



TOWN OF WESTPORT
SHELLFISH COMMISSION

TOWN HALL – 110 MYRTLE AVENUE
WESTPORT, CT 06880
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MINUTES
WESTPORT SHELLFISH COMMISSION
JULY 1, 2020

ATTENDANCE

Commission Members:

Heather Williams, Chair
Jamie Walsh, Vice-Chair
Matt Dembski
Dick Harris
Clarinda Higgins, Alternate

Ex-Officios:

Alicia Mozian, Conservation Director
Brendan Fearon, Westport Marine Police

Staff:

Susan Voris

Guests:

John Hilts
Tom Ryder

The July 1, 2020 meeting of the Westport Shellfish Commission was called to order at 6:00 p.m. via Zoom by Chairman, Heather Williams.

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the July 1, 2020 meeting of the Westport Shellfish Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Director

1. Approval of March 4, 2020 minutes

The March 4, 2020 meeting minutes were approved as submitted.

Motion: Higgins. Second: Walsh
Ayes: Higgins, Walsh, Harris, Dembski, Williams
Nays: None Abstentions: None Vote: 5:0:0

2. Approval of June 3, 2020 minutes

The June 3, 2020 meeting minutes were approved as submitted.

Motion: Dembski Second: Higgins
Ayes: Dembski, Higgins, Harris, Walsh, Williams
Nays: None Abstentions: None Vote: 5:0:0

3. Treasurer's Report

Ms. Williams read the checking account balance into the record as of May 31, 2020.

4. New Business

- a. **135 Harbor Road:** Request for comments relating to a project to construct a 4' by 86' piling-supported timber pier, 3.5' by 34' aluminum ramp and 8' by 20' piling-anchored timber floating dock for recreational boating.

John Hilts presented the application. He described the location. There are two rock revetments on either side with a beach in the middle. The dock would extend on the lower end of the western most revetment. The Army Corps of Engineers (ACOE) wanted to ensure there was enough clearance from the tidal vegetation. The dock will have a 5-foot clearance over the startina growth. The floating dock will have 28 inches of clearance from the substrate at low tide. There is no submerged vegetation present.

Ms. Mozian noted the dock will be 140 feet long but will not protrude out further than any of the other docks in the area. She confirmed there is tidal wetland vegetation present but the dock will be over it. The area is classified as Restricted Relay or Prohibited. Dave Carey of Bureau of Aquaculture found no impact to shellfish. She asked how many pilings would be in the spartina growth.

Mr. Hilts stated 4 to 6 in spartina. 2 would be in high marsh vicinity. They plan on doing work next spring.

Ms. Mozian noted the project also needs local WPLO approval from the Flood Board and Conservation Commission. She questioned the whether the floating dock and ramp would be removed during the winter.

Mr. Hilts stated the floating dock would be removed during the winter and the ramp would likely be raised rather than removed.

Ms. Higgins indicated she was glad to see the floating dock would be 28 inches above the substrate at low tide and the ramp raised and the float stored during the winter. She asked if the dock can be installed prior to May when the spartina is emerging.

Motion to find that the proposed dock will have no adverse impact to the natural shellfish beds. Also offered a recommendation for CT DEEP consideration that the dock be installed prior to May 31st to avoid adverse impact to emerging spartina growth.

Motion:	Walsh	Second:	Harris
Ayes:	Walsh, Harris, Dembski, Higgins, Williams		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

- b. **15 Stony Point Road:** Request for comments relating to a project to construct a new residential dock, waterward of the CJL. The dock will consist of a 55 foot long by 4 foot wide fixed pier, a 32 foot long by 3 foot wide ramp and a 10 foot long by 10 foot wide float. The fixed pier will be supported by eight (8) 12 inch diameter piles waterward of the CJL. The float and boat lift will be supported by six (6) piles. The jet ski lift will be located along the northern side of the dock and will be supported by the two previously discussed northern float piles.

Tom Ryder of LandTech presented the application on behalf of the owner. The dock includes a boat lift. He showed photos of the existing conditions at low tide including the dock to the north and the site plan. They have submitted a pre-application to the DEEP and ACOE. The boat lift is 18 inches above the substrate and the jet ski lift is 12 inches above the substrate. The lift negates the need for winter storage and will be maintained in the upright position when not in use. There is tidal vegetation landward of the seawall.

Ms. Mozian noted that they should not be mowing that tidal vegetation.

Mr. Ryder stated the owners are new.

Ms. Higgins noted the shellfish in the area are spawners for the rest of the river. There would be no adverse impact to the shellfish area but work should be complete by May 31 to avoid the spawning season.

Mr. Ryder stated they anticipate beginning work in early spring as they will also have to work through the approval process with the Flood Board and Conservation Commission.

Mr. Dembski noted that November to March is to be avoided to protect the Diamond-back Terrapin.

Mr. Ryder added that DEEP acknowledges that this time frame cannot always be met and there are ways to protect the Terrapin while still allowing the work to proceed.

Mr. Harris noted that the high tide is at the wall.

Mr. Ryder conceded that during extreme high tide it most likely overtops the wall.

