

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
SPECIAL MEETING
NOVEMBER 14, 2017**

ATTENDANCE: Tony Mobilia, Chair; Dr. John Pinto, Dennis Santella, John Crespo; Police Officer Gregg Scully, Harbor Master

OTHERS: Geoff Steadman, Consultant; Peter Johnson, Shellfish Commission; Atty. Liz Suchy, Carmody Torrance Sandak & Hennessey LLP; Michael L. Widland, Maritime Center Board; Frank Prial, Jr.; Beyer Blinder Belle Architects and Planners, LLC; Debora Goldstein; Craig Flaherty, P.E., Redniss & Mead

CALL TO ORDER

Mr. Mobilia called the meeting to order at 6:35 p.m.

ROLL CALL

Mr. Mobilia called the roll. A quorum was present.

PLEDGE OF ALLEGIANCE

Mr. Mobilia led those present in reciting the Pledge of Allegiance.

APPLICATION REVIEW

1. 10 North Water Street. Removal and reconstruction of IMAX Theater with various site improvements. #4-88 CAM. The applicant proposes to remove the IMAX Theater and re-construct a new, 2-story building east of the main entrance. Other on-site improvements will be discussed. Since the renovations and reconstruction are located within the Flood Hazard Zone, compliance with Building Zone Regulations of the City of Norwalk is required.

Dr. Pinto gave a brief overview and explained that the IMAX theater would be demolished and rebuilt at a new location by the current entrance to the Maritime Aquarium.

Atty. Suchy came forward and said that she represents the Maritime Aquarium. She explained that the Walk Bridge Project will involve building a new railroad bridge. The IMAX theater must come down and the plan is to take the IMAX down now and relocate it before the Walk Railroad bridge is replaced. She displayed some drawings indicating where the current buildings were located and the proposed new sites. She explained that

the Maritime was located in a flood zone and that the new theater would be 1.7 feet higher than its current height of 10 feet above sea level.

Mr. Prial came forward and gave a brief overview of the proposed new entrance, the relocation of the IMAX to the north part of the building. The proposed IMAX will only be 3 1/2 stories high and will be smaller than the current theater due to advances in the technology involved. The seal tank will also be expanded. Mr. Prial indicated where the aerial easement would be on the southern portion of the building.

Mr. Prial then gave a summary of the various changes and indicated where these were located on the site plans and elevation schematics. He said that the architecture is designed to fit together with the existing structures. There will be permeable pavers and there will be additional storm water run off discharge pipes.

Dr. Pinto asked about the additional water run off. Atty. Such said that post development will have less run off and the impermeable paved surfaces will be reduced.

Dr. Pinto asked about changes along the river bank. Atty. Suchy said that there would be some disruption during the construction but the contractor would employ all the best practices.

Mr. Steadman asked about the vibration from the bridge during its construction. Mr. Widland said that they had been in discussions with the American Zoo Association (AZA) about this issue. He explained that with some of the changes, such as enclosing the seal tank and other measures that have been suggested, that the construction will not be a major issue.

Mr. Steadman said that there would be temporary construction platforms, and a variety of other things for the new bridge. He asked if the Aquarium needs a CAM application to demolish the IMAX. Mr. Widland pointed out that the State will be condemning the current IMAX and therefore they will take the liability of the demolition. Discussion followed about the details.

Dr. Pinto asked for more details regarding the storm water catchment basins. Atty. Suchy displayed a copy of the site plan showing the current discharge outflow locations and where the new discharge locations would be located.

Mr. Steadman asked if North Water Street will remain open during the Bridge construction. Mr. Prial said that he did not know. That issue is up to the State.

Mr. Santella asked if the animals would be monitored during the construction. Mr. Widland said that he was positive that the staff will be monitoring the animals very closely while the bridge construction is underway.

Mr. Johnson asked about the mechanics that would be located below sea level. Mr. Prior explained that the mechanics would be below flood level, not below mean high water.

Mr. Steadman asked about the impacts on the river during construction. Mr. Widland said that the Maritime Aquarium has been working closely with the State on this and as the impact is determined by the State, the State will develop a plan for mitigation.

Ms. Goldstein asked about the hay bales that would be used as soil and silt prevention. She said that there were mice, rats and ground hogs that were mitigating to nearby residences. They construction is expected to take a year or longer. Atty. Suchy said that they will bring this concern to the State and request frequent inspections.

