

**CITY OF NORWALK  
NORWALK HARBOR COMMISSION  
REGULAR MEETING  
NOVEMBER 20, 2019**

**ATTENDANCE:** John Romano, Chair; John Crespo; Alan Kibbe, Chris MacDonnell, Jeffrey Mangels, Dr. John Pinto

**OTHERS:** Sgt. Gregg Scully, Harbor Master; Steve Bartush, Shellfish Commission; Pete Johnson, Shellfish Commission; Wes Oliver, Norwalk Yacht Club; Jim Hendrickson, Rowayton Yacht Club; Matt Gifford, Sprite Island Club; Geoff Steadman, Consultant (8:10 p.m.)

**CALL TO ORDER/PLEDGE**

Mr. Romano called the meeting to order at 7:30 p.m.

**ROLL CALL**

A quorum was present.

**CHAIRMAN'S REPORT**

Mr. Romano said the November meeting would be on November 8th 2020. He said that Mr. Mobilia was researching the date for the State of the Harbor based on availability of a room reservations.

**PUBLIC COMMENT**

Mr. Wes Oliver of the Norwalk Yacht Club came forward and distributed a document. (See attached). He pointed out that the majority of the boats are in slips rather than on moorings.

The discussion then moved to what the Harbor Commission needs in terms of funding. Mr. Romano pointed out that the Harbor Commission needs to build up a reserve for future dredging projects which benefits every boater in the harbor and the river. Mr. Oliver said that the funding for the dredging should be designated into a special account.

Mr. MacDonnell asked if the Harbor Commission would be billing property owners, boat owners or club owners for a Harbor Use Fee. Discussion followed.

Mr. Hendrickson said that he had a background in finances and would be happy to work with the Harbor Commission in projecting the costs for future dredging.

Mr. Oliver said that the revenue for Recreation and Parks for overnight berthing and launching vessels came in at about \$85,000. The money goes to the General Fund rather than the Harbor Commission.

Dr. Pinto suggested that Plans and Recommendations should start to work on this. Mr. Romano said that a model should be made including the fact that they had been told that there would not be any more Federal Funding, and the State has not been generous with funding.

Mr. Mangles and Mr. Kibbe said that they would be interested in working on this. Mr. Romano said that he would like to have a report ready by January.

Mr. Bartush asked if there was any water quality testing done by the City. He was told that Mr. Bloom had done it in the past, as had Mr. D'Andrea.

Mr. Romano said that Mr. Gardella had told him that his term was up in December and he is not interested in another term.

## **STAFF REPORT**

### **a. Harbor Master - Scully**

Sgt. Scully said there was an incident with a rower who hit a cable between the bridges and it caused \$500 of damage to the boat.

There was also a potential dive operation on the center structure and the Spirit of the Sound launched right through the dive zone. Either the Coast Guard or the Marine Police Boat should be on site when underwater work is being performed.

*Mr. Steadman joined the meeting at 8:10 p.m.*

This matter should be discussed with the State DOT.

A discussion followed about a request from the Westport Police on behalf of the Westport Shellfish Committee regarding Mr. Williams who has anchored his vessel off of Longshore on a natural shellfish bed. The Westport Shellfish Commissioner is interested in seeing Norwalk's language regarding this.

### **b. Consultant -- Steadman**

Mr. Steadman said that he had attended a non-profit group's meeting about mapping important areas for strategic conservation that should be preserved. He spoke about the various determinations the group is using to identify the shellfish beds and whether they have high conservation value. The goal is to come up with a map for the urban areas and

one determination was that the inner harbor was of little value. They were interested in identifying heat patterns generated by impervious areas.

Mr. Steadman displayed two aerial photos of Norwalk Harbor, one dated from the early 1950's and one taken during recent years. He said that the change over time would be very valuable. Discussion followed.

Mr. Steadman then spoke about the CT Port Authority Operation on December 4th. He suggested that a letter to the Governor about how the Port Authority was valuable to the Norwalk Harbor.

### **SHELLFISH COMMISSION**

Mr. Bartush presented his report. (See attached). He said that due to the fact that the Harbor Commission would be discussing 26 Shorefront in Application Review, he would not comment at this time.

Mr. Bartush said that next to the north bound lanes on I-95 just before the Yankee Doodle Bridge, there was nothing to prevent a tractor trailer from jumping the chain link fence and landing in the Norwalk River.

### **COMMITTEE REPORTS:**

#### **a. Application Review.**

**9– 13 Leonard St., Norwalk, CT. CAM application.** Leonard St., Associates, LLC application. The applicant proposes to construct a new, 28-unit, five story mixed use facility (residential and commercial spaces). New site construction will increase impervious surface as well as storm water runoff and peak volume flow. Off-street parking on the first floor and under the structure are proposed along with a new drainage system that will include a subsurface detention/retention system to attenuate storm water runoff.

