



Stonington Harbor Management Commission

December 9, 2019

Minutes by *(Joseph Williams, Acting Secretary)*



1. Call to Order:

Chairman Spalding called the meeting to order at 7:03 PM.

Attending: Chairman Spalding, Treasurer Crites, Commissioners Anderson, Williams, MacKinnon, O'Neill, and Assistant Harbormaster Estabrooks

Absent: Vice Chairman Diggs, Secretary Degler, Commissioners Rose, Smith and Harbormaster Donch

2. Minutes:

The Minutes of the November 18, 2019 meeting were reviewed.

Acceptance of the November minutes were so moved by Commissioner Crites, seconded by Commissioner MacKinnon and the motion was approved unanimously.

The following ACTION ITEMS remain open:

ACTION ITEM #1: Harbormaster Donch had an appointment with Michael Peyton, CT DEEP, and reviewed the permits for the four channel buoys located in the north area of the harbor. Mr. Peyton will submit the paperwork for completion by the Federal Agency. *Still awaiting a response from Mr. Peyton, which is now expected in early 2020.*

ACTION ITEM #2: Harbormaster Donch will send the DropBox instructions email to Commissioner Williams.

ACTION ITEM #3: Secretary Degler will follow-up with the Stonington Town Clerk's office to further discuss having the 2017, 2018 and 2019 SHMC Newsletters posted on the NEW Town website (previously sent via email to the Town IT department for posting).

ACTION #4: Commissioner Rose is to send his end of year Harbor Survey to the Harbormaster before the end of November 2019.

3. Public Comment: There was none.

4. Correspondence:

a. In Jurisdiction:

- i. Fullerton, O'Callahan Dock COP applications
 1. Note that Fullerton and O'Callahan Dock Proposals were handled together for discussion
 2. Chair read aloud written correspondence from:
 - a. Harbormaster Donch's memo dated 12/9/19 (Attached)
 - b. Commissioner Diggs dated 12/4/19 (Attached)
 - c. Mr. George Avery email dated 12/7/19 (Attached)
 3. In their correspondence, Commissioner Diggs and HM Donch recommended

shortening both docks in favor of more room for boats to pass by the properties in transit to Walker's Dock Marina.

4. Keith Neilson, President of Docko Inc., made a presentation to the Commission including:
 - a. Presenting a detailed chart showing the channel, proposed Fullerton and O'Callahan docks, obstructions, etc. Chart attached to these minutes.
 - b. Proposed to install solar powered lights at the end of the docks, amber in color, with Fresnel Lenses visible up to 1 NM, plus radar reflectors and reflecting tape
 - c. To comply with DEEP guidelines the docks need to be designed so that boats tied to them have sufficient water at low tide to not hit bottom.
 - d. The depth of water at the end of the Fullerton dock at MLW was 2.3 ft.
 - e. The O'Callahan dock location contains numerous charted rocks restricting use of a shorter dock. Water depth is 3 ft at MLW.
 - f. The length of the docks is intended to:
 - i. reach deeper water to avoid boat damage during low tides and/or inclement weather conditions.
 - ii. provide adequate water depth to properly and safely use boat lifts in mid to high water and
 - iii. minimize environmental concerns
5. Tim Strmiska, current manager of Walker's Dock, made a presentation noting the following:
 - a. The actual normal course of boats along the Cove does not follow the deepest part of the channel but rather runs to the west of it, avoiding the large rock to the east of the channel, and angling southwest towards the green government mark at the end of Sandy Point
 - b. This transit line is 50'-70' west of the large rock, rather than 30' to the center of the channel
 - c. The distance from the rock to the proposed Fullerton Dock is approximately 170'
6. Commissioner comments in support of the proposed docks included:
 - a. The 170' distance between the rock and the Fullerton Dock is felt to be adequate for safe navigational purposes
 - b. If the docks are constructed, boaters will naturally modify their normal course through the channel to the east away from the docks
 - c. Property owners adjoining waterways have a right to reasonable access to the water for boating purposes
 - d. The proposed Fullerton dock's impingement of the property line to the north does not limit the riparian rights of the owner of the North of norther Fullerton property. Riparian rights are at right angles to the channel and are not an extension of the property lines.
 - e. Shortening of the docks into more shallow water or water with rocky hazards prevents reasonable use of the docks and boat protection
7. After discussion between the Commissioners and Messrs. Neilson and Strmiska, a motion was made by Commissioner O'Neill, and seconded by Commissioner MacKinnon, to approve the O'Callahan dock as proposed, including installation of the dock light, radar reflector and reflecting tape. This motion was passed with a vote of 5 to 1.
8. Next, a motion was made by Commissioner O'Neill, and seconded by Commissioner MacKinnon, to approve the Fullerton dock as proposed.

including installation of the dock light, radar reflector and reflecting tape. A motion was then made by Commissioner Spalding, seconded by Commissioner MacKinnon, to amend this motion to remove approval of the stand-off piling, which motion to amend was approved 4-2. The amended motion of the Fullerton Dock without stand-off pilings was passed with a vote of 5 to 1.

