

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
DECEMBER 2, 2021**

The meeting was held via Zoom teleconference

ATTENDANCE: Pete Johnson, Chair; Steve Bartush, Joe Madaffari, Nicholas Sacchinelli

OTHERS: William Mooney, Health Department; John Romano, Harbor Commission Chair; Geoff Steadman, Harbor Commission Consultant; Atty. Jeffrey Spahr, Sprite Island Yacht Club; Carson Coyle, Sprite Island Commodore; Beth Kinney, Norwalk Yacht Club

CALL TO ORDER

Mr. Bartush called the meeting at 7:16 p.m. A quorum was not present.

PUBLIC COMMENT

Mr. Carson Coyle, the Sprite Island Commodore asked if he would be allowed speak when the Commission discussed the Sprite Island application. Mr. Johnson said that he would be allowed to speak at that time.

Atty. Jeffrey Spahr then offered his services as a go between for Sprite Island and the Shellfish Commission since he is a Sprite Island Board Member. He said that Sprite Island inspects the mooring gear and insures that everyone had the appropriate licenses.

He noted that the agenda for the Harbor Commission had been posted but the minutes from the November meeting were never posted.

Atty. Spahr asked Mr. Bartush if they contacted the companies where the moorings were. Mr. Johnson said that they had spoken to the various companies and that they all said that they had agreements with the yacht clubs many years ago and the companies were not interested in changing any aspect of agreement. Mr. Coyle said that the moorings are removed in October and replaced in May.

Ms. Beth Kinney said that she was present on behalf of the Norwalk Yacht Club. She said that they also remove the moorings in the fall and replace them in the spring. Mr. Johnson said that when the moorings were removed, sea oyster harvesting starts.

APPROVAL OF MINUTES

**** MR. MADAFFARI MOVED THE NOVEMBER 4, 2021 MEETING MINUTES.**

**** MR. BARTUSH SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF NOVEMBER 4, 2021 MEETING PASSED UNANIMOUSLY.**

TREASURER'S REPORT

There was no report at this time.

SECRETARY'S REPORT

There was no report at this time.

COMMITTEE REPORTS

A) Health Department – November rainfall was 1.16. Last November, it was 5.22. There was one closure on November 13th due to rainfall and no bypasses.

B) Wastewater Treatment Plant – No report.

C) Water Quality – No report.

D) Permits – No report.

E) Police – Mr. Mooney read the following report into the record:

The Marine Unit had 10 hours of Shellfish patrol/enforcement of the beaches' shoreline and two trips out in the Harbor Master boat. No recreational shell fishing was observed and there was less activity [inaudible]. There were no [inaudible] commercial issues or complaints.

F) Advisory – No report.

G) Harbor Management – Mr. Romano said that the Harbor Master would be relocating, so the Commission is in the process of looking for both a Harbor Master and a Deputy Harbor Master. Mr. Romano said that Mr. Johnson had expressed interest in the Deputy Harbor Master.

Mr. Steadman, the Harbor Commission Consultant, then spoke about the DOT plans for the Walk Bridge. He said that the DEEP issued a report and the public comment period will close at

the end of the year. If DEEP receives a petition containing 25 signatures, they would be required to hold a public hearing. This is one of the largest public infrastructure projects. Mr. Steadman said that it would be important to keep the Water Quality issues like monitoring or turbidity in the process. Discussion followed.

Mr. Romano said that he would like Mr. Steadman to create a document requesting a public hearing before the December 15th Harbor Commission meeting. He added that the Shellfish Commission should also be part of this petition along with other commissions and boards.

**** MR. SACCHINELLI MOVED TO ACCEPT THE COMMITTEE REPORTS AS PRESENTED.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

• **Walk Bridge – DOT** – No report.

• **Eversource** – Mr. Bartush updated everyone on the Eversource situation. Mr. Johnson said that he did not understand why they were putting the cables down on the south side of the bridge rather than the north side where the water and other duct work was located. Mr. Romano said that the Commission had been told that there would be a Siting Council public hearing. Discussion followed about the DEEP process and public notice issue.

• **11 Tonetta Circle** – Mr. Bartush said that the applicant was not present on the call. Mr. Bartush reported that he and the applicant had done a site inspection. Mr. Bartush suggested that the standard language be used.

**** MR. BARTUSH MADE THE FOLLOWING MOTION:**

- **NO OBJECTION OR QUALIFICATION WAS NOTED THAT WOULD PREVENT THE APPLICATION FROM MOVING FORWARD.**
- **ANY CONSTRUCTION BARGES OR BOATS SHOULD BE MOVED BEFORE LOW WATER OR LOW TIDE**
- **THE MOORING LOCATIONS AND SPECIFICATIONS ARE TO BE APPROVED BY THE NORWALK HARBOR MASTER.**
- **NO DREDGING WAS APPLIED FOR OR REVIEWED.**
- **ANY CHANGES MUST BE APPLIED FOR AND REVIEWED.**
- **THE FLOATING DOCK AND RAMP ARE TO BE REMOVED FOR OFFSITE STORAGE.**
- **18" FLOAT STOPS WITH A 5 FOOT RIGHT OF WAY HEAD CLEARANCE**

BELOW THE PIER JUST BELOW MEAN HIGH WATER.

