

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
APPLICATION REVIEW AND SPECIAL MEETING
JULY 29, 2020**

ATTENDANCE: John Romano, Chair; Dr. John Pinto, John Crespo, Alan Kibbe, Tony Mobilia, Christopher MacDonnell, Dennis Santella, Matt Gifford

OTHERS: Geoff Steadman, Consultant; Steve Bartush, Shellfish Commission; Joseph Schnierlein (5:44)

This meeting was conducted by Zoom/Teleconference.
The public was able to listen to this meeting by calling a conference line.

CALL TO ORDER

Mr. Romano called the meeting at 5:06 p.m. A quorum was present.

APPLICATION REVIEW

Village Creek

Mr. Romano said that he needed help from Mr. Steadman. He said that Village Creek removed their application and they aren't going to dredge anymore. He said that was a mistake and they needed to readdress Village Creek. He said they needed to read language with all the conditions.

Mr. MacDonnell said that this is the dock expansion with the draft permit. He said there is an open dredging permit from a few years ago.

Mr. Romano said that they needed Mr. Steadman to read into the record the approval for the expansion of the dock for Village Creek.

Mr. Steadman said they would be reiterating the pre application language and the only thing that they would be sure about was that there was no violation. He said when he looked at the permit there was no reference to a violation or resolution or any sort of notice or fine. He read from their letter dated March 9 and no objection to the applicant's pre application plan to be included in an application to reserve the right to continue to review it. He said they stated the policy that they support continued beneficial operation of water dependent facilities supporting recreational boating, including the facilities in the Village Creek Harbor Association. He said they supported expansion, provided there would be no significant adverse impacts. He said they had a discussion about unpermitted structures being discouraged after the fact of authorization. He said they understood when

the unauthorized work was identified by the applicant, the applicant took remedial action right away and notified DEEP. He said there was no notice of violation issued by DEEP, so therefore there would be no objection to this. In looking at the proposed draft permit, there is no outstanding violation or any fine, and if that is the case, they can say the proposal is consistent with the Harbor Management plan. He emphasized the word “consistent”, because it provides for the continued beneficial operation of a water-dependent facility supporting recreational boating.

Mr. Steadman reiterated that the Commission would find that the proposed approval for the Village Creek boating facility is consistent with the Harbor Management plan, because it provides for the continued viability of an existing water-dependent use providing recreational boating facilities, and we transmit that finding to DEEP with the understanding that there are no outstanding violations on the site.

****MR. KIBBE MOVED TO ACCEPT THE APPLICATION FOR VILLAGE CREEK**

****MR. CRESPO SECONDED**

****MOTION PASSES with one abstention (MacDonnell).**

69 Bluff Avenue

Mr. Romano said that the other application that was on the DEEP website was for 69 Bluff. He said that it was a pre application, application submitted by John Hills and the proposal that he has no changes to be made to that pre application and to revisit their previous comments that were submitted on December 11, 2019. He said that the Shellfish Commission responded to this as well, which was confirmed by Mr. Bartush. He said they have addressed those issues and the policy tested the no float vessel tested and the bottom of the Norwalk Harbor Management are during the normal tax cycle. If the proposal require barges and construction vessels, the applicant should notify the Harbormaster of the use of any work vessel, barges, and work-based equipment needed to entertain the proposed work project, including debris removal, stationing of the vessels, and water-based equipment will be subject to direction provided by the Norwalk Harbor Management and Harbormaster, needed to maintain safe and efficient operation of Norwalk Harbor and avoid impact on shellfish resources, including but not limited to adverse effects caused by stationing equipment overnight at low tide.

Mr. Romano said he knew that they addressed those issues and recommended that they go with the same response as their previous letter.

Mr. Steadman said that when they looked at this, they didn't realize that in addition to building the dock, they are authorized or required to remove an unauthorized concrete walkway and rip rap. He said that they didn't know there was a violation on this site and he thought that, along with the comments that they previously said, they want to reiterate their previous comments they made already to DEEP that, if there is a violation on

properties and a notice of violation, that the Harbor Commission should receive a copy of that notice. He said that allows them to be involved if they wish on any discussion of fines imposed on the applicant and hopefully influence those fines, instead of going to the State General Fund, but instead to some sort of environmental project in Norwalk Harbor.

Mr. Steadman said that they didn't know when they reviewed this that there was unauthorized work here and he thought they should address that in some way. He said to reiterate the previous comment that the recreational boating facility is okay, but he wanted to make sure they said something so that DEEP notifies them of violations.

Mr. Romano said they have previous statements regarding that.

Mr. Steadman said that they said that before, but they didn't hear anything about this violation.

Mr. Romano said that they can add that.

Mr. Steadman said that they had the plans signed by a professional engineer as they had been asked to do in the pre application phase. He said that at the time, the comments from the Shellfish Commission were forthcoming. Mr. Romano said they were submitted. Mr. Bartush confirmed.

Mr. Romano suggested that they move to accept the application for 69 Bluff with the language from their previous letter with the addition of a fine, if there is a fine.

Mr. Steadman said they reiterate the previous comments and reiterate what they previously submitted and requested that notices of violation be provided to the Harbor Management Commission and any notices of violation affecting properties in the harbor also be provided to the Harbor Management Commission from DEEP.

Mr. Romano said that he had wording in previous documents that stated that and they will add that to this document.