- ii. Breakwater Restaurant seawall repair COP application was briefly discussed. No commission finding was required.
- iii. Notice of tentative determination to approve Pier and lift at 7 East Neck Road - DEEP approval noted with no comments.
- iv. Notice of tentative determination to approve Pier and lift at 9 East Neck Road - DEEP approval noted with no comments.
- v.

b. Out of Jurisdiction:

- i. Lockwood Covese Marina COP application – briefly discussed and believed to be out of jurisdiction. However on review it appears in jurisdiction and will be reviewed at the January meeting.
- ii. Lord’s Point Association Pier Modifications COP application – Noted as out of jurisdiction.
- iii. Jordan Cottage Latimer Point COP application for an existing dock – Noted as out of jurisdiction
- iv. Notice of tentative determination to approve Pier and lift at 100 Latimer Pt Road – Noted as out of jurisdiction.

5. Online Mooring transition

Assistant Harbor Master Estabrooks reported:

- 1) Signed Memorandum of Understanding with Online Mooring received from Town 12/3/19
- 2) Vetting all old/non-mooring holders in the data base
- 3) Expect to have updated data before year-end sent to Online Moorings, Inc.
- 4) Renewals to be sent out 1/15/20

6. Treasurer’s Report

The Financial Report for November 2019 was reviewed and attached to these minutes.

Treasurer reported that on November 1 one mooring fee was deposited, that there were no expenses recorded in the past month and there is \$40,000 remaining in reserve for the Harbormaster’s boat and \$20,000 additionally in the bank.

Acceptance of the Treasurer’s Report was so moved by Commissioner Anderson, seconded by Commissioner MacKinnon and the motion was approved unanimously.

7. Harbormaster’s Report

The Harbormaster’s Report was TABLED to the next meeting.

8. New Business: There was none.

9. Old Business:

- A. Stonington Harbor Breakwater Renovation

- Commissioner O'Neill provided an update and his latest detailed report is attached to these minutes including 4 issues relating to the approved Plan #4:
 - i. Stone drop testing
 - ii. Repair of two washed-out areas
 - iii. Project phasing by station or stone type
 - iv. USCG repair of 5x5 daymark foundation

B. SHMP Revision Status – on Police Department Calendar for December 12th

9. Adjournment:

Treasurer Crites so moved for the meeting to be adjourned, Commissioner MacKinnon seconded, and the motion was approved unanimously. The meeting was adjourned at 8:30 PM.

Approved:  Date: 1-20-2020
Jay Spalding - Chairman SHMC

Attachments:

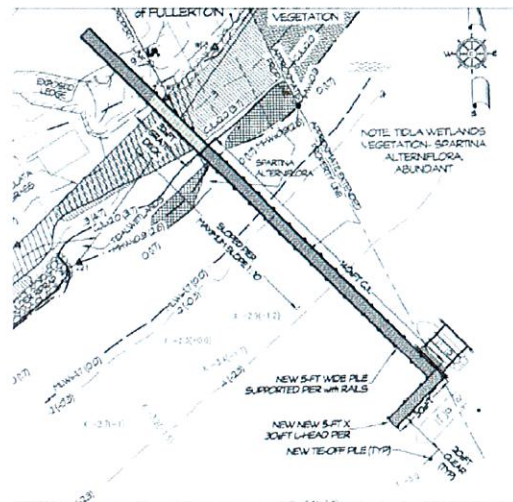
- Correspondence regarding Fullerton, O'Callahan COP
- Detailed drawing of dock placement and hydrography
- Treasurer's Report
- Stonington Harbor Breakwater Renovation Report

