

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
COMBINED APPLICATION REVIEW COMMITTEE MEETINGS
NOVEMBER 18, 2020
VIA TELECONFERENCE**

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

STAFF: Bryan Baker, Land Use Planner

OTHERS: Greg Scully, Harbor Master; Geoff Steadman, Consultant; Steve Bartush, Shellfish Commission; Joe Schnierlein, Water Quality Committee

The Chairman reserves the right to change the order of the agenda

1. CALL TO ORDER/PLEDGE

Dr. Pinto called the meeting to order at 6:02 p.m. and led the Assembly in reciting the Pledge of Allegiance.

2. ROLL CALL

Mr. Romano asked if Ms. Jones had been invited to this meeting. Mr. MacDonald sent an e-mail invitation to her.

3. APPLICATION REVIEW COMMITTEE – Dr. Pinto

a. 28 ½ Shorefront Park, Norwalk, Connecticut. Pre-submission application: Kevin Foley (applicant), proposes 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.

Dr. Pinto reviewed the above application. He shared his screen and noted the Shellfish Commission reviewed this application and indicated that this dock would adversely impact the shellfish area. The 68ft pier is beyond the local spartina. He said that a number of similar docks have been proposed in this area. This proposed dock would be parallel with the dock at 30 Shorefront Park.

The Harbor Management Commission expressed no objection of this pre-application going forward for a permanent application due to the limited frontage. They noted this is not setting a precedent for noncompliance for other applications. Mr. Romano said he believed the applicant was required to submit an as built to the DEEP.

**** MR. KIBBE MOVED TO APPROVE THE PRE-SUBMISSION APPLICATION FOR 28 ½ SHOREFRONT PARK**

Mr. Gifford asked if there was a concern with the existing pier at 30 Shorefront Park. Mr. Bartush said there were no issues that he was aware of. Dr. Pinto said they remove the dock during the winter as required. Mr. Santella asked if the homeowner was required to make an application to the City with the as built. Mr. Romano explained there is no Zoning process in Norwalk, but he feels there should be. He noted that this topic was brought up several times.

Dr. Pinto said he copied Mr. Ireland on this application because they need electric and water. Mr. Romano asked Mr. Kibbe to make a note of the fact that this Commission reviews the projects, but the City does not get a permit. He would like to discuss this further with Ms. Casey.

**** MOTION PASSED UNANIMOUSLY**

b. Navigation Safety Risk Assessment: Relocation and Operation of Maritime Aquarium and Seaport Association Excursion Vessels. RACE Coastal Engineering has prepared an assessment documentation to address the navigation safety and risk of operating the Maritime Aquarium Research Vessel and Sheffield Island Lighthouse Ferry during proposed construction activities of the Walk Bridge Project. In addition, risk assessment data have been provided to address interactions between existing river users and contractor construction support vessels in the area between the Stroffolino Bridge and Walk Bridge. RACE has advised that due to the Walk Bridge design, a Construction Staging and Access Plan has not been finalized and their Risk Assessment Report may require further modifications.

Mr. Romano reviewed the item above. He said that the risk assessment deals with the vessels and the normal river traffic.

Option A deals with berthing the two vessels. Moving the docks south of the Stroffolino Bridge would require dredging. Option B would require building a dock for both vessels on South Water Street. The vessels would pick up visitors from the public dock. The Risk Assessment Report discusses the risk values and the level of consequences. Option A has a greater risk rank and option B has a lower risk rank. There is a greater risk of mooring the vessels at Site A.

While the conclusion is that there have been no accidents at that site, the concern is about what is going to happen during construction. Mr. Scully noted that no accidents occurred during prime conditions. He said that without construction, it is easy to maneuver that space; however, the letter should note that this is not a fair or precise risk assessment.

Dr. Pinto said Site A has a higher risk value and to avoid the potential risk of accidents, the vessels need to be removed from there. He addressed his concern about potential collisions with barges, recreational vessels and rowers. Mr. Romano asked if a Marine Police presence would be required during construction. Mr. Scully said they will have to have Officers on site to direct traffic on the water. Dr. Pinto asked who would pay for the Police to be there. Mr. Scully said that he believed the contractor would be responsible for payment. Dr. Pinto said they are not in favor of having vessels placed between the bridges. Mr. Scully agreed that the vessels need to be away from the construction area.

Dr. Pinto asked if the DEEP would overrule the local Harbor Master. He added that the United States Coast Guard agreed with the Harbor Master. Mr. Steadman said that the Coast Guard and Harbor Master are responsible for ensuring the safety of the Harbor during construction. Dr. Pinto said the Risk Assessment is a work in progress. As more information comes forward regarding the types of vessels that will be going back and forth during the course of construction.