****MR. MACDONNELL MOVED TO ACCEPT THE APPLICATION FOR 69 BLUFF**

****MR. KIBBE SECONDED**

**** MOTION PASSES UNANIMOUSLY**

POINT OF ORDER

Mr. Romano said that they would combine the Application Review meeting and Special Meeting into one meeting, so they could vote on the items all together as they come up.

Mr. Mobilia suggested they suspend the rules and combine the two meetings.

****MR. ROMANO MOVED TO SUSPEND THE RULES AND COMBINE THE TWO MEETINGS AND ALL VOTES TAKEN DURING APPLICATION REVIEW HOLD TRUE FOR THE FULL COMMISSION
MOTION PASSES UNANIMOUSLY.

Mr. Romano called the dual meeting to order.

PLEDGE OF ALLEGIANCE

Mr. Bartush led the Commission in the Pledge of Allegiance.

APPLICATION REVIEW (continued)

Mr. Romano said they were responding to the previous application referred to in their previous letter, that they reserve the right to review the application when it gets submitted for public comment. He said they voted on Village Creek and 69 Bluff Avenue with the added caveat to alert the Harbor Management Commission of any previous violation on 69 Bluff Avenue. Those motions were passed.

83-85 South Water Street

83-85 South Water Street, District Sono CAM Application; Request to modify a previously approved CAM application (Zoning Commission, 2019) originally submitted by PLAY, LLC. The new operator (District Sono) proposes to change

- a) the types of programs and venues offered within the building and
- b) the allocation of space dedicated to various tenants within the building.

Changes include increase in commercial footage and reduction in parking spaces for the new tenant. Also, demand for parking for the entire building will decrease from 211 spaces to 205 spaces. Included in the modified application are changes in the anticipated sewer usage on the property.

Dr. Pinto said they received the application previous to that by PLAY, LLC. This is a request by the new operators, District SoNo, that keeps the same venue with some modifications to the previous application. He said that the applicant proposed to change the types of programs the venue offers within the building, and then the allocation of space dedicated to the various tenants within the building, and they were going to change an increase in the commercial footage that is inside the building and outside the building is a reduction of footage. He said the demand for parking will decrease from 211 to 205 spaces that they originally commented on.

Dr. Pinto said this included in the modified application are the anticipated changes to the sewage usage on the property. He said that Ralph Colt, Environmental Engineer for the

City of Norwalk, made 3 comments that covered the existing sanitary sewer and proposed sewage flow calculations and fats, oils, and grease programs with regards to some of the buildings that the food carts present.

Dr. Pinto said they would like to go with the same proposal that they had presided last time. He said he would read the comment. He said the comment was regarding 85-89 South Water Street previously and the new application is 83-85. The comments that they had previously regarding this application was that in general when the Harbor Management Commission's concern about the potential adverse impacts of stormwater runoff from impervious parking areas that drain into Norwalk Harbor. The Norwalk Harbor Management Commission calls for protection and improvement of water quality in the harbor and supports appropriate best management practices to avoid or otherwise mitigate nonpoint source pollution. The Harbor Management Commission supports implementation of reduction in practices pursuant to the City's stormwater rules and requirements and the applicant is required to employ appropriate best management practices during construction and renovation of the 85 Water Street proposed work, including any removal of debris does not cause any significant impact on the environmental quality, including water quality in Norwalk Harbor. Due to increased patronage of cars parked in the area, the applicant should be sure that the parking facilities that are used have appropriate measures to reduce or otherwise manage stormwater runoff from the property. The Zoning Commission should impose appropriate conditions for approval on assurances that the catch basins, sub pumps, oil separators and filtration systems are properly maintained on the properties that the applicant will be using for parking.

Mr. Romano said that on the previous application that it was supposed to be an adult type entertainment facility and also part of it was a slew or gaggle of food trucks. He thought that had changed somewhat as they are going to have interior food places built.

Dr. Pinto said that is why they increased the area inside the building.

Mr. Romano said that he didn't see any real issues.

Dr. Pinto said they still plan to have foot carts outside the building along Elizabeth Street.

Mr. Steadman asked if they are including new stormwater management facilities.

Dr. Pinto said they had a stormwater report on that.

Mr. Steadman asked if they were sure that what they proposed is an improvement on the site now, because if they improve it and there is less discharge to the harbor, then they can conceivably say this is consistent with the Harbor Management plan. He said that, if there were not sure, they could say that they have no objection with the understanding that there won't be any significant impact on the harbor.

Dr. Pinto said they mostly have retail space for furniture before, mostly paved lots. They don't have much greenspace there.

Mr. Steadman asked what the schedule is for the Zoning Board to have a hearing on this.

Dr. Pinto said they were planning to have an axe throwing venue.

Mr. Steadman asked if they had a representative of the applicant come in to address this.

Mr. Romano said that Ms. Succhi presented it.

Mr. MacDonnell said that the parking is across the street with the bakery and seafood restaurant.

Dr. Pinto said it was on the waterside of Water Street and they were planning catch basins.

Mr. Steadman said that catch basins don't treat anything, they are just getting the water off quicker.

Mr. MacDonnell said they were talking about the lot at 15 Day Street and asked if that was a new lot, which is parallel to Water Street.

Mr. Steadman said that this letter of transmittal to Dr. Pinto is dated June 23 from Attorney Liz Succhi.