Dr. Pinto said that the previous letter was still applicable but noted that they had reduced the from 28 units to 26 units. This will reduce the number of cars on the street.

**\*\* DR. PINTO MOVED TO RECOMMEND THE COMMISSION SUPPORT THE RE-SUBMISSION OF THE LETTER FOR 9-13 LEONARD STREET WITH THE FOLLOWING COMMENTS:**

- 1) THE COMMISSION SUPPORTS THE BEST MANAGEMENT PRACTICES FOR PROTECTION AND IMPROVEMENT OF THE WATER QUALITY;**
- 2) THE NORWALK HARBOR COMMISSION SUPPORTS THE IMPLEMENTATION OF RUN OFF REDUCTION.**

**\*\* MR. MACDONNELL SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

**b. Tavern Island:** The applicant, Tavern Island holdings LLC requests revision of the Island Conservation Zone regulations to increase building height permitted in the Island Conservation Zone from 2 1/2 stories and 25 feet to 2 1/2 stories and 30 feet.

Dr. Pinto gave a brief overview of the application which included the entire structure being elevated and rebuilt. The sewage system will reduce the run off into the Sound. The construction will require work barges and removing the debris via barge.

**\*\* DR. PINTO MOVED TO RECOMMEND THE COMMISSION SUPPORT THE PETITION FOR TAVERN ISLAND WITH THE FOLLOWING COMMENTS:**

- 1) THE COMMISSION SUPPORTS THE BEST MANAGEMENT PRACTICES FOR WATER RUN OFF TREATMENT AND EROSION CONTROL AND**
- 2) THE STAGING AND POSITIONING OF THE WORK BARGES AND MATERIAL ON SITE WITH THE HARBOR MASTER.**

**\*\* MR. KIBBE SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

**7 Nylked Terrace, Norwalk CT. Pre-application. 7 Nylked Terrace, LLC and Thomas Juterbock applicant.** The applicant proposes to construct a gangway and a floating dock for an attachment to an existing pier (built under Permit #201410359-KB and shared by two upland properties). The proposed float (8'x 25') will be connected to the existing pier by a 3'x 30' gangway. Float will be supported by four piles. Pile installation will involve driving or drilling from a barge-based crane. Selected rocks in the area of the pier will be removed to level grade using a hydraulic power hammer and/or expansion agent to break the rock prior to removal.

Dr. Pinto reviewed the request for the shared dock and pier. The concern involves reduction in size of several rocks to -2.5 feet below mean low water level. This must be approved by the Army Corps of Engineers. The project will also require work barges to be moored in the area.

**\*\* DR. PINTO MOVED TO RECOMMEND THE COMMISSION SUPPORT THE PRE-APPLICATION WITH THE FOLLOWING COMMENTS:**

- 1) THE STAGING AND POSITIONING OF THE WORK BARGES AND MATERIAL ON SITE WITH THE HARBOR MASTER AND**

**2) SUBJECT TO ANY REVISIONS THE REVIEW AND COMMENTS OF THE ACOE FOR DEMOLITION OF MAJOR STRUCTURES IN THE AREA.**

**\*\* MR. MACDONNELL SECONDED.  
\*\* THE MOTION PASSED WITH**

**26 Shorefront Park – COP re-submission (Postponed application due to Applicant’s Request and/or insufficient information)**The applicant, Maxine Vigneault, has resubmitted a Certificate of Permission to retain an unauthorized modification of the completed work to an existing stone groin which included placement of 46 cys of additional stone and placement of two large stones within title wetlands. This application has been submitted to comply with Consent Order #LIS-2018-4009-V, part B (3) a which requires the applicant to submit a COP application to authorize the unauthorized work completed that entails placement and modification of rocks located around entire perimeter of the existing stone groin (paragraph A.3e).

Mr. Johnson indicated where the stone groin (jetty) which has been widened and squared off by the owner. The architect included finger piers on the drawing, which were never present before. Mr. Steadman said that the DEEP had told them to correct their violations and pay a fine, which Mr. Johnson said that the owners have not paid to date. Mr. Steadman said that there was a time period which will expire next week. If it expires, the applicant will have to start all over.

Mr. Steadman said that the DEEP does not want to come down to inspect the site because they have a signed and stamped drawing.

Mr. Bartush explained that local residents had noticed rocks being placed in the area. The work must be necessary and unavoidable. Mr. Bartush then read a statement from a letter. (See attached).