Dr. Pinto said he is going to respond to the draft Risk Assessment and let them know the Commissioners reviewed the Assessment. He said they do not now yet if Manresa is going to be used; this is a constant moving target.

Mr. Crespo said it looks like Option A is too dangerous. Dr. Pinto said Option A is the preference of The Maritime Aquarium and the Seaport Association and the operating captains of both vessels. They know there is a greater risk at Site A. Mr. Crespo asked who will take the liability. For safety reasons rather than economic advantage, location B is a better choice. Mr. Romano said there would be an option C and that has not been addressed. He said the ideal spot is a Veteran's Park. Mr. Scully said they could float the existing docks to Veteran's Park. Mr. Romano noted they would have to dredge for all three plans and because of the dredging some mitigation would have to be done.

Dr. Pinto expressed concern about public safety. Mr. Romano said they can add to their response a request to explore Option C. Mr. Gifford suggested also including that the Harbor Management Commission support the Harbor Master's comments.

Mr. Steadman asked who was making the decision of where the vessels would go. Mr. Romano said that both the Seaport Association and The Maritime Aquarium and the vessel captains are making the decision. Mr. Steadman said the Harbor Master has control over the placement of the vessels. They do not have authority to place the vessels in the Harbor. Mr. Scully said he wants to set up a more feasible option with the less risk.

The Harbor Management Commission agreed with the Harbor Master's recommendation that Plan B is the safest of the two options and recommended proposing another plan that would incorporate the use of Veteran's Park. Mr. Scully said that Option C seems to be the least intrusive location.

Dr. Pinto said he will create a statement regarding public safety over convenience of the working operation of the vessels. Also in the statement will be a request to explore Option C, south of the Visitor Dock area. This will be an application to the DEEP and it is hoped they will abide by the Harbor Master's recommendation.

Mr. Kibbe said the CEO of The Maritime Aquarium is one of the large developers in South Norwalk and the voice of the CEO at The Maritime Aquarium has a City connection. He added that the Seaport Association is afraid they are going to lose traffic. Dr. Pinto noted there is signage. Mr. Steadman said they will lose parking at The Maritime Aquarium.

Mr. Kibbe said there is great parking at Veteran's Park. The Seaport Association does not want to lose their visibility. The CEO at the Maritime Aquarium is a big time SoNo developer who is connected to the City and has a big voice.

Mr. Steadman said if they keep Option A and it is determined that it is not safe, they would have to shut down operation until the dock is moved.

The Commissioners agreed that Dr. Pinto will send a letter to Race Coastal Engineering stating that the Harbor Management Commission's objections to Option A stands; Option B would be more palatable and requesting that Race Coastal Engineering come up with an Option C.

c. Standing Action Items: DOT's update to include and utilize Manresa Island as a staging and storage area. Open discussion of future Walk Bridge proposals regarding placement of transmission cables by Eversource and DOT, DOT's plans for stationing work barges in Norwalk Harbor; DOT's plans to monitor water quality and bulkhead construction at proposed South Water Street staging properties.

Dr. Pinto said he has not heard from Eversource. He noted they are getting bits and pieces of information about the project, but they are not seeing the whole picture. Mr. Romano said the Commission wants to help the State as much as they can, within reason. He said the Commission is not a negative force. This component is taking a long time and the Commission has been very patient.

Mr. Romano said there are still a number of outstanding issues to deal with. They need to discuss the Manresa staging area, plans for water quality monitoring and the bulkhead

at South Water Street, which is not a part of this application, but is part of a beautification project. They also need to know about the status of the artifacts from the Fort Point area. Mr. Steadman reiterated that the Harbor Master has the sole authority over the safety of vessels in the Harbor.

4. **CHAIRMAN'S REPORT** – Romano

Mr. Romano reported that the Ordinance Committee met. He said that hunters would be prohibited from going into previously designed areas. Firearms would be prohibited on any City property and people would be in jeopardy of getting arrested. He said there is no driving factual instances what this is going to cure. He said the Ordinance discussed has been on the books for 40-50 years and now there is a drive.

Mr. Romano reported that quite a few people spoke at the Ordinance Committee meeting. One person representing the Republican Party asked what was driving this and why it was necessary. He said the Chair of the Committee said they want to lock the barn before the horse gets out. Mr. Romano said only criminals will have firearms. He said that Police Officers and duly appointed guards can still have a firearm.

Mr. Romano said that people with permits will not be able to go onto City property with a firearm. He said the Ordinance terminology is broad. This eliminates hunting along the coastline. He said people will hunt in Long Island Sound, but they would have to go through City property to get to the launch. He said the vote on the item was tabled.

