

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT
AND COMMISSION APPLICATION REVIEW COMMITTEE
OCTOBER 28, 2020
VIA TELECONFERENCE**

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

STAFF: Bryan Baker, Land Use Planner

OTHERS: Greg Scully, Michael Silva, Harbor Master; Geoff Steadman,
Consultant; Steve Bartush, Shellfish Commission; Joe Schnierlein,
Water Quality Committee; Richard Warren, O & G Industries; Jeff
Westermeyer, Norwalk Cove Marina; Ralph Kolb, WPCA

1. CALL TO ORDER/PLEDGE

Mr. Romano called the meeting to order at 6:04 p.m. Mr. Crespo led the Assembly in reciting the Pledge of Allegiance.

Mr. Romano asked for a moment of silence in memory of Commissioner Tony Mobilia who passed away recently.

2. ROLL CALL

Mr. Romano stated they had a Quorum.

3. APPLICATION REVIEW COMMITTEE FULL COMMISSION – Pinto

**** DR. PINTO MOVED TO APPROVE THE FOLLOWING APPLICATION**

**** MR. SANTELLA SECONDED**

1. 34 -50 Smith Street, Norwalk Connecticut. Application. The applicant, O & G Industries, Inc. proposes to dredge ~1290 cyds of contaminated sediment utilizing a long reach hydraulic excavator operating from a spud barge excavating within a movable boomed turbidity curtailed area. Sediment will be placed into contained dewatering area on the upland aggregate storage area and disposed of at an appropriate upland waste facility. In addition to the aforementioned dredged material, the Applicant is seeking approval to complete maintenance dredging of an additional 1,010 cyds of material along the barge berthing area as previously authorized under COP-2000-031-SM

Mr. Warren from O & G Industries was present. The applicant stated that a portion of the material is considered contaminated. It was determined that the levels of lead and Antimony were unsuitable to leave in the River. A portion of the area to be remediated is in the federal channel. Mr. Steadman noted that the Army Corps of Engineers has a program where any work done in a channel requires a letter from the chief elected official. That process (408) is specific to the Army Corps of Engineers. Dr. Pinto said the Harbor Management Plan supports maintenance dredging. Mr. Steadman said the 408 process is new and the main purpose for them to determine the impact on Federal Navigation Channels. Mr. Romano said it gets vetted through this Commission.

Mr. Warren explained that due to the contamination levels being relatively low, they will still take all of the materials out of the River. Once the material is de-watered they will conduct an upland disposal. They will treat everything as contaminated materials and will operate dredging operations within a turbidity curtain. There will be no discharge of water into the ground. Heavy metal tests will be conducted as required by the WPCA. Mr. Warren noted that the property was a manufacturing site at one time and that they made x-ray aprons and glass shields.

Mr. Steadman asked about the plans for any water dependent uses in the future. Mr. Warren said that during their first application, they planned to use the site as a distribution center, went in another direction. It is still within the envelope of the proposed uses as a distribution facility.

Mr. MacDonnell said he felt they should approach this that they do more than just the required remediation footprint. He suggested that at a minimum they clean up the area to the traditional dredged area and they clean up the entire frontage. Mr. Romano said they can't make that a requirement.

Mr. Romano asked Mr. Warren how the area of contamination was determined. Mr. Warren said they samples were prepared by Catalyst Environmental. He said that 40 samples were taken to identify what the levels were at various locations within the channel.

Dr. Pinto said this is an issue that needs to be discussed further. He said he does not know how they can request an increased volume to be dredged.

Mr. Steadman said this project is described by the DEEP as a voluntary project and is subject to a remedial action plan. He suggested writing to remind them that the Harbor Management Commission reviews everything related to the Harbor.

Mr. Crespo asked how this project will impact the rowers as dredging will occur within the channel. Mr. Silva said they will address this with the rowers. Mr. Romano asked if they will require Police boats. Mr. Silva said that a Police boat will have to be there. He

said that the small tugboats have a lot of torque and there were times in the past where the rowers tried to go through the work zone.