Dr. Pinto said he saw documents come in piecemeal to him. He said he thought he saw an environmental report for the system that was proposed. All they had was sewage flow calculations. Mr. Romano said that goes to DPW because of the sewer line.

Mr. Steadman said that they could say, provided that there is a time constraint with the hearing, that the Commission has no objection to it provided that the Engineering Department determines that it meets all city requirements for stormwater management and that the redevelopment will improve stormwater management on the site.

Mr. Romano said that P&Z and DPW will have their own requirements.

Dr. Pinto said that the only thing they've addressed was in the letter from "Robeso" & Co. was the architectural surveyors and engineers to the City of Norwalk, which was dated in May. He said they indicated that the change that takes place with District SoNo, the new owners now, has mixed results and a reduction in sewage flow from 9,800 gallons per day proposed by SoNo PLAY, and 5,000 gallons per day by District SoNo, which includes some of the additional spaces they had. Therefore, the proposal will have a lesser sewer usage than the previous proposal.

Dr. Pinto said he would check with Attorney Succhi on that.

Mr. Kibbe said that Attorney Succhi's letter from June 24 says the parking resources on Water Street and Day Street remain dedicated to 83-85 Water Street building and all uses within. He asked whether the previous applicant had worked on anything in the parking area with regards to stormwater control.

Dr. Pinto said no, and that all they were going to do was keep the status quo with regard to the runoff. He said they could go ahead and make a motion on it with the changes addressed by Ralph.

Mr. Steadman said that he didn't want to say that it is consistent with the harbor management plan.

Dr. Pinto pointed out that the parking spaces went from 211 to 205.

Mr. Steadman asked about the date of the original letter that was sent for the previous application. Dr. Pinto said it was December 26, 2018 by the previous owners.

Dr. Pinto said that it isn't consistent with their plan, but they still had to move forward with their review with the changes to the parking area between the two owners. He said they can go ahead with their previous comments and still reserve the right to review their application when it goes up for further public comment.

Mr. Steadman said at such time as it goes up to a public hearing to provide additional comments and provide additional information, but the understanding would be that they have no objection to it provided that the City says that it meets the stormwater requirements and it will provide an improved stormwater situation on the properties.

Dr. Pinto says they had that in the fourth statement that they had to improve measures to reduce stormwater management or stormwater runoff on the property, and should impose appropriate conditions for approval of assurances that catch basins, sub pumps, oil separators, etc. be placed.

Dr. Pinto said he didn't know who owns or if someone is leasing that parking lot, but that's what they have available to them.

Mr. Romano said that the parking lot is under review for a zone change, too, from that parking lot all the way up to 107. He said he thought that might be 96 or 86.

Mr. MacDonnell mentioned that this was in the presentation before last.

Mr. Kibbe said the application for zoning includes parking lot #1 and parking lot #2.

Dr. Pinto said that right now they just need to come up with some of their concerns regarding the drainage in the parking lot. Perhaps a concern about the food trucks that come along the side of the street that they require a drainage system, or if they are self contained.

Mr. MacDonnell said that food trucks are licensed separately and held under separate regulations and can park anywhere they want based on whatever rules there are on that, regardless of anyone else in the building.

Dr. Pinto said the only concern for them is the parking area around Water Street. He said they can go with the idea that they will revisit this later, allowing them to go forward, but without indicating that it is consistent with the harbor management plan, until further information is available.

****MR. ROMANO MOVED TO APPROVE A MOTION TO EXPRESS NO OBJECTION FOR THE PROPOSAL FOR 83-85 WATER STREET WITH THE STORMWATER MANAGEMENT UNDERSTANDINGS
MOTION PASSES UNANIMOUSLY.

Dr. Pinto said they will be meeting with Mr. Gryslinski hopefully next week to discuss the turbidity issue and info that was collected by the DOT. He will review that information with him and hopefully move forward with that. He said they were going to hear from the DOT, and the DOT has sent a letter requesting to discuss (in their August meeting) recent findings for the Bridge Project.

Mr. Steadman said that is the big issue. The DOT has submitted a revised permit application in June, but they still have not had an opportunity to hear from DOT about that revision or to provide any comments to DEEP. He said he thought that after the last meeting, they wrote to DEEP asking them not to take any action on this until they have a chance to hear what the revisions are and to provide their comments.

Dr. Pinto said they have not had a response from them.

Mr. Steadman said they might want to follow up on that, because if they don't meet until the end of August to review the proposed changes, and the revised application was submitted at the end of June, that's two months and it might be tentatively approved before they have time to comment on it.

Dr. Pinto said that the other caveat to all this is why they removed Manrissa project from their website.

Mr. Steadman said that this is all part of the issue, that they need to hear from them about how and why they revised their original submission.

Dr. Pinto said they are constantly behind the gun and that they might be trying to sneak through this way.

Mr. Steadman said that it is not just an exercise to be notified what their plans are, there is a review process and their comments should mean something.

Dr. Pinto said that should preface any meeting with them and that they should express their disconcern with the process moving forward. They went ahead and submitted their application and the Shellfish Commission had no opportunity to make comments, and with the public, make comments with regards to the Manrisa staging area. He said that nothing really has been commented on by them.

