

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
NOVEMBER 17, 2010**

ATTENDANCE: Tony D'Andrea, Chair; Henry Palau, Patricia Clark, Jan Schaefer, Dr. John Pinto, John Romano, Tony Mobilia (7:50 p.m.)

OTHERS: Peter Johnson, Shellfish Commission Chair, Janis Kaiser, Norwalk Yacht Club; John Frank, John Love, Carol Sherwood, Roger Kin, Richard Nichol, Tim Pramer, Jim Cummings, Jr., Matt Gifford, Doug Stabbell, Sr., Doug Stabbell, Jr., Brad Simmons, Devon Santa, Matthew Rakowski, Ned Brooks, Les Olsen, and Geoff Steadman, NHMC consultant

CALL TO ORDER/PLEDGE

Mr. D'Andrea called the meeting to order at 7:33 p.m.

ROLL CALL

Mr. D'Andrea called the roll and announced that a quorum was present. Mr. Griffin, Mr. Cebrian and Mr. Callahan have excused absences.

CHAIRMAN'S REPORT

Mr. D'Andrea invited all those present to attend the State of the Harbor Meeting on December 7, 2010.

Mr. D'Andrea said it was a busy month with water quality and shellfish issues. These issues will be discussed later in the meeting.

APPLICATION REVIEW

Michael Greenberg, for work at 22 Shorehaven Road

Work Location: 22 Shorehaven Road, Norwalk, involving repair of existing concrete seawall; increase height to match adjoining retaining wall and increase retaining wall by 1 foot.

Ms. Clark said that this is a Certificate of Permission (COP) application for work to repair an existing concrete wall and to increase the height of the seawall to meet the height of the retaining wall. No increase in the footprint of the wall, just height adjustment. The existing stone abutment will not increase.

**** MS. CLARK MADE THE FOLLOWING MOTION:**

BASED ON THE GUIDELINES OF THE NORWALK HARBOR MANAGEMENT PAN, THE COMMISSION'S FINDINGS ARE BASED ON THE FOLLOWING WHEN APPLICABLE:

- **THE COMMISSION RESERVES THE RIGHT TO REVIEW THE PROPOSAL AT SUCH TIME AS IT MAY BE MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION IS PROVIDED.**
- **BEST MANAGEMENT PRACTICES AND STORM WATER TREATMENT SYSTEMS AND TECHNOLOGY SHALL BE EMPLOYED TO REDUCE NON-POINT SOURCE POLLUTION FROM ENTERING THE HARBOR. SUCH SYSTEMS AND TECHNOLOGIES SHOULD BE PROPERLY MAINTAINED AND OPERATED IN ACCORDANCE WITH REGULARLY SCHEDULED MAINTENANCE PROCEDURES WITH PROPER DISPOSAL OF ANY RESIDUE.**
- **APPLICANTS MUST ENSURE COMPLIANCE WITH ALL APPLICABLE CITY REGULATIONS AND CODES.**

IN ADDITION, THE PROPOSAL REVIEWED INCLUDES:

NO COMMENTARY PROVIDED BY THE NORWALK SHELLFISH COMMISSION EVIDENCE THAT THE PLANS HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR

THAT APPROVAL IS RECOMMENDED WITH THE FOLLOWING COMMENT:

IT IS OUR UNDERSTANDING THAT THERE WILL BE NO IMPACT ON SHELLFISH BEDS.

Ms. Clark said that there would be another application in the future as a house is planned on the site, along with a septic system and other items.

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Norwalk Yacht Club, 10 Nathan Hale Road

Work Location: Waters of Wilson Cove, involving a review of previously authorized mooring field for up to 152 vessels.

Mr. D'Andrea said that normally the comments are given during the Application Review Committee. However, tonight, the Chair will be allowing comments from the Shellfish

Commission or the principals who are present during the application review portion of the meeting.

