

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
FEBRUARY 24, 2010**

ATTENDANCE: Tony D'Andrea, Chair; Michael Harden, Tony Mobilia,
Jack Callahan, Henry Palau, Dr. John Pinto (7:45 p.m.)

ABSENT: Pat Clark, Jose Cebrian, John Romano

OTHERS: Michael Griffin, Harbor Master, Geoff Steadman, Consultant.

CALL TO ORDER

Mr. D'Andrea called the meeting to order at 7:35 p.m. Mr. Harden then led those present in reciting the Pledge of Allegiance.

CHAIRMAN'S REPORT

Mr. D'Andrea submitted his report in writing to the Commission.

APPLICATION REVIEW

2010-01 Norwalk Yacht Club, Nathan Hale Road, SoNo, DEP #200903994

**** MR. PALAU MOVED THAT BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:**

THAT THE COP APPLICATION TO THE CT DEP AND PGP APPLICATION TO THE ACOE BY THE FOR THE NORWALK YACHT CLUB, NATHAN HALE ROAD, SONO, DEP #200903994 FOR TWO ITEMS:

A. TO RENEW PREVIOUSLY PERMITTED MOORING FIELD FOR UP TO 152 MOORINGS ON THE EXISTING FOOTPRINT AND:

B. TO MODIFY AN EXISTING 16' X 64' FLOAT TO A 12' X 30' FLOAT ACCESSED FROM EXISTING RAMP AND TO INSTALL AS 12' X 30' FLOAT POSITIONED DIRECTLY ALONGSIDE TO SERVE THE JUNIOR SAILING PROGRAM. THE COMBINED FLOATS WILL BE

ANCHORED BY FOUR (4) PILINGS; NO FLOAT OR VESSEL WILL REST ON THE BOTTOM.

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.

**** MR. HARDEN SECONDED.**

Mr. Palau said that the three large managed fields need to be reviewed. The size of the footprint has been established and this is to renew the permit. The proposal on the docks is very straightforward also. He stated that the new construction would not sit on the bottom and it was within the footprint. Harbor Master Griffin said that he had supported the item because it would increase safety and that the area historically has been dredged, so there was no interference with any established shellfish beds.

**** THE MOTION TO APPROVE APPLICATION 2010-01 PASSED UNANIMOUSLY.**

Mr. Palau commented that another aspect of this issue would be a discussion regarding changing the DEP permit to a permanent status or possibly a ten year renewal rather than the current five year renewable permit. Mr. Palau said that the competition for mooring spaces was stiff and commented that the moorings off of Bell Island were increasing every year. He said that the Application Committee had recommended no action at this time.

Dr. John Pinto joined the meeting at 7:45p.m.

Mr. D'Andrea said that there would be some discussion about the managed field, but that topic needed to move through the Plans and Recommendation committee. Mr. Steadman pointed out that the Harbor Management Plan did not allow for the issuance of a permit for an indefinite period of time.

2007-022 Revised: Michael Gray, 30 Shorehaven Road, East Norwalk, DEP #200700249-SB

**** MR. PALAU MOVED THAT BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:**

City of Norwalk
Harbor Management Commission
Regular Meeting
February 24, 2010
Page 2

THAT THE APPLICATION 2007-022 REVISED CT DEP NOTICE OF TENTATIVE DETERMINATION TO APPROVE A REVISED APPLICATION FOR WORK IN COCKENOE HARBOR AT THE RESIDENCE FOR MICHAEL GRAY, 30 SHOREHAVEN ROAD, EAST NORWALK, DEP #200700249-SB. THE WORK INCLUDES RETENTION OF AN EXISTING, PERMITTED TIMBER PIER AND ALUMINUM RAMP; MODIFICATION OF EXISTING, PERMITTED 8'X 12.5'; FLOAT TO AN 8' X 20'. THE FLOAT AND ATTACHED VESSEL WILL REST ON A PILING SUPPORTED BENCH SYSTEM THAT INCLUDED 4 (FOUR) TIMBER FLOAT STOPS 12" ABOVE SUBSTRATE. SHELLFISH COMMISSION OFFERS NO OBJECTION. IN ADDITION, THE APPLICANT SEEKS TO REMOVE AN EXISTING HELICAL MOORING TO THE NORTH.

