



# RTM RULES & ORDINANCES COMMITTEE

## Town of Branford

Adrian Bonenberger, Dan Adelman, Susan Dahill, Ray Ingraham, Peter Black, Trish Anderson  
Peter Hentschel, Chair

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### SCHEDULED MEETING

October 15, 2024, **6:30 PM**

**Branford Community Center**

1. Call to Order - Roll Call
2. Approval of Meeting Minutes of 9/17/24
3. To consider, and if appropriate, recommend an ordinance establishing a Branford Harbor Management Commission as requested by the First Selectman. This topic will be the primary focus of today's meeting and the general public, as well as key coastal-waters stakeholders, are invited to attend. Links to a few informative documents are attached to this agenda.
  - a. Report from the working group established to research the issues. The working group is representatives Dan Adelman, Chris Hynes, and Peter Hentschel
  - b. Comments from Town officials present – overview of the purpose of this request and the need for a Harbor Management Commission
  - c. Public discussion – questions, feedback, opinions.

*Note – This meeting will be the first in a series of R&O meetings addressing this topic. At a later date the Committee's Working Group may generate a draft ordinance for review by the Committee-at-large and the public. It is anticipated that the process will involve several future meetings of the R&O Committee.*
4. To consider, and if appropriate, recommend the establishment of a Town Ordinance to regulate short-term rentals in Branford.
  - a. Report from the working group established to research the issues. The working group is representatives Peter Black, Adrian Bonenberger, and Peter Hentschel.
  - b. Initial report on the Community Survey (Survey Monkey) that was published and concluded on October 10.

*Note – A detailed analysis of the survey results will be presented and discussed in the November meeting of the Rules & Ordinances Committee. It is anticipated that the consideration process will involve several future meetings of the R&O Committee.*
5. Other Business
6. Adjourn

Respectfully Submitted  
Peter Hentschel  
Chair, RTM Rules & Ordinances Committee

## **BRANFORD PUBLIC HEARING – Harbor Management Commission**

At the request of Branford First Selectman James Cosgrove, the Rules & Ordinances Committee of the Branford Representative Town Meeting is considering proposing an ordinance creating a Branford Harbor Management Commission as allowed by CGS Sec. 22a-113k-t.

During the scheduled R&O meeting of October 15 (6:30 pm in the Community House), the Committee will be discussing this request and is inviting the public to attend, learn more about such a Commission, and offer comments and opinions.

Among other stakeholders in the community, parties impacted may include – local recreational boaters, marinas, boatyards, commercial fishers, shellfish harvesters, and marine researchers.

Implementation of a functioning Harbor Management Commission will require support from the community, significant time and expense on the part of the municipality, and dedicated personal commitment from appointed volunteer commissioners.

The Town wishes to protect its marine historic resources and sensitive natural resource areas found along its harbors and coastal waters; to provide greater opportunities for water-based recreational and commercial activities; to maintain and enhance navigational facilities for the benefit of all maritime users; and to allocate land and water resources in an economically and environmentally sound manner.

The State will require that the Harbor Management Commission prepare a Harbor Management Plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes, and that the plan provide for the preservation and use of the coastal resources of the harbor in a manner consistent State Statutes. After State and Federal approval of the Plan the Commission will oversee its continuing implementation.

The R&O Committee will include links to several informative documents in its forthcoming agenda.

# CHAPTER 444a\*

## HARBOR MANAGEMENT COMMISSIONS

\*See chapter 263 re harbors and rivers.

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Sec. 22a-113k. Harbor management commissions. (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance one or more harbor management commissions or may designate any existing board, commission, council, committee or other agency as a harbor management commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of any harbor management commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of a commission and shall set forth the number of members of a commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Notwithstanding the provisions of the general statutes or any special act, if an existing municipal waterfront authority, municipal shellfish commission or municipal port authority is designated as a harbor management commission, the municipality may by ordinance increase the membership of such authority, commission or agency and may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board.

(c) Any two or more municipalities whose common boundaries lie within navigable waters, as defined in subsection (b) of section 15-3a, may by concurrent ordinances of their legislative bodies establish one or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a) of this section. Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commission.

(P.A. 84-247, S. 1; P.A. 88-336, S. 3, 5; P.A. 90-269, S. 5, 8; P.A. 07-217, S. 109.)

History: P.A. 88-336 inserted new Subsec. (b) concerning membership of existing authorities designated as commissions and relettered former Subsec. (b) as Subsec. (c); P.A. 90-269 authorized a municipality to have one or more harbor management commissions; P.A. 07-217 made technical changes in Subsec. (c), effective July 12, 2007.

Statutory scheme demonstrates state did not intend to fully occupy field of regulating conduct waterward of the mean high water mark because it expressly delegated responsibility of regulation to harbor management commissions it created. 93 CA 314.

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Sec. 22a-113l. Powers. Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

History: (Revisor's note: In 1993 an incorrect internal reference to Sec. "22a-133t" was changed editorially by the Revisors to Sec. "22a-113t").