Dr. Pinto said they didn't bring forward, instead of moving it in September, which they originally. They got a letter from Chris Samaracha indicating that the DOT would like to discuss it in their next meeting on August 26.

Mr. MacDonnell asked if the new EAIE, whatever document they produce, is on their website. He said that it had been on the website and then it went down and the previous version was removed around the time they announced the public meeting and all that. He said he would check back now to see if there is a revised copy of this document available. He asked if it had been submitted to them formally.

Mr. Steadman said that was a different matter, and the way they understood it from talking with the DOT representatives when they were talking about the vessel relocation with them, and maybe this has changed, but they were not planning on revising the EEA. He said they were planning on submitting a letter to the Federal agency, essentially saying that it was not necessary to revise the EA because the revisions that they are proposing would be less impactful than the original proposal. He said that that was their question - is that letter subject to public review? He said that they don't have that answer.

Mr. MacDonnell said they don't even have the document that they are submitting available online.

Mr. Steadman said that nothing had been submitted to them, and again, that is different from the big DEEP revised permit application, which is hundreds of pages long. He said that is why DEEP, Mr. Gryslinski's words were "strongly revised" by DOT to come back to the Harbor and Shellfish Commission to make a presentation as to what has changed from the original application. He said that is what they are looking forward to talking about. He said the Shellfish Commission would wait until their meeting the first week of September to hear this, and then they would be able to provide revised comments in the next day or the next week. He said it would be reasonable to take another month and provide in September their comments. Also along with this is how to fit this is with the status of the Eversource proposal, which they have heard nothing about.

Dr. Pinto said that they are doing the best they can and they are also meeting with the City Engineer, Vanessa, who should have some information with regards to the Eversource project.

Mr. Steadman said they might want to follow up with Mr. Gryslinski again, to tell him what they know of the schedule now, and for DOT to come back to the Harbor Commission in August, and make it clear to DEEP how their review and the presentation fits in with the regulatory process.

Dr. Pinto said they could hang over their head a notice of insufficiency.

Mr. Steadman said that for DEEP they could do it, but how does that fit into the Harbor Commission and how that fits in with the schedule of the overall work.

Mr. Romano said it's going to move their window of work to December.

Mr. Steadman said that is for the signal cables, but they were anticipating that they would have the permits in place to do this work at the beginning of next year. He said there are many unknowns and that is why it would be good to just have a discussion with Mr. Gryslinski about how this process is going to play out.

Dr. Pinto said he sent one email to him regarding the water turbidity issue in Norwalk Harbor, and the data that was submitted by the DOT, and the data that was analyzed by Tom Hart. He said that, at the same time, he requested another phone conversation with him to discuss those issues.

Mr. Steadman started to say something regarding the Wilson Avenue project.

Dr. Pinto said they had a public hearing on that.

Mr. Steadman said that he listened to the public hearing and it was very interesting. He said the Zoning Commissioner asked good questions about the proposal and Mr. Klepping also made a very good review of comments on it. He said that, as a result, the hearing is continued to August 6. He said that listening to it there were interesting things and questions that are relevant to this and other applications as well. One is how the Harbor Commission's comments are actually considered in these sorts of hearings by the Zoning Commission.

Mr. Steadman said that listening to this Wilson Avenue proposal, the attorney for the applicant mentioned that the Harbor Commission and other agencies and departments had done their review. He said the implication is sort of that they all sign off on them, but the Harbor Commission had no objection to this moving forward, but also expressed concerns about the potential runoff of metals and other pollutants from the site into the

wetlands. That wasn't brought up at the meeting, hence the need for the added assurance with protections.

Mr. Steadman said he hadn't heard back from Mr. Kleppin on that. He asked when the Harbor Commission submits a letter like that, how are the comments entered into the record of the hearing. Do the Zoning commissioners get those comments and have a chance to know what they are? In other words, using this proposal as an example, the applicant was arguing that this is a project that won't be impactful because it's using an already disturbed site, but that implies that what takes place is not going to runoff into the wetlands nearby. He said that it would be interested to see how their comments are actually transmitted to the Zoning commissioners.

Mr. Steadman said that they did mention they needed to get a DEEP general permit, which they would have a chance to review.

Mr. Steadman said that the other thing was more of a Shellfish Commission matter, there was a discussion about the impact of runoff into Village Creek on shellfish beds, and the applicant's attorneys mentioned that none of the shellfish beds nearby are open, but that's not the issue. He said the issue is not that there is an open shellfish bed, but that the whole area is a shellfish resource that has wetlands, the intertidal flats and water quality that supports shellfish as well as the populations of the shellfish. He said that when an applicant says there are no open shellfish beds, the Shellfish Commission has to make clear that that doesn't mean anything, and that everything is a shellfish resource.

Dr. Pinto said that Mr. Steadman had made those comments several times before.

Mr. Steadman asked what effect that has on the Zoning Board. He said that if they put it in a letter to them and they never see it...

Dr. Pinto said a copy is always sent to Kleppin and Bryan.

Mr. Steadman said the question is what do they do with that. He said do they send it to the Zoning Board, because they didn't mention the concerns they had in the public hearing.

Dr. Pinto said that is an interesting and excellent point and it is something they have to pursue at the meeting with Zoning.

Mr. Steadman said that the implication with this application was that this isn't a problem because it's using an already disturbed site, but right next to the disturbed site there is a valuable coastal wetland and intertidal area. He said the issue is not what's on the site, but whether what's on the site gets off of it, and that's why we were arguing for protection.