The project is expected to take 30 – 40 days. Mr. Romano said that part of the approval will be that during this operation, the rowers will need to coordinate with the Harbor Master and the Norwalk Marine Police department.

**** MOTION PASSED UNANIMOUSLY**

**** DR. PINTO MOVED THE FOLLOWING ITEM TO THE FULL COMMISSION**

**** MR. CRESPO SECONDED**

2. 48 Calf Pasture Beach Road, East Norwalk, Connecticut Application. The Applicant, Norwalk Cove Marina, Inc. proposes to conduct improvement dredging on approximately 123,000 square foot area located in the vicinity of the South Dock. 7,467 square feet of the subject area is located outside of the previously authorized dredge footprint and has indirectly been impacted by prior dredging projects. The previously authorized dredge area was to -8' MLW. This depth is insufficient to accommodate deep draft vessels that will utilize the western and southern slips created by the recently approved floating dock configuration in the area. The applicant proposes to increase the dredge authorization depth to -13' MLW with 1 foot allowable over-dredge and 3:1 side slope. Proposed dispose of approximately 24,500 cubic yards of marine sediment is planned at the Western Long Island Disposal Site. Sediment analyses were provided to DEEP and the USACE and these agencies determined that the material is suitable for open water disposal at the Central Long Island Sound Disposal Site with capping by suitable material.

Mr. Westermeyer of Cove Marina was present. He explained that this is a pre-application and everything is in draft format.

**** MOTION PASSED UNANIMOUSLY**

Review of tentative determination to approve notices:

City of Norwalk, Waste Water Treatment Plant. Notice of tentative determination to approve an application for a permit renewal submitted by the City of Norwalk WPCA authorizing the discharge of up to an annual average daily design flow of 18.0 million gallons a day of secondary treated municipal wastewaters to the Norwalk River. Written comments are extended until November 8, 2020.

Mr. Romano read a letter submitted by the WPCA regarding capacity. The WPCA's most recent data indicated that they are below trigger capacity. Mr. Kolb said they are asking for a comment by November 8th.

Dr. Pinto suggested that all future developments come before the Harbor Management Commission so they do not overburden the plant.

Mr. Schnierlein explained that the plant is based on a specific population. He said that any development that goes beyond that population should be responsible for paying beyond a specific capacity. Mr. Crespo asked if the Harbor Management Commission could request a more detailed analysis.

Mr. Steadman suggested that before the end of the comment period that Mr. Kolb meet with the Water Quality Committee and the Shellfish Commission.

The Commissioners expressed concern about future development and how it relates to the capacity at the Waste Water Treatment plant.

Mr. Romano asked the Chairs of the Shellfish Commission and the Water Quality Committee to invite Mr. Kolb to attend their next meetings to get more direct answers to their questions.

**** DR. PINTO MOVED TO APPROVE THE FOLLOWING ITEM:**

**** MR. CRESPO SECONDED**

52 Shorefront Park, Norwalk. Notice of tentative determination to approve an application submitted by Franklin Tuck for proposed activity consisting of constructing a pier with a pier head and a boat elevator. This activity will affect coastal resources and tidal wetlands. Written comments due by November 7, 2020

Dr. Pinto reviewed the application. He said this application received a number of concerns by the neighbors. Mr. Steadman suggested mentioning that due to the property considerations, the Commission is making an exception, assuming the neighbors have no objection to the close proximity to the property line. He said that the Commission should not want to imply that they are ok with every dock that is close to the property line.

**** MOTION PASSED UNANIMOUSLY**

**** MR. CRESPO MOVED TO APPROVE THE FOLLOWING ITEM**

**** MR. KIBBE SECONDED**

69 Bluff Avenue, Norwalk. Notice of tentative determination to approve an application submitted by Barbara Johnson, 67 Bluff Avenue, Norwalk, for proposed activity that includes installing a pier, ramp and floating dock. This activity will affect coastal resources. Written comments due by November 7, 2020.

Mr. Steadman explained that this application is also close to the adjoining property line. They are assuming that the adjoining property owner has no objections.

