

**Borough of Fenwick  
Harbor Management Commission  
Special Meeting – January 10, 2023**

The Special Meeting of the Borough of Fenwick Harbor Management Commission was held on Tuesday, Tuesday, January 10, 2023 at 4 Nibang Avenue, Borough of Fenwick and via Zoom.

**MEMBERS PRESENT:** Charles Renshaw.

**MEMBERS PRESENT VIA ZOOM:** Jamie Gay, Bill Webster, Jonathan Gengras, Jim Wade (Alternate), Peter Duncan (Alternate), William Christensen, Harbormaster, ex officio,

**MEMBERS ABSENT:** Sam Scatterday, Chip Gengras (Alternate),

**OTHERS PRESENT:** Marilyn Ozols, Land Use Administrator, Frank Keeney.

**OTHERS PRESENT VIA ZOOM:** Geoff Steadman, consultant.

**1. Call to Order.**

The meeting was called to order at 5:04 p.m. A quorum was established (Renshaw, Gay, J. Gengras, Webster, Wade).

**2. Resident Comment.**

None.

**3. Draft Harbor Management Plan / Extension of Shoreline Planning Unit.**

C. Renshaw reminded members that they had all received copies of the revised draft and called on G. Steadman to review the changes to both the draft plan and the presentation.

G. Steadman stated that the revised draft text highlights the changes that he made in response to the comments at the last meeting. He added that he has shared with March Balint at DEEP that this amendment to the Plan is in process and she is appreciative of the Borough sharing the preliminary draft prior to formal submission for review.

G. Steadman reviewed the presentation page by page noting where new photos had been added and where he had modified the details in the aerial photos and then reviewed the highlighted text changes as noted below. He added that he will be revising Figure 3 to identify the extent of the management area as defined on page 1-7 of the original plan as “all of the waters within the territorial boundaries of the Borough below the mean high water line and bounded by a line running northerly and perpendicular to the shore from the northwest corner of the Borough to the centerline of South Cove, thence easterly along the centerline of the Cove to the west side of the Connecticut River channel, thence southerly along the channel to the south end of the Federal west jetty, thence westerly maintaining the same distance from the shore to a point of intersection with a line perpendicular to the shore from the southwest corner of the Borough, and thence to the southwest corner of the Borough.” He added that the line follows the shoreline at the same length as the west jetty.

- **Fenwick West Shore**

1. *Priority Harbor Management Objectives: Manage access to and along the shoreline consistent with traditional shoreline uses and environmental conditions; preserve and,*

where feasible, enhance natural coastal resources, including, but not limited to, beach, wetland, and scenic resources.

2. Old Fenwick Road Street End: Manage for beneficial pedestrian access to the shoreline for residents and guests, consistent with private ownership of Old Fenwick Road, existing development, parking constraints, and limiting environmental conditions; prohibit boat launching.

3. Fenwick West Wetland: Encourage and support preservation and enhancement of freshwater wetland resources and values in accordance with a detailed plan based on best available scientific information, careful review of environmental and economic costs and benefits, and in a manner consistent with the existing conservation easement; consider the environmental system here, including the beach and wetland, as a priority area for coastal resiliency planning and implementation of appropriate measures to reduce the otherwise mitigate the potential adverse impacts of sea level rise and coastal storms on wetland resources and values.

The Commission agreed with these changes.

- **Fenwick Proper Shore**

1. Priority Harbor Management Objectives: Preserve the natural and traditional environmental values of the Long Island Sound shoreline; preserve the shoreline's natural coastal resources, including, but not limited to, beach and scenic resources, that provide ecological functions and public recreational values of special interest and much local significance.

2. Water-Access Structures: No docks, floats, piers, pilings, or other fixed and floating structures should be constructed to provide water access in this planning unit. Any access to and from the Harbor Management Area in this planning unit should be achieved only through nonstructural means, including, but not limited to, the use of dinghies and other hand-carried craft that may be launched from the beach.

3. Shore Protection Measures: Support timely repair and maintenance of existing flood and erosion control structures as necessary to protect existing development without significant adverse impacts on coastal resources; consider enhancement of existing structures if resource impacts are minimal and no feasible alternatives are available to protect existing development from the adverse impacts of sea level rise and coastal storms.

