



FILED IN EAST LYME  
CONNECTICUT  
Sept 23, 2015 AT 8:57 AM/PM  
*Itchen Galt*  
EAST LYME TOWN CLERK

**TOWN OF EAST LYME**  
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman  
**Stephen Dinsmore**

Treasurer  
**Donald F. Landers Jr.**

Secretary  
**Joseph L. Hitchery**

*Not official until approved by the Commission at its next regular meeting*

**September 15, 2015 Regular Meeting Minutes; East Lyme Town Hall**

Commissioners Present: Donald Landers; Stephen Dinsmore; Rick Kanter; Barbara Johnston; and Greg Murin

Commissioners Absent: Joseph Hitchery; and William Mountzoures;

Ex Officios Present: Marc Salerno; Harbor Master Dick Morris; and Deputy Harbor Master Marc Berger

Others Present: Keith Neilson; and John Lust

**1. Call to Order.** Chairman Dinsmore called the meeting to order at 7:39 p.m.

**2. Approval of Minutes of the Regular Meeting of July 21, 2015**

**MOTION: Commissioner Landers moved to approve the July 21, 2015 Regular Meeting Minutes, as presented. It was seconded by Commissioner Kanter. The motion carried. (3-0-1).**

**3. Public Delegations**

A. 249 Old Black Point Application - John Lust, who is charge of guiding this Application through the DEEP process, stated that plans were sent for a residential pier, ramp, and float. The applicant is Davies and Kramer. He distributed the plans to the Commissioners for their review. He went on to state that there are new owners from Redding at this property, and the original house that was built in 1935 was taken down, and they are now constructing a new home on the property. He inquired regarding any comments/concerns from the Commissioners. DEEP and the Army Corps have both okayed the design. One concern that Mr. Lust has is that it's very shallow over there, so the pier has to go out quite a ways to get in water that's deep enough to accommodate any kind of a boat. The design is as follows: it's a 90' pier (5' wide) with 23' ramp and an 8x20 dock; there will be a boat lift on the property and a few tie-off pilings.

Commissioner Johnston inquired regarding the size of the boat planned to be docked there. Mr. Lust wasn't sure, but believed the boats would be somewhere in the 30' to 35' range. Apparently, they haven't purchased a boat yet, but have plans to do so, as they are avid boaters.

Commissioner Kanter inquired regarding the size of the floaters. Mr. Lust stated that DEEP realized that the wave action in this area deems more square footage necessary for stability, therefore they allow up to 160 SF with a wind/wave analysis, which was performed.

Commissioner Landers wanted to know if this was an individual Permit, to which Mr. Lust affirmed that it is. Commissioner Landers further instructed Mr. Lust to provide the

Commissioners with Attachment E and D to the Application, in order for the Commissioner to proceed on it. Commissioner Landers also wanted to verify that this design plan was akin to the two other docks that are to the north and south of this property, to which Mr. Lust confirmed that it is. Commissioner Landers also weighed in with respect to the shellfishing in the area, which is all pretty strict relay. There are now active shellfishing activities there, with no Leases in the area. So he has no issues with the Proposal, with respect to its impact on shellfishing.

**MOTION: Commissioner Landers moved to find the subject Dock Application for Kramer and Davies, as presented by John Lust, consistent with the Shellfish Management Plan. It was seconded by Commissioner Johnston. The motion carried. (5-0-0)**

**MOTION: Commissioner Johnston moved to find the subject Dock Application for Kramer and Davies, as presented by John Lust, consistent with the Harbor Management Plan. It was seconded by Commissioner Murin. The motion carried. (5-0-0)**

Commissioner Kanter commented that while it is consistent with Harbor Management, it's not the best place to put a floating dock. As written on the Application by Mr. Kanter:

"While the East Lyme Harbor Management Shellfish Commission finds the Application consistent with the Harbor Management Plan, Commission feels it is not the best location for a floating dock, due to its proximity to southwest exposure."