Discussion followed about the details. Mr. Bartush said that he believed that this was grounds for DEEP to deny the application.

**\*\* MR. ROMANO MOVED TO SUPPORT THE SHELLFISH COMMISSION'S ASSERTIONS REGARDING 26 SHOREFRONT PARK.  
\*\* DR. PINTO SECONDED.**

Mr. MacDonnell noted that the survey was dated in August. There was a noted that 35 cubic yards of stone were placed around the stone groin. This was discussed on September 25th.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**25 VanZant Street CAM Application** – The Applicant, Wintrop Baum, proposes to remodel an existing Office Building (mixed use, industrial 1) to house several Trade Schools within a newly designed Workforce Training Center (230,000 sq. ft). Several proposed tenants that will occupy space will provide vocational, remedial and technical training that will include but not be limited to such professions as Auto Mechanics, Welding, Plumbing, Electrical, Cosmetology/Hair Dressing, Nursing, Medical Assistant, Robotics, English as a Second Language, Information Technology, Carpentry, and Real Estate.

Dr. Pinto said that the CAM Application was still pending.

**O&G Industries, COP Application** – The applicant proposes to complete dredging of pre-existing contaminated material within the Norwalk River in the vicinity of 34- 50 Smith St. that according to DEEP must be remediated. Approximately 1,290 cys of contaminated sediment are to be dredged, utilizing a long reach hydraulic excavator operated from a spud barge. The entire barge will be maneuvering within a movable boomed turbidity curtain. Dredged material will be placed in a sealed bottom scow or removed to a contained dewatering area on the upland aggregate storage area prior to disposal at an appropriate upland waste facility. This latter approach is contingent upon receiving ACOE/DEEP permission for open water disposal. In addition, the application proposes to complete maintenance dredging of an additional 1010 cys along the barge birthing area and bulk head of 34 Smith St.

Dr. Pinto stated that there will be a new application submitted.

**b. Mooring and Harbor Safety** -- No report

**c. Finance**

**Grant application FY 2020-21**

Mr. Romano said that the Commission had signed off on the documentation. Mr. Kibbe pointed out that the word "safety" only appears once in the document.

Mr. Kibbe added that there was no mentioned about the interns. Mr. Romano said that the interns were included in the budget.

Mr. Kibbe said that the language was perfunctory and they should be showcasing the Harbor as an asset for the City of Norwalk. Mr. Steadman said that in the past, the Harbor Commission produced a report that highlighted the things that the Harbor Commission had accomplished.

**d. Plans and Recommendation.**

Mr. Mangels said that he would be speaking with Mr. Kibbe and Mr. Santella about the documentation submitted by Mr. Oliver.

**e. Newsletter/Web Site –**

Mr. Kibbe said that he had contacted the former coordinator and was waiting on some information.

**f. Water Quality**

Mr. Crespo said that he had sent out an email with the report attached to it.

**g. Bridges**

Mr. Steadman said that they were working on establishing the parameters for the upcoming bridge construction work. There are also some concerns about the turbidity spikes. The data from the bridge operators will be analyzed to see if the increased turbidity spikes are related to barges passing through. The Bureau of Aquaculture has also requested to be included in the discussion.

Mr. MacDonnell asked about the test for the Seaport. Mr. Romano said that the test was done and the captains were not comfortable with the results. There will be a meeting with the Coast Guard on December 6th with the new Haven Coast Guard, the New York Coast Guard, and the DOT.

Eversource's redesign for their line is due to be submitted soon.

**h. Nominations Committee  
Dunavan Award**

There was a nomination for the Dunavan Award as a posthumous award to Henry Palau.

**\*\* MR. ROMANO MOVED TO APPROVE THE POSTHUMOUS NOMINATION OF HENRY PALAU FOR THE DUNAVAN AWARD.**

**\*\* MR. CRESPO SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**APPROVAL OF MINUTES**

**\*\* MR. MANGLES MOVED TO APPROVE THE OCTOBER MINUTES AS AMENDED.**

**\*\* MR. CRESPO SECONDED.**

**\*\* THE MOTION TO APPROVE THE OCTOBER MINUTES AS AMENDED PASSED UNANIMOUSLY.**

**NEW BUSINESS/OLD BUSINESS**

Mr. MacDonnell said that the Five Mile River ordinance has all the verbiage necessary.

**ADJOURNMENT**

**\*\* MR. KIBBE MOVED TO ADJOURN.  
\*\* DR. PINTO SECONDED.  
\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:25 p.m.

Respectfully submitted

S. L. Soltes  
Telesco Secretarial Services