Ms. Clark said that it was a Certificate of Permit (COP) application for work in the waters of Wilson Cove. This involved a previously reviewed mooring field. Ms. Clark said that at the Application Committee, there was no comment from the Shellfish Commission. Ms. Clark said a professional land surveyor prepared the plans. Based on the information presented and mindful of working in Norwalk Harbor. Ms. Clark then read the following comments into the record:

**COMMENTS AND RECOMMENDATIONS BY THE NORWALK HARBOR
MANAGEMENT COMMISSION'S APPLICATION REVIEW COMMITTEE
CONCERNING AN APPLICATION BY THE NORWALK YACHT CLUB TO RENEW
AN EXISTING PERMIT FOR A MOORING FIELD IN NORWALK HARBOR**

COMMENTS:

- 1. THE NORWALK HARBOR MANAGEMENT PLAN (THE PLAN) SUPPORTS THE CONTINUED PLACEMENT AND USE OF BOAT MOORING BY THE NORWALK YACHT CLUB (THE APPLICANT) IN THE WATERS OF WILSON COVE AND NORWALK HARBOR.**
- 2. THE PLAN ENCOURAGES AND SUPPORTS CONTINUED COMMERCIAL SHELLFISHING IN WILSON COVE AND NORWALK HARBOR IN CONJUNCTION WITH EXISTING BOATING AND OTHER WATER-DEPENDENT RECREATIONAL USES, AND IN A MANNER THAT DOES NOT UNREASONABLY CONFLICT WITH EXISTING LAND AND WATER USES.**
- 3. THE APPLICANT OPERATES ITS EXISTING BOAT MOORING FIELD IN ACCORDANCE WITH A PERMIT DULY ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S OFFICE OF LONG ISLAND SOUND PROGRAM (DEP OLISP) AND PERIODICALLY RENEWED IN ACCORDANCE WITH THE PLAN.**
- 4. IT IS A PROVISION OF THE PLAN THAT ANY PERMIT ISSUED BY THE DEP OLISP TO THE APPLICANT FOR OPERATION OF A BOAT MOORING FIELD SHOULD NOT BE ISSUED FOR AN INDETERMINATE PERIOD OF TIME BUT INSTEAD SHOULD BE SUBJECT TO PERIODIC REVIEW AND RENEWAL. THIS PROVISION WAS ESTABLISHED BY THE NORWALK HARBOR MANAGEMENT COMMISSION (NHMC) FOR THE PURPOSE OF ENSURING THAT AN APPROPRIATE BALANCE IS ALWAYS MAINTAINED BETWEEN USE OF WILSON COVE FOR MOORINGS MAINTAINED BY PRIVATE YACHT CLUBS AND THE USE OF THE COVER FOR MOORING USED BY WATERFRONT PROPERTY OWNERS AND OTHERS WITH ACCESS TO THE COVE.**
- 5. THE APPLICANT'S PENDING APPLICANT FOR RENEWAL OF ITS MOORING PERMIT (THE APPLICATION) WOULD NOT EXPAND THE SIZE OR OTHERWISE INCREASE THE SCOPE OF THE APPLICANT'S EXISTING, PREVIOUSLY PERMITTED MOORING FIELD.**

6. IT IS A PROVISION OF THE PLAN THAT, IN ACCORDANCE WITH SEC. 26-157a(e) OF THE CONNECTICUT GENERAL STATUTES AND HISTORICAL AGREEMENT BETWEEN THE OWNERS/LESSEES OF PRIVATE SHELLFISH GROUNDS AND THE PRIVATE YACHT CLUBS IN WILSON COVE, NO MOOING SHOULD BE PLACED ON ANY PRIVATE SHELLFISH GROUND WITHOUT THE APPROVAL OF THE OWNER/LESSEE OF THAT GROUND, AND THAT SUCH APPROVAL SHOULD BE BASED ON REASONABLE AND SPECIFIC CRITERIA CONSISTENTLY APPLIED TO ALL BY THE OWNER/LESSEE.

7. THE NHMC UNDERSTANDS THAT OWNERS/LESSEES OF PRIVATE SHELLFISH GROUNDS AFFECTED BY THE APPLICANT'S EXISTING MOORING FIELD HAVE OBJECTED TO THE APPLICANT'S CONTINUED PLACEMENT OF MOORING ON THEIR GROUNDS.

8. THE APPLICANT'S ATTORNEY IS OF THE OPINION THAT THE PROVISIONS OF C.G.S. SEC. 26-157a(e) CONCERNING PLACEMENT OF MOORINGS ON PRIVATE SHELLFISH GROUNDS ARE NOT APPLICABLE WITH REGARD TO THE APPLICATION.