Mr. Kibbe said that a moratorium on hunting wildlife in Norwalk Harbor was put in last year. The issue was carrying a weapon to the boat from Veteran's Park and Calf Pasture Beach to get to hunting sites. That turned into other City properties. Mr. Schnierlein noted that the DEEP encourages hunting to reduce the goose population. If the hunting is stopped, there will be an increase in the geese population.

5. **STAFF REPORTS:**

a. Harbor Master – Scully

Mr. Scully reported that most of the boats are off their moorings. Mr. Romano said he heard the City launch ramps were closed due to Covid testing at Veteran's Park. He said that interfered with people going to their launch. He said it was an issue. Mr. Scully said he was not notified. Mr. Steadman will draft a letter to Mayor Rilling from Mr. Romano stating that an accommodation has to be made for the boaters.

Mr. MacDonnell asked about the abandoned boat at Tavern Island. Mr. Scully said the boat was on the owner's property. He said he spoke to the owner who has to make arrangements to remove the boat.

b. Consultant – Steadman

Mr. Steadman discussed the public hearing on the Waste Water Treatment plant requested by Save the Sound scheduled for January 14th. He said the Commission should be prepared to make comments. This is an opportunity to understand the operation of the Waste Water Treatment plant. Dr. Pinto will send comments from Save the Sound to the Commissioners. Mr. Romano will invite a member of the WPCA to a Harbor Management Commission meeting.

6. **SHELLFISH COMMISSION** – Johnson and Bartush

Mr. Bartush reported that he submitted his comments on 28 ½ Shorefront Park and the Cove Marina project. The DEEP noticed the application for 7 & 9 Nykland. Construction can begin as early as December 1st for the cable.

7. **COMMITTEE REPORTS**

a. Mooring and Harbor Safety – Santella

Mr. Santella reported that the season is coming to an end. Most of the boats are out of the water. He said he is not aware of any Harbor Safety issues.

Mr. Romano said the mooring numbers are going down. He recognizes that it is accessibility and parking. He said that Mr. Kibbe and others are working on this and had a conversation with the City about reclaiming property taken by homeowners. He said he hopes there will be better access in the future.

Mr. Kibbe asked what part of the Harbor was most desirable for moorings so they could create access. Mr. Steadman said it would be good to keep that on the west side of the Harbor, near the South Norwalk Boat club. He said the east side is full. Mr. MacDonnell asked about access at Gregory Point. Mr. Scully said there are a lot of mudflats there. It is shallow between the end of Cove Avenue and Marvin Beach.

Mr. Kibbe said the end of Fifth Street would be a good area for launching. The Commission has the ability to make it available to the public. He added that there is room to put a dinghy dock there. There is also a lot of street parking on Cove Avenue. Mr. Gifford noted that he sees a lot of people launching paddle boards and kayaks from the end of Cove Avenue.

b. Finance – Kibbe

There was no discussion.

c. Plans and Recommendations – Mangels

There was no discussion.

d. Newsletter/Website – Kibbe

There was no discussion.

e. Water Quality – Crespo and Schnierlein

Mr. Schnierlein discussed the placement of water quality monitoring buoys. He said that Mr. Crespo may have more experience on this topic. He suggested placing them so that there is one coming into the Harbor and once leaving the harbor. The cost would be about \$70,000 per year. Mr. Schnierlein said he asked Save the Sound if they monitor what comes in from the upper Harbor and if that was separated from what is coming in from the Sound. He said he has not heard from them.

Mr. Schnierlein described how the buoys would operate and noted the floating units would have to be placed where they would not be vandalized. He said he heard that Eversource may have grants available. He said the units at The Maritime Aquarium had four different parameters and lasted for 13 years. They were recalibrated every year. The data Save the Sound used was from a summer program run by Sarah Crosby.

Dr. Pinto asked what constitutes how a body of water being graded. He noted that each body of water is different. Mr. Schnierlein said that what makes the Harbor unique is that it is 2/3 mad flat and as a result, responds to the weather faster than deep water harbors. Right now, hundreds of thousands of menhaden are in the Norwalk Harbor.

Mr. Schnierlein said that he and Mr. Kibbe touched base with Ms. Casey to discuss funding for the buoys. He said the Mayor got flack on the statement where the Harbor was given an F. He said they can do measurements starting in March of the Harbor is not iced over. The buoys do not do well in frozen water.

