

**CITY OF NORWALK  
HARBOR MANAGEMENT COMMISSION  
REGULAR MEETING  
AUGUST 25, 2021**

**ATTENDANCE:** John Romano, Chair; Dr. John Pinto, John Crespo, Matt Gifford, Laurie Jones, Alan Kibbe, Christopher MacDonnell, Jeffrey Mangels, Dennis Santella

**OTHERS:** Geoff Steadman, Consultant, Michelle Andrzejewski; Steve Bartush, Shellfish Commission; James Bajek; Atty. John Casey, Robinson and Cole; John Hiltz, Dr. Peter E. Pellegrino, Coastal Resources Analysis; Joe Schnierlein, Water Quality Advisory Chair; Greg Scully, Harbor Master

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

**CALL TO ORDER/PLEDGE**

Mr. Romano called the meeting to order at 6:05 p.m. and led those present in reciting the Pledge of Allegiance.

**ROLL CALL**

Mr. Romano called the roll and announced that a quorum was present.

**APPLICATION REVIEW COMMITTEE – DR. PINTO**

**a. Referral from the Norwalk Zoning Commission regarding Industrial Zone Amendments.**

Dr. Pinto said that they had made an amendment to the work that would be done at 25 Van Zant Street. He reminded everyone that they had reviewed a CAM application from Winthrop Baum in 2015 regarding the establishment of a vocational school in the building. There were different programs such as automobile repairs, welding, plumbing and a variety of other trades. Later the application was withdrawn. He said that he had included a statement that the Harbor Commission should review any future applications. A letter was sent to Ms. DiMeglio, the Planning Commission Chair, about the new application.

A discussion followed about who filed the application. It was also pointed out that this was more of a zoning issue, but Dr. Pinto said that his concern was any effluent that might be coming from that building. Mr. Steadman pointed out that this was a proposed change by the City. Mr.

MacDonnell asked if this was a CAM application. Discussion followed. Dr. Pinto said that he would send a letter to Ms. DiMeglio about the Commissions' concerns. This was agreeable to all.

**b. 26 Shorefront Park, Pre-application, South Norwalk, CT. Mr. Andrew Vigneault (applicant) proposes to dredge a 5,826 sq ft area to -8 ft below mean low water with 0.5 ft of allowable over dredging. A portion of the proposed dredge area has been dredged under COP-2003-024-SJ. No documentation exists that demonstrates that the rest of the proposed dredge area was ever dredged although it has been used for private dockage for several decades. Dredging will be conducted by clamshell method using a crane on a work barge to remove approximately 1,173 cy of sediment. Dredged material will require testing to determine suitability for disposal in Long Island Sound. The applicant had a Coastal Resource Analyst (Peter Pellegrino) conduct a Macrobenthic community structure of the habitat around 26 Shorefront Park. This study characterized the existing benthic community as a Stage II Structure, which according to published criteria is conducive to rapid benthic recolonization after dredging. Study results concluded that the proposed dredged area should recolonize to the same current level within 12-18 months following dredging.**

Dr. Pinto asked Mr. Bajek if there was anything new. Mr. Bajek said that science should be driving the project. He said that Mr. Pellegrino had done the existing benthic community. Mr. Romano said that the Aquaculture community had come up with a different finding, along with the Shellfish community. Mr. Bajek said that their expert was also associated with the Norwalk Harbor as well. Dredging is an expensive undertaking and said that the Vigneaults would be unlikely to be applying to dredge the area in five years.

Atty. Casey said that they had found in a number of areas where Mr. Pellegrino had done studies, there had been previous findings that the dredging would not have a significant impact. He found that Mr. Carey's opinion was different in this case. He requested that the Harbor Management specify the sections of the Harbor Management Plan when they submit their letter to the DEEP.

Mr. Bartush said that in the Shellfish Commission submission, the Commission stated that the Shellfish Commission's formal role was to advise the Harbor Management Commission on matters related to shellfish management as elucidated in the Norwalk Harbor Management Plan. He said that this plan was inconsistent with the Harbor Management Plan.