Dec 4, 2019

Today, Joe Williams, Sherm Crites, Tim (?), the new contract operator of Walker's Dock, and I joined Harbor Master Eric Donch for a tour of the waterway where two (2) new docks are being proposed. We were on-site for about 1-1/2 hrs, from 12:30-2pm, during an incoming tide that was scheduled to peak at 3:00pm. There were several buoys set in place by Docko and Walker's Dock: 1) to mark the end of the two docks as measured from shore (but not the standoff pilings), 2) to mark the approximate center of the channel. We made depth readings at various distances from shore at the intended location of the proposed docks. Distance from shore was measured with a Range Finder, measured to what appeared to be the high tide mark based on debris and a snow line. The range measured agreed with that of the buoys and gave confidence to the approach used (i.e., a pseudo-calibration). These measurements were superimposed on the Docko drawings of the proposed docks. We also ran a typical course in the waterway that many of the boaters in Walkers Dock might run to assess the potential for navigational concerns if the docks were located as proposed.

The following represents my synopsis of the on-water review of the proposed docks and some suggested changes. It may not represent that of the other participants.

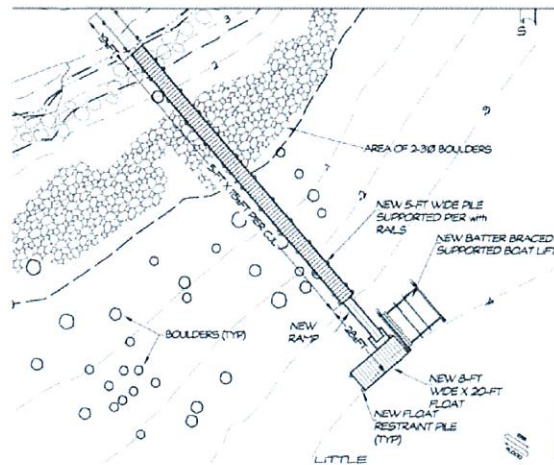
Proposed Fullerton Dock (Docko drawing shown below):



I am against the current Fullerton dock application as proposed. The overall length from shore to the stand-off pilings is actually $140' + 5' + 20' = 165'$. I believe that the proposed docks are excessive in length and are driven by the client's desire to have access to 4 ft of water to install a boat lift, and also to possibly keep a larger 30 ft boat on the end held in place by stand-off pilings (per the drawings). This is not a DEEP requirement. The proposed docks violate some important aspects of the SHMC Wharfing Out Plan, specifically clauses referring to safe navigation, including fisherman transiting the area at night and

in fog, sometimes even passing by each other in a narrow channel and waterway. Based on the depth measurements made, there is ample water depth at a considerably shorter dock length to install a useable dock system without interfering with navigation to the boaters in this waterway. A suggested alternate approach would be a shorter fixed dock, say 50 ft, with a 15 ft ramp attached to a 15'x30' floating dock (angled 90-deg similar to the current dock orientation) and thereby eliminate the need for a boat lift. (Note that this is similar to the proposed O'Callahan dock shown further below). A floating dock makes more sense for this location and provides for easier access to boats, offers protection to the boat (when docked in the lee) from adverse sea conditions and can be removed if desired in the off-season. Floating docks are used by 115 boats at Walker's Dock farther up the waterway. Tidal variations and currents make mooring to a fixed dock challenging based on the changing conditions, and using a floating dock eliminates the need for a boat lift.

O'Callahan Dock (Docko drawing shown below):



I am against the current O'Callahan dock application as proposed, for most all of the same reasons as stated above for the Fullerton dock. Again, this dock could be considerably shorter, terminating in a larger floating dock (similar to that proposed) and large enough to eliminate the boat lift. This allows the boat to be moored to the floating dock in shallower water and still be completely useable without creating a navigational hazard to other users of the waterway.

These comments represent the assessment and opinion of the author only and is not a consensus of other members of the SHMC commission, the public, or the Walker's Dock owner and their clients.

Jesse S. Diggs
 Jesse S. Diggs

Commissioners,

December 9, 2019

On December 4, 2019, Myself, Commissioners Diggs, Crites, and Williams along with Tim Strmiska (from Walkers Dock) performed an on-site review of the proposed Fullerton and O'Callahan docks off Salt Acres.

Docko has placed marker buoys identifying the outer most extension of each proposed dock. These buoys do not include the "tie off" pilings located 20' further east of the proposed Fullerton dock. Docko also placed buoys marking the deepest part of the "channel" into and out of Walkers Dock. Mr. Strmiska has placed buoys marking the typical line run by the users of Walkers Dock.

