

Town of Stonington, CT  
Stonington Harbor Management Commission  
Regular Meeting  
July 13, 2009  
7:00 PM  
Stonington Police Public Meeting Hall

The regular meeting of the Stonington Harbor Management Commission was held on Monday, July 13, 2009 at the Stonington Police Public Meeting Hall. In attendance were Chairman Peter Vermilya, Harbormaster Eric Donch, Jack Gorby, Jesse Diggs, Rodney Johnstone, George Kenyon, Ed Smith, Alan Banister and Jean Dixon. Deputy Harbormaster Charles Estabrooks and Treasurer William Abt were not in attendance.

**Call to Order**

The meeting was called to order at 7:01PM by Chairman Vermilya.

**Minutes**

Mr. Kenyon motioned to accept the minutes of the June 8, 2009 meeting as written and Mr. Banister seconded. The motion was approved unanimously.

**Correspondence**

Chairman Vermilya reported the following correspondence:

Out of Jurisdiction

- 1) Masons Island: approval of a fixed pier and boat lift

In Jurisdiction

- 1) Letter from Anthony A. Inzero stating that the vessel BOUNDLESS is illegally anchored or moored in the harbor. Discussion and resolution is included in the Harbormaster's Report (Attachment A).
- 2) Two correspondences were received in the Town Hall SHMC mail box: A "Updates to the Waiting List" response from Fred Leonard dated 6/19/09 and two copies of a new mooring application from Thomas Gumpel, undated. Harbormaster Donch will follow up on both correspondence items.

Bills Paid/Outstanding

- Payment to Don's Dock for \$608.98.
- Payment to Eric Donch for \$378.06.

**Treasurer's Report**

No Treasurer's Report was submitted.

### **Harbormaster's Report**

The Harbormaster's Report, July 13, 2009, was presented by Harbormaster Donch (Attachment A); Mr. Kenyon motioned to accept the Harbormaster Report of July 13, 2009 as written and Mr. Vermilya seconded. The motion was approved unanimously.

- Discussion ensued about installing the anchorage area buoys which were delivered on July 7, 2009. Harbormaster Donch displayed a sample of the cable that will secure the 100 lbs. anchors using a length of water depth at high water plus four feet. Discussion ensued about the appropriate scope required to accommodate storm surges.
- Mr. Gorby requested \$101.40 reimbursement for an unanticipated delivery charge by the trucking company for delivery of the buoys. Mr. Kenyon motioned to reimburse Mr. Gorby for this expense and Mr. Vermilya seconded. The motion was approved unanimously.

### **Old Business**

Dodson Boatyard Work Dock Extension Proposal to extend its currently permitted two work docks by 180'.

- Chairman Vermilya related the history of the proposal and read the April 6, 2009, letter from the neighboring Wadawanuck Club which advised the SHMC that the club would not endorse the Dodson proposal, believing that the proposal creates a navigational impediment by hindering maneuverability for the club's small boat access to the harbor, particularly in light of shallow water in the area. Additionally, the club felt that its future ability to extend its docks in the area would be hindered.
- Mr. Diggs reviewed the Stonington Harbor Management Commission Wharfing Out Policy (Attachment B) which was developed in compliance with the goals of the Stonington Harbor Management Plan to address wharfing out requests. These goals refer to SHMC responsibilities in "decisions affecting navigable waters", "regulate use of navigable waters...in a manner that assures safe, orderly and efficient use", and "to protect the resources of Stonington Harbor". The SHMC is guided by the following Wharfing Out Policy considerations in evaluating a wharfing out request: 1) Navigation, 2) Public Access, 3) Future Use of the Harbor, and 4) Other factors including effect on neighbors and compliance with appropriate regulations.

- Commission members were concerned about congestion that currently exists in the area to be occupied by the dock extensions. The immediate mooring field is densely populated by large vessels and there is considerable traffic as boats travel to and from their moorings as well as to the channel area and Dodson marina and restaurant facilities. Dodson launch service generates additional activity in the area as it arrives and departs from the boarding area at Dodson's. Additionally, there is small boat traffic to and from the adjacent small boat launching ramp and dock at the Wadawanuck Club. The commission felt that the placement of the dock extension presented additional navigational complexity in that it cut across the navigational orientation of the channel/harbor traffic and could force some boats to navigate through shallow water to avoid the docks and moored boats.
- Mark Arruda, Dodson's Boatyard Yard Manager presented the proposal and reviewed the plan view drawing with the commission, addressing issues about navigational hazards presented by the plan, shallow water constraints in the area, future development of other structures on neighboring water and mooring displacement. He stated that the dock extensions would be used for commissioning and maintenance only, not for transient boat dock space rental.