9. IT IS THE UNDERSTANDING OF THE NHMC THAT THE DEP OLISP IS SEEKING AN OPINION FROM ITS LEGAL COUNSEL REGARDING THE RELEVANCE OF C.G.S. SEC. 26-157a(e) TO THE APPLICATION.

10. TO DATE, THE NHMC HAS RECEIVED NO FORMAL COMMENTS FROM THE NORWALK SHELLFISH COMMISSION REGARDING THE APPLICATION.

11. THE NHMC IS CONCERNED THAT DECISIONS BY THE DEP OLISP CONCERNING THE APPLICABILITY OF C.G.S. SEC. 26-157a(e) TO THE APPLICATION MAY SET PRECEDENTS THAT COULD ADVERSELY AFFECT OTHER MOORINGS AND SHELLFISH BEDS IN NORWALK HARBOR.

12. THE NHMC WISHES TO EMPHASIZE THE URGENCY OF ADDRESSING THE IDENTIFIED CONFLICTS BETWEEN THE APPLICANT AND SHELLFISH BED OWNERS/LESSEES IN A TIMELY MANNER NECESSARY TO ENSURE CONTINUED AUTHORIZED USE OF THE APPLICANT'S MOORING FIELD DURING THE 2011 BOATING SEASON.

DATED NOVEMBER 17, 2010

RECOMMENDATION:

1. IN THE ABSENCE OF A TIMELY AGREEMENT AMONG THE APPLICANT AND SHELLFISH BED OWNERS/LESSEES REGARDING PLACEMENT OF THE APPLICANT'S MOORINGS ON PRIVATE SHELLFISH BEDS, THE NHMC RECOMMENDS THAT THE APPLICANT'S EXISTING MOORING FIELD PERMIT BE EXTENDED BY THE DEP OLISP FOR A PERIOD OF ONE YEAR, DURING

WHICH TIME THE DEP WILL BE RESPONSIBLE FOR RESOLVING THE IDENTIFIED ISSUES CONCERNING THE APPLICABILITY OF C.G.S. SEC. 26-157A(E) TO THE APPLICATION.

Ms. Clark pointed out that because there was no comment from the Shellfish Commission, the Committee does not find the application consistent or inconsistent with the Norwalk Harbor Management Plan. She reminded everyone that this was a difficult issue to resolve.

Mr. Mobilia joined the meeting at 7:51 p.m.

**** MS. CLARK MOVED THAT THE RECOMMENDATION BE ENTERED AS READ INTO THE RECORD.**

**** MR. PALAU SECONDED.**

Mr. D'Andrea said that now he was opening the floor to comments.

Mr. Peter Johnson, the Shellfish Commission Chair, said that this matter had not been formally before the Shellfish Commission because the beds involved are private oyster beds. He then read the following statement into the record:

Norwalk Yacht Club has had a mooring field for a long time, they say since 1894. There have been shellfish beds, both natural and privately owned (franchised in perpetuity) since the mid 1800's when Connecticut was first state to grant vested rights to oyster ground and the unrestricted enjoyment thereof, in 1845. Labor bureau statistics I 1889 show 169 owners, 141 employees, 115 vessels, 12,597.7 acres in the Oyster business in Norwalk.

Generally, some shared use of certain areas worked well for both the yacht club members and the oystermen for many years. The first DEP permit for mooring field was apparently issued in 1991 after being applied for in 1989. It allowed for mooring 152 boats during the boating season, providing all the ground tackle was removed each fall and replaced in spring to preserve the ability to work the oyster beds in off-season. The present application asks to renew that original DEP permit, but references a 2005 permit for the site plan of the mooring field, that than the plan from the original permit.

In order to protect their right to unrestricted enjoyment of their oyster grounds, and the natural beds in Wilson cove, the Oystermen registered their objection to the mooring infringing on the grounds. We are told that informal agreements were reached for a shared use of the bottom and the provision for seasonal removal of the ground tackle and no discharge of sanitary waste was the result, written into that 1991 permit.