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Sec. 22a-113m. Harbor management plan. Approval. The commission, in consultation with the Commissioner of Energy and Environmental Protection and the Connecticut Port Authority, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area, as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-111, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the commissioner and the authority. Said commissioner and authority shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioner and authority, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission, the commissioner and the authority.

(P.A. 84-247, S. 3; P.A. 10-106, S. 7; P.A. 11-80, S. 58; June Sp. Sess. P.A. 15-5, S. 31.)

History: P.A. 10-106 replaced reference to Sec. 22a-112 with reference to Sec. 22a-111; P.A. 11-80 changed "Commissioner of Environmental Protection" to "Commissioner of Energy and Environmental Protection", effective July 1, 2011; June Sp. Sess. P.A. 15-5 replaced reference to Commissioner of Transportation with reference to Connecticut Port Authority and made conforming changes, effective July 1, 2016.

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Sec. 22a-113n. Content of plan. (a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such

recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the Commissioner of Energy and Environmental Protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the Commissioner of Energy and Environmental Protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this section shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4; P.A. 95-218, S. 9, 24; P.A. 11-80, S. 1.)

History: P.A. 95-218 amended Subsec. (b) to replace a reference to “subsection” with a reference to “section”; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection” in Subsec. (b), effective July 1, 2011.

When city has established a harbor management commission which has enacted a harbor management plan, the terms of that plan are binding on commissioner when he issues a permit to construct docks. 93 CA 314.

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Sec. 22a-113o. Factors considered in preparation of plan. In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93.

(P.A. 84-247, S. 5.)

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Sec. 22a-113p. Action on applications to municipal agencies referred to commission. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood prevention, climate resilience and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the

request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6; P.A. 21-115, S. 15.)

History: P.A. 21-115 changed “flood and erosion control board” to “flood prevention, climate resilience and erosion control board”, effective July 1, 2021.

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Sec. 22a-113q. Request for general permit and delegation of enforcement authority. Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

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Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan. Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

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Sec. 22a-113s. Permit fee. The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be two hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9; P.A. 94-108, S. 3.)

History: P.A. 94-108 increased the maximum mooring fee from \$100 to \$200.

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Sec. 22a-113t. Model harbor management. Not more than six months after October 1, 1984, the Commissioner of Energy and Environmental Protection in consultation with the Commissioner of Transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10; P.A. 11-80, S. 1.)

History: Pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

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**Connecticut Department of  
Energy and Environmental Protection**  
Bureau of Water Protection and Land Reuse  
Land and Water Resources Division

## Harbor Management Commissions in Connecticut 2022

<p><b><u><a href="#">Bridgeport Harbor Commission</a></u></b> c/o Bridgeport Harbor Master 330 Water Street Bridgeport, CT 06604 203-332-5608 <u><a href="#">Bridgeport Harbor Management Plan</a></u></p>	<p><b><u><a href="#">Fenwick, Borough of (Old Saybrook) Harbor Management Commission</a></u></b> 580 Maple Avenue Old Saybrook, CT 06475 860-388-3499 <u><a href="#">Fenwick Harbor Management Plan</a></u></p>
<p><b><u><a href="#">Chester Harbor Management Commission</a></u></b> Town Hall 203 Middlesex Avenue Chester, CT 06412 860-526-0013 <u><a href="#">Chester Harbor Management Plan</a></u></p>	<p><b><u><a href="#">Five Mile River Commission – <u><a href="#">Norwalk</a></u> &amp; <u><a href="#">Darlen</a></u></a></u></b> PO Box 119 Rowayton, CT 06853 Note: This commission is not an official harbor management commission.</p>
<p><b><u><a href="#">Clinton Harbor Management Commission</a></u></b> Town Hall 54 East Main Street Clinton, CT 06413 860-669-9101 <u><a href="#">Clinton Harbor Management Plan</a></u></p>	<p><b><u><a href="#">Greenwich Harbor Management Commission</a></u></b> Selectmen’s Office 101 Field Point Road Greenwich, CT 06836-2540 203-622-7710 <u><a href="#">Greenwich Harbor Management Plan</a></u></p>
<p><b><u><a href="#">Darlen Advisory Commission on Coastal Waters</a></u></b> Darlen Town Hall 2 Renshaw Road Darlen, CT 06820 203-656-7300 Note: This commission is not an official harbor management commission.</p>	<p><b><u><a href="#">Groton (City) Harbor Management Commission</a></u></b> City Hall 295 Meridian Street Groton, CT 06340 860-446-4103 <u><a href="#">City of Groton Harbor Management Plan</a></u></p>
<p><b><u><a href="#">East Lyme Harbor Management Commission</a></u></b> Town Hall 108 Pennsylvania Avenue Niantic, CT 06357 860-739-6931 <u><a href="#">East Lyme Harbor Management Plan</a></u></p>	<p><b><u><a href="#">Groton (Town) Harbor Management Commission</a></u></b> Town Hall 45 Fort Hill Road Groton, CT 06340 860-441-6640</p>
<p><b><u><a href="#">Essex Harbor Management Commission</a></u></b> Town Hall 29 West Avenue P. O. Box 98 Essex, CT 06426 860-767-4340 <u><a href="#">Essex Harbor Management Plan</a></u></p>	<p><b><u><a href="#">Guilford Harbor Management Commission</a></u></b> Town Hall 31 Park Street Guilford, CT 06437 203-453-8001 <u><a href="#">Guilford Harbor Management Plan</a></u></p>



