



Harbor Management Commission

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Meeting Minutes- Regular Meeting

April 22nd, 2021, at 7:00 P.M.

This meeting was made available to the public via Zoom.

1. **Call to Order** - Chairman Jeff Going welcomed everyone to the Harbor Management Commission. Members and attendees announced themselves. Attendees were asked to please identify themselves for the record prior to making any comments.

2. Attendance:

Present Members: Jeff Going, Kit Schellens, Susan Malan, David Fasulo, Paul Riggio, Earl Fowler, and Terry Stewart.

Audience: Rob Shickel in person and Doug Domenie, and Cy Libby via Zoom.

3. Election of New Officers:

MOTION: made by Terry Stewart to nominate Jeff Going to continue as Chairman of the commission for one more year; **SECONDED:** by Kit Schellens; **Voting In Favor:** Kit Schellens, Terry Stewart; **Opposed:** Susan Malan; **Abstaining:** None; **Approved:** 2/1/0. **Discussion:** No further discussion.

MOTION: made by Susan Malan to nominate Terry Stewart as Vice-Chairman of the commission; **SECONDED:** by Kit Schellens; **Voting In Favor:** Kit Schellens, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 2/0/0. **Discussion:** No further discussion.

MOTION: made by Jeff Going to nominate Terry Stewart to continue as Treasurer of the commission; **SECONDED:** by Kit Schellens; **Voting In Favor:** Kit Schellens, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 2/0/0. **Discussion:** No further discussion.

4. Approval of the March 25th, 2021, Meeting Minutes:

MOTION: made by Terry Stewart to approve the March 25th, 2021 meeting minutes as presented; **SECONDED:** by Kit Schellens; **Voting In Favor:** Kit Schellens, Susan Malan, Terry Stewart; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

5. Public Comment:

None.

6. Financial Report:

Terry Stewart provided reports on the following balances as of the end of March 2021.

Deposits:

OnLine Mooring \$580.00

Commercial Moorings \$1,920.00

Tahme Deitz Small Vessel Storage \$35.00

Brien Riedell Small Vessel Storage \$30.00

Withdrawals:

- Jeff Going Middle Cove Markers \$516.75
- Lighthouse Printing Small Vessel Sticker \$274.00
- Tahme Deitz Refund - Small Vessel Permit \$35.00

Total Funds Balance--- Total Funds---a/o 3/31/21: \$45,378.29

MOTION made by Kit Schellens to approve the Treasurer's Report as presented. **SECONDED** by; Susan Malan; **Voting In Favor:** Susan Malan, Kit Schellens; **Opposed:** None; **Abstaining:** Terry Stewart; **Approved:** 2/0/1. **Discussion:** No further discussion.

Invoices:

- Clerk Invoice #49 Total from the Town of Essex: \$623.62

MOTION made by Terry Stewart to approve the invoices as presented; **SECONDED** by Kit Schellens; **Voting In Favor;** Terry Stewart, Kit Schellens, Susan Malan; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0. **Discussion:** No further discussion.

6. Harbor Master Report:

Paul Riggio provided the following Essex Harbormaster Report. Paul and Dave Fasulo have done most of the mooring inspections. The harbor marks are set, and Cy Libby expects to set the new Middle Cove channel marks in about a few weeks. Paul will finish setting up the Middle Cove marks this weekend at my shop and deliver them to Cy when and where he wants them.

Mooring Permits:

Down from 97 to 96 due to Henry Breitenback giving up mooring in the Main due to health conditions. Paul suggested to the commission taking a vote for refunding his mooring fee for this year.

MOTION made by Terry Stewart to refund Henry Breitenbacks mooring fee; **SECONDED** by Kit Schellens; **Voting In Favor**; Terry Stewart, Kit Schellens, Earl Fowler, Susan Malan; **Opposed**: None; **Abstaining**: None; **Approved**: 4/0/0. **Discussion**: No further discussion.

Mooring Permit Wait List: New since last meeting:

Edward Whitaker, Main
Sharon Marie, Meadows
Errol Horner, Meadows

Bushnell Access Wait List

8 since last meeting: Kelly Sweek, John Ravenna, Dave Adams, Dave Adams, Alan Nietlisbach, Charles Tracy, Susan Cornell, and Robert Cornell.

Betsy has suggested new target dates for all the renewals for the coming year. Paul and Jeff stated that he supports her request.

MOTION made by Terry Stewart to approve the revised key dates; **SECONDED** by Kit Schellens; **Voting In Favor**; Kit Schellens, Terry Stewart, Susan Malan, Earl Fowler; **Opposed**: None; **Abstaining**: None; **Approved**: 4/0/0. **Discussion**: No further discussion.