The club says the size of the field and the number of permitted moorings has not changed, and all the permitted moorings have not been placed every season, but that they have not shown the original permitted plan. The oystermen say the field seems to have grown as bigger boats became more common, and the infringement on their beds varied. For years, the oystermen were able to work their beds, at least the part that was not directly under a moored boat, and the shared use was an inconvenience they tolerated in the interest of being good neighbors and they did not consider it an intolerable burden.

Now, conditions have changed, laws prohibiting any agreement to NOT farm the grounds have made them cautious about anything that could be interpreted as an agreement to NOT farm in good faith. 26-194, clearly prohibits any owner/lease holder of an oyster bed from entering into any agreement to use that bed for anything other than shellfish cultivation. The pertinent section is:

“Such lease or lease renewal shall require the lessee to make a good faith effort to cultivate and harvest shellfish from the leased area. Such lease or lease renewal shall prohibit the lessee from entering a contract whereby the lessee agrees not to cultivate and harvest shellfish for any period of time.”

This became law as: P.A. 03-263 amended Subsec.(a) by adding provisions re lease or its renewal to require the lessee to make a good faith effort to cultivate and harvest shellfish and prohibit the lessee from entering any contract or agreement not to cultivate and harvest shellfish.

The Aquaculture Bureau of the Dept. of Agriculture has mandated classifying the mooring field and a considerable buffer zone as prohibited, effectively outlawing any harvest or relay from the area, for half of each year. When the first DEP permit was issued, most of the affected private shellfish beds were controlled by Tallmadge Bros. Co, owned by the late Norman and Hilliard Bloom. They owned about 24000 acres at that time, and losing part time use of a few acres at Wilson cove was not much of a hardship. After their estates were settled, the present owners ended up with much smaller properties and the loss of a single bed had much more impact, as a larger percentage of their total holdings.

Last year, when the last permit ran out and application was made for renewal, the issue of 26-157e, requiring permission before placing a mooring or a lobster pot on private grounds was raised and not resolved. A one year permit, with the requirement that no mooring be placed on private beds without permission, was issued. The DEP advised the Yacht Club that they would need to file a new application rather than a COP renewal request without the condition from last year and made a lawyer's opinion about the applicability and the enforceability of 26-

157(e) part of the application. As a shellfish commission, obligated to the protection of shellfish resources, we cannot endorse an application that argues against a law meant to help protect shellfish resources. We have no problem with a mooring field that does not infringe on private beds, although we have heard a lot about the damage done by the ground tackle chain, and would be happy to endorse such an application without argument about 26-157e included.

Ms. Janice Kaiser of the Norwalk Yacht Club said that the DEP had given them a recommendation. The COP application indicates that they want to continue to have the mooring fields. No changes are being made since the original field was established. When the renewal application was denied, the DEP requested that attempts to reach out be made. Multiple attempts were made, but no meeting was ever held

Mr. Tim Pramer stated that both natural beds and private beds are involved. In the letter from John Casey of Robinson and Cole, LLC, it says that adjacent property owners were notified but he did not receive the letter until 12 noon today. He said that he was never notified in 1991 or now.

Mr. D'Andrea said that he appreciated everyone attending this meeting and that he did not understand why this couldn't be resolved earlier. He remarked that this issue would now be resolved by DEP.

Mr. Devin Santa of Roberg Associates said that mooring field boundaries were established with coordinates. He also said that the coordinates were not changed over the years. Mr. D'Andrea said that he wanted everyone to know that the NHMC does not know a single source for all shellfish bed coordinates and asked for full disclosure of all bed locations and ownership.

Mr. Johnson commented that Aquaculture has changed their practices and past practices are being changed.

Mr. D'Andrea asked if anyone else from the public wished to speak. No one indicated that they wished to address the Commission. Mr. D'Andrea then announced that Public Comment period was closed.

Mr. Steadman said that DEP had requested that Norwalk Yacht Club file a full application, they chose not to submit a full application. Instead the club chose to submit a COP. Now the DEP is under a time constraint and must respond to this COP soon. As this was a time sensitive issue the NHMC Application Committee drafted their comments before the Shellfish Commission submitted their comments.

**** MR. ROMANO MOVED TO AMEND ITEM 10 OF THE NORWALK HARBOR MANAGEMENT COMMISSION COMMENTS FROM:**

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10. TO DATE, THE NHMC HAS RECEIVED NO FORMAL COMMENTS FROM THE NORWALK SHELLFISH COMMISSION REGARDING THE APPLICATION.

