

**TOWN OF FAIRFIELD
HARBOR MANAGEMENT COMMISSION
MEETING MINUTES OF FEBRUARY 21, 2012**

A meeting of the Harbor Management Commission (HMC) was held on February 21, 2012 at 4:30 p.m. in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT.

MEMBERS PRESENT: Mary von Conta, Chairman; John Zygmant; Louis Schueler; Nelson North; Sandye Mann (Alternate Member) **ABSENT:** Norman Marsilius; James Harman; Benjamin Baker; and Hugh Smith. **ALSO PRESENT:** Geoff Steadman, HMC Consultant; Thomas Steinke, Conservation Director; Joel Kunkel, Pequot Yacht Club; Jeff Engborg, Pequot Yacht Club; Shellfish Commission Members Sanford Wakeman, Chairman, David Thornton, Catherine Raynor-Catropa, and Paul Nelson; Devin Santa of Roberge Associates Coastal Engineers; George Russell on behalf of the Sasquanaug Association for Southport Improvement; and Robert Lamonica.

The meeting was called to order at 4:32 p.m. by Chairman von Conta. Sandye Mann was appointed to sit as a full member.

I. APPROVAL OF MINUTES OF JANUARY 17, 2012 MEETING:

John Zygmant *moved* and Nelson North *seconded* to approve the meeting minutes of January 17, 2012. *Motion passed unanimously.*

II. CORRESPONDENCE:

Chairman von Conta reported the following correspondence:

Six letters from Harbor Master Patrick Carroll to Mr. Paul Hiller enclosing checks received for payment of boaters' mooring permit fees, mooring maintenance charges and mooring waiting list application fees as follows:

January 24, 2012: Total of \$3035.00: Permit fees: \$2350.00; Maintenance charges: \$1535.00; and waiting list application fee: \$50.00 (Carmichael, # 119).

January 30, 2012: Total of \$7050.00: Permit fees: \$3900.00; Maintenance charges: \$3150.00.

January 31, 2012: Total of \$1405.00: Permit fees: \$700.00; Maintenance charges: \$705.00.

February 3, 2012: Total of \$3425.00: Permit fees: \$2000.00; Maintenance charges: \$1425.00.

February 12, 2012: Total of \$3650.00: Permit fees: \$2150.00; Maintenance charges: \$1500.00.

February 19, 2012: Total of \$905.00: Permit fees: \$500.00; Maintenance charges: \$355; and waiting list application fee; \$50.00 (Orben, # 120).

January 19, 2012: From Harbor Master Carroll to Mr. Tim Carmichael, 55 Daybreak Road, Southport, CT 06890 acknowledging receipt of his 2012 mooring waiting list application and filing fee of \$50.00 and notifying Mr. Carmichael that he is currently # 119 on the waiting list.

February 14, 2012: From Harbor Master Carroll to Mr. Brad Orben, 411 Catamount Road, Fairfield, CT 06824 acknowledging receipt of his 2012 mooring waiting list application and \$50.00 filing fee and informing Mr. Orben that he is #120 on the waiting list.

January 23, 2012: From First Selectman Tetreau to all Fairfield Board and Commission Chairs inviting them to attend a Freedom of Information/Roberts Rules of Order Seminar and giving the details. *Chairman von Conta reported that she attended the seminar and found it to be informative.*

Early in February: Meeting Agenda of the Fairfield Shellfish Commission's meeting to be held on February 8th, 2012 and a copy of the minutes of the Commission's January 11, 2012 meeting.

January 18, 2012: From HMC Chairman von Conta to Ms. Tonia Selmeski, Connecticut Department of Energy and Environmental Protection Office of Long Island Sound Programs (DEEP/OLISP) analyst, regarding the HMC's review of the OLISP's Notice of Tentative Determination to approve Pequot Yacht Club's proposed project to dredge the North Anchorage (otherwise known as the Six Foot Anchorage) to a depth of 9 feet. The letter stated that the HMC reviewed the proposed project and found it to be consistent with the Harbor Management Plan for Southport Harbor (HMP). It also transmitted three comments of the HMC regarding the proposed project.

January 23, 2012: From HMC Chairman von Conta to Ms Tonia Selmeski, DEEP/OLISP analyst, regarding a COP application submitted by Bradley Jack concerning proposed work in the Southport Harbor Management Area at 1155 Sasco Hill Road, Fairfield. The letter stated that the HMC reviewed the proposal and found it to be consistent with the HMP. The letter also transmitted 8 comments and recommendations of the HMC regarding the proposed work.

