

Minutes  
Harbor Management Commission  
March 2, 2017

The West Haven Harbor Management Commission held a Special Meeting on Thursday, March 2, 2017 in the Harriet North Room, 2nd Floor, City Hall, 355 Main Street, West Haven, CT at 6:30P.M.

PRESENT: Commissioners Pacapelli, Flynn, McKeon, and Pimer, Planning and Development Commissioner Riccio, Assistant City Planner Killeen, Public Works Liaison Mark Paine and Consultant Geoff Steadman. Also in attendance was West Haven Harbor Master Bob Pimer.

Meeting was called to order at 6:31 PM by Chairman Pacapelli.

Approval of Meeting Minutes: February 1, 2017 Meeting – Commissioner Flynn made a motion to approve the meeting minutes of February 1, 2017, seconded by Commissioner McKeon and passed 4-0.

Special Meeting

**1. Report on Initial State DEEP review of Harbor Management Plan Draft and Discussion of Next Steps in Referral and Review Process**

Mr. Steadman reported that he had received draft comments from Karen Michaels of the CT DEEP, copies of which had been forwarded by email to the Commissioners. He reviewed the comments received and noted that most of the comments could be addressed in the revised draft. He was concerned, however, about her comments about Chapter 1 concerning the interpretation of Section 22a-113n. He said that other Harbor Management Commissions in the State have been challenging the State on what the Section means. The State believes it makes local Harbor Management Plans advisory to the State unless there is a defined recommendation that relates to a specific action or activity. The Harbor Management Commissions believe that the local Harbor Management Plans are binding on the decisions made by the State. He provided examples of challenges that have been made in Norwalk and Milford. Mr. Riccio stated that he had encountered this same issue in Bridgeport. Mr. Steadman stated that the DEEP is asking the Harbor Management Commission to consider the length of docks in its Plan.

The Commission next discussed the next steps in the referral and review process. Mr. Steadman stated that he still had some general refinements to make to the draft before it could be made public. It was agreed that Mr. Steadman would try to complete these refinements by around March 15, at which point Mr. Killeen would try to get the draft Harbor Management Plan posted to the City's website so that the public would have time to review and comment on the draft. The Commission decided to make its next meeting on April 5 a public information meeting in which Mr. Steadman would make a presentation of the draft Harbor Management Plan, and the public would be allowed to make comments. Following the April 5 meeting, the draft Plan would be finalized for formal submission to the CT DEEP for their official review and comment.

## 2. Update/Discussion re: Application for Approval of Use of State Property to the South of I-95

Mr. Killeen and Mr. Steadman forwarded the draft application discussed at the last Harbor Management meeting for formal consideration by the State. This request was submitted to seek the State's support of including this property in a study to determine the feasibility of building a public boat launching ramp at this location. Mr. Killeen supplemented the application with a request for review of the site under the State Natural Diversity Data Base State Listed Species Review. Mr. Steadman provided updated aerials of the site, outlining the State property and the existing City-owned compost site. The State was expected to meet on this request sometime in March 2017.

During this discussion, Harbor Master Pimer, who was in attendance, stated that he was aware the CT DOT had been working on the approval of a wetland restoration project along the waterfront of this property as part of its remediation of the recent I-95 Bridge construction. He believed the restoration project was scheduled to begin in the near future. He also stated he was aware that it had both DEEP and Army Corps of Engineers approval. Realizing the immediate conflict that could occur, Commissioners asked Assistant City Planner Killeen to contact DEEP immediately to see if there was anything that could be done to reserve the property for continued consideration for a public boat launching ramp. It was noted that there were few opportunities to access deep water in West Haven, and the federal channel stops at the I-95 Bridge, short of the City's composting site. Harbor Master Pimer agreed to call Mr. Killeen the next day to provide him contact information for the DOT and DEEP representatives he knew were involved with this project.