J. Wade noted that the seawall does not continue in front of the Ryder house and inquired if the proposed language would allow the seawall to be extended. It was agreed to propose changing the text to “enhancement including extension” with enhancement referring to height and extension referring to length or something similar, provided that the enhancement or extension will have no adverse impact.

- **Fenwick Pier Area**

1. Priority Harbor Management Objectives: Manage, repair, maintain, and to the extent feasible enhance existing facilities providing opportunities for safe and enjoyable physical and visual access to the Harbor Management Area, consistent with traditional uses and environmental conditions and in accordance with an established facilities management plan.

2. Fenwick Pier: Manage, repair, maintain, and to the extent feasible, enhance for swimming, appropriate boating access, and enjoyment of water views; consider establishing a nearby restricted swim area as may be needed to provide safe and enjoyable swimming opportunities.

3. Fenwick Beach, Playground, and Concrete Pad Area: Manage repair, maintain, and to the extent feasible, enhance for safe and enjoyable recreational use and waterfront access.

4. Shore Protection Structures, Including Offshore Breakwater and Stone Groin: Restore, maintain, and enhance as necessary for most effectively protecting pier, beach, and playground areas from wave and storm impacts, including adverse impacts associated with sea level rise and coastal storms, in accordance with best engineering practice and analysis, including analysis of wind and wave data assembled for design of the Hepburn Family Preserve Living Shoreline Project.

5. Breakwater: Restore and maintain as necessary for effectively protecting pier, beach, and playground areas from wave and storm impacts.

J. Gay suggesting expanding the identified analysis to include “or any future analysis” or something similar so that future data is not eliminated. Commission members agreed.

- **Fenwick East Shore**

1. Priority Harbor Management Objectives: Preserve the natural and traditional environmental values of the Long Island Sound shoreline; preserve the shoreline’s natural coastal resources, including, but not limited to, beach, dune, wetland, and scenic resources, that provide ecological functions and public recreational values of special interest and much local significance, and with continued recognition of the special ecological significance on the Connecticut coast of the Lynde Point sand dunes and Hepburn Family Preserve Living Shoreline area.

2. Water-Access Structures: No docks, floats, piers, pilings, or other fixed and floating structures should be constructed to provide water access in this planning unit in the area from the Hepburn Family Preserve Living Shoreline area to the federal jetty. Any access to and from the Harbor Management Area in this planning unit should be achieved only through nonstructural means, including, but not limited to, the use of hand-carried craft that may be launched from the beach.

3. Hepburn Pond: Maintain fish and wildlife habitat value; encourage and support measures to maintain the highest level of water quality.

4. Hepburn Family Preserve Living Shoreline: Encourage and support continued maintenance of the established nature-based shoreline elements to preserve and enhance coastal resources and provide “living shoreline” protection for the Crab Creek Wetland Conservation Area landward of the shoreline; continue to monitor environmental conditions and adjust the Living Shoreline Plan accordingly; recognize the Living Shoreline Project as a model of state-wide significance for coastal resilience planning and nature-based shore protection.

5. West Jetty and Breakwater Light: Encourage and support continued preservation and proper maintenance of the historic lighthouse structure and federal maintenance of the breakwater as necessary.

6. Boat Mooring and Anchoring: Manage limited mooring locations in accordance with Harbor Master-issued mooring permits, with recognition of Long Island Sound exposure and lack of waterfront access facilities and with no interference with the restricted swim area; allow short-term anchoring (not to exceed 24 consecutive hours) with no swim area interference and Harbor Master oversight.

7. *Restricted Swim Area: Maintain in accordance with existing state authorization; if necessary to maintain safe and enjoyable swimming opportunities, consider expansion of restricted area with required state authorization.*

Relative to the living shoreline, B. Christensen stated that the last storm showed that the sills are working, but on the east end where the sills end, the dune is eroding. B. Webster added that the last storm damaged the eastern dune and changed the appearance of the shoreline in that area. G. Steadman stated that he will visit the site to document this and he will verify that monitoring and adjusting the living shore is covered in the text. B. Webster stated that he has video of the storm that he will share with G. Steadman.