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.

**** DR. PINTO SECONDED.**

The DEP has issued a tentative recommendation on the application. The prior Commission action was for approval of the application. Harbor Master Griffin said that the Shellfish Commission had been adamantly against the original application. The DEP approved the original application, and the first major storm took the new structure out. The new plans have been improved and the vessel not longer will rest on the bottom.

**** THE MOTION TO APPROVE APPLICATION 2007-022 PASSED UNANIMOUSLY.**

Mr. D'Andrea then congratulated Mr. Harden on receiving a Certificate of Appreciation from the Norwalk Police Department regarding his role in rescuing a kayaker in distress on December 4, 2009.

Mr. Harden left the meeting at 7:55 p.m.

90 SoNo Landing Associates, LLC, 20 Marshall St., SoNo DEP #200800255-SJ

**** MR. PALAU MOVED THAT BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW**

COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:

THAT APPLICATION FOR CT DEP NOTICE OF TENTATIVE DETERMINATION TO APPROVE AN APPLICATION FROM 90 SONO LANDING ASSOCIATES, LLC, 20 MARSHALL ST., SONO DEP #200800255-SJ TO APPROVE AND NOTICE OF INTENT TO WAIVE PUBLIC HEARING FOR WORK TO INSTALL A STONE MATTRESS, A RAMP, AND A ROWING FLOAT FOR MARINE COMMERCIAL USE.

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.

**** DR. PINTO SECONDED.**

This application has received a DEP Notice of Intent to Waive Public Hearing. Mr. D'Andrea asked if the application had been prepared by a professional engineer and/or a licensed land surveyor. Mr. Palau said that he did not believe it was.

**** THE MOTION TO APPROVE THE APPLICATION FOR 90 SONO LANDING ASSOCIATES, LLC, 20 MARSHALL ST., SONO DEP #200800255-SJ PASSED UNANIMOUSLY.**

2010-02 Hillard Bloom Shellfish, Inc. 132 Water St., SoNo – DEP #200203648-SJ

**** MR. PALAU MOVED TO TABLE APPLICATION 2010-02 HILLARD BLOOM SHELLFISH, INC. 132 WATER ST., SONO – DEP #200203648-SJ TO INSTALL FLOATS FOR MARINE COMMERCIAL USE AT THE SAME ADDRESS UNTIL MORE INFORMATION IS AVAILABLE.**

**** DR. PINTO SECONDED.**

Mr. Palau moved to table the item until there is more information regarding the ownership of the area in front of the Ischoda Yacht Club. Concerns were expressed about the finger floats, which would be within 10 feet of the channel. Any vessel moored to the finger floats would allow the vessels to actually be in the channel. Discussion followed about the setbacks. Mr. D'Andrea said that the plan was to have the agent attend a meeting to answer the various questions and provide the missing information.

**** THE MOTION TO TABLE THE APPLICATION 2010-02 HILLARD BLOOM SHELLFISH, INC. 132 WATER ST., SONO – DEP #200203648-SJ UNTIL MORE INFORMATION IS AVAILABLE PASSED UNANIMOUSLY.**

Mr. Steadman said that he believed it was the sense of the meeting to write a letter to the DEP regarding the setbacks and seeking an extension to the comment period to allow a more informative review.

Fred Abberley, Norwalk Ferry Terminal.

The discussion then moved to a proposal by Mr. Fred Abberley, who is considering the establishment of a seasonal ferry service from New York to Martha's Vineyard with a stop in Norwalk on week-ends from late May to October. The fuel dock at the southern end of Cove Marina would be shut down for the 30 minutes stopover; no vessel could take on fuel during that time.

Harbor Master Griffin said that he had received a copy of the proposal from Mr. Abberley. The company would like to have their own berthing area if the venture proves to be viable. Harbor Master Griffin said that when the David Dunavan dock was designed, the goal was to bring more pedestrians to South Norwalk. At this point in time, Mr. Abberley said that having a short ticket just to Norwalk might not prove viable. The current fee would be about \$100.