January 30, 2012: From HMC Chairman von Conta to Mr. Patrick F. Bowe, Director, Remediation Division, CT DEEP and Mr. Brian Thompson, Director, CT DEEP/OLISP regarding the proposal by Exide Group Incorporated to dredge lead-polluted sediment from the Mill River and Southport Harbor. The letter stated that this project is subject to the municipal authority of the HMC. Currently the HMC is waiting for Exide to provide the HMC with a final Remedial Action Plan (RAP). At that time the HMC will review the proposal in as timely a manner as possible. However, the Chairman stated in the close of the letter that she expects that the DEEP will take no final action on Exide's proposal until such time as the HMC completes its review of the proposal and transmits its comments and recommendations.

January 30, 2012: A copy of the Certificate of Permission (COP) issued to Pequot Yacht Club to conduct work in Southport Harbor namely to dredge the North Anchorage to a depth of 9 feet with a one foot over-dredge.

Correspondence concerning matters outside of HMC's jurisdiction:

1. A permit issued to Mr. and Mrs. Paul Zecchi to conduct regulated activities at 1774 Fairfield Beach Road, Fairfield.
2. A COP application submitted by Kelly Zimmerman and Madeline Konigsberg to repair an existing seawall at 2081 and 2087 Fairfield Beach Road, Fairfield, CT.
3. A COP Application submitted by the Town of Fairfield Conservation Commission to do work for the purpose of "open marsh water management for mosquito control in tidal wetlands" at Pine Creek, Ash Creek, and Turney Creek.

III. OLD BUSINESS:

Budget Report: Chairman von Conta advised the HMC that she will be away for three weeks and will be unable to attend the March 14, 2012 Board of Selectmen/Board of Finance meeting which will include discussion of the HMC's 2012-2013 budget request. Commissioner Nelson North will attend that meeting in her absence. Chairman von Conta encouraged HMC members to attend and support the HMC budget request, and noted that the Board of Selectmen and Board of Finance will likely request justification of any proposed budget increase.

Lower Wharf Report: Chairman von Conta provided a brief summary on the HMC's proposed Lower Wharf project noting that a working group consisting of representatives of the HMC, Shellfish Commission, and Conservation Commission had been established and met to review concerns and issues relative to the proposed project. As a result of those discussions, the HMC had agreed to revise certain aspects of the project plan including elimination of the proposed dock and pilings on and near the launching ramp at the Town Boat Yard, and had also agreed to investigate the feasibility of revising other plan details. Chairman von Conta also reported that she, along with Harbor Master Carroll and Mr. Steadman, had met with representatives of the Department of Public Works, Parks and Recreation Department and Police Department to discuss concerns that had been raised by nearby property owners regarding a lack of monitoring of the use of the Town Boat Yard area. During that meeting, it was agreed that there will be increased monitoring by the Parks and Recreation Department and Police Department of the Town Boat Yard during the upcoming boating season. Chairman von Conta then noted that the HMC must now consider three matters concerning the proposed Lower Wharf project. These matters concern: (1) alternative methods for anchoring the proposed sailing float; (2) possible relocation of the existing elevated pier at the Lower Wharf to a position closer to the Lower Wharf seawall; (3) whether the HMC wishes to submit a revised application or proceed with the scheduled public hearing on the current application, with the exception of the proposed dock and pilings on and near the launching ramp. These items were discussed as follows:

(1). **Methods for anchoring the sailing float:** Devin Santa of Roberge Associates Coastal Engineers (RACE) provided a summary sheet setting forth information on the advantages and disadvantages of three alternate methods for anchoring of the proposed sailing float. RACE had evaluated