## 3. State Port Authority Grant Program

Mr. Steadman reported that the State Port Authority's Small Harbor Grant Program had now been announced (copies of which had been forwarded to the Commissioners by email), and they will be accepting applications through April 17. The Commission agreed they would like to proceed with an application for the public boat launching ramp. Mr. Riccio stated that he had discussed this project with Mr. Salvatore of the CT Port Authority, and he believes it is the kind of project these funds should support. Mr. Riccio also asked if we needed to update any of our estimates from last year's outline the City prepared for the State legislators of West Haven, when the City first inquired about State funding for this project. Mr. Steadman said he would review the previous outline. He said he would contact Roberge Associates to see if the estimate could be updated.

## 4. Referrals from Planning and Zoning Commission

- a. 813 Kimberly Avenue: P&Z Applications for Special Permit, Site Plan Review, and Coastal Site Plan Review to install a new, above-ground 8,000 gallon gasoline tank to replace an existing underground tank

Mr. Pimer, as representative of City Point Yacht Club, was present to discuss this proposal. He stated they have been working with the Inland Wetlands Commission and City Departments (e.g. Building and Fire Dept.) on this project, which will result in a more environmentally sound and safer installation. Mr. Killeen explained that the application has been approved by the Inland Wetlands Commission and that it has been referred to DEEP. The City is hopeful a public hearing can be scheduled with the Planning and Zoning Commission for March 28.

Commissioners asked several questions about the construction and building materials to be used for the proposed tank and the way in which it will be installed.

After further consideration, Motion was made by Commissioner Flynn to approve of the proposed installation of an above-ground fuel tank on this property, with a finding that it is not inconsistent with the draft Harbor Management Plan or the policies for managing the Harbor Management Area, seconded by Commissioner McKeon and passed 4-0.

- b. 8 Khoury Court: ZBA Applications for variances and Coastal Site Plan Review to demolish an existing house and reconstruct a new house above flood level.

Mr. Killeen explained the applicant's proposal. Based on input from Mr. Steadman, the Commissioners determined this proposal will likely not have a direct impact on the Harbor Management Area as long as it is constructed properly.

Motion was made by Mr. McKeon to inform the Zoning Board of Appeals that the Harbor Management Commission has no objections to this proposed house with the understanding that the design meets all the City's requirements for proper stormwater management and that best management practices are employed for minimizing the impact of construction on coastal resources, including the use of permeable pavers where practical, seconded by Mr. Pacapelli and passed 4-0.

- c. Proposed Changes to Zoning Regulations to Allow Limited Multi-Family Housing in the PF (Public Facilities) District. #ZR 17-009

After receiving a presentation of the proposed changes by Mr. Killeen, the Commissioners determined that the proposed regulation will not have an impact on the Harbor Management Plan since they include restrictions on the location of this use that would keep it out of the Harbor Management Area.

Motion was made by Mr. Pacapelli that the Harbor Management Commission has no comments on the proposed zoning amendments of File #ZR 17-009, seconded by Mr. Pimer and passed 4-0.

## 5. REPORTS OF STAFF AND COMMISSIONERS

- a. Review of Correspondence Approved at February 1, 2017 Meeting
  - i. Correspondence to Army Corps of Engineers Re: Proposed Dredging of New Haven Harbor  
Commissioners reviewed the proposed draft of this letter and approved it. Mr. Steadman offered one revision to voice support of the efforts of the Corps of Engineers to identify appropriate beneficial uses for the dredge materials. Change was noted by the Commission.
  - ii. Correspondence to the Mayor re: support of Robert Pimer as Harbor Master. The Commission reviewed and approved this letter.
- b. Discussion of Proposed Inclusion of \$1,000 for Harbor Master stipend in Public Works Budget

Mr. Paine reported that he had included this proposed stipend as a line item in his proposed budget for the coming fiscal year. He suggested it would be helpful for the

Commission to send along a letter of support for this budget request in hopes it would make it through the budgeting process.

Motion was made by Mr. McKeon that the Commission send a letter of support of the Public Works budget item for a Harbor Master stipend, recognizing that the State stipend has been eliminated and it's a position that demands an investment of time, energy, and money on the part of the incumbent, seconded by Mr. Flynn and passed 4-0.

Mr. Paine agreed he would provide draft language to Mr. Killeen to include in this letter.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 PM.