Steve Kingsland, Dodson employee who works in commissioning activities on the harbor, presented safety issues that now exist for small boats accessing the water from the Wadawanuck Club, dock extensions notwithstanding. He stated that the boaters are often oblivious to navigational issues presented by the currently congested area. He suggested that these boaters should be directed due west to the channel to ensure safer navigation and did not believe that shallow water is a serious issue for the small boats.

An abutting neighbor suggested that Dodson's use their main docks for commissioning activities during April and May; she observed that they do not appear to be busy during that time.

- Upon review of the Dodson Dock Extension Proposal, the commission concluded that the proposed dock extensions were not consistent with SHMC goals and responsibilities nor with the regulations stated in the Wharfing Out Policy. The dock

extensions would add further congestion to a densely populated mooring area that experiences a high degree of boating activity and navigational situations. They would pose an unnecessary impediment to safe navigation in the area, would not improve public access and could adversely affect potential future use of the harbor.

The commission suggested installation of less intrusive seasonal temporary docks, more efficient use of their existing docks for pre-season commissioning, and that consideration be given to alternate dock extension layouts that are less intrusive into the harbor and support safe navigation for the area.

The commission acknowledged that four members of the total eight present to vote on the proposal are members of Wadawanuck Club

- The commission voted unanimously not to approve the Dodson Boatyard proposal for two 180' work dock extensions.

#### Transient Mooring Area Buoys

- Discussion reported under Harbormaster Report.

#### New Mooring Locations

- No discussion.

#### SHMC Computer and Records

- Harbormaster Donch reported that the 2009 Active Wait List will be issued next month. The list is compiled from responses to the letter sent by the commission to wait list people requesting updated interest and information.

A summary of mailing and response information is reported in the Harbormaster Report (Attachment A).

### **New Business**

#### Mooring Location Plotting Proposal

- Harbormaster Donch proposed a project to plot and record the positions of all moorings within the SHMC jurisdiction to be completed this summer. The information will support restoration of dislocated moorings as well as future monitoring and maintenance of moorings.

Harbormaster Donch recommended a software product for the laptop which would plot to within 30 feet accuracy. Other options were reviewed and it was decided that the software would optimize efficiency and accuracy.

Mr. Banister motioned to authorize the Harbormaster to purchase the plotting software and Mr. Smith seconded the motion. The motion was approved unanimously.

#### I. Feddersen Dock Application

- Kenneth Petrini of the DiCesare Bentley engineering/surveying company presented a dock application on behalf of Ingrid Feddersen, 31 Front Street for SHMC comment. The application's purpose is to document the existing dock structure spanning Tax Assessor Map 101 – Block 3 – Lots 8 and 10 on Stonington Harbor for DEP permitting. Mr. Petrini emphasized that there would be no physical change to the existing structure. A future change in usage from residential to a marina is planned. That will comprise a separate review by SHMC after it is submitted to the Planning and Zoning Board.

The commission's comment at this time relates only to the existing physical structure of the dock; not on any change in use.

Mr. Johnstone motioned that the commission has no objection to the retention of the docks presented in the application and Mr. Banister seconded the motion. The motion was approved unanimously.

#### Physical Storage Containers for SHMC Records

- Chairman Vermilya requested commission authorization to order 8 linear feet of storage units to store SHMC documents at the Town Hall.

Mr. Kenyon motioned that the commission authorize Chairman Vermilya to procure the necessary storage and Mr. Gorby seconded the motion. The motion was approved unanimously.

#### SHMC Ordinance Plan

Anthony Inzero stated that the Harbor Management Ordinance must be approved every 10 years in Stonington Borough as ordinances lapse after ten years. The last approval was on March 3, 1999. Approval of the ordinance to restore compliance will be addressed at the Borough meeting on July 18, 2009. Ed Smith will attend on behalf of the commission.

### No Wake/Speed Zone

- Commissioner Banister requested clarification on where the no wake zone started on the east side of the harbor as he has received complaints about excessive speed and wake. Harbormaster Donch stated that the north commercial dock marked the start of the zone. Discussion ensued about state and federal specifications for limiting speed and/or eliminating wakes.

State law requires no wake within 100 feet of docks or moored boats. State legislation is required to change this for Stonington and the legislature is disinclined to make exceptions.

Harbormaster Donch stated that “endangerment” is considered when assessing a speed/wake situation.

- Ms. Dixon commented on excessive speed by small boats on the west side of the harbor which causes turbulence for boats in the area and a safety hazard for other boaters. Harbormaster Donch advised that the policy in this area is “no wake” but enforceable regulation would require that a no-wake zone be less than 100 feet from the nearest mooring or dock structure.
- Signage for speed and no-wake is worn and unreadable at several harbor locations. Mr. Smith motioned to authorize Harbormaster Donch to purchase new signs. The motion was unanimously approved.