Mr. Schnierlein interjected saying that he got a call from Brian Baker who asked him if there were shellfish beds there. He said he said yes, but they are not active. He said that he was sure there was shellfish in the area, so the Planning Commission is aware of that.

Mr. MacDonnell said that the part of the Village Creek neighborhood, where he is a part of, is stoked with oysters and mussels and clams. He said the recreational beds start at Cedar Hammock, which is a mile from the site and directly downstream. After that are the commercial beds.

Mr. Bartush said that this area is a clear tract that has been identified in Superior Court as part of the Commission's jurisdiction since 1882.

Dr. Pinto said that Mr. Steadman had made an excellent point and that it was something that they need to pursue with Mr. Kleppin. He said that letters are sent out fully commented on, and they don't know whether it gets set of deaf ears or not.

Mr. Steadman said what would have been helpful at this hearing is not that they went through the Harbor Commission review process, but the Harbor Commission is concerned about the proximity of the site to the intertidal area and the concern that runoff of metals and other contaminants would go into the area. He said that would have been a proper comment to make at a hearing like this.

This concluded the Application Review.
The second part of the combined meeting continued.

Mr. Romano said they were missing Gregg tonight and that he would have some of the holes to fill in. He said that maybe some of them who are in the know could do that.

CHAIRMAN'S REPORT

Mr. Romano said he did not have much to report except that Mr. Kibbe had brought to his attention, because of his lack of sign up on local news media, that Norwalk had received a \$400,000 grant on Friday from Homeland Security based on the fact that they have a working active harbor. He said that \$150,000 of it is going directly to the purchase of a new, used, refurbished boat for the Norwalk Marine Police and they are going to replace the two boats that they do have, and sell them outright.

Mr. Romano said that he thought they should be making a plea to the Mayor, although there may be a little struggle because it's the Police Department's budget that it would impact, because if they sell the police boats, the funds would go back into their budget for their use. He said that maybe if it goes to public to bid, then maybe they, on behalf of the City, should be bidding it and speaking to the powers that be to find a process to work,

because both those boats seem to be in fairly good shape, and would be a nice replacement for the boat that they share with Shellfish, which needs all kinds of attention and repair with the age of it. He said they need to upgrade to a certain degree, which he said they've talked about putting this in future budgets, but this could be an opportunity.

Mr. Romano asked everyone to keep that in mind and that it might be somewhere in the next 90 days. He asked to add it to next month's agenda and said that he would send an email to the Mayor, expressing that they have an interest and if there is any support from the City that would be great.

Mr. Schneirlein said that when the present Shellfish boat was purchased, one of the deciding factors of purchasing that boat was having a shallow draft so that the Marine Police or the Shellfish Wardens could get into areas where people were shellfishing. He said that he didn't think any of the Marine Police boats have that option. He said that they draft about 3.5-4 feet of water.

Mr. Romano said they would need to get the actual number. He said that his 50 foot used to draft 3 foot 6, and those boats aren't 50 feet and it depends on the hull configuration. He said they need to explore that and those conversations could be easily had. He said they also want to know what condition they're in and if they're worth pursuing. He said they could get an old bayou flat boat, which could help them get into the shellfish bed. He said this is something to consider for the future to keep on the radar.

STAFF REPORTS

a. Harbor Master – Gregg Scully

No report.

Mr. Romano asked for updates on the abandoned boat, because the times have lapsed.

Mr. Santella said that he didn't know about it and he said that it was in someone else's hands.

Mr. Romano said that the deadline was supposed to be 10 days ago. He said that they are waiting for a place on land to become available and most likely it could wind up at Cove Marina, set up on dry dock, and set to auction, unless it was redeemed or fines were paid.

b. Consultant – Steadman

Mr. Steadman had a question about the letter that they wrote to the Parks & Recreation Director asking for information about the operation of the Visitors' Dock. He said they haven't heard a response back from them.

Mr. Romano said he hadn't seen anything and that he didn't know what their agenda is. He said that all of that, including beach use is fluid and evolving - it depends on the temperature that day of the Mayor and those are edicts that come down from the top. He said that he didn't think it had anything to do with Parks & Rec themselves.

Mr. Steadman mentioned that he and Tony Mobilia have prepared a reformatted Harbor Management Plan for the website and for distribution. The Plan document that is on the City website now highlights the most recent changes, which were 10 years ago. He said they prepared a clean copy of that. He said that, maybe at the next meeting, before posting that on the website, they should share that with everybody. He said they haven't changed any of the substance of the Plan, it is just reformatted with strike-outs and underlines removed.

Mr. Romano asked if they should be considering taking that to the Committee if there are things that are due to be done because the last changes are 10 years old.

Mr. Steadman thought that was a good idea and said that they wanted to address the issue to which DEEP or State Officials are bound by the Harbor Commission's recommendations. He thought they should emphasize that and make it clear that, pursuant to the General Statutes, a recommendation of the Harbor Management Commission that is supported by the policies of the Plan is binding on State decisions.

Mr. Romano said that had to be very bold in the document and throughout the document.

