

Feb 18 20 11 at 8:20 AM PM

*Harbor Management*  
REGULAR MEETING

Minutes of Tuesday, February 15, 2011

7:30 p.m., East Lyme Town Hall

108 Pennsylvania Avenue

Niantic, CT 06357

*Esther B. Williams*

EAST LYME TOWN CLERK

**Present:** Chairman Don Landers, Secretary Barbara Johnston, Rick Kanter and Bill Mountzoures

**Also Present:** Harbor Master Joe Hitchery, Deputy Harbor Master Marc Berger and Gary D. Smith, P.E.

**Absent:** Greg Murin, Treasurer Steven Dinsmore and Marvin Schutt

## 1. CALL TO ORDER

Chairman Landers called to order the February 15, 2011, Regular Meeting of the Harbor Management/Shellfish Commission at 7:30 P.M.

## 2. APPROVAL OF MINUTES OF REGULAR MEETING OF JANUARY 18, 2011

**MOTION (1):** Barbara Johnston moved to approve the Minutes of the Regular Meeting of January 18, 2011, as presented. Seconded by Rick Kanter. Ms. Johnston abstained from voting. (3-0-1) Motion carried.

**MOTION (2):** Barbara Johnson moved to add to this evening's Agenda item 6 c. Presentation by Gary D. Smith, P.E. for Bayview Landing Proposal. Seconded by Bill Mountzoures. (4-0) Unanimous.

Mr. Smith, Civil Engineer and resident of East Lyme, reported he has been working on the Bayview Landing Marina project, located at 111 Main Street.

He showed a composite showing four plans of the proposed dock layout and dredge area. He also showed a composite showing three plans of a profile dredge area and profile new dredge vs. the past permitted with uplands improvements. The existing Bathymetric Site Survey showed the mean low water and high tide lines. In 1987 this area was dredged by Boats, Inc. The proposed dock layout would allow 144 slips. If open for transient boaters it would have a fuel dock, dingy dock, pump out station and lift. The property is presently owned by the Morgillos. Carmine Marino leases the marina.

Mr. Hitchery asked how far away from the channel is the last slip? Ms. Johnson asked would there be a separate area for transient boats? Mr. Smith stated if we obtain grants they require transient be available. There are no transient boats in this area.

Mr. Berger asked is there a requirement from the grant to set aside an area for commercial boats? Mr. Smith replied there is not.

Ms. Johnston did not feel there would be sufficient parking. Mr. Smith replied parking is based on the number of slips. The Town requires 1 ½ slips per parking space or 0.6 parking spaces per slip.

Mr. Smith stated we are in communication with AMTRAK and the analysis of the proposed dredge material is all good. AMTRAK expressed an interest in the past to replenish the beach. There is also a project in Old Lyme that may be interested in the dredge material.

Mr. Kanter asked if the testing found no contamination? Mr. Smith replied one area has a metal composite. Millstone had data on eelgrass. Eelgrass is anchored at the beach. It grows every summer. The state requires a 25' buffer from the eelgrass.

Mr. Landers asked if it would be a new dock piling? Mr. Smith replied everything is new. The wooden bulkhead will be rebuilt.

Mr. Smith referred to profiles of the dredge area showing the area where the dredging will be. It shows the old and new dredge areas. This is important to the state. The area will be landscaped. Mr. Smith plans to request Zoning to try to keep the parking areas open without trees to allow for storage. Mr. Landers suggested considering pervious materials like those used at 'Hole in the Wall' parking area rather than asphalt.

Ms. Johnston expressed concern with flooding? Mr. Smith replied it would be graded so that it will not flood. There are catch basins along Rt. 156 or there can be on-site catch basins. Mr. Landers asked that consideration be given to a rain garden or swale instead of raised curbing spacers between parking areas. Ms. Johnston suggested using salt water friendly bushes.

Mr. Landers asked if there would be any improvements to the existing buildings. Mr. Smith replied it would be handicapped accessible.

Mr. Berger asked when do you anticipate obtaining permission from the state? Mr. Smith replied we would like to have it ready by spring of 2012. A tenant has a long-term lease on it.

Mr. Berger referred to a fuel dock vs. a bulkhead and asked wouldn't you want deep water for a fuel dock? Mr. Smith replied it is located in the 7' dredged area.

Mr. Landers asked about underground fuel tanks? Mr. Smith replied we would need to be in compliance with DEP.

Mr. Smith informed the Commission we would like to see a picnic area for the marina, public parking, a sitting area, sidewalk and a landscaped area along the roadway. There will also be handicap accessible bathrooms.



Ms. Johnston asked do you have a second entrance from the street? Mr. Smith replied it could. Ms. Johnston suggested that Mr. Smith be in contact with the Fire Marshal.

Mr. Landers asked how many boats could you store in the winter season? Mr. Smith replied he does not know yet.

