

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
JANUARY 28, 2009**

ATTENDANCE: Patricia Clark, Acting Chair; Henry Palau, Dr. John Pinto, Jack Callahan, Tony D'Andrea, Jose Cebrian (7:40 p.m.)

STAFF: Geoff Steadman, Consultant; Brian Griffin, Assistant Harbor Master; Frank Strauch, Planning and Zoning

CALL TO ORDER

Ms. Clark called the meeting to order at 7:37 p.m.

ROLL CALL

Ms. Clark called the roll and announced that a quorum was present.

CHAIRMAN'S REPORT

Ms. Clark said that there was no Chairman's Report at this time.

APPLICATION REVIEW

2008-22 Tucker and Chris McDonagh, 11 Sylvester Court REVISED

Mr. Cebrian joined the meeting at 7:40 p.m.

Ms. Clark reminded the Commission that the Commission had already reviewed the application, but that the DEP had requested a minor change. The Commission was advised of this but the Shellfish Commission had not reviewed the revisions. The footprint of the floats is now smaller than originally proposed.

**** MS. CLARK MOVED THE FOLLOWING:**

THE NORWALK HARBOR MANAGEMENT COMMISSION FINDS THE APPLICATION TO THE CT DEP AND ACOE BY TUCKER AND CHRIS MCDONACH, 11 SYLVESTER COURT FOR WORK AT THE SAME INVOLVING CONSTRUCTION OF PIER, RAMP AND A 5 X 20 FLOAT PLUS A 5 X 6 FLOAT TO SUPPORT THE RAMP IS CONSISTENT WITH THE HARBOR MANAGEMENT PLAN AND MOVE TO RECOMMEND

FAVORABLE ACTION WITH THE FOLLOWING CONDITIONS AND/OR COMMENTS:

CONDITIONS:

1. 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 MAY BE PROVIDED TO THE COMMISSION.

2. NO FLOATING DOCK AND/OR VESSEL ATTACHED TO IT SHALL REST ON ANY SHELLFISH RESOURCE AREA DURING NORMAL TIDES.

COMMENTS:

1. THERE IS INDICATION THAT THE PLANS FOR THIS PROPOSAL HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR.

2. THE COMMISSION'S FINDINGS ARE BASED ON COMMENTS PROVIDED BY THE NORWALK SHELLFISH COMMISSION REGARDING THE IMPACT OF THIS WORK ON SHELLFISH RESOURCES IN THE WATERS OF NORWALK HARBOR.

3. IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH ALL APPLICABLE CITY REGULATIONS AND CODES.

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2009-01 Jill Evans, 69 Roton Avenue, Rowayton

Ms. Clark said that she had hoped that the agent would be able to attend, but this was not possible. However the agent did send along a comment. She then reviewed the details of the application with the other Commission members. The previously unauthorized ramp and float have been removed from the site. Ms. Clark said that she had questioned the agent about one of the structures with the use of chains to prevent the structure from resting on the bottom at low tide and was told that this was the same style structure that had been accepted for two others sites on Farm Creek.

Discussion about the 4-40 permits and the review process for these permits followed. The discussion then moved to how the dock is anchored with chains the possible impact of the chains to bottom.

Ms. Clark said that no recommendation was made at the meeting other than the agent's comment that the same type of structure that was used on the docks at Roger Smith and Marion Green properties. Mr. Steadman said that this was one of the reasons that the Commission had wanted the plans stamped by a licensed professional. Mr. D'Andrea said he had concerns because the plans did not have a survey and the plans were not stamped or signed by a licensed professional.

**** MR. PALAU MOVED TO FINDS THE APPLICATION TO CT DEP AND ACOE INVOLVING A 4-40 DOCK IN FARM CREEK IS CONSISTENT WITH THE HARBOR MANAGEMENT PLAN AND MOVE TO RECOMMEND FAVOR ACTION WITH THE FOLLOWING COMMENTS AND CONDITIONS.**

COMMENTS:

1. THERE IS NO INDICATION THAT THE PLANS FOR THIS PROPOSAL HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR AND THE COMMISSION IS UNCERTAIN ABOUT THE SAFE UTILIZATION OF THE STRUCTURE. APPLICANTS RESPONSIBLE TO INSURE COMPLIANCE WITH ALL REGULATIONS AND CODES.