Mr. Mobilia said that the existing IMAX theater was an iconic structure for Norwalk and asked if the new theater would have the same type of presence. Mr. Prial said that those people coming in from the north would see it as they approached the Aquarium.

Mr. Steadman asked whether this would impact the seawall along that area. Atty. Suchy said that she did not believe so. Mr. Prial agreed.

Atty. Suchy thanked the Commissioners for their time.

**** DR. PINTO MOVED TO APPROVE THE APPLICATION REGARDING 10 NORTH WATER STREET FOR THE FOLLOWING REASONS:**

1) FIND THE PROPOSAL CONSISTENT WITH THE HARBOR MANAGEMENT PLAN, PROVIDED THE ZONING COMMISSION DETERMINES THAT ALL APPLICABLE CITY STORMWATER MANAGEMENT REQUIREMENTS ARE MET, ALONG WITH ALL APPLICABLE CITY AND FEMA REQUIREMENTS FOR CONSTRUCTION IN THE COASTAL FLOOD HAZARD AREA; AND

2) TRANSMIT THE FOLLOWING COMMENTS AND RECOMMENDATIONS TO THE ZONING COMMISSION AND APPLICANT AS DISCUSSED DURING THE SPECIAL MEETING.

WITH THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. IN GENERAL, THE NHMC IS CONCERNED ABOUT THE POTENTIAL ADVERSE IMPACTS OF STORMWATER RUNOFF FROM IMPERVIOUS AREAS DRAINING INTO NORWALK HARBOR. THE HARBOR MANAGEMENT PLAN CALLS FOR PROTECTION AND IMPROVEMENT OF WATER QUALITY IN THE HARBOR AND SUPPORTS APPROPRIATE BEST MANAGEMENT PRACTICES TO

AVOID OR OTHERWISE MITIGATE NON POINT SOURCE (STORMWATER) POLLUTION.

2. THE NHMC SUPPORTS IMPLEMENTATION OF RUNOFF REDUCTION AND LOW IMPACT DEVELOPMENT PRACTICES PURSUANT TO THE CITY'S STORMWATER MANAGEMENT REQUIREMENTS.

3. THE APPLICANT SHOULD BE REQUIRED TO EMPLOY APPROPRIATE BEST MANAGEMENT PRACTICES DURING CONSTRUCTION TO ENSURE THAT THE PROPOSED WORK, INCLUDING REMOVAL OF ANY CONSTRUCTION DEBRIS, DOES NOT CAUSE ANY SIGNIFICANT ADVERSE IMPACTS ON ENVIRONMENTAL QUALITY, INCLUDING WATER QUALITY, IN NORWALK HARBOR.

4. THE APPLICANT SHOULD MAINTAIN APPROPRIATE MEASURES TO REDUCE OR OTHERWISE MANAGE STORMWATER RUNOFF FROM THE PROPERTY FOLLOWING COMPLETION OF THE PROJECT.

5. ENVIRONMENTAL ASSESSMENT AND EVALUATION DOCUMENTS PREPARED BY THE CT DOT FOR CONSTRUCTION OF THE NEW WALK BRIDGE DECLARE THAT SUCH CONSTRUCTION WILL IMPACT THE MARITIME AQUARIUM, INCLUDING ANIMAL EXHIBITS AND THE IMAX THEATER. IN ACCORDANCE WITH THE CT DOT'S COMMITMENT TO MITIGATE THE ADVERSE IMPACTS OF THE WALK BRIDGE PROJECT, FUNDING FOR THE APPLICANT'S PROPOSED PROJECT, INSOFAR AS IT IS NECESSITATED BY THE WALK BRIDGE PROJECT, SHOULD BE PROVIDED BY THE STATE OF CONNECTICUT. THE CITY OF NORWALK, ACTING IN COORDINATION WITH ITS STATE LEGISLATIVE DELEGATION, SHOULD PURSUE ALL AVAILABLE MEANS TO SECURE SUCH FUNDING.