Mr. Steadman said that this was in several places in the documents. He said they have had discussions with DEEP and arguments about this on whether it's binding - is it a recommendation that is in the Plan and spelled out ahead of time or is it the recommendation that the Commission makes when reviewing something? He said the issue of the railroad bridge is the perfect example of this. He said the Plan doesn't say how the bridge is to be rebuilt, but it has policies to protect water quality and water-dependant uses and public access, and that is what they are basing their decisions on.

Mr. Romano asked if he was mistaken on the Harbor Commission Plan by virtue of State statute, because DEEP leadership and whoever they're under by design of the government changes.

Mr. Steadman said this is the big issue that they've had discussion with DEEP about, but in the last 3 years, there have been several new Harbor Management Plans, 2 new plans approved by the State and 1 plan updated. The language that DEEP has approved is what he just said - that it is the recommendation of the Harbor Management Commission pursuant to the plan that's binding. He said that is what they have to emphasize and that's what has been delayed because of the virus.

Mr. Steadman said there has been a lawsuit in Stamford Superior Court - a guy in Greenwich is aggrieved by his neighbor's dock, which some people might say is a trivial matter, but one of the issues being considered is the extent to which the Harbor Commission in Greenwich's recommendation is being considered by DEEP. He said the concern there is that the Superior Court could make a decision that diminished Harbor Management authority, and that's why the legal office in the Town of Greenwich has intervened in that.

Mr. Steadman said that they might want to talk to Norwalk legislators about making a statutory change to take away any ambiguity or uncertainty about that.

Mr. Romano said he thought this conversation should be in committee for logical reasons. He said it depends on the basis for what that lawsuit is for the use of and the commands of the Harbor Commission, or they're going to overrule a specific isolated issue.

The moderator brought Pete Johnson into the conversation, but the connection failed.

SHELLFISH COMMISSION

Mr. Bartush said that both commissions may wish to consider additional allocation of funds for Professor Hart and the aforementioned presentation to DEEP with respect to the turbidity analysis that he has wonderfully completed. He said that is something they will certainly bring up on the 3rd.

Mr. Bartush said he remembered with respect to the 310 Wilson Avenue proposal that this commission's decision last month was based on changes that would have been made to the second iteration of the Plan as recommended by DPW. The Shellfish Commission isn't in receipt of the tertiary plan and he is wondering if they have received the final plan from this applicant.

Mr. Bartush said that recreational shellfishing is open in Norwalk. He said to take a look at the tide charts - not super tides this weekend, but they are in the afternoon.

Mr. Bartush said they did receive a pier, ramp, and floating dock application from Mr. Hilts for 28 ½ Shorefront Park, so please look for an invitation from him sometime in August around a low tide so they can do a site inspection.

Dr. Pinto said they received that as well, so they can go forward to the full commission for the application review. They just received that the other day.

Mr. Bartush said they will be meeting on the 3rd of September. He said DOT is already on their docket. They have asked that the questions that were submitted by both

commissions during the public meeting on June 16th be answered prior to this meeting and that they be posted publicly. He said to see if that happens.

Mr. Bartush said the Shellfish Commission wrote a letter to Mr. Michael Gryslinski at DEEP requesting that he and the Department take no action until such time as the Shellfish Commission could review this revised application. He said they've received no response from him, nor the Department.

Mr. Bartush said they also sent an email to Eversource to Mr. Ian Cole, asking for a status update from them, and there was no response.

Mr. Bartush thanked the chairman. He encouraged people to eat Norwalk shellfish and support your local restaurants.

OTHER COMMITTEE REPORTS:

a. Application Review

b. Mooring and Harbor Safety - Santella

Mr. Santella thanked the chairman. He said that applications are continuing to come in for the 2020 season. He said the committee continues to address any issues and concerns as the season progresses. They have 46 applications, 33 applications under review. All applications are reviewed and emails are sent to each applicant listing their missing documents, such as registration, insurance, inspection, or other such documents.

Mr. Romano said that Pete Johnson wanted to speak, but no one sent him the link. They confirmed his email address (pete0120j@gmail.com) and sent him an invitation, but he was unable to join.

Mr. Santella said that, under Harbor Safety, he really had no reporting. He said he has not received any issues or concerns regarding harbor safety.

Mr. Romano asked about the mooring money.

Mr. Santella said the last good-sized check was Sprite Island. He said the problem is that it takes quite a while as they get into the season. He said that Matt did not send in a list of moorings for his field.

Mr. Gifford said the check was attached to it.

Mr. Santella said that it was not.

Mr. Gifford said he would email that over to him.

Mr. Santella said that he is waiting for checks for the mooring fields and that's the bulk of their money.

Mr. Romano asked if there were seeing numbers that were up or down with regards to the pandemic.

Mr. Santella said that the number of moorings this year are less than last year. He said they've been reducing every year, so they might say they are in a negative spin here.

Mr. Romano said that Mr. Santella should explore several locations in town that are city-owned property that maybe they can charge a little more for to have a little dingy basis, to make it more convenient for people to use the moorings.

Mr. Santella asked if he spoke to Planning & Zoning about that.

Mr. Romano said that they were talking about the transient moorings, to have something behind the Dunavan Center, but there are other locations in town, too, because the moorings are spread all over. He said they were talking about doing something at Vet's Park regarding transient moorings. He said the regular moorings - not everybody is like Tony Mobilia, who likes to go out and exercise, walk his dingy and bring it in and out. He said it may be more convenient for people to use the mooring system. He said that if they had a place to keep their transportation to and from their boat, would that make more sense looking towards the future.