- **Lighthouse Shore**

1. *Priority Harbor Management Objectives: Preserve the natural and traditional environmental values of the Connecticut River shoreline; preserve the shoreline's natural coastal resources, including, but not limited to, beach and scenic resources that provide ecological functions and public recreational values of special interest and much local significance.*

2. *Water-Access Structures: No docks, floats, piers, pilings, or other fixed and floating structures should be constructed to provide water access in this planning unit in the area from the federal jetty to the Federal lighthouse properties. Any access to and from the Harbor Management Area in this planning unit should be achieved only through nonstructural means, including, but not limited to, the use of hand-carried craft that may be launched from the beach.*

3. *Federal Lighthouse Properties: Encourage and support long-range planning and appropriate land-use regulations needed to help ensure that any future re-use/re-development of properties occurs in a manner consistent with the natural and traditional character of the Borough and its shoreline and the Borough's goals for achieving coastal resilience.*

The Commission concurred with the changes.

- **Folly Point Shore**

1. *Priority Harbor Management Objectives: Preserve the natural and traditional environmental values of the Connecticut River and South Cove shorelines; preserve the shorelines' natural coastal resources, including, but not limited to, wetland, beach, and scenic resources that provide ecological functions and public recreational values of special interest and much local significance.*

2. *Water-Access Structures: No docks, floats, piers, pilings, or other fixed and floating structures should be constructed to provide water access in this planning unit. Any access to and from the Harbor Management Area in this planning unit should be achieved only through nonstructural means, including, but not limited to, the use of hand-carried craft that may be launched from the shore.*

3. *Boat Mooring Locations: Manage limited mooring locations in accordance with Harbor Master-issued mooring permits with recognition of shallow water depths and lack of waterfront access facilities.*

4. *Sequassen Ave.: Consider the roadway and adjoining shoreline as a priority area for coastal resiliency planning and implementation of appropriate measures to maintain municipal infrastructure while reducing and otherwise mitigating the potential adverse impacts of sea level rise and coastal storms on that infrastructure.*

The Commission concurred with the changes.

- **Crab Creek and Wetland**

1. Priority Harbor Management Objectives: Preserve and enhance intertidal resources and ecological functions and values, including fish and wildlife habitat and storm water detention and filtration functions, and scenic quality.
2. Crab Creek Wetland Restoration Area: Recognize the Crab Creek Wetland Conservation Area as an intertidal resource area of special ecological significance on the Connecticut coast. Continue to restore any previously degraded intertidal resources in accordance with the established restoration plan based on best available scientific information. Maintain sufficient tidal exchange (tidal prism – **the volume of water entering the creek during an in-coming tide**) needed to support viable intertidal habitat; encourage and support measures to achieve and maintain the highest reasonably attainable water quality, including measures to avoid and reduce runoff pollution into the creek and wetland. Continue to monitor environmental conditions and adjust the restoration plan accordingly.
3. Crab Creek Bridge: Maintain, repair, and replace as necessary in an environmentally sound manner in accordance with best engineering practice and analysis and with consideration of potential adverse impacts of sea level rise and coastal storms on municipal infrastructure. Maintain a sufficient flow of water through the bridge opening (including a sufficient tidal prism) to support ecologically viable tidal wetlands, the highest water quality possible, and hand-paddled navigation; as necessary, remove debris that may accumulate and restrict the flow of water at the bridge opening.
4. Hand-Paddled Navigation: Support hand-paddled navigation on the creek to the extent such activity does not adversely impact ecological resources and values.

The Commission concurred with the changes.

- **North Shore**

1. Priority Management Objectives: Preserve the natural and traditional environmental values of South Cove; preserve the shoreline's natural coastal resources, including, but not limited to, tidal wetland and scenic resources, that provide ecological functions and public recreational values of special interest and much local significance.
2. Boat Mooring and Anchoring: Manage limited mooring locations in South Cove **in accordance with Harbor Master-issued mooring permits and** with recognition of shallow water depths and lack of waterfront access facilities.
3. Fenwick Yacht Club: Manage, maintain, and to the extent feasible, enhance for boating access to South Cove, **including access to Harbor Master-permitted mooring locations, in accordance with existing development, parking constraints, limiting environmental conditions, and an established facilities management plan.**

The Fenwick Yacht Club has previously discussed the need for dredging. B. Christiansen stated that it should be considered for both navigation and safety reasons. G. Steadman stated that it is difficult to get a DEEP permit for a location not previously dredged, but he will add it to the text in order to initiate a discussion with DEEP.

