



TOWN OF EAST LYME
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman
Donald F. Landers Jr.

Treasurer
Stephen Dinsmore

Secretary
Barbara Johnston

FILED IN EAST LYME TOWN
CLERK'S OFFICE

REGULAR MEETING

Minutes of Tuesday, January 18, 2011 Jan 20 11 at 12:30 ^{AM}
7:30 PM, East Lyme Town Hall
108 Pennsylvania Ave.,
Niantic, CT 06357

Esther B. Williams
EAST LYME TOWN CLERK

Present: Chairman Don Landers, Treasurer Steven Dinsmore, Marvin Schutt, Rick Kanter, and Bill Mountzoures

Also Present: Harbor Master Joe Hitchery, Deputy Harbor Master Marc Berger, Ex-officio John Birmingham, Keith Neilson of Docko, Inc. and Gary Yerman of R & B Fisheries, LLC.

Absent: Greg Murin and Secretary Barbara Johnston

1. CALL TO ORDER

Chairman Landers called to order the January 18, 2011, Regular Meeting of the Harbor Management/Shellfish Commission at 7:30 PM.

2. APPROVAL OF MINUTES OF REGULAR MEETING OF December 21, 2010

The following corrections were noted: Delete the paragraph under item 7 and insert the following: "Mr. Hitchery commented he had read a report about the Army Corps of Engineers conducting a trial program requiring any one on a boat 26' or under and swimmers 100' away from shore to wear a life jacket."

MOTION (1): Mr. Mountzoures moved to approve the Minutes of the Regular Meeting of December 21, 2010, as amended. Seconded by Mr. Dinsmore. Mr. Schutt abstained from voting. (4-0-1) Motion carried.

3. PUBLIC DELEGATIONS

MOTION (2): Mr. Dinsmore moved to bring item 6 c. of this evening's Agenda to Public Delegations. Seconded by Mr. Mountzoures. (5-0) Unanimous.

Keith Neilson of Docko, Inc. showed plans for the Dowling dock at 285 Black Point Road. Ongoing work at the applicant's property includes repairs to the seawall, which were approved by Planning and Zoning. He has cautioned the applicant that the dock would have to be very sturdy and that the maximum width for a fixed dock allowed by the DEP is 5'. Mr. Nielson recommended that Mr. Dowling only keep a boat at the dock when he is present and the conditions are calm. Mr. Nielson indicated that his client may also apply for a mooring permit in the vicinity of the dock. Mr. Dowling wishes to have a dingy at the dock.

In the winter the decking will be removed. The panels will need to be made of wood. DEP has not indicated any particular type of wood required.

Mr. Dinsmore stated he is concerned with the direct impact of major storms and its affect on neighbors' properties. Mr. Neilson stated for most of the storms we have seen in the last ten years construction design and material would be adequate.

Mr. Neilson showed the area where waves break below the dock and he was considering changes to the deck slope for maintenance clearance above the wave break.

Mr. Landers asked if people walking the beach can pass underneath the dock? Mr. Neilson replied we plan to make it high enough to walk underneath. DEP has indicated they wish to have a 5' clearance.

Mr. Landers asked if the end of the dock will be lighted to aid boat navigation. Mr. Nielson replied it will.

Mr. Kanter felt the area where it will be placed is a popular fishing area. Mr. Landers agreed. It has serious navigational issues and in fog conditions somebody who uses the shoreline from other areas might run into it. Mr. Dinsmore agreed it is not a good location.

Mr. Nielson was asked to carefully review the Harbor Management Plan.

Mr. Schutt asked what size motor boat will be tied to the dock? Mr. Nielson replied 26'-30'.

Mr. Landers' concern was with sailboats not being able to get out of the way quickly enough.

MOTION (3): Mr. Dinsmore moved to find the Dowling Dock Application for 285 Black Point Road consistent with the Shellfish Management Plan. Seconded by Mr. Schutt. (5-0) Unanimous.

MOTION (4): Mr. Dinsmore moved that we table the proposal in relation to our Harbor Management Plan pending review for consistency with our Harbor Management Plan. Seconded by Mr. Mountzoures. (5-0) Unanimous.

Mr. Nielson showed drawings of beach re-nourishment project proposed by the Giants Neck Beach Association. Giants Neck Beach has suffered a loss of sand. In this proposal the sand will be excavated and redistributed along the beach. In the spring the material will be respread at the high tide line. He is asking for a ten year maintenance authorization from the DEP.

We also are proposing to put armor flex concrete blankets at the outlet pipe from Lower Pond, which will bend and flex. Wave energy cannot get through it. Mr. Landers asked if Giants Neck is responsible for maintaining it? Mr. Berger stated the Town has always been responsible for it. Mr. Landers asked how many square feet of concrete will there be? Mr. Nielson replied 200 square feet. It will be placed towards the east. Mr. Dinsmore asked if it will require an Army Corps' dredging permit? Mr. Nielson stated it will not, but he plans to get one. DEP Fisheries has agreed with this approach. They were only concerned with horseshoe crabs.

Mr. Landers asked if there would be any changes in the elevation of the discharge pipe from the lower pond. Mr. Nielson stated they were all set.