<p><a href="#"><b>Middletown Harbor Improvement Agency</b></a>  City of Middletown  245 deKoven Drive  Middletown, CT 06457  860-344-3400  <a href="#">Harbor Management Ordinance</a></p>	<p><a href="#"><b>Old Saybrook Harbor Management Commission</b></a>  Town Hall  302 Main Street  Old Saybrook, CT 06475  860-395-3123  <a href="#">Old Saybrook Harbor Management Plan</a></p>
<p><a href="#"><b>Milford Harbor Management Commission</b></a>  City Hall  110 River Street  Milford, CT 06460  203-783-3210  <a href="#">Milford Harbor Management Plan</a></p>	<p><a href="#"><b>Pawcatuck River Harbor Management Commission (Stonington)</b></a>  Town Hall  152 Elm Street  P. O. Box 352  Stonington, CT 06378  860-535-5060  <a href="#">Pawcatuck River Harbor Management Plan &amp; Ordinance</a></p>
<p><a href="#"><b>Mystic Harbor Management Commission (Stonington)</b></a>  Town Hall  152 Elm Street  P. O. Box 352  Stonington, CT 06378  860-535-5060  <a href="mailto:mystichmc@gmail.com">mystichmc@gmail.com</a>  <a href="#">Mystic Harbor Management Plan (Stonington)</a></p>	<p><a href="#"><b>Southport Harbor Management Commission (Fairfield)</b></a>  c/o Department of Public Works  725 Old Post Road  Fairfield, CT 06825  203-256-3010  <a href="#">Southport Harbor Management Plan</a></p>
<p><b>Noank</b> – see Groton (Town) Harbor Management Commission</p>	<p><a href="#"><b>Stamford Harbor Management Commission</b></a>  City Hall  888 Washington Boulevard  Stamford, CT 06901  203-977-4140  <a href="#">City of Stamford Harbor Management Plan</a></p>
<p><a href="#"><b>Norwalk Harbor Management Commission</b></a>  City Hall  125 East Avenue  Norwalk, CT 06856-5125  203-854-3200  <a href="#">Norwalk Harbor Management Plan</a></p>	<p><a href="#"><b>Stonington Harbor Management Commission</b></a>  Town Hall  152 Elm Street  P. O. Box 352  Stonington, CT 06378  860-535-5060  <a href="#">Stonington Harbor Management Plan</a></p>
<p><a href="#"><b>Norwich Harbor Management Commission</b></a>  City Hall, Room 215  100 Broadway  Norwich, CT 06360  860-823-3732</p>	<p><a href="#"><b>Stratford Waterfront Harbor Management Commission</b></a>  Town Hall  2725 Main Street, Route 106  Stratford, CT 06497  203-385-4020  <a href="#">Stratford Harbor Management Plan</a></p>
<p><a href="#"><b>Old Lyme Harbor Management Commission</b></a>  Town Hall  52 Lyme Street  Old Lyme, CT 06371  860-434-1605  <a href="#">Old Lyme Harbor Management Plan</a></p>	<p><a href="#"><b>Waterford Harbor Management Commission</b></a>  Town Hall  15 Rope Ferry Road  Waterford, CT 06385  860-440-0548  <a href="#">Waterford Harbor Management Plan</a></p>

<p><a href="#"><u>West Haven Harbor Management Commission</u></a>  City Hall  355 Main Street  West Haven, CT 06516  203-937-3580, ext. 3007  <a href="#"><u>West Haven Harbor Management Plan</u></a></p>	<p><a href="#"><u>Westbrook Harbor Management Commission</u></a>  Town Hall  866 Boston Post Road  Westbrook, CT 06498  860-399-3044  <a href="#"><u>Westbrook Harbor Management Plan</u></a></p>
<p><a href="#"><u>Wethersfield Harbor Management Commission</u></a>  Town Hall  505 Silas Deane Highway  Wethersfield, CT 06109  860-721-2890  <a href="#"><u>Wethersfield Harbor Management Plan</u></a></p>	
<p><b>FOR INFORMATION OR UPDATES CONTACT:</b></p> <p><b>CT DEEP</b>  <b>Land and Water Resources Division</b>  <b>Planning Section</b>  <b>79 Elm Street</b>  <b>Hartford, Connecticut 06106-5127</b>  <b>Phone: 860-424-3019</b></p>	