CHANGED TO:

10. WRITTEN COMMENTS FROM THE NORWALK SHELLFISH COMMISSION WERE RECEIVED ON NOVEMBER 17, 2010 AND ARE ATTACHED.

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Twenty years ago, when this issue came up, there was concern that the Yacht Club would take most of the Wilson Cove for mooring. That is why the permit was not issued in perpetuity. Because the Yacht Club predates the plan, their attorney has a different viewpoint. Whatever decision is made by the DEP could affect the other shellfish beds. Therefore, it is important to have something in the record before a decision is made by the DEP.

Mr. Romano asked for clarification on the situation. Ms. Clark said that previously, all parties were working in good faith and an informal agreement was in place. Mr. Romano asked if the Aquaculture would supercede the prior agreements or arrangements. Mr. Steadman said that the Harbor Commission does not know. Mr. D'Andrea pointed out that the department of Aquaculture has stated that they don't consider or trust the Clean Water Act, Ambro amendment, or No discharge zone in LIS when considering shellfish and boat related issues.. They want to prevent people from becoming ill and they are enacting major restrictions. The shell fishermen are being confined by Aquaculture and the DEP has not indicated a final decision. Ms. Clark said that the one year extension is to give a chance for the parties to try and find a workable agreement. She added that the Harbor Management was not a permitting agency.

Dr. Pinto said that it appears that Aquaculture was the starting point for the issue. Previously, Aquaculture followed the DEP guidelines, but now the situation has reversed. He added now the mooring area is temporarily prohibited to shell fishermen by Aquaculture.

**** MS. CLARK MOVED TO APPROVE THE FOLLOWING AMENDED RECOMMENDATION:**

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EVIDENCE THAT THE PLANS HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL
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8. THE APPLICANT'S ATTORNEY IS OF THE OPINION THAT THE PROVISIONS OF C.G.S. SEC. 26-157a(e) CONCERNING PLACEMENT OF MOORINGS ON PRIVATE SHELLFISH GROUNDS ARE NOT APPLICABLE WITH REGARD TO THE APPLICATION.

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**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Ms. Clark thanked everyone for attending and said that the Committee tried very hard to balance the uses of Norwalk Harbor and appreciate the concern of those who care about the Harbor.

Christopher Bell, 10 Northport Drive, Norwalk

Work Location: 10 Northport Drive, involving a 5 x 5 concrete foundation; 2 x 24 ramp; 5 x 20 float stabilized by struts, and slope stabilization of 640 square ft.

Ms. Clark stated that this was a private residence applying for work at the same. A professional engineer prepared plans.

**** MS. CLARK MOVED TO APPROVE THE FOLLOWING AMENDED RECOMMENDATION:**

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**COMMENTARY PROVIDED BY THE NORWALK SHELLFISH COMMISSION
EVIDENCE THAT THE PLANS HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL
ENGINEER OR LAND SURVEYOR**

THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING TO THE COMMISSION:

THE PLANS REVIEWED ARE CONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN

**** DR. PINTO SECONDED.**

It was pointed out that although it is a tidal creek, there is a weir and the agent commented that the float would not be resting on the bottom. The comment from the Shellfish Commission - plan drawing are remarkably free of depth illustrations. The Shellfish Commission said that the statement regarding the float not resting on the bottom was not accurate.

Mr. Santo came forward and indicated that the weir restricts the water flow at low tide. The low water elevation was taken from a few inches from the top of the weir. It was pointed out that it had been previously stated during the Application Committee meeting that the weir was porous and the water does drain from the weir area. Discussion followed about the details of the low tide water. Ms. Clark said that it would be important to know what actually happens at low tide. She suggested that rather than denying the application that the application be tabled to allow the applicant to modify the application

**** MS. CLARK MOVED TO WITHDRAW THE RECOMMENDATION OF APPROVAL FOR THE APPLICATION OF CHRISTOPHER BELL FOR WORK AT 10 NORTHPORT DRIVE.**

**** MR. PALAU MOVED TO TABLE THE APPLICATION OF CHRISTOPHER BELL FOR WORK AT 10 NORTHPORT DRIVE TO ALLOW THE APPLICANT TO MODIFY THE APPLICATION/**

**** DR. PINTO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Notice of Public Hearing Waste Management of Connecticut

This is a notification of a public hearing and a CT DEP notice of intent to approve the application for Meadow Street. The Commission reviewed this previously and decided to let their previous comments stand.

