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City of Norwalk Shellfish Commission Meeting November 5, 2020 Minutes

CALL TO ORDER 7:22 PM

ATTENDANCE

Commission: Steve Bartush, Pete Johnson, Joe Madaffari, Nick Sacchinelli

Staff: Thomas Closter

Police:

Advisory:

Guests: Joe Schnierlein, Geoff Steadman, Jeff Westermeyer

MEETING WAS HELD BY ZOOM

A MOMENT OF SILENCE IN HONOR OF TONY MOBILIA

Commission talked about naming a Public Facility after him

PUBLIC COMMENT

Jeff Westermeyer from Triton Coastal Consultants discussed an application by Norwalk Cove Marina at 50 Calf Pasture Beach Rd to deepen the existing authorized dredge footprint. Dredge approximately 24,500 cubic yards of material from a 123,000 square foot area to a depth of 13' MLW, plus 1' foot of allowable over dredge and dispose of the material at the Central Long Island Sound Disposal Site.

After discussion, Motion by Commissioner Bartush, second by Commissioner Madaffari to approve application pending review of sediment data. Unanimous Vote

MINUTES OF LAST MEETING

October Minutes approved with no corrections by Comm. Madaffari, 2nd by Comm. Bartush. Unanimous Vote.

TREASURER

Report read in to the record:

	NAME	DATE	AMOUNT	REASON
BALANCE		10/1/20	\$23,109.18	
DEPOSIT			\$	
INTEREST			\$	
EXPENSES	Frontier		\$ 87.28	Phone
BALANCE		11/2/20		\$23,021.90
	Last Year	11/2/19		\$19,114.03
	Two Years Ago	11/2/18		\$24,741.18

SECRETARY

No Report

COMMITTEES

HEALTH DEPT

Mr. Closter reports:

6.38 inches of rain in October. Average since 1987 is 4.49 inches of rain for October. There were 242 calls in October. There were three closures for Cooke's Ground for over 0.5 inch on October 13, 16 & 29, 2020. There were two closures in the CAA (1-1.49 inches) on October 16 & 29, 2020 and two closures in the CAA1DN (over 1.5 inches) for October 16 & 29, 2020.

There were no reports of a bypass for October.

WASTEWATER

No Report.

WATER QUALITY

Chairman Schnierlein discussed the wastewater treatment plant and their renewal permit (DEEP NPDES) and if the plant can handle the increase in population with new developments. District Water Companies state there is enough water but there are concerns, especially with the current drought conditions. Ralph Kolb from the Water Pollution Control Authority states the facility is well below the capacity threshold set in its operating permit by DEEP. The Water Pollution Control Facility is an 18 million gallon per day advanced wastewater treatment facility that has installed six new main lift pumps able to handle wet weather flows of up to a peak of 95 million gallons per day. The Water Pollution Control Authority is in the process of evaluating future capacity within its updated facility plan and it will incorporate projected growth and development for the next 20 years.

Chairman Schnierlein talked about the Save the Sound Annual Report for the Norwalk Harbor. The Norwalk upper harbor received a grade of F. The middle harbor received a grade of B- and the outer harbor received a grade of B+. The grading is based on dissolved oxygen, chlorophyll, oxygen saturation, macroalgae, and water clarity. The data used was from 2019 and there are a lot of questions. The sampling and studies did not take place year round. Chlorophyll is a good test but needs to be taken in conjunction with plankton and algae samples. The report has no Nitrogen data. Save the Sound did not compare any data with the Norwalk Health Department, Bureau of Aquaculture, Army Corp of Engineers, Coast Guard, or with Dick Harris.

PERMITS

Commissioner Mattera absent, no report.

POLICE

Sgt. LaPak absent, no report.

ADVISORY

Water temperature reported at 55 degrees.

HARBOR MANAGEMENT

No report.

Motion to accept committee reports by Commissioner Madafari, second by Commissioner Sachinelli. Vote Unanimous.

OLD BUSINESS

None.

NEW BUSINESS

1) The Shellfish Commission received a DEEP Permit Consultation Form from Kevin Foley of 28.5 Shorefront Park to construct a 4' by 68' piling supported timber pier, 3' by 40' aluminum ramp, and 8' by 20' piling anchored timber floating dock for private recreational boating.

After discussion, Commissioner Bartush made a motion, second by Commissioner Madaffari, to approve the application with the following conditions: Unanimous Vote

- The work described will adversely impact a shellfish area. However, this is a summary of our recommendations to mitigate damage to this natural shellfish bed as this local Tract 2 area is indicated on that certain map entitled the "Map of the Natural Oyster, Clam and Mussel Beds in the Town of Norwalk, Connecticut, December 1882, G.S. Aiken, C.E." Said designation of the natural oyster, clam and mussel beds was confirmed by a decree of the Superior Court for Fairfield County, dated December 12, 1882:
 - 68' Pier, as such the last waterward pile pair is beyond the local *Spartina* peat/bog.
 - Total waterward encroachment should be identified (pier + ramp + dock).
 - 3 x 40' aluminum ramp with winter removal and offsite storage (November 15 – April 15).
 - 10 x 16' floating dock with winter removal and offsite storage (application is 10 x 20', smaller size matches neighbor at 30 Shorefront Park, which was recently approved).
 - 18" float stops.
 - 5' right-of-way head clearance below pier, *just below MHW*.
- The NSC will conduct site work inspections to review compliance.
- 100ft² of *Spartina* remediation should be required due to pile destruction of native growth.
- Applicant's agent voluntarily documented the waterward portion of the site as a storm cultch location.
- NSC photos of site to be included with consultation.
- Site is an active natural oyster bed.
- Location is unsuitable for vessel dockage during low tide.
- No dredging of any kind applied for nor approved.
- No mooring(s) applied for nor approved.
- Any construction barges must be removed for low tide to a mooring. Mooring location and technical specifications to be approved by the Norwalk Harbormaster.
- No vessel or structure other than float stops may touch the bottom at MLW.
- Drawings are not official stamped surveys.

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- 2) Shellfish Commissioners discussed concerns regarding the water quality data gathered each summer by hired interns. When and how is the data received and how is the data being used. Both the Harbor Commission and the Shellfish Commission need to have access to the data in real time and any red flags need to be reported in a timelier manner.

Motion from Commissioner Bartush, second by Commissioner Sacchinelli that the Commissions receive a project proposal for the summer of 2021 that includes reports of data to the Mayor's Water Quality Committee, Shellfish Commission and the Harbor Management Commission that contains timely notifications of any red flags. Unanimous Vote.

- 3) Commission discussed concerns that docks are not being pulled out in the winter and are sitting on the bottom. All permits contain wording and a time frame that stipulate that docks will be pulled from the water. The Commission needs assistance from the Harbormaster to ensure this will be done.

NEXT MEETING: Thursday, December 3, 2020 @7:15pm (Zoom)

ADJOURNMENT: 8:00 PM Motion by Steve Bartush, second by Commissioner Madaffari, Unanimous Vote.

Minutes by Thomas Closter