

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
JANUARY 27, 2010**

ATTENDANCE: Tony D'Andrea; Pat Clark; Mike Harden;
Dr. John Pinto (by telephone); Jack Callahan

OTHERS: Geoffrey Steadman (Staff)

ABSENT: Jose Cebrian; Tony Mobilia; John Romano; Henry Palau;
Mike Griffin, Harbor Master

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mr. D'Andrea called the meeting to order at 7:31 p.m. and asked everyone to join him in reciting the Pledge of Allegiance.

ROLL CALL

Mr. D'Andrea called the roll call. He said that Mr. Cebrian, Mr. Mobilia, Mr. Romano, Mr. Palau, and Mr. Griffin would not be at the meeting. He said that Dr. John Pinto would be joining them by telephone.

Mr. D'Andrea then had Dr. Pinto join the Commission by telephone so that they could discuss the Application Review Committee report presented by Ms. Clark.

APPLICATION REVIEW COMMITTEE - CLARK

1. 2009-13 Revised: Richard Scalise, 15 Seabreeze Place

Ms. Clark explained that the Commission had originally reviewed a proposal in November which the Application Review Committee felt was consistent with the Harbor Management Plan. They were then told by Mr. John Hiltz that the proposal was under revision. This month they saw the revision. The original proposal was for a dock, a raised pile supported timber pier with a pierhead and a powered boat lift at the outboard end. After the Committee meeting, they were advised that the applicant and his agent were in discussion with the DEP regarding some revision to that proposal. At the Full Commission level, they tabled passing along any finding. Now they have received the revised proposal from Mr. Hiltz and the original proposal is largely unchanged. It has been scaled back to be 6 ft shorter than originally drawn, from 73 ft. to 67 ft. It includes a pile supported timber pier at an elevation of 12.5 ft; the pier is 4 ft by 52 ft that ends in a 7 by 14 ft pierhead (an area reduced in length) and the pierhead supports a powered boat lift. The boat lift is now vertical, which has been approved by the manufacturers of the boat lift. The lift extends 8 ft beyond the

extension of the pier and the pierhead. In its down position, the arms will be 2 ft above the substraight so no vessel or structure will be in contact with the bottom at any time.

Ms. Clark continued to explain that the second part of the proposal is the installation of a set of 4 ft wide access steps that lead from Mr. Scalise's backyard to the top of the seawall, which appears to be 3 ft in height, and landward. And the final part of the proposal is that they ask for authorization to retain a pre-1980 stone and masonry seawall that extends about 147 ft. No work is proposed for the seawall, it just needs to be brought into compliance. The new proposal shows the work to be less extensive and has less encroachment waterward. There is spartina growth between the seawall and the outer end of the elevated pier, but the pier at 12.5 ft is high enough so that the spartina will get air and sunlight. The pier stops just waterward of the end of the spartina growth, leaving it virtually untouched.

Ms. Clark said the Shellfish Commission had issued a written statement saying that although there is some shellfish activity in this area, it is extremely limited in its nature. They noted that this would be an encroachment into a shellfish area, but they had no objection to this proposal due to the limited amount of shellfishing in the area.

**** MR. CALLAHAN MOVED TO APPROVE APPLICATION R2009-13 BY RICHARD SCALISE OF 15 SEABREEZE PLACE, NORWALK, CT, FOR WORK AT THE SAME LOCATION, THAT INVOLVES THE 1) INSTALLATION OF RECREATIONAL BOATING FACILITY INCLUDING: A 4' BY 52' PILE SUPPORTED TIMBER PIER WITH A 7' BY 14' PIERHEAD SUPPORTING A POWERED BOAT LIFT EXTENDING 8' FOR A TOTAL OF 67'; 2) INSTALLATION OF 4' WIDE ACCESS STEPS TO EXISTING SEAWALL; AND 3) AUTHORIZATION OF A PRE-1980 147' STONE AND MASONRY SEAWALL. THE REVISED PLANS ARE DATED 12/8/09, PREPARED BY JOHN HILTS. THE NORWALK HARBOR MANAGEMENT COMMISSION FINDS THE PROPOSAL IS CONSISTENT WITH THE PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE, WITH THE ADDITIONAL COMMENTS AND CONDITIONS THAT 1) THE PROPOSAL SHALL MEET APPLICABLE CITY CODES, INCLUDING THE BUILDING CODE, DUE TO THE NEED FOR ELECTRICAL POWER TO RUN THE LENGTH OF THE DOCK; AND**

2) THE APPLICANT SHOULD PROVIDE A COPY OF THE APPLICATION WHEN IT IS SUBMITTED TO THE PERMITTING AUTHORITY.

**** MR. D'ANDREA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Dr. Pinto mentioned that he is in favor of the current slate of officers to be nominated again this year.

**** MR. CALLAHAN MOVED TO CLOSE THE RECOMMENDATION OF THE NOMINATING COMMITTEE.**

**** MR. HARDEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Dr. Pinto left the meeting, via telephone, at 7:50 p.m.

Mr. Harden left the meeting at 7:50 p.m.

It was noted that there is no longer a quorum; all items remaining on the agenda will be for discussion purposes only.

2. Permit Received: CT DEP & 200802455 for David Woodward, 16 Tonetta Circle, East Norwalk. The Committee reviewed the permit and noted that this revision had never been seen by the NHMC despite a request to do so.
3. Review of letter sent from Brian Thompson, OLISP, to Tony D'Andrea (NHMC) and to John Frank (Norwalk Shellfish Commission) discussing the revision process for the Woodward permit.

