

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
OCTOBER 27, 2010**

ATTENDANCE: Tony D’Andrea, Chair; Henry Palau, Tony Mobilia, Jack Callahan, Jose Cebrian (7:40 pm); Pat Clark, Dr. John Pinto (8:45); John Romano, Jan Schaefer.

STAFF: Michael Griffin, Harbor Master; Geoff Steadman, Consultant

OTHERS: Peter Johnson, Shellfish Commission; John Frank

CALL TO ORDER

Mr. D’Andrea called the meeting to order at 7:35 p.m. and asked Harbormaster Griffin to lead the group in the Pledge of Allegiance.

ROLL CALL

Mr. D’Andrea called the roll, and stated that the members as listed above were in attendance.

CHAIRMAN’S REPORT

Mr. D’Andrea said that it was a very busy docket this month, lots of interactions with the City and he thanked all members of the Committee for their involvement and support. He reported that he was in receipt of correspondence from the Westport Shellfish Commission to the Mayor, Corporation Counsel, and ACOE, which he summarized as stating that they inferred that Norwalk had better get their act together and stop polluting the water. He added that he takes exception to this letter, and has invited them to attend a future HMC meeting or SFC meeting to observe the efforts taken involved with water safety and compliance procedures.

Mr. D’Andrea reported that he had to change the date for the State of the Harbor Meeting to December 7 due to the room availability at City Hall, and he would provide more information later in the meeting during Old Business. He added that the CT HMA Annual Dinner in Branford is November 9 at 6pm and requested all those planning to attend to RSVP to him by Friday.

APPLICATION REVIEW COMMITTEE

a. Proposed changes to the Building Zone Map for Liberty Square

Ms. Clark reported that this was received as a referral from Planning & Zoning as “proposed” changes to the building zone map locations along Liberty Square, Goldstein Place, and Ft. Point Street areas from industrial to neighborhood zoning with current industrial properties remaining as is with no expansion.

Mr. D’Andrea recused himself from the discussion due to a conflict.

Mr. Romano stated that he is familiar with this area and feels that this item does not come under the purview of the Commission. Ms. Clark replied that this would bring three multi-family properties into non-conforming uses. Mr. Johnson added that there are condominiums in that area, which the City has taken over as low-income housing. Harbor Master Griffin stated that the Commission should only comment on what would impact the Harbor and not on the proposed zoning issues.

Ms. Clark stated that the Committee has provided the following comments under the HMC goal to preserve the water-enhanced uses and protect the fragile ecology of the area:

1. Marina facilities supporting beneficial access to Norwalk Harbor for recreational boating activities have been established on the waterfront between the Metro-North Railroad Bridge and the Connecticut Route 136 Bridge (Stroffolino Bridge).
2. The Norwalk Harbor Management Plan supports and encourages the development and continued operation of water-dependent uses and facilities on waterfront sites.
3. It is the policy of the Harbor Management Plan that public access to the Harbor should be promoted wherever feasible, but that the City should ensure through appropriate zoning and other means, that existing water-dependent uses are not replaced by non water-dependent uses providing only limited public access to the Harbor.
4. It is the Harbor Management Commission’s understanding that the proposed amendments to the building Zone Regulations will not adversely affect the viability and continued beneficial operation of the existing water-dependent uses between the Metro-North Railroad bridge and Stroffolino Bridge.
5. The Harbor Management Commission reserves its right to review any future proposals affecting the Harbor, concerning the properties between the Metro-North Railroad/State Highway 136 to provide comments and recommendations regarding the consistency of those proposals with the Harbor Management Plan.

b. William Selden, 8 Shorehaven Road, Norwalk

Ms. Clark stated that the application involved repairs and modifications as follows:

1. Remediation to boulders per DEP notice of violation.
2. Repair and maintain existing deteriorating seawall and footing.
3. Replace permitted 12x12 float with 8x20 float.

Mr. Romano stated that he is familiar with this area and has been for a long time, as it is adjacent to the former Jewish Community Center and remembers when the boulders were used to fill in areas along the seawall. Ms. Clark replied that the DEP violation is due to the removal of the boulders, and Harbor Master Griffin stated that the location of the boulder placement has to do with tidal levels and erosion avoidance. A discussion ensued, and Mr. D'Andrea suggested that the item should be reviewed by the Shellfish Commission for further information prior to action by the Commission.