Mr. Schnierlein said if they know something is going to happen every year, then it is a natural thing. Mr. Romano said he wants to stay in the loop on this. Mr. Crespo and Mr. Schnierlein will take the lead. Mr. Romano said it would be a great accomplishment if they get the grants to purchase the buoys.

The Commissioners discussed the chemical makeup of the Norwalk Harbor. Mr. Schnierlein noted that a study of plankton has never been done. He said that water that is too clean, will impact shellfish growth. In addition, there is a national wildlife preserve and that impacts the nutrient level.

Mr. Schnierlein said the Commission has the right to tell Save the Sound that they disagree with their report. He said it would behoove the City to hire someone to do the study and do it right. It would make it easier to do the study if they had the remote buoys. The study would use the same parameters used by Save the Sound.

Mr. Schnierlein said that when they took plankton samples, the majority were copepods and they ate the algae. Shellfish like to eat algae and copepods. Dr. Pinto reiterated his questions about what constitutes water quality in our Harbor.

f. Bridges

There was no discussion.

8. PUBLIC COMMENT

Public participation comments are not verbatim and represent a summarization of statements unless otherwise noted.

Ms. Diane Lauricella said there is a public hearing on January 14 relating to the discharge renewal. She said the public, including the Harbor Management Commission can ask questions and make comments.

Ms. Lauricella said she offered to meet and help organize an agenda item as soon as possible to give presentation about green infrastructure. She said there is a need for this Commission to urge the City to use green infrastructure as an item on their permit form. She said it should become a regular part of business.

Mr. Romano said the City requires 10-15% green space. Ms. Lauricella said she lobbied the Common Council to request the Zoning Commission add the need to increase green building design and green building structure. She said green building design is mostly energy and is a construction building measure. Mr. Romano said he thought he saw that in the East Norwalk Transit District design. Ms. Lauricella said she was the proponent and that it should be Citywide.

Ms. Lauricella said she thought this Commission would be a wonderful proponent for where possible, green infrastructure. Mr. Romano commented that Ms. Lauricella was talking about rain garden. He said he did not know how this Commission could advocate for this because it was not along the Harbor. Ms. Lauricella said Save the Sound gave the Harbor an F which was due to run off. She said there are more methods for cleaning up the run off and would like to make a presentation. She added that this is beyond a rain garden.

Ms. Lauricella said there will be an opportunity next year to promote this. There will be, especially with the new federal administration, money for towns to incorporate green

November 18, 2020

Harbor Management Commission

Page 8

Via Teleconference

infrastructure. Mr. Romano noted that with all this Commission has to do with the DOT and Eversource, they are pressed for time.

Mr. Steadman suggested that Ms. Lauricella start with the water quality community and ask if the City has a stormwater manual that includes these measures. Ms. Lauricella said she looked at the stormwater projects and it is difficult to get green infrastructure to be included in certain sites. She said she brought it up to the Water Quality Committee, but it fell to the wayside.

Ms. Lauricella said she would love to have the Water Quality Committee put it on their agenda but knows the Harbor Management Commission has great influence. She said that other departments need to think along these lines.

Dr. Pinto asked Ms. Lauricella for an example of what the Harbor Management Commission could address. Ms. Lauricella said green infrastructure is more than plant. Mr. Romano said the State already has a mandate through DEEP. Ms. Lauricella said that people rarely utilize all of the different measures. She noted that she and others recommended a green roof at the mall. Mr. Romano said the mall application by passed the Harbor Management Commission.

Ms. Lauricella said there is not a coordinated effort to capture federal dollars. She said her presentation would be a short slide show of what New Haven is doing. This would be under the Water Quality Committee report. Mr. Romano asked Ms. Lauricella work this out with Mr. Schnierlein.

9. **APPROVAL OF MINUTES:** October 28, 2020

No action was taken on the approval of the minutes.

10. **ADJOURNMENT**

There was no further business and the meeting was adjourned at 8:38 p.m.

Respectfully submitted,

Rosemarie Lombardi
Telesco Secretarial Services

To allow Public Access, anyone may access this meeting by telephone, Zoom, and/or the City of Norwalk YouTube Channel. Specific instructions and links can be found at: <https://www.norwalkct.org/1913/Meeting-Notices> Telephone access (Listening only)

November 18, 2020
Harbor Management Commission
Page 9
Via Teleconference

- Dial: (646) 558-8656

- Enter webinar ID: 843 7326 4761 The Public may watch this meeting at:
<https://us02web.zoom.us/j/84373264761>

For those that wish to view, but are not participating, 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: norwalkct.org/youtube

This meeting will also be recorded and a copy of the audio recording will be posted on the City's website within seven (7) days after the meeting. Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting to bbaker@norwalkct.org.

For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time