these alternatives at the direction of the HMC. The first method discussed involves use of four timber anchor piles, which Mr. Santa noted was relatively less expensive and provided other advantages including increased stability of the float and relative ease of removal of the float during storm events and for seasonal storage. This is the method currently proposed by the HMC in the plans now being considered by the OLISP. The HMC had agreed to investigate alternative means for anchoring the proposed community sailing float in response to concerns expressed by the Shellfish Commission that use of pilings may interfere with the harvesting of shellfish. In addition, some nearby property owners expressed concern that the use of pilings would have an adverse esthetic impact on the area. The second method for anchoring of the sailing float investigated by Mr. Santa would involve the use of a sea-flex anchor system. This method would require six helical or dead-weight permanent anchors; would require divers for removal of the float; and would require complete removal of the gangway since it would not be possible to elevate the gangway against pilings following removal of the float. In addition, the anchors could interfere with shellfish operations involving dredging of shellfish from the bottom of the harbor. Mr. Santa said that installation of the sea-flex anchor system would cost approximately \$26,400.00 more than the cost of installing the timber piles. The third method discussed was the use of a strut system attached to the Lower Wharf seawall. Mr. Santa noted that the Lower Wharf site does not lend itself easily to a strut system, since additional bracing or extension of the dock may be required. Mr. Santa further reported that the struts are very heavy and therefore difficult to manage, and that a strut system with floating dock is generally not removed for seasonal storage or for relocation during storm events. This type of system would impede navigation as well as shellfish operations. Although the strut system is less expensive than the sea-flex anchor system, the cost is still approximately \$6,000.00 greater than the cost of installing timber pilings. Upon inquiry by Commissioner Schueler, Mr. Santa indicated that he would anticipate that the top of the timber pilings would be a few feet above the existing elevation of the Lower Wharf seawall. The HMC reviewed various historical aerial photographs of the area, and noted that a previous dock in this area was anchored with timber pilings. In addition, Mr. Steadman reported that a number of pilings have already been removed from this area of the harbor in preparation for installation of the community sailing float so anchoring of the float with four pilings will represent a reduction of the number of pilings previously located in this area of the harbor. Mr. Santa reported that there is another method for anchoring the floating dock which would include the use of mushroom anchors with heavy chains. This was not considered as a practical method due to the extensive length of chain required and the difficulties in properly securing the float without very heavy anchor blocks or helix anchors. Mr. Steadman indicated that he had spoken with David Carey of the State Agriculture/Bureau of Aquaculture who advised him that he would support the method that the HMC determines is most suitable for anchoring the float, and that he would not object to the use of pilings.

George Russell representing the Sasquanaug Association for Southport Improvement inquired whether the sailing dock would be kept in place all year round or whether it would be removed seasonally. Mr. Russell also inquired whether fishing would be permitted there. Chairman von Conta advised Mr. Russell that it was not intended for fishing, and that the dock would likely be removed during the winter months. Mr. Steadman indicated that rules and regulations could be prepared and adopted by the HMC with consideration of public comments for use of the Lower Wharf and that those provisions could prohibit fishing.

Following considerable discussion, Nelson North *moved*, and Sandye Mann *seconded* to proceed with the HMC's currently proposed method involving the use of four timber pilings as the preferred method for anchoring of the proposed community sailing dock. *Motion passed unanimously.*

(2) **Possible relocation of the existing elevated pier:** Chairman von Conta reported that she and Mr. Steadman had conducted a visual survey of the area of the existing elevated pier on two occasions. Town Engineer William Hurley and Shellfish Commissioner Paul Nelson accompanied them on one site visit and Conservation Director Thomas Steinke participated in the second visit. Although the HMC's currently proposed design for rebuilding the pier provides for rebuilding the pier in its current location, the HMC had agreed to investigate the feasibility of rebuilding the pier closer to the wall. Mr. Nelson noted that there is a significant drop-off to the harbor channel from just offshore of the existing pier; that he had not observed any significant amount of clams or oysters in this area; and that he did not believe that the area under the pier is a particularly rich site for shellfish. Mr. Steadman said that there are several fender pilings outboard of the existing pier structure that were previously associated with a floating dock along the face of the elevated pier and that these fender pilings would be removed in the course of rebuilding the pier. Following significant discussion with input from Mr. Santa concerning the engineering aspects of rebuilding the pier, it was the sense of the HMC that no significant advantages would be achieved by rebuilding the pier closer to the wall.

