

Harbor Management Commission Review Guidelines (Adopted August 20, 2014)

The Harbor Management Plan (HMP) gives the Harbor Management Commission (HMC) broad jurisdiction over all development activity within the Borough. The HMC's basic goals are to maintain safe use of the Harbor Management Area (HMA)¹, protect the environmental quality associated with the Borough's shoreline and HMA, guide beneficial use and enjoyment of the Borough's waterfront facilities, and protect and enhance aesthetic resources and scenic values. Additionally, the HMC strives to protect the public observation, enjoyment, and appreciation of the HMA and shoreline from public waterfront areas and from the surface water of the HMA.

The HMC recognizes that development on the land also falls within the jurisdiction of other Borough boards and commissions and, in an effort to facilitate the HMC review process without creating unnecessary duplicative reviews, the following guidelines are established:

- The HMC Chairman shall be notified of any P&Z, ZBA, or HDC application involving a water access structure², seawall or beach nourishment / dune restoration activity, at least 35 days prior to the meeting at which it will be considered.
- The Board of Warden and Burgesses and the Park Commission shall notify the HMC Chairman of any proposed water access structure², seawall, beach nourishment / dune restoration, filling, or dredging activity prior to submission of an application to DEEP or the Army Corps of Engineers.
- The Board of Warden and Burgesses shall notify the HMC Chairman of any proposed sale, lease, or transfer of any waterfront (Long Island Sound, Connecticut River, South Cove) property prior to offering the property for sale, lease, or transfer.
- The Board of Warden and Burgesses shall notify the HMC Chairman of any proposed infrastructure improvements (road, bridge, drainage) adjacent to or affecting Long Island Sound, the Connecticut River, or South Cove prior to authorizing any work.
- The HMC Chairman shall be notified by the appropriate agency of all proposed revisions or amendments to written Borough plans, rules, or regulations affecting real property on, in or contiguous to the waters of the HMA at least 35 days prior to the meeting at which they will be considered.
- An email notification that the application has been received or that the activity is proposed and information is available in the office shall be sufficient to satisfy the notification requirement.
- The HMC shall provide comment prior to or at the meeting set by the agency having jurisdiction as indicated in the Plan. The approving agency must consider the comments and recommendations of the Harbor Management Commission and, if the Commission finds a proposal to be inconsistent with the Harbor Management Plan, that proposal cannot be approved unless the approving Borough agency acts to over-ride the Harbor Management Commission's finding by a two-thirds vote (instead of a simple majority).

The HMC also reserves the right to comment on any other proposed activity if it deems that such comment may be critical to carrying out the goals of the Harbor Management Plan.

¹The Harbor Management Plan defines the Harbor Management Area as "all of the area within the territorial boundaries of the Borough below the mean high water line, including portions of South Cove, the Connecticut River, and nearshore Long Island Sound".

²The Harbor Management Plan defines a Water Access Structure as "any dock, float, pier, or other structure, or combination thereof, constructed partly or wholly on, in, or contiguous to the Fenwick Harbor Management Area for the purpose of temporarily or permanently docking or mooring a vessel of otherwise providing physical and/or visual access to the HMA, including, but not limited to, access for swimming and/or fishing".