I have multiple concerns with the proposed Fullerton dock. The drawings show the dock extending beyond the extended property line of the Fullerton property on which the house sits. The dock extends across the adjoining property (to the north), also identified as being owned by Fullerton. If this second parcel of land were to be sold in the future, the proposed dock would extend across the riparian rights of the new property owner. I believe the proposed dock needs to be angled further to the south to run parallel to the Fullerton property line.

In my opinion, the proposed Fullerton dock extends to far into the "channel" and creates a navigational hazard for this area. Taking into account that the Walkers Dock clientele includes many fishermen who traverse the area in low light/ low visibility conditions, the dock and "tie off" pilings are much too close to the normal travel path.

I propose that the Fullerton dock be scaled back to a maximum 100' (from the proposed 140'). This was measured while on site and would only reduce the available draft at the end of the dock by 1 ft. I also propose the end of the dock be marked with a light and radar reflector.

It is my opinion that the proposed O'Callahan dock also creates a navigational hazard as designed. As the first dock encountered when inbound, it would force the traffic further to the east and closer to the large rock that needs to be avoided. I propose this dock also be scaled back to a maximum 100' (from the proposed 143'). While there are more submerged rocks effecting the positioning of this dock, our measurements indicated that 100' would be sufficient to extend beyond them. I also propose the end of the dock be marked with a light and radar reflector.

I also propose that the large rock which is located "mid channel" east of the Fullerton property be marked with a permanently mounted radar reflector.

Eric Donch
Stonington Harbormaster

Fwd: SHMC Applications for new Docks on O'Callahan and Fullerton properties

1 message

Jesse Diggs <jsdiggs@comcast.net>

Sat, Dec 7, 2019 at 5:54 PM

To: Jay Spalding <jspalding19@gmail.com>, "Eric Donch (SHMC)" <harbormaster@usa.com>, Sherm Crites <scrites@tranquility.net>, Paul Oneill <pfo06379@gmail.com>, Melanie S Degler <mdegler16@gmail.com>, "Edward Smith (SHMC)" <edwardsmith@comcast.net>, "Bruce Anderson (SHMC)" <bruceande1@netzero.net>, Caleb Rose <Caleb.rose@gmail.com>, "Charles Estabrooks (SHMC)" <Charles@estabrooks.org>, jwilliams@houlihanlawrence.com

Sent from my iPhone

Begin forwarded message:

From: gaa2131@aol.com**Date:** December 7, 2019 at 5:26:21 PM EST**To:** jsdiggs@comcast.net**Cc:** Office@docko.com, boroughstonington@snet.net, tbstrmiska@charter.net**Subject:** SHMC Applications for new Docks on O'Callahan and Fullerton properties**Note: Please share this message with the other members of the Stonington Harbor Management Commission.**

I am writing on behalf of Walker's Dock, LLC, the owners of Walker's Dock Marina, 54 Island Road, Stonington, CT. The marina is leased for the 2020 season and beyond to an operator, Little Narragansett Bay, LLC, whose owner is Tim Strmiska. Tim will be at your meeting to represent our facility and its concerns. I regret that I am unable to be there personally, but I am presently in my Maryland residence, not at my Stonington home adjacent to the Marina, and don't feel I can handle the physical demands of a quick turn around trip to be with you personally.

We have reviewed the proposed dock applications before you for the O'Callahan and Fullerton properties located on Salt Acres and fronting on the cove in Little Narragansett Bay where Walkers Dock is located. We offer the following comments on those applications for the Commission's consideration.

Our paramount concern is the safety of the boaters who use Walker's Dock. There are 106 individual slips, all occupied, and other dock locations where boats are kept. Thus, there are well over 120 boats moored at our marina. We sell fuel to the public and have occasional trips to our Dock by persons not familiar with the Cove and its channel. Our boaters are of all types- from recreational users who go out only occasionally and principally in daylight hours to professional licensed fishermen and fishing guides who come and go from the Dock at all hours of the day and night and in all weather conditions. Some navigate in and out of the Cove visually only, and others are users, at all skill levels, of navigation equipment as they come and go.