### **Public Comment**

- Former commissioner Anthony Inzero complimented the SHMC on the good job that the commission is doing in protecting the harbor for its citizens.

He encouraged commission members to patrol the harbor independently and frequently to ensure that the commission’s plans are working and adequate for the needs of the harbor.

### **Adjournment**

The meeting adjourned 9:18PM

## Attachment A

### Harbormaster Report

July 13, 2009

New Mooring permits issued: 0  
Additions to Waiting List: 0 Total: 131 (8 new to be added)  
Mooring being given up (this month): 1  
New Mooring assignments offered: 0  
Deposits to SHMC account since last report: \$ 520 (2009 YTD = \$ 7220)  
(Includes \$100 donation)

#### 2009 Waiting List Mailing Status

231 Letters Mailed  
174 Received & processed as of July 6 (75%)  
57 No Response (25%)

#### Summary of Returns

- 40 Undeliverable (23% of returns)
- 131 Request Remain on Wait List (75% of returns)
- 1 Request Remove from list
- 3 Under Review (name mismatch)
- 90% of responses include email address

Received letter from former commission member concerning a vessel anchored "long term" in the anchorage area on 6/15/09. Left "NOHI" tag on vessel on 6/21/09. Contacted by vessel owner on 7/1/09. Vessel "Boundless" was removed from anchorage area on 7/9/09 by owner. Owner was unaware of time restriction in anchorage. He stated a local person was checking boat daily.

We would like to start a project to record positions of and plot all moorings within the jurisdiction. Harbormaster Estabrooks has begun looking into required equipment. We can get hardware and software for the laptop computer for approx \$100. We will also need SHMC member help onboard the "Robert G" to perform the evolution.

Anchorage area buoys were delivered 7/7/09. They are currently at the SHYC Sailing center. They will be installed as soon as possible. I will need help installing the buoys.

Robert G.:

Respectfully Submitted

Eric Donch  
Stonington Harbormaster

Attachment B

**Stonington Harbor Management Commission Wharfing Out Policy  
May 11, 2009**

1. Purpose of Wharfing Out Policy: To develop a Wharfing Out policy that provides regulations regarding the initial installation of, modifications to, repairs of, and/or expansion of any and all pre-existing, currently existing, or future wharfs, docks and other such private or commercial structures, whether permanent, seasonal, floating and/or fixed, that protrude into the waters under the jurisdiction of the SHMC.
2. Responsibilities of SHMC (from Stonington Harbor Management Plan): Wharfing Out policy must comply with goals of SHMP:

**1.2 Goals**

The goals of the Harbor Management Commission are as follows:

Goal 1. - To establish and maintain policies, guidelines and strategies to be used by the Borough of Stonington, the Town of Stonington, and State and Federal Agencies for guiding decisions affecting development and uses of the navigable waters within the jurisdiction of the Stonington Harbor Management Commission.

Goal 2. - To promote public awareness of the water-related facilities and activities available within the navigable waters within the jurisdiction of the Stonington Harbor Management Commission

Goal 3. - To regulate use of the Harbor and the navigable waters within the jurisdiction of the Stonington Harbor Management Commission in a manner that assures safe, orderly and efficient use of the water and the waterfront.

Goal 4. - To protect the natural and man-made resources of Stonington Harbor.

3. SHMC Considerations Regarding any “Wharfing Out” Request:

3.1 Navigation Considerations:

a. Does not displace or affect direct safe navigation between existing shore based facilities, or moorings, to and from the entrance to the harbor channel, the entrance to Stonington Harbor, or other safe navigational lanes with the jurisdiction of the SHMC.

b. Does not take up more harbor mooring acreage “space” than the SHMC deems necessary to accomplish the goals as stated in the Stonington Harbor Management Plan.

c. Does not affect the safe and continued use of existing moorings and structures within the Harbor, or the jurisdiction of the SHMC.

3.2 Public Access Considerations:

a. Enables better free and safe direct public access to the Harbor, or the waterways within the jurisdiction of the SHMC.

b. Enables increased free benefits to Connecticut residents, either directly or indirectly.

3.3. Future Use of the Harbor Considerations:

a. Does not adversely affect or hinder the future configuration of the harbor, or the waterways within the jurisdiction of the SHMC, which may require an improved mooring grid within the Harbor or the waterways within the jurisdiction of the SHMC.

3.4. Other Considerations:

a. Meets the approval of neighbors that may be affected by such Wharfing Out.

b. Must meet all Federal, State and local statues at every level, DEP and Army Corps of Engineers requirements and regulations, including responsible engineering guidelines for wharfing out.