

**TOWN OF FAIRFIELD  
HARBOR MANAGEMENT COMMISSION  
MEETING MINUTES OF JANUARY 18, 2011**

A meeting of the Harbor Management Commission (HMC) was held on Tuesday, January 18, 2011 at 4:30 p.m. in Meeting Room II of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

**MEMBERS PRESENT:** Mary von Conta, Chairman; David Drabaski; James P. Bradley; Hugh Smith; E. Hewitt Gaynor; Sandye Mann, and Nelson North. **ABSENT:** John Zygmant and Louis Schueler. **ALSO PRESENT:** Geoff Steadman, Consultant; Thomas Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Chester Burley, Pequot Yacht Club, Edward Crowley, Shellfish Commission; Devin Santa, Roberge Associates; Richard White, Director, Town of Fairfield DPW; and Robin Bimmel, Town of Fairfield Marina Manager.

The meeting was called to order at 4:32 p.m. by Chairman Mary von Conta. Sandye Mann and Nelson North were appointed to sit as full members.

**I. APPROVAL OF MINUTES OF DECEMBER 21, 2010 MEETING:**

Hugh Smith *moved* and Sandye Mann *seconded* to approve the Minutes of December 21, 2010. *Motion passed unanimously.*

**II. CORRESPONDENCE:**

Chairman Mary von Conta reported the following correspondence:

January 2, 2011: From Harbor Master Carroll to Mr. Paul Hiller enclosing checks in the amount of \$3,815.00 fees collected for the renewal of mooring permits and mooring tackle maintenance costs: (permits = \$3,350; mooring maintenance = \$465.00).

January 10, 2011: From Harbor Master Carroll to Mr. Hiller enclosing checks in the amount of \$3,975.00 for mooring permits and mooring maintenance costs: (permits = \$2,350.00; mooring maintenance = \$1,625.00).

January 12, 2011: From Harbor Master Carroll to Mr. David Messenger, 30 Hyde Lane, Westport, CT 06880 acknowledging receipt of his mooring waiting list application and check in the amount of \$50.00. (#134)

January 14, 2011: A sample of a letter from Harbor Master Carroll to "Perry Green" boaters outlining the special procedures they must follow to obtain a mooring permit from the Harbor Master.

January 17, 2011: From Harbor Master Carroll to Mr. Paul Hiller enclosing checks in the amount of \$2,945.00 fees collected for renewal of permits, mooring maintenance costs, and for a waiting list application fee from Mr. Messenger, # 134: (permits = \$1,800.00; maintenance costs = \$1,095; waiting list fee = \$50.00.)

December 29, 2010: A copy of a letter from Mr. Thomas Steinke to Mr. Brian Thompson, Director CT DEP OLISP regarding the COP Application of Stephanie Scott for Timber Bulkhead Reconstruction at 2308 Fairfield Beach Road, Fairfield, and noting concerns that Mr. Steinke had about this project.

January 6, 2011: A copy of an e-mail sent by Mr. Thomas Steinke to Mr. Devin Santa of RACE thanking Mr. Santa for his note explaining that the plans Mr. Steinke had reviewed had been supplanted by revised plans which are responsive to Mr. Steinke's concerns.

January 4, 2011: A copy of a Memorandum written by Mr. Thomas Steinke and sent to the members of the Fairfield Shellfish Commission (with copies to representatives of the Pequot Yacht Club, RACE, and the HMC) regarding the Pequot Yacht Club's submission of a copy of "Attachment D: Shellfish Commission DEP Permit Consultation Form" outlining the Yacht Club's North Anchorage Dredging Proposal. This memorandum was a Shellfish staff review of the project and contained information and concerns related to the project.

Early in January: A copy of the Agenda for the Shellfish Commission's January 12 2011 meeting and a copy of the Shellfish Commission Meeting Minutes of December 8, 2010.

December 28, 2010: An e-mail from Linda Gardiner, budget director, noting that the First Selectman has cut the HMC's request in the Education and memberships budget line from \$300.00 to \$00.00.

January 11, 2011: A copy of an e-mail from Tonia Selmeski, an analyst from the CT DEP OLISP to Devin Santa and John Roberge requesting information concerning the status of the HMC's Lower Wharf Application. (Chairman von Conta responded to this query with a phone call to Ms. Selmeski explaining that the HMC has been working on the application and expects to have a revised version for submittal to the DEP OLISP by March or early April, 2011. Mr. Santa also responded to Ms. Selmeski's query in an e-mail dated January 11, 2011.)

January 13, 2011: The Parks and Recreation Commission Chair, Ellery Plotkin, sent an e-mail to the Park and recreation commissioners suggesting that they might attend the HMC's January meeting to learn more about the HMC's Lower Wharf project, and that representatives of the HMC were invited to attend the February Parks and Recreation Commission meeting to present a brief outline of the plans. *Following discussion, it was noted that Geoff Steadman and James Bradley may attend the February 16, 2011 Parks and Recreation meeting on behalf of the Harbor Management Commission. Sandye Mann suggested that this may be a good opportunity to open lines of discussion between the HMC and the Parks and Recreation Commission concerning the possible development of Town educational programs for the Lower Wharf area that may be feasible following implementation of the HMC's Lower Wharf improvement plans.*

Mid-January (but dated December 16, 2010): A letter from the First Selectman and the Chief of Police offering guidance to Town of Fairfield boards, commissions, etc. regarding steps that may be taken in situations where a party or parties at a meeting exhibit disruptive or threatening behavior.

