



TOWN OF EAST LYME
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman
Donald F. Landers Jr.

Treasurer
Stephen Dinsmore

Secretary
Barbara Johnston

REGULAR MEETING
Minutes of Tuesday, July 20, 2010

Present: Marvin Schutt, Don Landers, Chairman, Stephen Dinsmore, Treasurer, Barbara Johnston, Secretary, Greg Murin, Bill Mountzoures

Also Present: Harbor Master Joe Hitchery, Deputy Harbor Master Marc Berger, John Birmingham, Ex-Officio

Absent: Rick Kanter

1. Call to Order

Mr. Landers, Chairman called to order the July 20, 2010, Regular Meeting of the Harbor Management / Shellfish Commission at 7:35 PM.

2. Approval of Minutes of Regular Meeting of June 15, 2010

MOTION (1)

Mr. Mountzoures moved to approve the Regular Meeting Minutes of June 20, 2010 as submitted.

Seconded by Mr. Murin.

Motion carried 5-0-0.

3. Public Delegations

There were none.

4. Reports

A. Shellfish Warden

There was no report.

B. Harbor Master – Mooring Permit Status

Mr. Hitchery said there is an unregistered boat that he thought was abandoned, however he has managed to locate the owner. He has advised the owner to register the boat and mooring as soon as possible. He received a call from the Coast Guard asking for information on who is responsible for the maintenance and installation of the Smith Cove Bay Beacons. This was just a call for information no action is needed. Upon patrol of the river Mr. Hitchery discovered 19 buoys that had permit numbers on them but did not have 2010 decals. Three are awaiting inspections. Seven of these had no numbers or decal and he placed red warning stickers on them. There are 213 permits in total; 162 are renewals and 26 are new. There are 25 that are not yet renewed. Mr. Hitchery and Mr. Murin have updated the database of all mooring permits. Mr. Hitchery and Mr. Berger presented the Commission with the results of the bidding for contractors to haul moorings. There were five responses; one not interested; and one who did not have the proper equipment, and three that will be called in the following order: Mike Theiler, Chris Drake, and Jaxon Vibber to remove moorings as defined in the previous outline for mooring removal.

MOTION (2)

Mrs. Johnston moved to accept the results of the Bidding Process for the removal of moorings.



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Seconded by Mr. Schutt.

Motion Carried 5-0-0.

C. Treasurer

Mr. Dinsmore reported that he has not received any bills this month. He also said that the total amount of the Kumpitsch fund was \$855.00, \$299.00 was spent on GPS, and the remaining \$464.00 would be donated to the Formica Family Clock.

MOTION (3)

Mr. Mountzoures moved to approve the Treasurer's report as submitted.

Seconded by Mr. Murin.

Motion carried 5-0-0.

D. Ex-Officio

Mr. Birmingham said he had nothing to report and asked if there was anything that the Commission would like him to present at the Selectman's meeting. Mrs. Johnston said that she had sent an E-mail to both Mr. Landers and Mr. Formica stating that there was an inch of rain the previous day and she was not notified by Ledge Light. She expressed concern that the system is not functioning properly. There was discussion about the location of the rain gauge and the process in general.

5. Old Business

A. Harbor Management Plan – Reports from Subcommittees

There was no report.

6. New Business

A. Correspondence

Mr. Landers said he had two pieces of correspondence:

1. DEP, temporary authorization for Rocky Neck State Park for plastic isolation devices. Application number 201003986-MG.
2. Application for COP from Keith Neilson of Docko, for repair of an existing dock on the west side of Black Point.

B. Plan of Conservation and Development (update chapter 5- Coastal Area)

There was discussion amongst the Commission members to schedule a meeting to discuss this item. The date is tentatively set for August 11, 2010.