**** MS. CLARK MOVED BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, TO TABLE THE APPLICATION PENDING REVIEW/COMMENTS BY THE SHELLFISH COMMISSION OR FURTHER INFORMATION.**
**** MR. PALAU SECONDED**
**** THE MOTION PASSED UNANIMOUSLY.**

Mr. D'Andrea requested to suspend the rules to add the following item to the agenda:

c. Coastal Management in Connecticut: Opportunities for Improvement

Mr. Steadman stated that in regards to a public notice for the Coast Management Act, he has drafted an Opinion Letter for discussion in reply, based upon the Commission's experience with the Dredging Project. He presented copies of the draft, and a discussion ensued. It was agreed to highlight the following paragraph to create greater emphasis on it as a primary recommendation from the HMC:

The Harbor Management Commission strongly recommends that continued and concerted attention be given to encouraging the DEP OLISP to assume an increased and active planning function for the purpose of achieving timely economical, and environmentally sound maintenance dredging of Connecticut ports and harbors and to achieve other state coastal management goals as well.

**** MR. ROMANO MOTIONED FOR THE DRAFT COMMENTS TO BE INCORPORATED INTO A LETTER FROM THE HARBOR MANAGEMENT COMMISSION IN RESPONSE TO THE FEDERAL COASTAL ZONE MANAGEMENT ACT.**
**** MR. PALAU SECONDED**
**** THE MOTION PASSED UNANIMOUSLY.**

Mr. D'Andrea requested to suspend the rules to add the following item to the agenda:

d. U.S. Coast Guard Proposed Rule Change For Bridge Openings

Mr. Steadman stated that the report proposes changes in adopting rules for bridge openings with DEP approval only once, thereby eliminating final approval from the HMC. He recommends keeping the system as it is under the Harbor Management Plan, and recommends that a letter to the U.S. Coast Guard regarding the proposed rule changes be written from the Harbor Management Commission .

- ** **MR. ROMANO MOTIONED TO TRANSMIT THE RECOMMENDATION THAT ANY FUTURE CHANGES TO BRIDGE OPERATING REGULATIONS CONTINUE TO BE SUBJECT TO COASTAL MAANGEMENT CONSISTENCY REVIEW BY THE DEP.**
- ** **MR. PALAU SECONDED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

PLANNING AND ZONING REPORT

There was no report from Planning and Zoning.

REPORTS

Dredging – Dr. Pinto said that there was no formal report, but it was worthy to note that he still has to meet with the ACOE to discuss the dredging project and the final update status. Harbor Master Griffin stated that after the recent meeting of the HMA they are close to a final report. Mr. D'Andrea requested Dr. Pinto to e-mail him with a chart of the progress and corresponding dollar amounts following the next Dredging Committee meeting in December.

Finance – Mr. Cebrian stated that the financial status is very healthy with approximately \$30,000 in the bank. He added that he is in need of receipts for reimbursement to ensure that all expenses are accounted for. Mr. D'Andrea asked that the Plans and Recommendations Committee examine plans to recommend areas where financial support is required, and to recommend a spending plan to the Commission.

Boating and Harbor Safety – Mr. Palau stated that there was no report, other than a letter that he received from a Mr. Austin, a former member of the Norwalk Harbor who now lives in Vermont. He stated that the letter is a lengthy complaint as to a harbor safety hazard situation that has occurred with the Maritime Aquarium Oceanic vessel's practice of blocking the harbor during their testing. A discussion ensued and it was agreed that this is an example of multiple uses of the harbor that needs to be monitored.

Water Quality – Ms. Schaefer presented her written report as follows:

At the last Water Quality Meeting, a motion was passed to have tests taken to determine the source of the waste coming out of the pipe by the pier at Calf Pasture Beach – being bird or human. At the time, we thought there was an inexpensive test – just a few hundred dollars. It turns out that this testing is not able to identify an avian source, so the testing was not conducted. Meanwhile, testing was done by the EPA. Preliminary results were shared today by Kristin Frank from CT Aquaculture, but the full report is not completed. Kristin stated that the EPA test was conducted at the pipe by the pier, and the results showed evidence of a human source – acetaminophen (in Tylenol) and the breakdown of caffeine.

This information was shared at a meeting held with representatives of the various City Departments, including Hal Alvord, from Department of Public Works, Parks and Recreation, the Health Department, Harbor Watch/River Watch, and CT Aquaculture. The purpose of this meeting was to share information about the contamination that caused the Calf Pasture Beach closure and to work collaboratively to determine the cause and find a solution. It was reported last month to this committee that dye testing has already been done in the pipes feeding into the pipe by the pier and this did not show the source of the problem.