- **Cove Shore**

1. Priority Management Objectives: Preserve the natural and traditional environmental values of South Cove; preserve the shoreline's natural coastal resources, including, but not limited to, wetland and scenic resources, that provide ecological functions and public recreational values of special interest and much local significance.

2. *Water-Access Structures: No docks, floats, piers, pilings, or other fixed and floating structures should be constructed to provide water access in this planning unit.*
3. *Route 154 Causeway: Maintain opportunities for scenic views of the Harbor Management Area, fishing, walking, and bicycling; avoid adverse impacts, including water quality impacts, on South Cove as may be caused by roadway and bridge repairs and maintenance; maintain causeway opening free of obstruction to navigation; designate navigation fairway as necessary.*
4. *Grove Conservation Area: Manage and maintain for passive recreational activities enhanced by proximity to South Cove in a manner consistent with the existing conservation easement and an established open space management plan.*

There were no changes.

The Commission further discussed the document and the process going forward.

J. Wade stated that piers and floating structures are excluded in almost all areas and asked about grandfathering existing structures. G. Steadman stated that previously the argument for exclusion was that historically there were no structures; the intent is to preserve the natural and traditional character of the shoreline. He added that issues in other towns have been that there has been not relevant language in the Harbor Management Plan and DEEP has granted permits for new structures or extensions of existing structures based on claims of littoral rights.

J. Gay stated that the revised draft incorporates the changes discussed at the previous meeting.

G. Steadman stated that he will make the changes discussed as well as update the map to show the jurisdiction lines, and then will share the draft with DEEP to get an initial reaction. He suggested posting the presentation on the website but the Commission agreed that they should wait until after they get DEEP comments.

C. Renshaw summarized the next steps:

1. G. Steadman will modify the draft and the presentation as discussed.
2. G. Steadman will share it with DEEP keeping M. Ozols in the loop.
3. The Commission will convene to discuss DEEP comments.
4. The presentation will be shared with the public.

G. Steadman stated that there have been statutory and institutional changes as well as changes to physical conditions since the Plan was initially adopted 18 years ago. He suggested including information on these changes as part of the addendum. The Commission agreed, noting that they don't need to modify the original text, but only need to add a paragraph to the addendum to describe the changes.

#### **4. Pier Repair / Crab Creek Bridge Repair Update.**

M. Ozols reported that the contract has been signed and Harbor Engineering is expected them to start in the spring.

#### **5. Derelict Dock Update.**

C. Renshaw stated that F. Adams had informed him that the company hired could not do the work at this time in conjunction with other work as originally planned, but the dock will be removed.

#### **6. Capital Plan Items.**

M. Ozols stated that the Burgesses are updating the list of capital items and the Commission should let them know if there are items that they believe should be included. Members agreed to further discuss this at a future meeting but indicated that extension of the breakwater should be included.

**7. Approval of Minutes of Previous Meeting (November 29, 2022).**

**J. Gengras moved to accept the minutes of the November 29, 2022 meeting as presented. B. Webster seconded the motion and it was approved unanimously.**

For: Renshaw, Gay, J. Gengras, Webster, Wade.

Against: None.

Abstained: None.

**8. Harbor Master Report.**

B. Christensen reported that mooring letters will be going out by email in the next couple of days; they are on schedule and he is coordinating with Scott Mitchell and Jeff Champion.

**9. Other Business.**

None.

**10. Adjournment.**

**B. Webster moved to adjourn the meeting at 5:57 p.m. J. Gengras seconded the motion and it was approved unanimously. (Renshaw, Gay, J. Gengras, Webster, Wade)**

Respectfully submitted,

Marilyn M. Ozols

Acting Recording Secretary