7. Harbor Management Business

- - **Town Public Access Points: Bushnell Storage, Novelty Lane Easement**

Novelty Lane Easement: Jeff reported that the Novelty Lane proposed easement currently only applies to the three abutting residential property owners: Safe Harbor will be handled separately according to Atty Royston. Discussion ensued about the “perpetuity” of the easement proposed.

Bushnell Storage: Nothing new reported.

- **Gowrie Application:**

Rob Shickel sent Jeff the DEEP dock application of Carter S. Gowrie at 1 Teal Lane in Essex. Forwarded to HMC. Rob attached following documents for review by the Harbor Management Commission to see if application is consistent” or “is not consistent” with the Harbor Plan.

The proposed dock will be an "L" shaped fixed pier with no ramp or float. 1. The proposed design and configuration will not create riparian conflicts. 2. The Waterward encroachment of the dock will not exceed the waterward encroachment of the residential dock on the adjacent northerly property of Galiette. 3. There will be no navigation conflicts by the proposed dock. 4. The dock will provide access to North Cove and to the CT River and Long Island Sound for boating, fishing, and swimming. The dock will be constructed per the site surveys to not create adverse impairments of the SAV (Submerged Aquatic Vegetations) and the TWV (Tidal Wetlands Vegetations) that have been mapped as present at the site. 5. The fixed pier dock will be constructed in a location where there are no SAV or TWV species. 6. the dock will be constructed of an open timber and pile design with "ThruFlow" open decking. 7. Utilities of electric, water and low watt down lights will be installed. 8. Davits and ladders will be installed to launch and retrieve small boats, inflatables, kayaks, canoes from the dock. The dock will be constructed over a period of approximately 10 to 14 days with a crane and compression hammer mounted on a barge at times of high water so to not allow the barge to rest on the bottom of North Cove while driving the piles for the dock. All debris will be collected onto the deck of the barge for disposal at a disposal area location.

MOTION made by Jeff Going to table the Gowrie Application into the May 2021 meeting. More information from the applicant/Rob Shickel will need to be presented to the EHMC; **SECONDED** by Susan Malan; **Voting In Favor**; Kit Schellens, Susan Malan; **Opposed**: None; **Abstaining**: None; **Approved**: 2/0/0. **Discussion**: No further discussion.

- **CT Court Decision concerning Harbor Management Commissions DEEP Apps**

Eneida Luciano from DEEP sent the EHMC a "Notice of Tentative Determination to Approve Structures, Dredging & Fill and Tidal Wetlands and Intent to Waive Public Hearing" for applicant George Papanier

The proposed activity includes making repairs on and constructing additions and modifications to an existing dock which will affect approximately 1,118 sq ft of tidal waters including a sliver of tidal wetlands land below mean high water.

The Department of Energy and Environmental Protection ("DEEP") hereby gives notice that a tentative determination has been reached to approve the following application submitted under Sections 22a-361 and 22a-32 of the Connecticut General Statutes ("CGS") for a permit to conduct work waterward of the coastal jurisdiction line in tidal, coastal, or navigable waters of the state and in tidal wetlands for recreational boating access. The Commissioner also gives notice of intent to waive the requirement for a public hearing pursuant to CGS Section 22a-32 and that the Commissioner shall hold a hearing on receipt of a petition signed by twenty-five or more persons pursuant to CGS Sections 22a-32 and 22a-361(b). The Commissioner also gives notice that a hearing may be held on this application if a

written request via electronic mail as specified below is received from the applicant, or if the Commissioner determines that the public interest will best be served thereby.

Discussion on DEEP not being required to abide by Harbor Commissions' comments when reviewing permit applications.

BOAT LIFTS - discussion of boat lifts as as part of dock applications. As with Gowrie, there are situations that DEEP and Army Corps will not allow floats or boats that would bottom out as part of dock permits.

LAND USE - HMC has been asked to make a statement for updating Zoning parking requirements that would make transient moorings and/or boat slips excluding from parking space requirements. This would apply to boat yards, marinas, yacht clubs, etc. Statement needed for May PZC meeting.

8. Correspondence

No correspondence.

9. New Business

10. Adjournment

MOTION made by Kit Schellens to adjourn the meeting at 8:40 p.m; **SECONDED** by Susan Malan ; **Voting In Favor:** Kit Schellens, Susan Malan, Earl Fowler; **Opposed:** None; **Abstaining:** None; **Approved:** 3/0/0.

Next Regular Meeting: Thursday, May 27th, 2021, at 7:00 pm.
Essex Town Hall, Conference Room A, 29 West Avenue, Essex, CT.

Respectfully submitted,

Kristin Gleason
Recording Clerk