moorings in that area. It would be safer if the pilings were not 20 feet out given the proximity to Sandy Point. Mr. Mountzoures stated a hazard to navigation would make it not consistent with the Harbor Management Plan. Chairman Landers suggested a site visit before taking action.

Mr. Mountzoures withdrew his second of Motion (4); Mr. Dinsmore withdrew Motion (4)

Motion (5) Mr. Dinsmore moved to table this item until next month to enable the Commission to do more research. Seconded by Ms. Johnston.

Mr. Neilson stated he will put buoys out there before the Commission's visit to show where the pilings will be and where the float will be.

Motion Passed 6-0.

5. PUBLIC DELEGATIONS

There were no public delegations.

6. REPORTS

A. SHELLFISH

Mr. Kanter stated the river is open; they have the best scallops they have had in 10 years. People are out there all of the time. There has been some discussion on scallop sizes. They do need a clear growth ring. They have decided to purchase seed. He has met with Ed Jutila to try to clarify the language in the Statutes. Chairman Landers asked where we stand with the leases. Mr. Dinsmore stated the bills went out in December. He is not sure if Mr. Russell paid. Chairman Landers asked Mr. Dinsmore to follow up on that. Chairman Landers stated Bert Sexton, Chief Shellfish Warden for 30 years recently passed away.

B. HARBOR MASTER

Mr. Hitchery stated he has processed 110 mooring renewal applications to date and sent out the 2012 mooring stickers to those applicants.

C. TREASURER

Mr. Dinsmore discussed the warden bills. They have increased over the years, and he proposed that \$1800.00 be transferred from the Maintenance of Harbor account to Warden Payroll. He can talk to Anna Johnson about making that transfer. Mr. Schutt asked about the increase in the warden bills. Mr. Kanter stated the warm weather, better population of shellfish, may contribute to this and the fact that they have been advised in the past by FDA to patrol more.

Motion (6) Mr. Schutt moved to authorize the transfer of \$1800.00 from maintenance to the Warden payroll. Seconded by Mr. Mountzoures. Motion passed 6-0.

D. EX-OFFICIO

Mr. Seery stated they have been reviewing budgets for next year. In early March they will be approving the Town Budget. A week from today will be the Referendum on the High School athletic complex. Chairman Landers asked about the combining of the dispatch center with Waterford. Mr. Seery stated they are in a talking phase right now. There was discussion of summer time police boat patrols and combining forces with Waterford.



7. OLD BUSINESS

A. HARBOR MANAGEMENT PLAN – REPORTS FROM COMMISSION MEMBERS

Ms. Johnston made copies and passed out a chapter to each member. Everyone was asked to read through their chapters and be ready to discuss any changes or suggestions at the next meeting.

8. NEW BUSINESS

A. CORRESPONDENCE

Chairman Landers stated he received official correspondence from DEEP for the Giants Neck Beach grading project, Hill Road property, and the Lehman-Carmichael property. Mr. Neilson stated the Lehman-Carmichael property is the house at the very end of Old Black Point Road. During Irene a section of the footing at the base of the seawall disappeared. It may have been a bad batch of concrete. The COP that was received by Mr. Landers was for filling in the new concrete and for the fill around it. Chairman Landers stated he had received a copy of the Stonington Harbor Management Newsletter, it was very well done and it is good outreach material. There was discussion of taking a trip up the river to view the location of the proposed dock on Quarry Dock Road. They will go next week and they will meet at Port Niantic.

B. DISCUSSION OF NIANTIC RIVER NO WAKE ZONE/SPEED LIMITS

This item was tabled until next month's meeting.

C. DISCUSSION OF SHELLFISH MOU

Chairman Landers stated they are back to square one on this, and they can discuss it more next month.

D. PRESENTATION BY CAPT DAVID ROBINSON (ONLINE MOORING)

This item will be tabled to next month's meeting.

9. COMMENTS FROM OTHER COMMISSION MEMBERS

There were no comments from other Commission members.

10. ADJOURNMENT

Motion (7) Mr. Mountzoures moved to adjourn the meeting at 9:20 p.m. Seconded by Mr. Schutt. Motion Passed 6-0.

Respectfully Submitted,

Karen Miller Galbo