A discussion then followed about the safety issues involved with the proposed structure.

MS. CLARK MOVED TO TABLE THE FOLLOWING APPLICATION FOR FURTHER INFORMATION:

THE NORWALK HARBOR MANAGEMENT COMMISSION FIND THE APPLICATION TO THE CT DEP AND ACOE GENERAL PERMIT BY JILL EVANS FOR WORK AT 69 ROTON AVENUE, ROWAYTON INVOLVING 4/40 DOCK IN FARM CREEK EXTENDING 22' WATERWARD INCLUDING A 6' X 13' BENCH TO KEEP FLOAT 18" OFF BOTTOM FOR THE REASONS STATED BELOW:

CONDITIONS:

1. 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 MAY BE PROVIDED TO THE COMMISSION.

2. NO FLOATING DOCK AND/OR VESSEL ATTACHED TO IT SHALL REST ON ANY SHELLFISH RESOURCE AREA DURING NORMAL TIDES.

COMMENTS:

1. THERE IS NO INDICATION THAT THE PLANS FOR THIS PROPOSAL HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR AND THE COMMISSION IS UNCERTAIN AS TO THE SAFE UTILIZATION OF THE STRUCTURE.

3. IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH ALL APPLICABLE CITY REGULATIONS AND CODES.

**** DR. JOHN PINTO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2009-02 Marion Soper, 63 Bluff Avenue, Rowayton

This is a full application for a residential dock on Wilson Cove at 63 Bluff Avenue. Ms. Clark then reviewed the details of the drawing with the Commission members. Ms. Clark indicated where the sea wall, the fixed pier and stairs, which have been there since 1939. In order to have the dock extend from the area, the seawall needs to be authorized. The owner is not proposing to do any work on the seawall or the stairs.

Ms. Clark noted that the plans were not prepared by a licensed engineer or surveyor. Discussion about this issue then followed.

**** MS. CLARK MOVED THE FOLLOWING:**

THE NORWALK HARBOR MANAGEMENT COMMISSION FIND THE APPLICATION TO THE CT DEP AND ACOE BY MARION SOPER 63 BLUFF AVE. ROWAYTON FOR WORK AT THE SAME IS NOT CONSISTENT WITH THE HARBOR MANAGEMENT PLAN AND MOVE TO RECOMMEND THAT THE PROJECT NOT BE APPROVED IN ITS PRESENT FORM.

COMMENTS:

1. THERE IS NO INDICATION THAT THE PLANS FOR THIS PROPOSAL HAVE BEEN PREPARED BY A REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR AND THE COMMISSION IS UNCERTAIN AS TO THE SAFE UTILIZATION OF THE STRUCTURE.

Discussion about what the Commission would require in terms of photographs, scaled drawings or other documentation followed. Mr. Steadman said that the DEP was no longer requiring documentation by professional surveyors or engineers for residential docks.

Mr. Strauch then suggested that Commission not check off Consistent or not consistent and return the plans to the applicant with the comments. He then suggested that a list of items that the Commission would like to see included. Discussion about language of the request for additional information

**** MS. CLARK MOVED THE FOLLOWING:**

THE HARBOR COMMISSION REVIEWED THE PLANS DATED 12/30/08 SUBMITTED FOR 63 BLUFF AVE. ROWAYTON FOR WORK AT THE SAME BY MARION SOPER INVOLVING THE INSTALLATION OF A 4 X 30 FIXED PIER WITH TWO PILES, 3 X 30 RAMP AND A 6 X 16 FLOAT STABILIZED BY TWO PILES; ALSO TO MAINTAIN A PRE-1939 SEAWALL AND THE COMMISSION MOVED TO DETERMINE THAT ADDITIONAL INFORMATION SHOULD BE PROVIDED BY THE APPLICANT IN ORDER FOR THE COMMISSION TO DETERMINE THE CONSISTENCY OF THE PLANS WITH THE HARBOR MANAGEMENT PLAN.

PROVIDE THE APPLICANT WITH THE FOLLOWING COMMENTS.

1. APPLICANT SHOULD PROVIDE APPROPRIATE ASSURANCES OR CERTIFICATIONS THAT THE PLANS SUBMITTED HAVE BEEN PREPARED BY A PROFESSIONAL ENGINEER OR LAND SURVEYOR.