Zoning referrals for the following:

- i. 11-10R: Amendment to revise zoning regulations for revision of sign regulations for the Golden hill and East Avenue Village Districts**
- ii. 12-10R: Amendment to allow boutique manufacturing in Neighborhood business zones.**

iii. **13-10R: Amendment to the recently adopted substantial improvement definition.**

It was suggested that the NHMC make no comment as the properties are near but do not have any impact on the waters of Norwalk Harbor. This was agreeable to all.

Ms. Clark said that she expected to have a December application committee meeting.

Planning and Zoning - No report

COMMITTEES

- **Dredging** - Dr. Pinto has been in contact with Jack Coralis and need to send a formal letter to notify the ACOE that the City wishes to proceed with Phase III. Additional testing will need to be done. He expressed concerns about the amount of capping material that will be needed and the expenses associated. Mr. Steadman and Dr. Pinto will sent this letter ASAP.

**** DR PINTO PROPOSED TO SUBMIT A FORMAL LETTER TO ACOE TO PROCEED PHASE III OF THE DREDGING OF NORWALK HARBOR**

**** MS. CLARK SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

- **Finance** - No report.
- **Boating and Harbor Safety** - No report
- **Water Quality/Watershed Initiative** - Mr. D'Andrea said that he was very impressed with Ms. Schaefer's ability to get people to the table. She then reviewed the following points:
 - There was a special meeting of the Water Quality Committee on Nov. 4th to follow up on issues of water quality around Calf Pasture Beach.
 - A primary concern was the closure of the shellfish beds and efforts were underway to remedy the water contamination issues and get the shellfish beds open.
 - On Oct. 29, smoke testing was conducted through the pipes near the concession stand at Calf Pasture Beach and results showed smoke emerging from the measure until a permanent fix is completed.
 - At the request of Kristin Frank of CT Aquaculture, dye testing was done the Coast Auxiliary station and the results showed no evidence of contamination going into the storm drains.
 - Water testing by the end of the pipe next to the pier at Calf Pasture continued, and recent test results are good.
 - Kristin took shellfish meat samples last week and the results were good.

- She opened the shellfish beds on Friday, Nov. 12.
- During the Water Quality Committee Meeting, it was suggested by several people that the pipes by the concession stand are not the only problem, and other areas must be explored to prevent further water contamination. If no other action is taken, it's likely that similar issues of contamination will occur in the spring, possibly affecting the harbor and the beach areas.
- We decided to work over the winter to help find and remedy other sources of the pollution.
- There was also a strong sentiment to lead a public awareness campaign to educate people about preventing contaminants from getting into storm drains – contaminants like dog waste and fertilizers.
- A small group will get together to talk about these next steps and focused efforts over the winter.
- The Water Quality Committee will meet, as needed, over the winter to follow up on this.
- Thanks to all who helped with the effort around the water quality issues, but especially, related to the beach and shellfish issues: Hal Alvord, Mike Moccia, Tom Closter, Tim Callahan, Dick Harris and Tony D'Andrea.
- MYSound probe is fixed. The report looks good, with dissolved oxygen at 10.1

Dr. Pinto asked if there was a correlation between the effluent from the pipe and what was going down the pipe. Ms. Schaeffer said that she was not sure about this. Mr. Frank said that Mr. Carrie was working under a guidebook that was old and that the standard requires extensive water sampling. Ms. Schaeffer said that some discussion has taken place about making an education a priority

Plans and Recommendations - Mr. Mobilia said that the committee met Monday night to discuss projects that the Commission can undertake for the budget year. One is to purchase four No Wake buoys including the ground tackle and the placement of them. Total will be \$3,080.00, including the manufacturing and lettering of the buoys. One pair, stationed by Manresa Island, will be larger than the other pair. It is also being suggested that stationary No Wake day markers be placed out by Manresa Island.