6. THE NHMC UNDERSTANDS THAT OPERATION OF THE APPLICANT'S RESEARCH VESSEL ALSO WILL BE AFFECTED BY THE WALK BRIDGE PROJECT AND THAT TEMPORARY RELOCATION OF THE VESSEL DURING BRIDGE CONSTRUCTION WILL BE NECESSARY. THAT RELOCATION AND REQUIRED MITIGATION ARE NOT PART OF THE APPLICANT'S CURRENT PROPOSAL AND ARE BEING ADDRESSED SEPARATELY BY THE CT DOT, THE APPLICANT, THE NHMC, AND THE STATE OF CONNECTICUT HARBOR MASTER FOR THE CITY

OF NORWALK.

7. COMMENTS AND RECOMMENDATIONS BY THE NHMC REGARDING THE APPLICANT'S PROPOSAL SHOULD NOT BE CONSTRUED AS AN ENDORSEMENT OF ANY CURRENT AND FUTURE PLANS OF OTHER STRUCTURES ALONG THE WATER STREET AREA PREPARED BY THE CT DOT FOR THE WALK BRIDGE PROJECT. THE NHMC WILL CONDUCT A FORMAL EVALUATION OF CT DOT'S WALK BRIDGE PLANS, INsofar AS THEY AFFECT NORWALK HARBOR, DURING THE STATE AND FEDERAL COASTAL REGULATORY PROCESS IN ACCORDANCE WITH THE HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS SET FORTH IN THE HARBOR MANAGEMENT PLAN.

**** MR. CRESPO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Santella left the meeting at 6:50 p.m.

2. 121-123 Water Street, South Norwalk. Special Permit Application and CAM. The Proposed project is located within the boundary of the Coastal Area Management Zone. Applicant, TR South Water Street LLC, proposes to construct a mixed use development of 6-story building with 80 residential units and retail facility located on the 1st floor. The 1st floor of the structure will comply with FEMA's minimum flood elevation. The new facility will include improved storm water runoff capabilities with added catch basins, sump pumps, oil/grit separators, and filtration system around the property and parking area.

Mr. Flaherty of Redniss & Mead came forward and said that the existing site is mostly covered with hard surface. The proposal is to demolish the building and construct a 6 story building. Currently all the storm water runs off the site and into the street.

He said that there are no existing storm water systems in place today. The new catch basins will have filters to catch debris and lead to an oil separation system. The volume of water that will be discharged will be less and it will be cleaner. The system will allow the water from smaller storms to discharge back into the ground rather than running into the street and then into the river. There will be flood controls during construction and the State Coastal policies will be followed.

The discussion moved to the currently existing 60 inch pipe that many of the drains empty into. Mr. Flaherty said that the pipe was between elevation 8 and 9. The first floor has to be above elevation 12. The catch basins on the site will be higher than the main discharge pipe. There will also be less water going into the main discharge pipe.

Mr. Steadman said that this does not actually affect the river, so the motion should read that the NHMC has no objection to the project.

**** DR. PINTO MOVED THE FOLLOWING REGARDING THE APPLICATION FOR 121-123 WATER STREET, SOUTH NORWALK FOR THE FOLLOWING REASONS:**

A) INFORM THE ZONING COMMISSION AND THE APPLICANT (TR SOUTH WATER STREET LLC) THAT THE NHMC HAS NO OBJECTION TO THE PROPOSED MIXED-USE DEVELOPMENT PROVIDED THE ZONING COMMISSION DETERMINES THAT ALL APPLICABLE CITY STORM-WATER MANAGEMENT REQUIREMENTS ARE MET AND THAT THE PROJECT COMPLIES WITH FEMA REQUIREMENTS FOR CONSTRUCTION IN A COASTAL FLOOD AREA; AND

B) TRANSMIT THE FOLLOWING COMMENTS AND RECOMMENDATIONS TO THE ZONING COMMISSION AND THE APPLICANT.

WITH THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. IN GENERAL, THE NHMC IS CONCERNED ABOUT POTENTIAL ADVERSE IMPACTS OF STORM-WATER RUNOFF THAT DRAIN INTO NORWALK HARBOR. THE HARBOR MANAGEMENT PLAN CALLS FOR PROTECTION AND IMPROVEMENT OF WATER QUALITY IN THE HARBOR AND SUPPORTS APPROPRIATE BEST MANAGEMENT PRACTICES TO AVOID OR OTHERWISE MITIGATE NONPOINT SOURCE (STORM-WATER) POLLUTION.