### III. ORGANIZATIONAL MATTERS:

1. Review of 2011 Meeting Dates: Chairman von Conta noted that the third Tuesday in April fell on Passover; following discussion, it was the consensus of the Commission to schedule a special meeting on Wednesday, April 20, 2011, and to cancel the regularly scheduled meeting in observance of that holiday.
2. Article XI of Town Charter – “Standards of Conduct”: Acknowledged
3. Discussion on Correspondence From First Selectman and Police Chief: Chairman von Conta read a letter from Kenneth Flatto and Police Chief Gary MacNamara into the record concerning recent news events in which there were incidents of violence at public meetings and offered suggestions on how a commission or board may handle matters if the behavior of a member of the public or attendee at a meeting was cause for concern.
4. Report on conversation with Ms. Gaspar regarding a memorial for her mother near the Harbor: Chairman von Conta reported that she had spoken with Ms. Gaspar who was very appreciative of the alternatives suggested by the Harbor Management Commission.

### IV. OLD BUSINESS:

**Mooring Report:** Harbormaster Carroll was not present this evening; in his absence, James Bradley noted that the 2011 mooring permit and waiting list applications have been distributed and responses/fees are continuing to come in. The HMC Mooring Committee will meet in January.

**Lower Wharf Report:** Geoff Steadman reported that Roberge Associates has provided revised plans for the HMC’s desired Lower Wharf improvements and those plans reflect the Commission’s previous discussions as well as input from the Town Engineering and Public Works departments. The revised plans provide for 3 feet of water at low tide at the boat launching ramp which is the depth needed to accommodate the Fire Department’s trailered emergency service vessel. In addition, the revised plans provide for 4 feet of water at low tide under the south docks at the Town Boat Yard. Devin Santa of Roberge Associates was available this evening to discuss the revised plans. Following considerable review of the revised plans and HMC discussion, James Bradley *moved* and Nelson North *seconded* that it is the consensus of the Harbor Management Commission to request that Roberge Associates prepare additional revisions to the Lower Wharf plans based on review of the following items: 1) the design of the boat ramp as presented should be re-evaluated to see if it can be constructed without the “wing walls” as proposed; 2) the dredge footprint in the area of the south docks at the Town Boat Yard should be extended an appropriate distance to the north so the north float does not rest on the bottom at low tide; 3) the area shown on the revised plans between the boat launching ramp and the south docks dredge footprint should be dredged to a depth of 4 feet; and 4) the location of the proposed community sailing dock should be reviewed to ensure that it is in the optimum location. *Motion passed unanimously.* Following inquiry by Public Works Director Richard White, Devin Santa responded that he did not anticipate that resetting of the south docks’ pilings, which would be removed during the

dredging project, would need to be addressed in the HMC's application to the DEP OLISP. Mr. Santa said he will provide the HMC with revised plans at the February meeting which will incorporate the design requirements discussed this evening.

**Sand Management Report:** No report provided this evening.

**V. NEW BUSINESS:**

1. CT DEP OLISP Application by Pequot Yacht Club, Inc. to dredge the North Anchorage to a depth of 9 feet: Geoff Steadman reported that this matter is before the HMC this evening in conjunction with the CT DEP OLISP LEAN process, which requires that an applicant present its plans to the Shellfish and Harbor Management Commissions prior to finalization and submittal to the CT DEP OLISP in the form of an application. Mr. Steadman noted that the HMC has adopted specific project review requirements which include the requirement that the Shellfish Commission should complete its review and comment prior to the HMC's review. The Shellfish Commission, Mr. Steadman noted, has not yet reviewed the applicant's plans. Devin Santa of Roberge Associates provided the HMC with a presentation on behalf of Pequot Yacht Club, Inc., which included a description of the proposed activity to conduct dredging in the area known as the north anchorage. Mr. Santa reported that the area is currently dredged to a depth of 6' at low water, and that the applicant is seeking to dredge it to a depth of 9' to accommodate deeper draft boats. Mr. Santa noted that the applicant is not seeking to accommodate more or larger boats (in terms of length), but wishes to better accommodate its current fleet which consists of deeper draft boats than in years past. Mr. Steadman noted that when reviewing the applicant's plans for consistency with the Harbor Management Plan, the HMC should give consideration to any potential environmental impacts of the proposal as well as any potential navigation issues. In addition, the HMC should consider any potential impact that the proposed dredging may have on benthic habitat and water quality in the Harbor, and any effects on other uses of the Harbor. Mr. Steadman raised several questions that may be of interest to the HMC when reviewing the applicant's plans. He asked how much sedimentation has occurred in the anchorage since it was last dredged to 6 feet in 2003-04. He also asked if the applicant thinks the proposed deepening of the anchorage should have any effect on the agreement between the Town and applicant that provided for de-federalization of the anchorage in 1996. According to that agreement, set forth in the Harbor Management Plan, the Town agreed to de-federalization of the 6-foot anchorage and in return the Yacht Club agreed to provide certain boating services to the public. The HMC will await receipt of the comments by the Shellfish Commission, and will then review and comment on this proposal.

**VI. PUBLIC COMMENT:** None noted

**VII. ADJOURNMENT:**

There being no further business to come before the Commission, Sandye Mann moved and E. Hewitt Gaynor seconded to adjourn the meeting at 5:50 p.m. Motion passed unanimously.

Respectfully submitted,  
Betty Gabriel