Another discussion was about placing three interpretative signs by the Dunavan Center telling about the history of the Harbor and the Dunavan Center. This would cost about \$9,000.

Mr. Mobilia said that the final project would be to have oil booms located in lockers at various locations around the harbor for the Police or Harbor Master to use as needed. Mr. D'Andrea said that the item he researched booms that would be placed on the east side, one on the west side, one for mobile transport and the fourth one at another location. Mr. David Bove, who gave the quote, is quoting the storage drums at cost in order to show his support for Norwalk Harbor.

Ms. Schafer said that Long Island has some very effective buoys that were extremely hard to miss. Mr. D'Andrea pointed out that the actual styles of the buoys could be selected later and this motion would only be to set the money aside.

Mr. Palau asked where the funding would be drawn from. Mr. D'Andrea said that the increased mooring fees will cover the cost.

**** MR. ROMANO MOVE TO PURCHASE IN THE ORDER OF PRIORITY THE FOLLOWING ITEMS AS THE BUDGET ALLOWS:**

- 1. THE SPEED BUOYS**
- 2. OIL BOOM**
- 3. HISTORIC MARKERS**

**** MS. CLARK SECONDED.**

**** THE MOTION PASSED WITH FIVE IN FAVOR (CLARK, MOBILIA, SCHAEFER, ROMANO AND PINTO IN FAVOR AND ONE OPPOSED (PALAU))**

Mr. D'Andrea said that the Health Department communicated that they would not be able to fund their portion of the Water Quality intern program. The Shellfish Commission may not be able to help in 2011 either.

Mr. Mobilia said that another discussion has taken place about petitioning the Coast Guard to put a lighted buoy at the end of Sheffield Island.

- **Waterfront Advisory** - As submitted. Mr. D'Andrea commented that Mr. Griffin and the Marine Police among others had been very involved in sorting out the chaos in a recent regatta. The regatta was successful.
- **Newsletter/ Website** - A discussion followed about the fact that the Norwalk Harbor Management Commission is no longer connected to the City's website. Discussion then followed.

STAFF REPORTS

Harbor Master/Harbor Manager - As submitted

**** DR. PINTO MOVED TO ACCEPT THE HARBOR MASTER'S REPORT AS SUBMITTED.**

**** MR. ROMANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Consultant – Mr. Steadman said that the recent Harbor Management dinner was very good.

Several letters have been sent to the DEP. One letter concerned Coastal Management and state that the DEP could do better. The DEP will be looking at this next year. Mr. Steadman presented a talk about how the DEP had been reluctant to assist the City in various projects. The DEP maintains that they cannot assist individual municipalities because it would be a conflict of interest. Now the focus will be to work with the legislators to advance the idea of partnership with municipalities and DEP.

APPROVAL OF THE OCTOBER 2010 MINUTES

Ms. Clark commented that the minutes were beautifully done.

**** MS. CLARK MOVED TO APPROVE THE MINUTES OF OCTOBER 27, 2010 AS SUBMITTED.**

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW/OLD BUSINESS

Dr. Pinto reminded everyone about the nominations for the David S. Dunavan award. Mr. D'Andrea said that Terry Backer had made an enormous impact on dealing with the Norwalk sewage treatment plan. Mr. D'Andrea should be recognized for his contributions. Mr. Backer was a driving force for improving water quality in Norwalk Harbor.

Other candidates suggested were Joe Schnierlein, former biology teacher and current employee of the Maritime Aquarium, Thomas Brigante, Sr. a founding member of the Marine Police. Discussion followed.. Paper ballot were handed out and an official vote taken. There were five votes in favor of Terry Backer.

Mr. Palau commented that the proposed purchases by the Commission was another example of fee increases paid by the mooring holders and he felt that it was not fair. Mr. D'Andrea suggested that this concern be taken up as an Action item in order to bring parity in the fee structure. Discussion followed.

Mr. D'Andrea announced that the Christmas Party would be held on December 16th at Ischoda.

The discussion then moved to scheduling the next meeting. December 8th will be Application Review at 7:00 p.m. with the Harbor Commission meeting to immediately follow.

ADJOURNMENT

**** MR. PALAU MOVED TO ADJOURN.**

**** MS. CLARK SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:22 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services