Ms. Clark mentioned that she received two items in the mail. One item was the copy of the permit issued by the DEP to David Woodward, at 16 Tonetta Circle. She said this was a controversial application process, and that Mr. John Frank of the Norwalk Shellfish Commission has sent a letter, called A Request for Help, to the Army Corps of Engineers.

Mr. D'Andrea explained that this application was for the Woodward dock, and the Commission had asked the applicant to come in and talk to them about the construction, the seawall, and the oyster and clam bed area. He said the Norwalk Shellfish Commission had vehemently opposed the construction of the dock. The Norwalk Harbor Management Commission had opposed the waterward creep of the seawall in the initial application. Somehow the application was then changed and accepted by the DEP as a

440 Application. He said it was unknown how the application had been seen by the Norwalk Harbor Management Commission and found inconsistent with the Plan, to then become a fully approved 440 Application. Ms. Clark said that there has not been any reply to her emails to the DEP. Mr. D'Andrea said that both he and Mr. Frank had written letters, with no reply. There was no public notice issued, nor a notice of intent.

Ms. Clark said that Mr. Brian Thompson, Head of the Office of the Long Island Sound Programs, sent a letter to Mr. D'Andrea and Mr. Frank, regarding the Woodward application, in response to Mr. D'Andrea's Dec. 22 letter to Ms. Susan Jacobson of the DEP and Mr. Frank's Dec. 23 letter to Ms. Susan Jacobson of the DEP. Mr. Thompson's letter addressed the absence of the second notice of tentative determination and the subsequent comment period on plans revised after the original plan and public notice were submitted. The Office of the Long Island Sound Programs was made aware that the subject project was proposed in an important shellfish resource, and was made aware of a petition for a public hearing submitted by Mr. Frank. Throughout October and November, Ms. Jacobson coordinated the review of alternative dock designs between the applicant's attorney and the applicant's consultants, and Mr. Frank. A footnote in Mr. Thompson's letter says the September 28th Norwalk Harbor Management Commission letter indicated the dock was inconsistent with the Harbor Management Plan based on objections from the Norwalk Shellfish Commission. For this reason, Staff coordinated directly with Mr. Frank rather than the Norwalk Harbor Management Commission to review alternative dock designs.

Some discussion took place among the Commissioners with regard to how the communication process fell apart on the original application. It was suggested that Mr. D'Andrea and Ms. Clark have a meeting with the DEP.

PLANNING AND ZONING REPORT

There was no report.

REPORTS

a) Dredging - Pinto

Mr. D'Andrea said that Dr. Pinto has to set up a meeting the Army Corps of Engineers and the Commissioners to review the funding for Phase III.

b) Finance - Cebrian

Mr. D'Andrea said that he received a finance report from Mr. Cebrian, and he reported that he had negotiated with the City to have them realize that the \$15,000 for the dredging money be returned to the Commission. He reported that the Commission is debt free as of January 1, 2010. He said that Geoff, Mike and Mr.

Cebrian did a fantastic job with that. They were able to reduce their budget request from \$30,000 to \$12,000, reflecting a net decrease. They were also able to get the mooring fees increased. Mr. D'Andrea said he has a commitment from the Committee to submit quarterly bills that will then be reviewed at the monthly Committee meetings in order to stay current. Mr. Steadman said that the State boat registration fees have been the same for a number of years, and this year they have been cut by 50%. The fees had gone to the General Fund.

c) Boating and Harbor Safety – **Palau**

Mr. D'Andrea said that he and Mr. Callahan will be attending a meeting next week, where the City will be looking at rehabbing one of the police boats to be an all-weather boat. A letter will be sent out regarding this. Mr. D'Andrea said he has contacted all of the clubs in the area, and they are in favor of having a police boat on the water. He said that speed buoys are not in the budget for this year, but they will look into it. They will also look into commercial vessel fee rates and possibly hold three public hearings on them. They would then bring the findings back to Common Council

d) Water Quality/Watershed Initiative – **Harden**

- Stormwater Ordinance

Mr. D'Andrea said that a meeting was held recently. He reported that they discussed the stormwater discharge, water quality standards and stream flow. The Committee made recommendations back to the Commission. He said he will write letters to different departments within the City, saying the Committee's recommendation is that the rules and the enforcement need to match.

e) Plans and Recommendations – **Mobilia**

Mr. D'Andrea said that he had invited Councilwoman Nora King to the meeting, but she was not able to make it. He said he wanted her to hear him ask the absent Mr. Mobilia to consider alternative revenue streams other than on the backs of the boaters.

He said the Common Council has asked him, as Chairman of the Norwalk Harbor Management Commission, to come back to the Commission to present them with a fair revenue stream from everyone who uses the harbor. He said he will use the legwork from the 5 Mile River project to understand how to set it up. He said the Common Council understands that there would have to be funded positions to run this, as it is too big a task for one committee/commission due to the fact that there are 6,600 boats registered.

f) Waterfront Advisory - **Griffin**

Mr. D'Andrea said that Mr. Griffin had submitted a report.

g) Newsletter/Website - **Romano**

Mr. D'Andrea said Mr. Romano is waiting for some articles for the Fall/Winter newsletter.

STAFF REPORTS

a) Harbor Master – **Griffin**

Harbor Master Griffin was not present, and there was no report. Mr. D'Andrea said the only issue Harbor Master Griffin had was the work being done on the seawall next to the Moran property.

b) Consultant – **Steadman**

Mr. Steadman did not have a report.

APPROVAL OF THE DECEMBER, 2009 MINUTES

The approval of the December 2009 minutes was tabled until next month as there was no quorum.

NEW BUSINESS/OLD BUSINESS

There was no new business or no old business to report.

ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