Mr. Landers asked what kind of sediment chemistry is required by DEP? Mr. Nielson replied to date it has not been determined.

MOTION (5): Mr. Dinsmore finds the beach re-nourishment project for Giants Neck Beach is consistent with our Shellfish Management Plan. Seconded by Mr. Mountzoures. (5-0) Unanimous.

MOTION (6): Mr. Mountzoures moved that the Giants Neck Beach re-nourishment project is consistent with our Harbor Management Plan. Seconded by Mr. Dinsmore. (5-0) Unanimous.

Gary Yerman of R & B Fisheries LLC at 114 Smith Street, New London would like to do shellfishing in East Lyme. Mr. Yerman stated we have three boats, two dredge and one barge with an outboard and a suction dredge unit. We have worked with the Town of Groton.

Mr. Landers informed him everything north of the railroad bridge is outside of this Commission's jurisdiction. He recommended speaking to the Waterford/East Lyme Shellfish Commission.

Mr. Yerman stated we would like to do an assessment of clam abundance and distribution east of Black Point and in Niantic Bay. Mr. Dinsmore stated it is prohibited in West Blackpoint. At Sandy Point it is primarily recreational for steamers.

Mr. Landers suggested that he review the Shellfish Management Plan and submit a letter of intent to do exploratory work. He stated that the Commission's experience in previous proposals for leasing shellfish grounds indicated that there was concern by the public about boats dredging during the summer season and hampering the enjoyment of the beach. Mr. Yerman stated we will only harvest off season.

Mr. Landers suggested that Mr. Yerman consider entering into a lease agreement with this Commission if the experimental work proved to be economical and successful. The Lease would be good for five years.

4. REPORTS

A. Shellfish Warden. The Shellfish Warden was absent. Mr. Kanter reported that wardens have been collecting water samples.

B. Harbor Master. Mr. Hitchery reported that approximately 223 mooring permit renewal applications have been sent out today.

C. Treasurer's Report Mr. Dinsmore reported he received a check for \$525 and one for \$884 for two shellfish leases from Mike Theiler. An invoice for a shellfish lease was sent to Robert Russell. Bills have been received from the Harbor Masters. Payments have been deposited. The Harbor Management/Shellfish Commission budget for the next fiscal year needs to be submitted.

**MOTION (7): Mr. Mountzoures moved to approve the Treasurer's Report.
Seconded by Mr. Schutt. (5-0) Unanimous.**

D. Ex-officio. Mr. Birmingham asked Commission members to give their input on whether the Town should stay with Ledge Light, join another Health District or have an in house sanitarian.

Mr. Landers felt an in house sanitarian worked well for this Commission. Stonington has an ambitious Shellfish Commission and would like to join in with them.

Mr. Dinsmore and Mr. Landers are open to a change. This Commission needs support from a Health District.

Mr. Birmingham stated Ledge Light costs \$7.60 per resident. This cost can be reduced to \$3.85 per resident for the same service. Mr. Schutt suggested being sure we get good service for less money.

5. OLD BUSINESS

A. Harbor Management Plan. There was no report on the Harbor Management Plan.

6. NEW BUSINESS

A. Correspondence. Mr. Kanter stated he has new aerial photos of the railroad bridge reconstruction project for those that are interested.

B. Discussion of No Wake Zone for Niantic River. Mr. Schutt and Mr. Hitchery plan to present a written report on how to go forward on this matter.

7. COMMENTS FROM OTHER COMMISSION MEMBERS

Mr. Hitchery reported all but a few mooring permit renewal applications have been sent out. He would like direction and advice from this Commission on the few that have not been sent out.

These individuals were issued a permit in 2009 and did not renew in 2010. A procedure needs to be established. Each requires an inspection this year. In order to get a permit do they have to pay for 2010 before they get one for 2011?

Mr. Mountzoures stated if they have not paid they no longer have a valid permit. Mr. Schutt asked if spaces are limited? Mr. Landers replied they are in Giants Neck.

Mr. Landers suggests that a letter be written to them. The mooring could have been available to some other individual.

Mr. Dinsmore felt if someone does not pay for a permit they lose their mooring.

Mr. Berger felt possibly there is some reason and they should be given an opportunity to pay for the prior year.

Mr. Kanter felt it is the applicant's responsibility to make sure they have a current mooring permit.

Mr. Dinsmore suggested reaching out to them for this year and establishing a formal policy going forward.

MOTION (8): Mr. Dinsmore moved that we allow for this year the applicants who have failed to renew their permits in 2010 to renew them for 2010 and 2011 by paying for both years, unless there are extenuating circumstances. Seconded by Mr. Mountzoures. (5-0) Unanimous.

Mr. Hitchery is given the authority by this Commission to determine what constitutes an extenuating circumstance.

8. ADJOURNMENT

MOTION (9): Mr. Dinsmore moved to adjourn the January 18 2011, Regular Meeting of the Harbor Management Commission, at 9:50 pm. Seconded by Mr. Schutt. (5-0) Unanimous.

Respectfully Submitted,

Frances Gheri, Recording Secretary