**** MOTION PASSED UNANIMOUSLY**

7 Nylked Terrace, LLC, Norwalk. Notice of tentative determination to approve an application submitted by Thomas Juterhock for proposed activity that includes construction of a new 3'x 30' ramp and an 8'x 25' floating dock, and removal of three rocks to grade level. This activity will affect coastal resources. Written comments due by November 1, 2020.

Dr. Pinto reviewed the application and said that part of the issue the Shellfish Commission has is the removal of three rocks. He read a statement from the Shellfish Commission.

The Commissioners reviewed the plans. Mr. Bartush explained that the Shellfish Commission objects to the removal of the rocks. They are well off the structure and their removal could result in habitat destruction. Mr. Steadman said that the Harbor Management Commission is not required to follow the recommendation presented by the Shellfish Commission, but they do have an obligation to protect shellfish resources.

Mr. Romano asked about the options for the rocks and if the plan points out the depths of the rocks. Dr. Pinto said he did not know if the rocks were removable or if they are a part of a ledge. Mr. Romano asked if they could ask DEEP to come back with a remediation plan.

**** MR. MACDONNELL MOVED TO TABLE THIS ITEM UNTIL REMEDIATION IS ADDRESSED**

**** MR. KIBBE SECONDED**

**** MOTION PASSED UNANIMOUSLY**

4. APPLICATION REVIEW - FULL COMMISSION DISCUSSION AND VOTING ON EACH APPLICATION.

APPLICATIONS TO REVIEW:

<https://www.norwalkct.org/ArchiveCenter/ViewFile/Item/16556>

5. CHAIRMAN'S REPORT - Romano –

Mr. Romano said his report would be limited to the pain they all feel in the loss of Mr. Mobilia. He said it came as a shock to everyone. He said he will miss all of Mr. Mobilia's years of experience. Mr. Romano said he wanted to address doing a

Harbor Management Commission

October 28, 2020

Page 5

Via Teleconference

recognition from the Harbor Management Commission. Mr. Steadman said he sent a copy of a tribute to everyone. He noted that Mr. Mobilia began in 1987 and was involved in the creation of several initiatives. He asked if there was something they could do to create a lasting tribute to Mr. Mobilia. Mr. Romano explained that the City of Norwalk has a naming policy and it may be at least a year before that can happen. Mr. Steadman said in the meantime, they can place a plaque. Mr. Silva suggested placing the plaque at the City launch. Mr. Romano said this is very recent and he wants to honor him in any way they can. He suggested finalizing the plaque.

6. **STAFF REPORTS:**

a. Harbor Master - Scully

Mr. Scully reported that the vast majority of boats are off their moors. He noted that the *Swan* was sold.

Mr. Romano said there is a declining base on the moors and asked if the Commission could get more proactive and look into transient moorings. The Commission discussed various locations for public access.

Mr. MacDonnell explained that Seaside Place used to be a public road, but there is now a gate at the end of Fifth Street. The Commissioners discussed the location of the public right away on Seaside Place. Mr. Romano suggested that Mr. Kibbe and Mr. MacDonnell continue to work on this and come up with a recommendation once it is vetted with the City and determine what is City property. Dr. Pinto said this has to be a logistical issue as to where they can moor dinghies. Mr. Romano also asked Mr. Santella and Mr. Gifford to work on this. He said it was important to come up with a definitive plan.

Mr. Romano said the Committee is working very diligently and meeting with various boatyards. They will have to go through the appropriate Common Council committees and the earliest they will be able to put something in place will be 2022.

Mr. Schnierlein said that some of those public access areas can be found in the State records. Norwalk is required to have a certain amount of public access. He suggested looking at tax records to determine if people are paying tax on the property they claim to own.

The transient moorings will be for overflow moorings.

b. Consultant - Steadman

Mr. Steadman did not present a report this evening.

7. **SHELLFISH COMMISSION** - Johnson, Bartush

Mr. Bartush reported that there was a site inspection on Shorefront Park. Comments will follow after their next meeting. He acknowledged Mr. Mobilia's passing.

8. OTHER COMMITTEE REPORTS:

a. Mooring and Harbor Safety - Santella

Mr. Santella did not present a report this evening.

b. Finance - Need to appoint new finance director.