Since that meeting, a probe with a camera was sent through the “unidentified pipe” near the concession stand (which was emitting gray matter), and the pipe hit a dead end at the end of the concession stand. There was no evidence that this was the source of the problem. Mr. Moccia reported that the cross connections with this pipe have been shut down and will be fixed over the winter. Mr. Alvord suggested smoke testing through the pipes and system, which will go upstream. Under pressure, the smoke will travel through the system and emerge where there is relief to escape. This will show if there is any breach in the system, or if there are unknown connections, and it could help identify a source. This test will be conducted Friday, October 29; and following that test, the group will reconvene, if needed, to determine next steps.

Harbor Master Griffin added that “hats off” to Ms. Schaefer is in order for all her work done on behalf of the City of Norwalk for this project, especially considering her newly appointed role, and she has taken charge of a very complicated issue in a highly efficient manner. He thanked her and the members joined him in a round of applause to acknowledge her efforts.

Plans and Recommendations – Mr. Mobilia stated that there was no report from the Plans and Recommendations Committee, and Mr. D’Andrea asked him to will work on scheduling a meeting in December to address upcoming plans.

Waterfront Advisory - Harbor Master Griffin provided his written report and stated that the members should have received it by e-mail as well. He stated that the 2010 Dunavan Boating Center will be closed officially for the 2010 season as of October 31, 2010. He added that preliminary figures indicate this past season as the highest revenue generating year on record. He added that the NRRA will be hosting their annual rowing regatta in Veteran's Park November 6 –7 on the portion of the Norwalk River between SoNo Boat Club & Washington Street Bridge. He expressed concern with the safety mandates, and Mr. D'Andrea offered to recruit volunteers to assist with the regatta if needed.

Newsletter/Website – Mr. Romano asked the Board members to send articles to him to circulate to the members for comment and inclusion with the next newsletter. Mr. Mobilia suggested that articles about rowing safety be included, in view of the increased usage of the channel from the Norwalk River Rowing Association.

STAFF REPORTS

Harbor Master's Report - Harbor Master Griffin reviewed this written report. and presented copies to the members. He highlighted the financial summary covering deposits totaling \$1,635 representing total to date for the season at \$37,093 with a breakdown by club of the permits and payment fees collected. He pointed out that he attended four meetings this past month regarding the Harbor, which are listed on his report, and noted 180 customer service phone calls for the period, mostly related to new permit fees and new mooring requests, which totaled 41 hours.

Harbor Master Griffin stated that he has met with the committee to develop a master plan for Veteran's Park to include recommendations from the HMC. He distributed the Cranbury Park Master Plan for review and asked the members to look at the plan with a visionary eye on how elements of that plan can fit into the Veteran's Park plan; and he asked them to bring their input to the next meeting. Mr. Romano suggested that the committee be given the Harbor Management Plan also to use a guideline on how to incorporate their vision of the park into the goals under the HMC plans for the Harbor.

**** MR. ROMANO MOTIONED TO ACCEPT THE HARBOR MASTER'S REPORT AS SUBMITTED.**

**** MR. PALAU SECONDED**

**** THE MOTION PASSED UNANIMOUSLY.**

Consultant – No formal report was presented, but Mr. Steadman stated that the items added to the application review portion of the meeting would serve as elements of his report.

APPROVAL OF SEPTEMBER 22, 2010 MINUTES

- ** MS. CLARK MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 22, 2010 MEETING AS SUBMITTED.**
- ** MR. PALAU SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

NEW/OLD BUSINESS

Mr. D'Andrea stated that he had received correspondence addressed to Corporation Counsel from a Zoning Commissioner, Mike Mushak requesting legal clarification about the role of the HMC and city jurisdiction over littoral rights. Mr. D'Andrea provided copies of the letter and summarized that there were questions about public notification in regards to recent increase in private dock applications for review and recommendation. A discussion ensued, and Harbor Master Griffin stated that since the letter was written to Corporation Counsel, the onus is on Attorney Maslan to respond to the letter. Dr. Pinto stated that he found it very unusual that Mr. Greene, from Planning & Zoning was unable to respond to Mr. Mushak's request for clarification of the process.

Mr. D'Andrea stated that as mentioned earlier in the meeting, the date for the State of the Harbor Meeting had to be changed to December 7, due to the room availability at City Hall, but it will be held in the Council Chambers. He added that the CT HMA annual dinner in Branford is November 9 at 6pm and he listed the names of those planning to attend, and reminded members that he needed to know by Friday so that he could send in reservations.

Mr. D'Andrea stated that in view of the State of the Harbor meeting in December, the regular meeting for December will most likely be cancelled, but he would note that next month.

ADJOURNMENT

- ** MR. PALAU MOVED TO ADJOURN.**
- ** MR. ROMANO SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Marilyn Knox
Telesco Secretarial Services