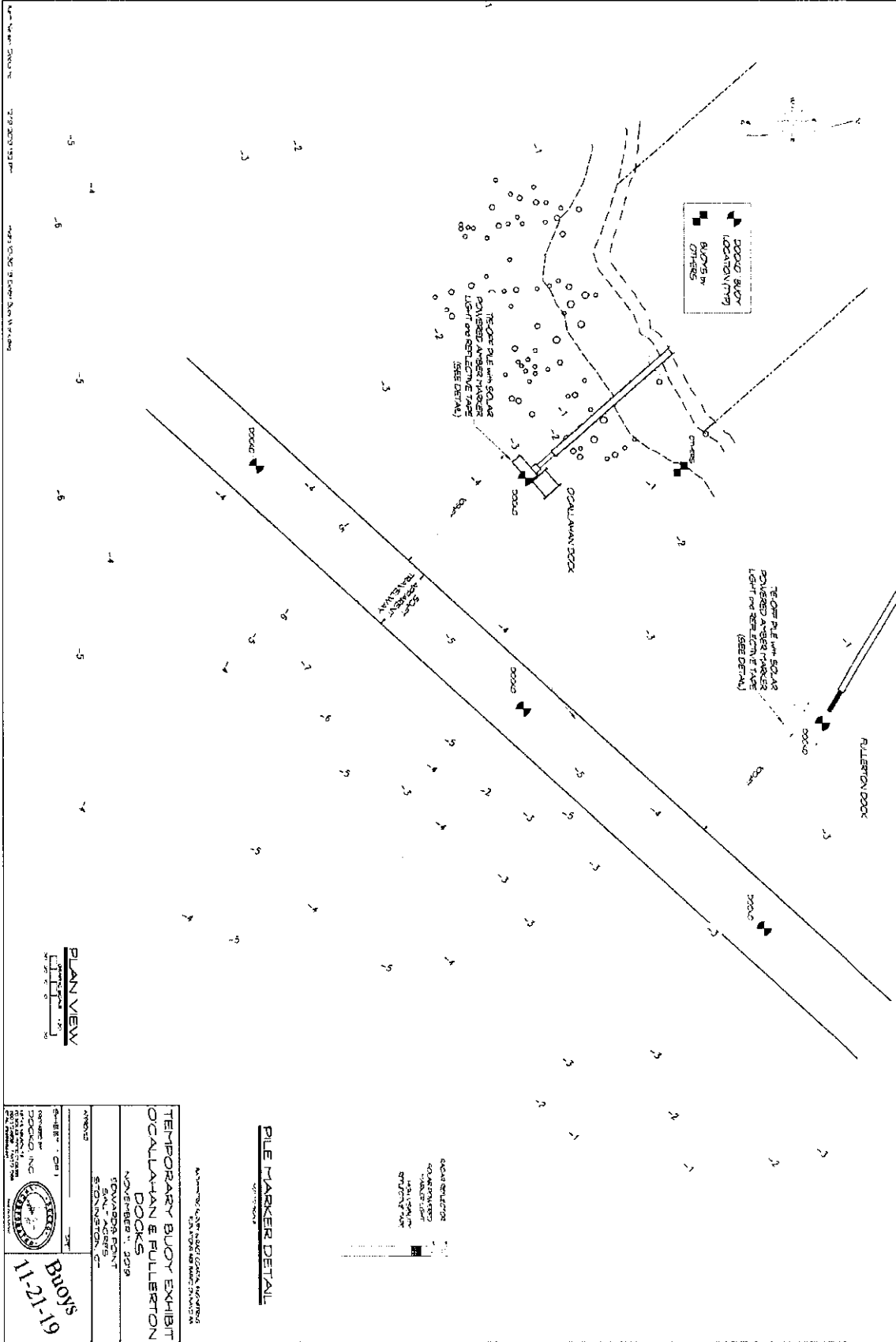
All of them should be protected as much as possible from navigation hazards in the Cove.

As you know, we have carefully examined the proposed sites, both on our own and in company with the Harbormaster. Clearly, they would create significant new impacts on those using the channel in the Cove to come and go from Walker's Dock. The acceptability of the degree of hazard created by them is a matter of careful judgment. We have concluded that, rather than offer our own judgment on the acceptability of that hazard, we are willing to rely on the Commissioner's careful exercise of that judgment call. As I have said, we ask only that the safety of the Walker's Dock users be given paramount priority in that regard.

We believe that these applicants can provide a design that will give them access to boating from their properties without creating an unacceptable hazard to the current use of the Cove and the channel through it. We leave it to your collective informed and expert judgment whether their present proposal meets that standard, and we thank you for the care you have taken to this point in seeking the best outcome.