Mr. Romano said that finance was Mr. Mobilia's bailiwick. He said that Mr. Kibbe agreed to take over finance. He asked Mr. Baker to help guide him through the various City departments. Mr. Santella also offered to introduce him to the Finance department staff.

c. Plans and Recommendations - Mangels

Mr. Romano said that Mr. Mangels sent a report and he urged everyone to read it.

d. Newsletter/Website - Kibbe

There was no report this evening.

e. Water Quality - Crespo/Schnierlein

Mr. Schnierlein said that he sent a link to everyone to the Long Island Sound report card 2020. He said when he looked at the rank they gave Norwalk he was miffed. They failed the upper harbor and that did not make sense. He said you can't fail a natural process. He said he did not know if Save the Sound was going to address that.

Mr. Schnierlein said they did not sample plankton – only chlorophyll A. Mr. Romano asked if it would put Norwalk Harbor in a different light as far as water quality if they rated the plankton. Mr. Schnierlein said that it could. Plankton uses oxygen when it is present in large amounts. He said that when he was at The Maritime Aquarium, he asked them to conduct plankton studies, but they were not willing to invest in staff time to do the studies. He said the report card was a good idea, but there has to be a better explanation. Mr. Schnierlein pointed out that the nitrogen levels had an impact, but they did not have any test results.

Mr. Schnierlein said that if the Shellfish Commission and the Harbor Management Commission pay for data, it should not be used without their permission. He added that when the data are collected and something raises a red flag, the Harbor Management Committee needs to be notified. These data are from last year and some of it can be explained as a natural process.

Mr. Romano said that the Harbor Management Commission giving Save the Sound their paid information comes under the spirit of cooperation. Mr. Steadman said the data should be shared, but as a courtesy, the Harbor Management Commission should know what it is being used for and they should provide a report to the Harbor Management Commission.

Mr. Romano asked if that was a reasonable assessment of the Harbor. Mr. Schnierlein said it was not. They got low oxygen levels and that is a product of some variables. One is the geological structure of the Harbor. Dr. Pinto said that Save the Sound may be creating a problem that might not be there.

f. Bridges - Report covered within other committee reports

Mr. Steadman asked if they should inform the DOT that this Commission is waiting for additional information.

9. PUBLIC COMMENT

No members of the public wished to speak this evening.

10. APPROVAL OF MINUTES

Mr. Crespo said he will submit corrections to Mr. Baker.

**** MR. CRESPO MOVED TO ACCEPT THE MINUTES AS AMENDED**

**** MR. SANTELLA SECONDED**

**** MOTION PASSED UNANIMOUSLY**

11. ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 8:45 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

Special Legal Requirements for this Meeting To allow public access, anyone may access the meeting by either telephone, Zoom and/or the City of Norwalk Youtube Channel.

Additional instructions for public access have been attached to the backup materials for this meeting (refer to attachment: "Participating and Attending Public Meetings Virtually"). Please also see the information below concerning viewing/participation for this meeting. Telephone Access (Listening and Speaking Only) • Dial: 646-558-8656 • Enter Webinar ID: 886 1664 3227 To watch the webinar: • <https://us02web.zoom.us/j/88616643227> Participating and Attending Public Meetings

Harbor Management Commission

October 28, 2020

Page 8

Via Teleconference

Virtually: • https://www.norwalkct.org/DocumentCenter/View/15695/7---PublicGuidance_ZoomMeetings---462020docx For those that just wish to view the meeting but not participate, the live stream can be seen on the City of Norwalk Youtube Channel.

PLEASE NOTE THAT DUE TO SCHEDULING CONFLICTS IT IS NOT GUARANTEED THAT A LIVE YOUTUBE STREAM WILL BE AVAILABLE FOR THIS MEETING, PLEASE USE THE ZOOM LINK ABOVE TO WATCH THE MEETING IF NO YOUTUBE STREAM IS AVAILABLE: •

<https://www.norwalkct.org/youtube>

This meeting will also be recorded and a copy of the audio recording will be posted on the city website within seven (7) days after this meeting.