Mr. Santella said he has not heard much request for dingy space, to be honest. He said that people somehow get out there to do their thing. He said that it probably would attract people, but he would prefer to work on the transient moorings, solving that problem and expanding it.

Mr. Romano said they have to work on that. He said Brett was supposed to get something going on that this season with the transients, but the pandemic and the virus has really a kink in a lot of progressive ideas and thoughts.

Mr. MacDonnell (?) said that, in his experience, it's not difficult to find a transient mooring anywhere.

Mr. Bartush said they decided to close and revisit them for September, so the 5-mile River commission transient moorings are not currently open.

Mr. Kibbe said that from John's point, he asked for an inventory of land that is designated as coastal access or public access to coastal areas, and he hasn't been able to get back to him about that. He said there are a lot of places - Shorefront Country Club, they had a guy from the City of Norwalk mooring, trying to launch his dingy from the country club launch ramp and he was prohibited from doing that, but right over a fence is a public access to the water. There is parking for 4 or 5 cars on the street and they fixed it all up with a flagpole so you can see it from the water. He said that the reality is that there is nothing preventing them from putting a little float out there with dingy access. He said they need to pursue that. He said the same with City moorings - the edge of the mooring. The streets are all public access. He said this would attract more seasonal mooring people.

Someone said the same about the Second Street moorings. He said they could have access or parking there and it is probably the same situation on Fourth Street or Fifth Street. He said that is pretty convenient and something to keep in mind.

Someone said that it is pretty convenient, but the neighborhoods are putting up signs saying 'private property'.

Mr. Santella said that that wasn't true.

Mr. Romano said it is on Second Street where the Third Taxing District is.

Mr. MacDonnell asked if the plan was to create a map of public access points and property along the harborfront.

Mr. Romano said he thought they had that in the Harbor Management Plan.

Mr. Steadman said they haven't updated that in awhile and it is a good exercise to do now, because there are probably some areas that, since the plan, have been designated for public access through new developments. He said that this is a good project to do.

Mr. Kibbe said he was sure they had been gentrified - new finished offices...thinking it's a part of their yard. He said he was concerned that people might think about parking and walking through the property to the shore.

Mr. MacDonnell said that he will go through the exercise of going through the Harbor Management Plan, comparing it to the GIS information that is actually available now, which can tell them what is public and what is private. He said that he didn't know how to make that information public and how to get people to secure their dinghies, which is a whole other side.

Mr. Kibbe asked for the GIS information.

Mr. MacDonnell said to google "GIS Norwalk". He said that it is clickable on the City website and it will tell you who the owners are.

Mr. Bartush said that it is his understanding that the Town of Branford has put up street signs indicating their access ways.

Mr. Kibbe said that once those areas become owner-occupied that they will be gone forever.

Mr. Schnierlein said that another solution was from the town of Newport, which used to have a launch that would come and pick people up from the moorings. All they had to do was radio in and they would launch them out. He said he didn't know if they were still at it, but he thought they were still doing this 3 years ago.

Mr. Kibbe said it costs money to maintain the boat and they have to have a licensed captain, so it is not a simple issue. He said he was over at Port Jefferson two days ago, and Murphy's Marine has a water taxi, but it is a licensed skipper. He said it'll take you anywhere for about \$20 a head each way, so it's not expensive either.

c. Finance - Mobilia

Mr. Mobilia said he had some good news and some even better news. He said the good news is that they paid all their bills this month. He said their revenue came out to \$2,526, and that included the Sprite Island Yacht Club. He said the expenditures were \$9,210.49 and that included Telesco, online mooring applications. He said in the revenues the online mooring sent them \$1,490. He said they have a balance this month of \$880.20.

Mr. Mobilia said that the better news, which he just found out today, is that their grant was approved for \$20,000. He said he had to go through some sort of invoice to get that money put into their account. He is in the process of getting that information.

Mr. Mobilia said they were in overall good shape and they have Mr. Steadman paid up at least until January 1, 2020. He said they still owe him some expenses to be paid in the next month when he gets the grant money deposited into the account. He said he would let everybody know when they are completely solvent.

d. Plans and Recommendations - Mangels

Mr. Mangels was not in attendance this meeting.

Mr. Gifford said they have been trying to nail down a couple of parties to have another meeting, specifically on the commercial side, the Rex Marina, and the Cove Marina. He said that August frees up for them a little bit better, so they trying to determine whether the meeting will be socially distanced, in person or via Zoom.

e. Newsletter / Website - Kibbe

There was no report at this time.

f. Water Quality - Crespo / Schnierlein

Mr. Schnierlein said they discussed having a draft for water use policy in Norwalk. He said they should be able to finalize that by the next meeting, then it will be sent to whomever is involved in planning and water supply for the City of Norwalk. He said that Geoff did send out a notice to them about the meeting that should come up with them and Aquarian, which does not involve Norwalk directly, but it is Aquarian transporting water to the surrounding towns.

Mr. Steadman said that this is the Aquarian plan B, after withdrawing the proposal to utilize the Wilton wellfields last year. He said it is for the same purpose - to bring water to Stamford, New Canaan, Darien, and Greenwich during times of drought. Instead of taking it from the Wilton wellfields, they propose to take it from reservoirs in Fairfield and Easton.