Respectfully submitted,

George Avery



Report Date 12/9/2019

	<i>Plan</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>YTD</i>	<i>Probable</i>
<u>Funds Generated:</u>						
Balance Brought Forward:	31,161	24,217.26	24,567.26	24,430.48	31,160.52	31,160.52
Paid Moorings: Com/Pw/Pub:	128/253/13	0/7/0	0/5/8	0/1/0	128/258/14	128/258/14
Mooring Fees:	25,710	350.00	410.00	50.00	25,980.00	25,980.00
Miscellaneous Income:	100				100.00	100.00
Total Generated Funds:	56,971	24,567.26	24,977.26	24,480.48	57,240.52	57,240.52
<u>Operating Expense:</u>						
Mooring Admin:						
Mailings:	400				405.19	405.19
Telephone:	0				0.00	0.00
Computer Sftwr:	0				0.00	0.00
Miscellaneous:	0				0.00	0.00
Sub-Total:	400	0.00	0.00	0.00	405.19	405.19
Boat:						
Fuel & Oil:	250		122.43		122.43	122.43
Commissioning:	2,000				279.83	2,000.00
Storage:	0				0.00	0.00
Maintenance/Repairs:	250				79.77	279.83
Equipment:	500				118.32	118.32
Sub-Total:	3,000	0.00	122.43	0.00	600.35	2,520.58
Harbor Maintenance:						
Buoy: Commission/Haul/Store:	4,000				3,583.01	3,583.01
Misc Service/Locker Storage:	1,000				800.00	800.00
Grid Maintenance:	540				0.00	0.00
Signage:	0				0.00	0.00
Sub-Total:	5,540	0.00	0.00	0.00	4,383.01	4,383.01
Dock/Pumpout:						
Dock Eqpt./Maintenance:	0				0.00	0.00
Pumpout Eqpt./Maintenance:	0				0.00	0.00
Miscellaneous:	0				0.00	0.00
Sub-Total:	0	0.00	0.00	0.00	0.00	0.00
Administrative:						
Supplies:	0				0.00	0.00
Newsletter:	1,800				2,825.63	2,825.63
Professional Services:	0		275.00		275.00	275.00
Sub-Total:	1,800	0.00	275.00	0.00	3,100.63	3,100.63
Total Operating Expense:	10,740	0.00	397.43	0.00	8,489.18	10,409.41
<u>Approved Projects/Capital</u>						
New SNW Buoys	5,000				0.00	0.00
New Anchor/Channel Buoys	4,000				0.00	0.00
SNW Added Enforcement	3,000				0.00	0.00
Radar	4,000		149.35		4,270.86	4,270.86
Replacement HM Boat (Reserve)	20,000				20,000.00	20,000.00
Public Access Improvement Study	2,000				0.00	0.00
Total Project/Capital	38,000	0.00	149.35	0.00	24,270.86	24,270.86
Total Designated Funds	48,740	0.00	546.78	0.00	32,760.04	34,680.27
Undesignated Funds:	8,231	24,567.26	24,430.48	24,480.48	24,480.48	22,560.25

Notes:

Petty Cash Advance - 300 November:

Breakwater Project Brief - December 9, 2019 SHMC Meeting

At the October 23 Board of Selectmen meeting, Rob Simmons discussed the project and the importance of details such as the retention of the bollards. He stated that a full length walkway is not desired. His motion to select Stantec's Alternative 4 passed unanimously and he thanked the SHMC for all of our work on this project.

The 70% package was received in mid-November, it was reviewed by the sub-committee and comments were submitted to Stantec. They have replied however definitive responses were not provided for several items and I issued a synopsis of these to the Town Engineer last week:

A. Drop testing of new stone and existing cut stone is required by the specification but the extent of testing is vague and must be defined further in order to get consistent bids. We recommend listing bid items for a finite number of drop tests.

B. Phasing of the project has been recommended throughout all discussions with the Town and with Stantec however the drawing and specification are silent on the issue. Phasing will be necessary in the event that we do not receive the full \$5M construction cost.

C. Interim repair of the two washed out areas has been discussed many times but the drawing does not address this. It is likely that the full project will remain on the shelf perhaps for years. If funding is obtained, it will be prudent to repair these areas in order to prevent further storm damage.

D. The aesthetics of the finished repair are very important based on discussions within the SHMC, comments made during the two public forums and at the November Board of Selectmen meeting. The design does not include the area surrounding the daymark at the end of the breakwater per USCG direction. Stantec was requested to add an alternate drawing detail for this area should USCG concurrence and funding be obtained for a new daymark foundation.

Submitted by
Paul O'Neill SHMC