2. THE NHMC SUPPORTS IMPLEMENTATION OF RUNOFF REDUCTION AND LOW IMPACT DEVELOPMENT PRACTICES PURSUANT TO THE CITY'S STORM-WATER MANAGEMENT REQUIREMENTS.

3. THE APPLICANT SHOULD BE REQUIRED TO EMPLOY APPROPRIATE BEST MANAGEMENT PRACTICES DURING CONSTRUCTION TO ENSURE THAT THE PROPOSED WORK, INCLUDING REMOVAL OF CONSTRUCTION DEBRIS, DOES NOT CAUSE ANY SIGNIFICANT ADVERSE IMPACTS ON ENVIRONMENTAL QUALITY THAT MAY AFFECT WATER QUALITY IN NORWALK HARBOR.

4. THE APPLICANT SHOULD MAINTAIN APPROPRIATE MEASURES TO REDUCE OR OTHERWISE MANAGE STORM-WATER

RUNOFF FROM THE PROPERTY FOLLOWING COMPLETION OF THE PROJECT BY ASSURING THAT THE ADDED CATCH BASINS, SUMP PUMPS, OIL/GRIT SEPARATORS, AND FILTRATION SYSTEMS AROUND THE PROPERTY AND PARKING AREA ARE PROPERLY MAINTAINED.

**** MR. MOBILIA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

3. 47 Neptune Avenue. CAM Application #25-17, submitted by Edward Brennan and Jane Ross. The project consists of construction of a new elevated 2-story single family residence located on the North end of Harborview. The former single family home was razed and was a non-FEMA compliant house with a full basement. The former basement was filled and compacted. An existing seawall along the North side of the property will remain.

Dr. Pinto noted that no work would be done water ward. He said that there was a portion of the application that addressed storm water run off. Mr. Johnson said that the State was insisting on water run off management inland also.

**** DR. PINTO MOVED TO APPROVE THE APPLICATION REGARDING 47 NEPTUNE AVENUE CONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN PROVIDED THE ZONING COMMISSION DETERMINES THAT**

A) ALL APPLICABLE CITY STORM-WATER MANAGEMENT REQUIREMENTS ARE MET AND THAT THE PROJECT COMPLIES WITH FEMA REQUIREMENTS FOR CONSTRUCTION IN A COASTAL FLOOD AREA; AND

B) TRANSMIT THE FOLLOWING COMMENTS AND RECOMMENDATIONS TO THE ZONING COMMISSION AND APPLICANTS;

WITH THE FOLLOWING COMMENTS AND RECOMMENDATIONS:

1. POLICIES OF THE NHMC ARE CONCERNED WITH AVOIDING POTENTIAL ADVERSE IMPACTS OF STORM-WATER RUNOFF THAT DRAIN INTO NORWALK HARBOR. THE HARBOR MANAGEMENT PLAN CALLS FOR PROTECTION AND IMPROVEMENT OF WATER QUALITY IN THE HARBOR AND SUPPORTS APPROPRIATE BEST MANAGEMENT PRACTICES TO AVOID OR OTHERWISE MITIGATE NONPOINT SOURCE (STORM-WATER) POLLUTION.

2. THE NHMC SUPPORTS IMPLEMENTATION OF RUNOFF REDUCTION AND LOW IMPACT DEVELOPMENT PRACTICES PURSUANT TO THE CITY'S STORM-WATER MANAGEMENT REQUIREMENTS.

3. THE APPLICANT SHOULD BE REQUIRED TO EMPLOY APPROPRIATE BEST MANAGEMENT PRACTICES DURING CONSTRUCTION TO ENSURE THAT THE PROPOSED WORK, INCLUDING REMOVAL OF ANY DEBRIS, DOES NOT CAUSE ANY SIGNIFICANT ADVERSE IMPACTS ON ENVIRONMENTAL QUALITY THAT MAY AFFECT WATER QUALITY IN NORWALK HARBOR.

4. THE APPLICANT SHOULD MAINTAIN APPROPRIATE MEASURES TO REDUCE OR OTHERWISE MANAGE STORM-WATER RUNOFF FROM THE PROPERTY FOLLOWING COMPLETION OF THE PROJECT.

**** MR. CRESPO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT.

Mr. Mobilia announced that the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services