Mr. Steadman said that many years ago, the Harbor Management had developed the shellfish resource protection policies that are now in the Harbor Management Plan. They were created in consultation with DEEP and the Bureau of Aquaculture. The head of the DEEP, Ms. McCarthy, said it would be important to emphasize Norwalk's shellfish resources relative to the shellfish resources throughout the entire state. Regarding the natural shellfish beds, the emphasis is on protecting those shellfish resources, which includes the habitat.

Mr. Steadman said that this proposal is more significant than just the impact on the shellfish resources. He said it was his opinion that this would pose challenges to the State's existing coastal regulatory program because dredging by residential property owners should be considered the same as for dredging for a marina. The Harbor Management Plan supports dredging for boating facilities maintenance and water dependent facilities. The DEEP has never considered residential projects to be water dependent uses and has treated those properties and water access structures differently. The Coastal Management Act calls for a high priority for those water dependent uses.

Another point is that this case would set a precedent for other cases in other locations. This would include a new aspect of 24 hour access to the water.

The Harbor Management Plan recognizes and supports littoral rights but they are not considered to be absolute rights or unqualified rights. It is reasonable access to navigable water subject to legally imposed restrictions to protect public interest.

The proposal as presented is inconsistent with the Harbor Management Plan and specifically the policies that call for the protection of shellfish resources, which can be enumerated in a letter. The Harbor Management Commission's understanding and application of littoral rights should be reinforced because they are rights of reasonable access, not unqualified, absolute rights to be determined by the individual who is exercising those rights.

He added that the Commission should not support the proposal that dredging by a residential property be considered in the same way as dredging as defined by the Coastal Management Act for water dependent uses, which do include the right of 24 hour access and dredging to achieve that access.

Mr. Steadman said that an earlier statement was made regarding the Commission considering only the application before them. However, the Harbor Management Plan speaks about the need to preserve and avoid cumulative impacts in a number of different places. This could impact not only Norwalk, but throughout coastal Connecticut.

The Commission's responsibility is to determine whether it is consistent or not consistent regarding the Harbor Management Plan and let the applicant move forward with the permit application. The Commission should reserve their right to continue to comment on this application and provide additional comments as the process continues.

There are numerous statements from shellfish businesses in Norwalk stating their concerns about impacting the natural shellfish beds with a new dredge.

Mr. MacDonnell said that looking at the footprint most of the dredging would occur in the side slope near the South Norwalk Boat Club would be enlarging the South Norwalk Boat Club's

basin. He said that he saw it as an insignificant amount of mud being removed immediate adjacent to a boat club basin.

Dr. Pinto said that Bureau of Aquaculture was the leading agency in the State of Connecticut responsible for management of shellfish resources and does so with coordination with local Shellfish Commissions and other State agencies. As determined by the Norwalk Shellfish Commission and the Bureau of Aquaculture, Dr. Pinto said that this work will have a significant impact on shellfish resources and shellfish habitat. The Bureau of Aquaculture has determined that a loss of acreage within a natural shellfish bed for commercial harvesting will significantly damage the shellfish industry. The local shellfish businesses concur.

**\*\* DR. PINTO MOVED TO FIND THE NHC FIND THE CURRENT PROPOSAL INCONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN.**

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

Mr. Crespo said that he would like agree with everything Mr. Steadman said. Mr. MacDonnell asked if the Commission was taking a position that they do not want private residents dredging. Discussion followed.

**\*\* THE MOTION TO FIND THE APPLICATION INCONSISTENT WITH THE HARBOR MANAGEMENT PLAN FAILED TO PASS WITH THREE (3) IN FAVOR (ROMANO, PINTO AND CRESPO) AND FOUR (5) AGAINST (MACDONNELL, KIBBE, JONES, MANGELS AND SANTELLA).**

**\*\* MR. MACDONNELL MOVED TO APPROVE THE APPLICANT MOVE FORWARD WITH THE APPLICATION WITHOUT OBJECTION AND RESERVED THE COMMISSION'S RIGHT TO COMMENT.**

**\*\* MR. MANGELS SECONDED.**

**\*\* THE MOTION PASSED WITH FOUR (5) IN FAVOR (MACDONNELL, KIBBE, JONES, MANGELS AND SANTELLA) AND THREE (3) AGAINST (ROMANO, PINTO AND CRESPO).**