Motion to find that the dock will adversely impact the natural shellfish bed and that the following condition be imposed: That work be conducted before water temperature reaches 55° at which time oysters begin to spawn – ideally work to be completed between October 1st and May 31st. Also, included in the resolution is the recommendation that the tidal vegetation not be mowed landward of the seawall.

Motion:	Higgins	Second:	Walsh
Ayes:	Higgins, Walsh, Dembski, Harris, Williams		
Nays:	None	Abstentions:	None
		Vote:	5:0:0

5. Police Report including discussion about the Shellfish Warden position

Officer Fearon noted that 8 contacts have been made during overtime. All had permits and proper size and catch. Marine Officers are trying to get out daily to perform routine patrol the beds when time allows.

Officer Fearon noted there was one issue off of Hendricks's Point but the person was advised that area was closed and the catch was returned and the person left. He reported on an incident

occurring on Sunday, June 28, 2020, at Old Mill where people were taking blue crabs. This was not occurring in the pond but on the Sound-side. This was not a violation.

Officer Fearon noted they are anticipating a busy Fourth of July weekend. There will be regular patrols only. Overtime enforcement scheduled for July 6 and 7. He discussed how enforcement is done. They are going out to Cockenoe including along the backside, along Harbor Road and the other side of Canal Road. He noted that overall people have permits. He did state that he intends to post signs at Hendricks's Point. The Commission supported paying for posts and will replace signage where needed.

Officer Fearon also noted the presence of Harbor seals in the area.

Regarding the topic of filling the Shellfish Warden vacancy, Ms. Mozian shared Deputy Chief Arciola's ideas to redefine the role of Shellfish Warden to get it away from law enforcement.

Ms. Williams like the idea more of a Ranger than a Warden. She suggested that the position could be shared with the Conservation Commission to educate people about the birds on Cockenoe.

Mr. Walsh liked the educational role.

Ms. Higgins noted the Warden had specific duties specified in state statutes.

Mr. Harris said it would most likely need to be a paid position. Something that would most likely be June through September.

All members seem to agree that it should be educational and not enforcement. They should think about this and create a new position.

Mr. Harris suggested creating a sub-committee.

Ms. Mozian stated that it would eliminate the Shellfish Warden as an Ex-Officio as this is a function of the Marine Police and create a new position. She said this may need a change to the Town Charter.

Volunteers for the sub-committee are Ms. Williams, Mr. Walsh and Mr. Harris.

6. Recreational Shellfish Report

The Commission has issued **388 annual recreational permits** as of July 1, 2020. There were **295** renewals and **93** new permits. (76%/24%)

Adult Resident Permits issued –	215	(\$ 6,420.00)
Senior Resident Permits issued –	159	(\$ 2,280.00)
Adult Non-resident Permits issued –	9	(\$ 540.00)
Senior Non-resident Permits issued –	5	(\$ 150.00)
Daily Permits issued -	1	(\$ 15.00)

The Commission has collected **\$9,405.00** since December 26, 2019 when we began issuing the 2020 recreational shellfishing permits.

7 senior permits were issued to people who are 85 and older for free.

Closures:

Month	Days Open	Days Closed	Total Days
January	31	0	31

February		29		0		29
March		31		0		31
April		17		13		30
May		5		26		31
June		30		0		30
July						
August						
September						
October						
November						
December						
		143		39		182

Notes:

Closure Events

4/13/20 - > 1.5"

4/27/20 - transplant - water temp 45 degrees

Ms. Voris noted she had confirmation that The Dock Shop is closed for the season. Staff is accommodating those individuals who come to Town Hall with same day service. People are asked to make an appointment but they do not always do so. Masks are a must and everyone is accommodating.

Permit sales are slightly down but we have had a reasonably good year. June saw 88 permits sold compared to 107 last year. Canal Beach parking not being open is one reason for some people not purchasing a permit. For the fiscal year, permit sales are down \$1,065 and 32 permits. Overall, I have to say COVID is not affecting permit sales for the most part. Access is our issue at this time. People are looking for things to do that allow them to be outdoors and social distance at the same time. There are a lot of new permit holders at this time.

7. Other Business

a. Canal Beach parking lot status

Ms. Mozian noted she heard from Deputy Chief Arciola that Parks & Rec is working with Public Works to install bollards at the Canal Beach parking area. The parking area would be open during the daytime hours and closed at night.

b. Annual clambake status

A discussion of feasibility of annual clambake determined that it was not possible in light of current circumstances and will have to be postponed. A more informal socially distanced gathering may occur, if possible in its place.

c. DOT project

Ms. Mozian noted staff has received an update to the median reconstruction and resurfacing of I-95 project between Norwalk and Westport the Commission reviewed previously. She will poll the Commission members as to whether to hold a meeting in August or postpone this application until September.

The July 1, 2020 meeting of the Westport Shellfish Commission adjourned at 7:55 p.m.

Shellfish Commission
July 1, 2020

Motion:	Williams	Second:	Walsh
Ayes:	Williams, Walsh, Dembski, Harris, Higgins		
Nays:	None	Abstentions:	None
		Vote:	5:0:0