John Zygmant *moved*, and Louis Schueler *seconded* to proceed with reconstruction of the pier at its current location. *Motion passed unanimously.*

(3). **Submittal of a revised application or proceed with the scheduled public hearing on the pending application:** Mr. Steadman provided a brief summary concerning the events leading to the required scheduling of a public hearing due to the filing of a petition by Sasquanaug Association for Southport Improvement. The subsequent agreement by the HMC to revise the proposed plans to eliminate the proposed construction of a floating dock with timber pilings on and near the boat launching ramp addressed the concerns of the Sasquanaug Association relative to this aspect of the proposed project. However, despite the willingness of the Sasquanaug Association to withdraw its petition, the DEEP was required because of legal requirements to proceed with a hearing. The DEEP advised the HMC that the HMC could withdraw the previously submitted plan and then submit a revised plan evidencing the elimination of the floating dock and associated pilings and this would eliminate the need for a public hearing since the revised plans would not include activity resulting in encroachment into the tidal wetlands. This re-submittal would require a new comment period. Alternatively, the HMC could elect to proceed with the current application, modified to eliminate the floating dock and pilings on and near the boat launching ramp, and the scheduled public hearing. Following discussion, Sandye Mann *moved*, and Nelson North *seconded* to proceed with the current application, modified to eliminate the floating dock and pilings on and near the boat launching ramp, and the scheduled public hearing. *Motion passed unanimously.*

Mooring Report: Harbor Master Carroll was not present this evening; in his absence, John Zygmant reported that the Mooring Committee met on February 4th. At that meeting, the Harbor Master reported that no significant incidents had occurred in 2011; storm preparation was well handled. Kayaks and stand-

up paddle boards are continuing to be an issue in the channel; opportunities for increasing awareness of safety protocols will be considered. Three new assignments of moorings are anticipated in 2012. Although two moorings will be lost near the Lower Wharf due to the proposed improvements, it is likely that these can be relocated to the east side of the harbor near the lagoon. Mooring layout plans are being reviewed. The Mooring Committee recommended that the HMC purchase two new channel speed buoys to replace the existing buoys which are in poor condition. Jeff Engborg is obtaining costs for the replacement. The Harbor Master was contacted by a contractor who is submitting a bid to the Coast Guard to repair the outer beacon. That contractor said that his company's vessel was 72' x 20' and was seeking approval to use the Town Boat Yard and launching ramp in the event they are the successful bidder. The project is anticipated to commence April 1, 2012 and take four or five days to complete. Harbor Master Carroll advised the contractor to contact Robin Bimmel at the Public Works Department concerning this request.

Sand Management Plan: Mr. Steadman reported that five hydrographic surveys have now been conducted of the channel near the mouth of the harbor since March 2005 when the harbor dredging project by the Corps of Engineers was completed. The most recent survey was conducted by the Corps of Engineers following Tropical Storm Irene. RACE has calculated that approximately 8,000 cubic yards of sand has accumulated in and near the channel in the vicinity of the harbor jetty in less than seven years. The next step in the development of the sand management plan is to determine possible sites for relocation of the accumulated sand. Chairman von Conta will pursue discussions with the Town officials concerning possible sites in Town where the sand can be relocated. Conservation Director Steinke suggested that beaches at Pine Creek and the Country Club of Fairfield are possible locations that may benefit from the sand.

IV. NEW BUSINESS:

Brief report on the public meeting regarding the proposed dredging of the Mill River by Exide Group Incorporated: Mr. Steadman reported that he had attended the recent Conservation Commission meeting during which representatives of the Exide Group Incorporated had provided information on its proposed project to remove lead-contaminated sediment from the Mill River and Southport Harbor. Mr. Steadman noted that in addition to applying for approvals from the DEEP Remediation Division, OLISP, and Corps of Engineers, the applicant must also present the proposed remediation plan to the HMC and perhaps other Town agencies such as the Shellfish Commission. Mr. Steadman said that the applicant has not provided any proposal to the HMC at this time. The applicant's local counsel, Attorney John Fallon, has informed Chairman von Conta and Mr. Steadman that he does not anticipate having a complete proposal for submittal to the HMC at the HMC's regularly scheduled March meeting, but that a complete proposal may be available for the HMC to review during the HMC's April meeting. Conservation Director Thomas Steinke reported that Exide is currently conducting some work on its upland property adjoining the Post Road. Chairman von Conta noted the January 30, 2012 letter that she had sent to Mr. Patrick F. Bowe, Director, Remediation Division, CT DEEP and Mr. Brian Thompson, Director, CT DEEP/OLISP (see Correspondence above).

V. **PUBLIC COMMENT:** None noted.

VI. **ADJOURNMENT:**

There being no further business to come before the HMC, John Zygmant *moved*, and Sandye Mann *seconded* to adjourn at 6:31 p.m. *Motion passed unanimously.*

Respectfully submitted,
Betty Gabriel

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