- **IT IS NOTED THAT THE DRAWINGS ARE NOT OFFICIALLY STAMPED AS SURVEYS.**
- **NO VESSEL, STRUCTURE, FLOAT STOPS OR PILES MAY TOUCH THE BOTTOM IN LOW WATER.**
- **THIS PRACTICE IS FOR SEDIMENT FOOD CONTROL.**

**** MR. MADAFFARI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

• **80-84 Seaview Ave.** – Mr. Bartush said that there was a site review and there was a lack of clarity regarding the north, west and south areas, the Shellfish Commission cannot make a recommendation.

Mr. Romano asked if the parking lot at the location was repaved. Mr. Bartush said that it was. Mr. Romano said that the parking lot repaving should have come before the Harbor Commission and it did not. This is an additional violation.

Mr. Steadman displayed an article from the Bridgeport Telegram in 1988 about fines that were levied against Overton's for the docks that were encroaching on the Federal Navigation Channel. The dock encroaches into the City's right of way at First Street.

**** MR. BARTUSH MOVED THAT THE SHELLFISH COMMISSION COULD NOT PROVIDE A POSITIVE [INAUDIBLE] LOCATED WITH THE NORTHWEST ENCROACHMENT OF THE APPLICATION.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. BARTUSH MOVED THAT THE SHELLFISH COMMISSION'S DETERMINATION REGARDING SUBMITTING A PETITION FOR A PUBLIC HEARING VIS A VIS THE DEEP WALK BRIDGE CONSTRUCTION PROJECT SUCH THAT THE SHELLFISH COMMISSION WOULD JOIN WITH THE NORWALK HARBOR COMMISSION AND THE MAYOR'S WATER QUALITY COMMITTEE AND AS REQUESTED A CONTACT PERSON BE ASSIGNED, THE REQUIRED CONTACT PERSON IS DR. JOHN PINTO.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS

- **Sprite Island Yacht Club mooring consultation for NHMC**

Mr. Johnson said that he had made calls to Mr. Stabell and Mr. Coyle about this. He said that they will be receiving letters about this.

Mr. Coyle said that they were simply asking to maintain their mooring fields that they have had since 1946. In 2012, they received a certificate of permit from the ACOE for 10 years. The moorings are usually pulled in the fall and replaced in the spring. They have verbal permission from Norman Bloom and Hillard Bloom. Mr. Coyle said that Mr. Gifford, who is a member of the Harbor Commission is a member of Sprite Island and is the one who goes out with Mr. Bloom to place the moorings. Mr. Coyle said that Atty. Spahr, who handles a lot of the mooring field details for the Club, was present also.

• Norwalk Yacht Club mooring consultation for NHMC

Mr. Bartush said that Mr. Tim Pramer, the president of the Pramer Oyster Company had sent an email regarding the COP application for the Norwalk Yacht Club mooring field. Mr. Bartush then read the following statement to the Commissioners:

Under new map page 7, Mooring Overlay for Private Shellfish Beds [inaudible] on private shellfish beds, Norwalk Yacht Club moorings are not permitted on private shellfish beds [inaudible] permitted on Tract 2 Natural Shellfish bed. The Norwalk Shellfish Commission and private shell fishermen have an agreement with the Yacht Club to use the area in the summer months and the mooring are removed during the rest of the year. All the moorings are supposed to be removed as per the agreement. If the moorings remain in place year round, we cannot use the area. This would negatively affect our business. Thank you. Tim Pramer.

Ms. Kinney asked if there were any additional comments from the Commissioners. When she was told that there was not, she said that they were showing historic drawings where there were potential moorings, but an updated drawing has been submitted. The Club asks permission when they do place their mooring. They would like to keep the mooring boundaries as they have been historically. She said that they would like to leave the moorings in the shared public beds and the area where there are no beds. They would like to renew their 10 year permit.

A discussion followed about the Rowayton Yacht Club removing their tackle in a timely manner. Ms. Kinney said that the Norwalk Yacht Club works closely with Rowayton Yacht Club. She repeated that the Norwalk Yacht Club was not asking for any changes in the mooring fields.

Mr. Steadman pointed out that DEEP does not require approval by the Shellfish Commission, only the Harbor Commission. If the Harbor Commission is going to issue a recommendation, they would have to schedule a Special Meeting. Ms. Kinney said that she was not making any

accusations about the Rowayton Yacht Club, but simply pointed out that pulling the moorings on such a tight time frame was problematic. This past year had numerous storms which delayed pulling the tackle by the end of October.

Mr. Steadman said that he did not receive the updated mooring field map and requested that Ms. Kinney re-send the map to the Harbor Commission.

• C.A.M. 19 South Beach Drive

Mr. Bartush said that there had been two CAM applications submitted, one for [inaudible] and the other for 19 South Beach Drive. He said that Mr. Mooney had forwarded those documents to him. Neither one involved a waterward structure. Mr. Mooney explained that the applications were in a coastal area and wanted to insure the Commission was aware of the work that was being proposed.

Mr. Bartush thanked Mr. Mooney and suggested that the applications be forwarded to the Shellfish Commissioners, along with Mr. Romano, the Harbor Commission Chair, Dr. Pinto, the Harbor Commission Applications Chair and Mr. Steadman, the Harbor Commission Consultant.

• 72 Shorefront Park – Mr. Bartush said Mr. Hilts was representing the applicant and gave a brief description. He recommended that this item be tabled pending a site visit with the Harbor Commission.

**** MR. BARTUSH MOVED TO TABLE THE DISCUSSION PENDING A SITE VISIT WITH AT LEAST ONE MEMBER OF THE HARBOR COMMISSION.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Next Meeting –January 6, 2022 @ 7:15pm (Zoom)

ADJOURNMENT

**** MR. MADAFFARI MOVED TO ADJOURN.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:22 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services.