**c. 80-84 Seaview Ave. LLC. Norwalk, CT. Pre-submission application: The applicant proposes to retain a 121'± of concrete block wall and associated 110' ± of rip rap along the shoreline of 84 Seaview Ave., add two finger floats to the northern end of the dock, restore the use of the existing dock back to a commercial marina, and create public access on to the northern portion of the elevated deck on 84 Seaview Ave. The proposal includes conversion of an existing shed on the public access deck in the northwest corner of 80 Seaview Ave to a marina office. Aside from the two finger floats proposed on the existing dock, no physical changes are proposed to the structures.**

Mr. Romano asked if this is Overton's property. Dr. Pinto confirmed that it was and they will be reconstructing the wall, restoring a long dock and add two finger floats. Dr. Pinto said that they need to show the federal navigation channel. He also noted that the long dock has a float that would encroach on the City of Norwalk property where access may be constructed in the future.

Discussion followed about having the two new finger floats might encroach on the navigation channel. It was suggested that they have the boats tied up alongside the existing dock in order not to encroach in the navigational channel.

Dr. Pinto said that they would address these issues with Overton's. Several Google Earth aerial photos were displayed on screen.

The discussion concluded with Dr. Pinto stating that he would compile the concerns and questions into a letter to the applicant.

**d. 11 Tonetta Circle, Norwalk, CT. Pre-submission application: Construct a 4' by 70' piling-supported timber pier, piling-supported boat elevator, 3' by 40' aluminum ramp, and 8' by 20' piling-anchored timber floating dock for private recreational boating.**

Mr. Hilts said that the site had previously received approval when Mr. St. John was about to put his residence on the market. The current owner is trying to avoid having his vessel sit on the bottom during mean low tide. Mr. Hilts indicated where the hard gravel was and where the silt started on the drawing. The discussion moved to the details displayed on the Assessor's Map, which was displayed on screen.

**\*\* MR. MANGELS MOVED TO APPROVE THE PRE-SUBMISSION APPLICATION FOR 11 TONETTA CIRCLE, NORWALK, CT TO CONSTRUCT A 4' BY 70' PILING-SUPPORTED TIMBER PIER, PILING-SUPPORTED BOAT ELEVATOR, 3' BY 40' ALUMINUM RAMP, AND 8' BY 20' PILING-ANCHORED TIMBER FLOATING DOCK FOR PRIVATE RECREATIONAL BOATING.**

**\*\*MR. SANTELLA SECONDED.**

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

Mr. Hilts said that he had sent Dr. Pinto a copy of the Overton's permit from 1997. The document indicates the various items permitted in 1997.

**e. 61 Rowayton Avenue, Norwalk CT. Certificate of Permission (COP) City of Norwalk Department of Parks and Recreation, Applicant. This project is located within the jurisdiction of the Five-Mile River Commission. However, since the applicant is the City of Norwalk, the Norwalk Harbor Management Commission is being made aware of the City's plans to retain its existing waterfront structure. The Applicant seeks to retain and maintain the existing (pre-dates, 1995) waterfront structures. Accordingly,**

**no construction is associated with this project as the Applicant seeks to retain and maintain the following: 100 linear feet of stone and masonry seawall with 13 weep holes and a 12" diameter reinforced concrete pipe, 90 linear feet of concrete seawall, 85 square foot timber pier with 5 foundation piles, a 3.5' wide by 24' long aluminum gangway, an 12' by 21' floating dock with 2 anchor piles, two 6' by 15' floating docks each with 1 anchor pile, 4 tie off piles with timber gallows, 2 beach/boat access/safety ladders, and 2 beach access staircases, one 8.5' wide and the other 6' wide.**

Dr. Pinto said that the parcel was in the Five Mile River area and the Applicant was the City of Norwalk Department of Parks and Recreation. Dr. Pinto said that it was his understanding that the City was simply maintaining the existing structures. Mr. Bartush agreed.

**f. Standing Action Items: 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.**

No report.

#### **CHAIRMAN'S REPORT – ROMANO**

**a. Industrial Waterfront Study: Presentation and interview September 22nd meeting with Shellfish Commission and Mayor's Water Quality Committee.**

Mr. Romano said that the City had requested to present an item at the September meeting. He said that he was considering scheduling a special meeting regarding having a general discussion. The City has hired a consultant to review the zoning regulations along the waterfront. Ms. Andrzejewski said that there had been an overall Zoning study underway and this particular portion focuses on the waterfront. There has been a moratorium on changes of use for the past year and Zoning has extended that moratorium for another year. Discussion followed.