2. THE PROJECT PLANS SHOULD INCLUDE AN EXTENSION OF THE LITTORAL PROPERTY LINES IN THE VICINITY OF THE PROPOSED PROJECT

3. THE APPLICATION SHOULD PROVIDE PHOTOGRAPHS OF THE PROPOSED CONDITIONS ON OR NEAR THE SITE OF THE PROPOSED PROJECT.

4. THE COMMISSION WILL CONSIDER THIS MATTER AT THE FEBRUARY MEETING WHEN THIS INFORMATION IS SUBMITTED.

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

**** THE MOTION PASSED UNANIMOUSLY.**

2008-09 Rowayton Yacht Club, 77 Bluff Avenue, Rowayton (Cont)

Ms. Clark said that this was a continuation from a project that had been previously reviewed. The Commission has received a notification of tentative approval. The

application has been sent back to the Commission with a comment from Norwalk Planning and Zoning attached.

Ms. Clark then reviewed the details of the application and indicated where the docks would be moved away from the riparian line. The Zoning officer, Mr. Greene, noticed that the widened area was not allowed in the set back of the property, which would make it non-compliant. A number of conversations and emails have been exchanged and the applicant has stated that they are willing to widen the pier only to the mean high water level, which would allow the project to move forward.

Discussion then followed about the fact that the Harbor Commission had no consistency with the other department's codes at the time. Dr. Pinto pointed out that what the Zoning Department was requiring was less than what the Commission had granted, so that

**** MS. CLARK MOVED THE FOLLOWING:**

THE HARBOR COMMISSION REVIEWED THE APPLICATION TO CT DEP #200800971-ST AND ACOE BY THE ROWAYTON YACHT CLUB, 77 BLUFF AVENUE, ROWAYTON FOR WORK AT THE SAME IN THE WATERS OF WILSON COVE AND HAS NO COMMENT.

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

**** THE MOTION PASSED UNANIMOUSLY.**

OTHER BUSINESS

Review of NHMC Application Review process and requirements.

Ms. Clark said that the review process would be ongoing.

REPORTS

a. Dredging -

Dr. Pinto said that Geoff and Mike had attended a meeting about the dredging project last week. There was some concerns about the dredging not being finished by the deadline and that a two week extension has been granted. Concerns were also expressed that the ACOE would not be able to meet the capping permit. Dr. Pinto said that in the original application a certain amount of the capping might be required. Another issue was an outstanding bill of \$250,000 from Phase 1. Mr. Steadman then reviewed the details of the costs with the Commission. With cost overruns, the City's cost has been estimated to be about \$320,000. Dr. Pinto said that this had been a concern of the previous administration's Corporation Counsel and why there was hesitation in signing the

contract. The City has already authorized \$500,000 for capping material. He wondered if there could be a transfer of funding since it is already allocated funding.

b. Finance

Mr. Cebrian said that there was no report but that Mr. Hamilton had been asking for details about the budget for planning purposes.

c. Boating and Harbor Safety

Mr. Palau said that there was no report.

d. Water Quality Committee

Mr. D'Andrea said that he attended a meeting with the Mayor regarding the EPA. He then informed the Commission that the EPA was suggesting camera studies of the sewage pipes, water quality testing, and various other actions that the City has been doing for years. Norwalk is years ahead of the curve on many of the issues. The City has been cited to help with Mayor's Council on Water Quality in Washington. The Mayor received on behalf of the City of Norwalk a \$4,000 NRG/Manresa Island grant, which will be used for the summer interns sponsored by the Harbor Management Commission.

e. Watershed Initiative Advisory Committee

Mr. D'Andrea attended a meeting and asked what the carrying capacity of the Norwalk River watershed was. He said that the first information is the amount of gallons per flow. Additional information about the quality of the water can be determined from models that have been done in other area such as the Mississippi River. There was a brisk discussion regarding identification of the various components in the water.

Mr. D'Andrea said that Mr. Alvord had announced the plans for the new sewage treatment plant, which are very exciting. When Mr. D'Andrea receives the plans and more details, he will present these details to the Commission.

f. Plans and Recommendations

Mr. D'Andrea then distributed a copy of the Plans and Recommendation Committee at their special meeting on January 8th.

Mr. Steadman suggested that the Commission consider approving a motion that would allow the Committee to begin to evaluate two different things:

Institute an application review fee and have the funding move into an account for

use towards Harbor Management projects.