B. Docko Application - Dowling Project - Keith Neilson presented the application. There was discussion regarding its placement. Commissioner Johnston inquired regarding the water level, to which Mr. Neilson stated that at low tide there was no water.

Commissioner Landers stated that Mr. Neilson is looking for the Commissioner's action on Attachment E and D, with respect to shellfishing and Harbor Management. He went on to describe the dock as 59' length overall, without a floater. It's got a boat lift.

**MOTION: Commissioner Landers moved to find the Dowling Project, 61 Old Black Point Road, consistent with the Shellfish Management Plan. It was seconded by Commissioner Johnston. The motion carried. (5-0-0)**

**MOTION: Commissioner Landers moved to find the Dowling Project, 61 Old Black Point Road, consistent with the Harbor Management Plan. It was seconded by Commissioner Johnston. The motion carried. (5-0-0)**

Commissioner Kanter inquired regarding notification to The Nature Conservancy, and whether they don't have any objections. Mr. Neilson stated he is going to notify them. He will tell them the plans and he will ask them for a letter of no objection. He is unaware of the status of the Permits on any of the five docks. The Permit survey was stopped short.

Commissioner Landers inquired regarding doing an NDDB, regarding the endangered and threatened species paperwork, and Mr. Neilson affirmed that they've already completed one, and it's been okayed. Commissioner Landers went further and asked Commissioner Kanter if the Commission some include some language in the comment box with respect to notification to the

TNC. Commissioner Kanter felt it would be wise to safeguard against future criticism regarding approval.

C. Petrillo Application - Nobody was present to discuss it.

D. Tim Londregan III Lease - Chairman Dinsmore stated that he felt the lease amount was \$5/acre. Commissioner Landers suggested that the Commissioners send Mr. Londregan an email detailing that information, as he is "itching" to write them a check.

#### 4. Reports

A. Shellfish. Commissioner Kanter said the river's been closed due to the 2.5" to 3" received and that the rain gauge was not reading correctly. He went on to explain that other rain gauges indicated 2.5" to 3" and the local rain gauge only showed 0.75". He stated that Peter Harris spoke to someone in David regarding the calibration.

Mr. Morris chimed in to indicate that the rain gauge was full of berries, which is not a new problem. So, the ladder truck from Niantic went and cleaned it out. The gauge currently is at 100 feet. Commissioner Kanter queried regarding the height. Mr. Morris replied that it was to keep it away from squirrels, etc. He continued on to state that Niantic Fire put one on their building, as well, and it's been fine up there for a while. Yet, every few years, this berry issue happens. More discussion ensued regarding the maintenance of the rain gauge.

Commissioner Johnston brought up the issue of wardens enforcing rules during poor weather. Commissioner Kanter replied to state that the wardens and the DEEP authorities would go at low time on a nice day, when there's going to be more clambers out there, although they do have a random schedule during bad weather, when the river is closed, as there could be poachers out there.

Discussion took place regarding water drainage in the town.

B. Harbor Master. Mr. Morris declared that the moorings are completed. The money collected was approximately 97% of all of the fees. Mr. Morris and Mr. Berger intend on searching the bay a bit more within the next few weeks. The desire is to have Jaxson Vibber during the outing to be able to identify moorings that were marked last year that have yet to be pulled this year, as well as to identify some of the newer ones that nobody's used, i.e. two off of Crescent Beach that haven't been used in years. Mr. Morris suggested that the Commissioner should discuss setting money aside every year to use for the services of mooring haulers, so that moorings could be pulled as they are discovered, rather than being delayed until a meeting is had on the topic.

Chairman Dinsmore indicated that there is money set aside every year for maintenance of the harbor. Commissioner Landers cautioned that although the money is available, outreach and communication should take place prior to any pulling, as to not create a disturbance among the mooring permit holders, in terms of trying to locate their moorings after they've been removed.