C. Appointment of Subcommittee to research recommendations for pole moorings.

Mr. Hitchery said that he has drawn up a proposed application and mooring standards for the Commission to consider for pole moorings. Mr. Hitchery also stated that in a letter from the DEP to the Spiritualist Camp Meeting Association which is the owner of the property known as Pine Grove, it was said (referring to docks not moorings) "in general permits are not issued for private recreational docks to individuals who do not own waterfront property". Mr. Hitchery said that there is a strip around Pine Grove that is evidently still owned by the Spiritualists Association, where the poles are located, and it does not appear that any one individual is in ownership of the property. Mrs. Johnston has been in this area very recently and agrees that the area in question appears to her to be owned by the Spiritualist Association. Mr. Berger said that last year they had discussed some basic standards, for waterfront property owners such as a 25 foot setback from abutting property lines, permission from a waterfront property owner, and also the size of the pole and the height above the water would be a factor. Mr. Berger also commented on "hybrid" moorings that are a combination of an outer mooring anchor and an inner pole which tends to lead the line down to the water creating a potential navigational hazard. Mr. Hitchery was not certain how to address the problems with pole moorings and he made reference to notes he had made last year when he had contacted other Harbor Masters for input. He said that at that time the response he had was as follows: Waterford was on hold and the issue



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was under consideration, the State Harbor Master, Mike Griffin in Norwalk, had at the time said that if they were in fact considered moorings, his opinion was that they would be illegal or at least non permit-able because they don't meet the minimum recommended standards for all moorings. Mr. Hitchery added that the DEP does consider them to be moorings. He also read Article 1, Section 3 of the East Lyme Ordinance that specifically defines a mooring and it does not include pole moorings. He said this does not mean they cannot be regulated, however he feels they must be defined and regulated as a separate and distinct category by the Commission. He also said there were many other points of concern such as how they would be inspected, how are they to be removed, and does the Harbor Master have authority to enter onto private property to do so, also how do you attach numbers to them. He has also asked for the signature of the waterfront property owner giving permission to install poles within the application because the pole moorings can be considered an obstruction or interference to access to littoral property. Mr. Landers concurred that pole moorings did not conform to the standards and did not comply with the definition of moorings in the Ordinance. Mr. Dinsmore asked how the DEP handles pole moorings. Mr. Hitchery replied that the DEP delegates the authority to grant permits to the Harbor Master consistent with the local Harbor Management Plan. Mr. Hitchery described the three different descriptions of moorings that the DEP has defined. Mr. Hitchery had a general permit fact sheet from the Office of Long Island Sound Program, LIS-GP-002 revised June of 1999 from which he read the three basic types of general permits. "The general permit provides that, if you have a mooring permit from a state-appointed Harbor Master, than you have DEP authorization as well. While moorings are technically subject to DEP's regulatory program for structures, dredging and fill, they have also been assigned by Harbor Masters under CGS section 15-8." This blanket authorization applies to individual non commercial mooring buoys, pilings, close line systems, and small mooring floats. There must be no adverse navigational or environmental impacts. There was discussion about the majority of the pole moorings being in Pine Grove and this being a problem area. Mr. Schutt said there has been a lot of time spent on the subject of pole moorings and he suggested that we meet with the Pine Grove people to see if some resolution can be reached. We have learned that coming up with a set of regulations is more challenging than we anticipated. Mr. Landers and Mr. Hitchery both agreed that more research had to be done and that the item would be tabled until the next meeting.

7. Comments from Other Commission Members

Mr. Landers said that he attended the Lobster Public Hearing. He said the Atlantic States Marine Fisheries Commission is contemplating a five year moratorium in area two, to try to rebuild the stock. He asked Mr. Schutt for comment on the meeting he attended regarding dredging. Mr. Schutt said the purpose of the meeting was to inform people about the dredging process. He said the main problem that was pointed out was what to do with the spoils. Mr. Schutt said that there is a significant problem with the waterways becoming shallow for boats that are carrying products that influence our economy. Mrs. Johnston who also attended the meeting agreed with this problem and said she thinks there will also be a negative impact on the Niantic River.

8. Adjournment

MOTION (4)

Mr. Dinsmore moved to adjourn the July 20, 2010 Regular Meeting of the Harbor Management Shellfish Commission at 9:00 PM.

Seconded by Mr. Schutt.

Motion Carried 5-0-0.

Respectfully Submitted,

Zoe Zrakas, Recording Secretary