A copy of the RFP and a link to the Zoom video presented by the consultants will be sent to the Commission. Having a separate meeting was agreeable to all. Invitations will be sent to the Shellfish Commission and Water Quality Commission.

#### **STAFF REPORTS:**

**a. Harbor Master – Scully**

Harbor Master Scully said that they had survived the hurricane with no issues.

**b. Consultant – Steadman**

The CT Port Authority has allocated funding for small harbors. Mr. Romano said that they had an informal meeting to brain storm some projects. Dr. Pinto said that the Port Authority suggested that the HMC should be the agency to submit proposed projects.

### **SHELLFISH COMMISSION – JOHNSON AND BARTUSH**

Mr. Bartush said that there had been a presentation by Ms. Cole about a proposed oyster shell recycling program. They are currently looking for a site in Norwalk which would be approximately the size of a parking space.

The Harbor Commission reviewed the 26 Shorefront Park dredging application and Mr. Bartush noted that the Commission had routinely requested dock stops on floating dock applications to protect the benthic environment. However, the Commission had no objection to the application and did not protect the benthic environment. Mr. Bartush stated that he found this was ironic and disappointing.

### **COMMITTEE REPORTS**

**a. Mooring and Harbor Safety – Santella** – No report.

**b. Finance – Kibbe** – As submitted. Mr. Santella said that he had spoken to the Norwalk Yacht Club and there is a new staff member there, so they have not finished up their work yet.

**c. Plans and Recommendations – Mangels** – Mr. Mangels said that he had emailed Jessica about the status of the [inaudible].

**d. Newsletter/Website – Kibbe** – No report

**e. Water Quality – Crespo and Schnierlein** – Mr. Schnierlein said that up to date data has started to come in from the monitoring stations. He listed the various temperatures recorded along with salinity and turbidity. There were 19 days when the dissolved oxygen levels dropped at the Maritime Center, however the oxygen levels at Cove Marine were fine.

**f. Bridges** – No report.

### **PUBLIC COMMENT**

There was no one present from the public who wished to comment.

### **APPROVAL OF MINUTES:**

• **July 28th, 2021**

**\*\* MR. MACDONNELL MOVED TO APPROVE THE MINUTES OF JULY 28, 2021.**

The following corrections were noted:

Page 1, under **OTHERS**: please change the spelling of “Jeff Steadman” to “Geoff Steadman”

Page 2, **MOTION**, please change the following from:

**\*\* CHAIRMAN ROMANO MOTIONED TO MOVE ITEM 1. 314 WILSON AVE. TO THE FULL COMMISSION.**

**\*\* MR. STEADMAN SECONDED THE MOTION.**

**TO:**

**\*\* CHAIRMAN ROMANO MOTIONED TO MOVE ITEM 1. 314 WILSON AVE. TO THE FULL COMMISSION.**

**\*\* MR. MANGELS SECONDED THE MOTION.**

Page 2, **MOTION**, please change the following from:

**\*\* COMMISSIONER GIFFORD MOTIONED TO APPROVE ITEM 1. 314 WILSON AVE. AS SUBMITTED.**

**\*\* MR. STEADMAN SECONDED THE MOTION.**

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

**TO:**

**\*\* COMMISSIONER GIFFORD MOTIONED TO APPROVE ITEM 1. 314 WILSON AVE. AS SUBMITTED.**

**\*\* MR. MANGELS SECONDED THE MOTION.**

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

Commissioner MacDonnell called the meeting to order. Geoff Steadman in Others.

**\*\* THE MOTION TO APPROVE THE MINUTES OF JULY 28, 2021 AS CORRECTED PASSED WITH SEVEN (7) IN FAVOR (PINTO, CRESPO, GIFFORD, KIBBE, MACDONNELL, MANGELS AND SANTELLA) AND ONE (1) ABSTENTION (JONES).**

### **ADJOURNMENT**

**\*\* MR. SANTELLA MOVED TO ADJOURN.**

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

The meeting adjourned at 8:03 p.m.

Respectfully submitted,

S. L. Soltes  
Telesco Secretarial Services