Discussion ensued regarding the inability to contact certain permit holders, due to death or relocation.

Mr. Morris brought up the fact that tomorrow night is the final step, the town meeting, for the FEMA grant for the new Harbor Management boat. Board of Selectmen and Board of Finance had no issues with the boat. He detailed all the uses that the boat is going to be available for. He also stated that the old Police Boat is being sold to cover the difference that East Lyme owes towards the boat, so East Lyme may only need to pay \$3,000 to \$4,000. Waterford's already kicked in their \$12,500.

C. Treasurer - Budget. Commissioner Landers listed out the bills that were paid:

1. Mr. Grimsey - Annual Pump-Out Fee - \$3,000 - submitted on 08/28
2. WELSCO - Monthly samples and patrolling - \$62.50 - authorized for payment

D. Ex Officio. - Mr. Salerno stated that at the last Board of Selectman meeting there were some appropriations. Money was appropriated for: dugout replacements at the high school; new 911 phone systems; Harbor Master boat. Discussion also took place at the meeting regarding a DEEP Recreational Trails Grant. He went on to detail Public Works' discussion about their plan for cleaning up Roxbury Road.

## 5. Old Business

A. Harbor Management Plan - Update. Chairman Dinsmore indicated he spoke with Geoff Steadman, who stated that he's waiting on the Commissioners to get comments back to him. All Commission Heads have been contacted regarding their thoughts on the Plan, which should be received back in 30 days, and then will be incorporated into the Plan. Also, if DEEP has any further comments, those will be incorporated, as well. Final copies will be passed onto the Board of Selectman to go to public hearing on, hopefully in November.

Commission Landers inquired regarding Save the River, Save the Hills, Friends of Oswegatchie Hills, and non-Governmental partners receiving the Plan. Chairman Dinsmore replied that they were not on the Town Distribution List, and he did not have contact information for them. He requested Commissioner Landers to forward the Plan onto those external agencies.

B. Port Authority Act - Chairman Dinsmore discussed the meeting of the Connecticut Harbor Management Association. There is "severe confusion" in the state as to oversight authority of smaller harbors.

Mr. Morris stated that the last he heard, the smaller harbors were going to DEEP, via a legislative action/Statute change.

## 6. New Business

A. Correspondence. Commissioner Landers stated that the Milford Lab, who is responsible for managing shellfishing resources, is going to be holding an open house on October 17th from 9:00 a.m. to 1:00 p.m. He also brought up the public meeting at Camp Niantic that took place last night, which Commissioner Kanter attended. It was a unique planning meeting regarding the impacts on the local community. Much discussion was had among the Commissioners on this



topic.

B. Disposal Sites Change. Commissioner Johnston brought up her issues regarding New York, who is against the dumping sites. She indicated she wanted to put together a comment letter, signed by all Marinas, that supports the Dredge Management Plan for waters of east of Long Island Sound.

Mr. Morris indicated that Mark Nickerson would like to have a conversation with Murphy, Courtney, this Board, the Marina owners, Waterford, Legislators, two State Reps, State Senator and talk about East Lyme's problem of silt, regarding the cleanup actions that could take place. Selectman Nickerson requested of Mr. Morris to work on a platform to get an open forum with all of the people specified above.

Commissioner Landers declared that the Commission needs to go on the record formally with the Corps. He is in favor of drafting a letter, on the Commission's letterhead, signed by the Chairman, saying that "We're supportive of continued maintenance of our waterways and navigation channels, specifically in our local jurisdiction, and we support ongoing dredge disposal sites on Long Island Sound."

**7. Final Comments.** None.

**8. Adjournment**

**MOTION: Commissioner Landers moved to adjourn the meeting at 8:59 p.m. It was seconded by Commissioner Johnston. The motion carried. (5-0-0)**

Respectfully submitted,

Victoria O'Connor, Recording Secretary