Mr. Smith informed the Commission that in 1993 a plan was submitted to the Long Island Sound Program, a cover letter was sent to the state, a chemical analysis was done. In 2010 everything was found acceptable by the state's standards. A benthic analysis was done, and it was found the dredging would not result in any issue to the benthic community. The state's concern is with protecting the eelgrass. He referred to Millstone data, correspondence with the state, and a report from Ms. Priscilla Bailey on SAV (submerged aquatic vegetation or in this case eelgrass). It was found that there is no problem in the dredge channel. Mr. Landers recommended that this Commission review all information received by Mr. Smith. Since this is a significant project he felt it deserves a Special Meeting. There was a consensus of the Commission to hold a Special Meeting on this matter. Mr. Kanter asked if Mr. Smith would attend a Waterford/East Lyme Shellfish Commission Meeting and make a presentation.

Commission members were asked to send any questions they have to Mr. Landers who will forward them to Mr. Smith. Mr. Landers stated he is very excited about this project. He felt transient boating is important and that it will be an improvement to that part of Town. Ms. Johnston agreed. Mr. Berger felt there was no down side to this project. Mr. Kanter felt it would be an upgrade.

#### **4. REPORTS**

A. Warden. There was no report.

B. Harbor Master. Mr. Hitchery reported he sent out 74 mooring permits to date. Five are pending.

C. Treasurer. Mr. Dinsmore was unable to be present and Mr. Landers gave a report. A bill for five hours was received from the Recording Secretary for the January Meeting, an invoice from Waterford/East Lyme Shellfish Commission in the amount of \$31.25 was received for January Warden hours.

**MOTION (3): Ms. Johnson moved to approve the Treasurer's Report. Seconded by Mr. Mountzoures. (4-0)  
Unanimous**

D. Ex-Officio. Mr. Birmingham was unable to be present, and there was no report.

#### **5. OLD BUSINESS**

A. Correspondence. Mr. Landers sent a request for outreach education on support for the pump out boat. Fred Grimsey operates the boat. We can try to get the message out to the

boating community. He suggested stickers with contact information on the pump out boat. The cost to have stickers made up and sent with annual mooring stickers will be shared with Waterford Harbor Management.

**MOTION (4): Mr. Kanter moved that the Harbor Management/Shellfish Commission approve partial funding of the Niantic River Pump Out Boat Advertising Campaign. Seconded by Ms. Johnston. (4-0) Unanimous.**

Mr. Kanter will ask the Waterford/East Lyme Shellfish Commission if they would be willing to share in this expense. He felt it was a good way to publicize the pump out boat.

Mr. Landers stated the Coordinator for the Niantic River Watershed Association would order it and bill the towns.

Mr. Landers will attend the Waterford/East Lyme Shellfish Commission Meeting this Thursday to discuss the town's role in and our commission's involvement with Ledge Light Health District and report back to this Commission on this matter. Mr. Johnston felt there have been problems with not obtaining information from Ledge Light Health District on opening and closing of shellfishing in Niantic Bay and Niantic River. Mr. Mountzoures agreed.

Follow-up letter dated January 19, 2011 was received from Keith B. Neilson regarding the Dowling dock application.

Notice of Tentative Determination from DEP for Application #201006555-MG, 4 Hill Road. Permission was given to commence work.

Notice to Proceed from DEP for Permit #201005846-MG at 138-140 Old Black Point Road.

Mr. Kanter attended a gathering of shellfish commissions. He was informed of marina calculations and how they relate to shellfish closures based on potential water quality issues. There are different formulas based on the number of boats at a marine to calculate/determine shellfish closures.

B. Discussion of Dowling Dock Application at 285 Black Point. There was no discussion on the Dowling Dock application.

**7. COMMENTS FROM OTHER COMMISSION MEMBERS.** Ms. Johnston asked Mr. Kanter if the Waterford/East Lyme Shellfish Commission purchases clams for seeding recreational clamming areas. Mr. Kanter replied we do from time to time.

Mr. Hitchery discussed proposed legislation on mooring fees. Legislation proposes to increase the maximum mooring fee from \$200 to \$400, with a minimum charge of 10% of the maximum, which is \$40. He felt the legislation was unnecessary. Mr. Landers suggested providing written comment on the proposed legislation.

Mr. Berger expressed opposition to the proposed ban on using lead (sinkers) for any type of fishing.

Ms. Johnston noted Three Bells and Port Niantic received an award for being a green mariner. She felt they should be congratulated by this Commission.

**8. ADJOURNMENT.**

**MOTION (5): Bill Montzoures moved to adjourn the February 15, 2011 Harbor Management/Shellfish Commission Meeting at 9:20 p.m. Seconded by Rick Kanter. (4-0) Unanimous.**

Respectfully submitted,

Frances Gheri  
Recording Secretary