Secondly, establish appropriate ordinances or codes to insure that the structures, such as piers, seawall and such were up to code regulations and properly permitted.

Mr. Callahan said that the ACOE will no longer be funding major dredging projects. Mr. Callahan then reviewed the suggestions included in his report.

Mr. Callahan said that this was a long range project, but that he hoped that the Commission would approve the Committee to continue to work on these issues. Discussion followed.

Ms. Clark said that she had some concerns about the fact that the Harbor Management was not a permitting agency.

It was the sense of the Commission that this should be submitted to the Application Review Committee.

g. Waterfront Facility Advisory

Mr. Griffin stated that there was no report.

STAFF REPORTS

a. Harbor Master/Harbor Manager

Mr. Griffin stated that the Harbor Master Report addresses the dredging.

Mr. Griffin then briefly reviewed the harbor Manager's report. Mr. Palau then asked about some the details of the boats in the managed fields. A discussion then followed about file sharing followed.

**** MR. PALAU MOVED TO ACCEPT THE HARBOR MASTER AND HARBOR MANAGERS REPORTS AS PRESENTED.**

**** MR. CALLAHAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

b. Consultant

Mr. Steadman said that a letter of approval was anticipated from the State on the Harbor Management Plan. He then updated the Commission on the recent changes in the Plan. He then said that the DEP had requested that the full Commission approve all the

proposed changes. Mr. Steadman then distributed copies of the proposed changes to the Norwalk Harbor Management Plan and gave a brief overview of the changes.

**** MR. CEBRIAN MOVED TO APPROVE CHAPTER 3 AND CHAPTER 6 OF THE NORWALK HARBOR MANAGEMENT PLAN AS AMENDED.**

**** MR. CALLAHAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

c. Planning and Zoning

There was no report.

APPROVAL OF DECEMBER 17, 2008 MINUTES

The following corrections were noted:

Page 1, paragraph 6, please replace the following paragraph:

“Mr. Mobilia said that Mr. Hamilton had also requested that the Commission evaluate how much time the Harbor Master and Mr. Steadman, the consultant spend on various projects. In the case of the consultant, it would be in lieu of the DEP fee because the applicants will be coming to the Commission first. He said that he would like to see this process start with Plans and Recommendation Committee, made up of himself, the past two chairs and next year’s new chairman. Then the data can be evaluated. The application fee would go directly to the Harbor Commission. Discussion then followed.”

With:

Mr. Mobilia said that Mr. Hamilton had also requested that the Commission evaluate how much time the Harbor Manger and Mr. Steadman, the consultant spend on various projects and to look into the feasibility of a per-application fee to recover some of the cost. Because the applicants for DEP permits will be coming to the Commission for review first before the DEP reviews them [sic] it is anticipated more time will be spent by our consultant and Harbor Master. He said that he would like to see this process start with Plans and Recommendation Committee, made up of himself, the past two chairs and next year’s new chairman. Then the data can be evaluated. The application fee would go directly to the Harbor Commission. Discussion then followed.

Page 6, under **WebPage/Newsletter**: please change the following from:

Mr. Mobilia said that web page hasn’t been changed, but that the newsletter

To: Mr. Mobilia said that web page hasn't been changed, but that the Fall newsletter has been mailed out.

Page 6, under **Water Quality Committee**, line 3: please change "up on a recent" to "up on a recent event."

Page 7, paragraph 1, line 1: please change the following from:

A \$4,000 donation to the Water Quality Committee has been accepted from NRG Manresa Island.

To: A \$4,000 donation to the Mayor's Water Quality Committee has been accepted from NRG Manresa Island by the Mayor.

**** MR. PALAU MOVED TO APPROVE THE MINUTES OF DECEMBER 17, 2008 AS AMENDED.**

**** MR. CALLAHAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW BUSINESS/OLD BUSINESS

Ms. Clark said that it was time to ask for a report for the Nominating Committee. Dr. Pinto said that the proposed slate would contain Captain Anthony D'Andrea as Chair and Mr. Cebrian as Vice Chair. There is no one currently proposed for Secretary. Dr. Pinto suggested that Mr. Palau as secretary. Mr. Palau agreed.

ADJOURNMENT

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

**** MR. CEBRIAN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services