Mr. Schnierlein said that they double the volume.

Mr. Steadman said the Fairfield Harbor Commission used the same type of letter that the Norwalk Harbor Commission wrote last year or the year before, asking for a public meeting to allow people to question Aquarian and the DEEP agreed. He said the difference is that this will be a remote meeting. He said the same issues apply - to what extent does conservation fit into Aquarian's long-range plans, especially now as they have an interest in selling water.

Mr. Schnierlein said they also discussed the online public meeting they had with the Department of Transportation with regards to Manrisa. He said that they had no communication with Eversource and no communication with DEEP and no communication with the Department of Transportation with regards to the bridge project. He said that he talked about the turbidity measurements with Mr. Steadman, and the walkbridge and the Department of Transportation and their 3 monitoring sites. Consultant Tom Hart has analyzed the data that has been sent in. Mr. Schnierlein said that he personally had an issue with the data, because the data is not from standardized stations, specifically the upper level data should be one meter from the surface and they did not do that. He said they haven't established a midpoint in the tidal cycle, which means it could be significantly below the high tide mark, as well as not even close to it. He said the question here is can they do it right in order for them to benefit from this turbidity data.

Mr. Schnierlein said they need to know that because plankton migrate. He said they migrate to a level of source of light that they best metabolize, and they also do it to avoid predation, so they don't stay in the upper foot or meter. Instead the plankton drop down during certain periods of the day and then they'll rise and the zooplankton will follow the phytoplankton up and down and it's like an old calliope - they go up and down all day long. He said if they don't have that upper setting, they'll never get significant data there.

Mr. Schnierlein said that Diane Lauricella said that it would make benefit to meet with the code enforcement committee to express concerns over developments and the extent over developments which the City is going to have with regards to planning for water use. He said if they are going to have a 10-20% rise in population, he didn't know if their water supplies can handle that. He said that Tom Clark, the Director of Health in his daily briefings said that the Mayor's office said the reservoirs didn't receive any precipitation from the recent rains. The Mayor mentioned conserving water in his daily briefing.

Mr. Schnierlein said their next meeting is August 6.

Dr. Pinto asked about the turbidity measurements and if there is a concern because Tom Hart had put that together and integrated that data into what they thought was valuable information to discuss with DEEP. He said that if there is a flaw in that data, then that sets everything back on the type of information they require.

Mr. Schnierlein said that is what he has been saying all along and he hasn't stopped saying it. He said they should have a bottom sample and a surface sample, and then there should be something in the middle. He said that this is standardized for taking most samples in a marine environment.

Dr. Pinto said they don't have data from the bottom other than the data that Dr. Breslan provided them during a study with students that was submitted for information at an earlier meeting. He said that other than that, they have no information. He said Mr. Hart had some interest in acquiring some particle size data that was missing the equation. He said they are putting together a presentation.

Mr. Steadman said they needed to involve Mr. Schnierlein.

Dr. Pinto said that they need to meet with Mr. Gryslinski sometime next week - August 3,4,5,or 6. He said that Tom Hart has gotten the data together for a PowerPoint presentation. He said that Shellfish and Aquaculture want to participate as well. He said that Steve, himself, Geoff, and Mr. Gryslinski, and Mr. Ganye from DEEP, and Mr. Hart could be at a Zoom meeting sometime next week. He invited Mr. Schnierlein to participate in that meeting.

Mr. Steadman said that they didn't generate any data and that the data was generated by DOT.

Dr. Pinto said that the data is flawed, and so are those results.

Mr. Schnierlein agreed and said that he had been telling DOT that all along. He said that when they didn't attach the top monitor to a dock, that told him that they have a variable that is going to be predictable, but it is an extra variable in calculating the data or results. He said it is because it won't be one meter from the surface, they'll have a monitor that is probably 8-9 feet down and at one point could be covered by 1-2 feet of water and in other cases be covered by 6-8 feet of water. He said that is an extra variable rather than

determining what plankton are rising to the surface, because the surface isn't there all the time.

Dr. Pinto said this is very disconcerting.

Mr. Steadman said this is part of the discussion.

Dr. Pinto said that the numbers that were generated by the DOT hopefully can be salvaged.

Mr. Schnierlein said the lower numbers can be.

Dr. Pinto asked if they could be used as their own control. He said he has wind, tide, and rainfall all combined with regards to the numbers he's been generating.

PUBLIC COMMENT

There was no Public Comment at this time.

APPROVAL OF MINUTES

Mr. MacDonnell made changes to the minutes. He noted that they requested the report from 310 Wilson Ave on the test pitting for the drainage there. He said that they have not received that yet.

****DR.PINTO MOVED TO ACCEPT THE JUNE 3, 2020 MINUTES AS AMENDED
**MR. KIBBE SECONDED
MOTION PASSES UNANIMOUSLY

ADJOURNMENT.

****MR. MACDONNELL MOVED TO ADJOURN THE MEETING AT 6:41 PM
**MR. KIBBE SECONDED
THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 6:41 p.m.

Respectfully submitted

City of Norwalk
Harbor Management Commission
Application Review and Special Meeting
July 29, 2020

Elizabeth Anaya Sheils
Telesco Secretarial Services

City of Norwalk
Harbor Management Commission
Application Review and Special Meeting
July 29, 2020