Discussion then followed about the various steps that this application would take. The tour boats that now come in to the dock, revenue is being generated. Harbor Master Griffin said the biggest question was making sure that this was good for Norwalk.

CHAIRMAN'S REPORT CONT'D

Mr. D'Andrea said that he would like to express his thanks for Harbor Master Griffin's work on the docking fees and mailing the letters out.

PLANNING AND ZONING REPORT

Mr. D'Andrea said that there was no report, but he was working with them regarding constructing a fee schedule. He then reviewed the details of a potential revised application fee structure.

REPORTS

Dredging – Dr. Pinto said that three applications have been made to Senate and Congress. There is one request for 1.7 million in funds in now that Dr. Pinto and Mr. Steadman processed. Dr. Pinto then reviewed the details of the timeline for the application to finish the dredging project. Currently, there are additional developments.

The State dredge coordinator contacted Dr. Pinto. Apparently, the State wishes to reinforce the need for dredging in the State in order to compile all the applications into one project. The funding would be combined into one lump sum. Concerns were expressed about how this project would work. Discussion then followed.

Election of Officers –

**** DR. PINTO MOVED THE FOLLOWING SLATE:**

**MR. D'ANDREA, CHAIR;
JOSE CEBRIAN AS VICE CHAIR;
HENRY PALAU AS SECRETARY**

**** MR. CALLAHAN SECONDED.**

Dr. Pinto then asked if there were any nominations from the floor. He repeated the request two more times. No one came forward.

**** THE MOTION TO APPROVE THE SLATE AS PROPOSED PASSED UNANIMOUSLY.**

Waterfront Advisory - Harbor Master Griffin then briefly reviewed the Water Front reports with the Commission.

STAFF REPORTS:

Harbor Master/Manager –

Mr. D'Andrea asked for a brief report on the new process. Harbor Master Griffin said that the new procedure does add time because the fees have to be checked against the list of last year's rates and the new rates. When the checks come in, the amounts have to be verified and double checked. Harbor Master Griffin then reviewed the financial details of the new mooring fees with the Commission.

Mr. D'Andrea said that the Council had charged by the Common Council to move forward toward self-sufficiency. He added that at the meeting, several Council members had mentioned the fact that the Harbor Management Commission was woefully under funded.

Harbor Master Griffin then had several questions about the Financial report. Mr. D'Andrea said that he would call Mr. Iannaccone about this.

Harbor Master Griffin then asked about the Water Quality program and said that when David Dunavan had been alive, the goal of the program was to be self-sufficient. He then

asked about several items related to the finances. Mr. D'Andrea said that he would check with Mr. Cebrian and report back to the Commission.

Harbor Master Griffin then asked about the agreement regarding the payment of the secretarial services. Mr. Callahan said that the Knopp Administration had originally agreed to pay half of the secretarial fees for the first year. After that, the Commission was fully responsible for the bill.

**** MR. CALLAHAN MOVED TO ACCEPT THE HARBOR MASTER'S REPORT AS SUBMITTED.**

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Finance – Mr. D'Andrea said that he would speak with Mr. Cebrian about the various issues that had been discussed earlier.

Boating and Harbor Safety – No report.

Mr. D'Andrea said that a few of the rowing clubs have asked if the Commission was planning on a gathering in the spring. This would be a meeting of the Harbor Safety Committee, the Marine Police and the various rowing clubs. The previous informal meeting had focused on various boating safety rules, which the various rowing club members found extremely helpful. It also presents an opportunity for questions to be answered. This request will directed towards Mr. Harden for follow up. Discussion followed.

Water Quality/Watershed Initiative

The intern program is being discussed by the group . Some of the agencies have agreed to provide some funding. Concerns were expressed about upstream waste treatment plans that were unable to meet the regulations in terms of water treatment. The water that flows down through the watershed to the Harbor and it affects Norwalk. Discussion followed.

Plans and Recommendations -

Mr. Mobilia said that there would be a meeting in the near future to discuss some agenda items including application fee, and a fee for all users of the harbor.

Newsletter/Website – No report.

Consultant

Mr. D'Andrea thanked Mr. Steadman for the pictures for the Mayor's Ball. The share for the David S. Dunavan fund will be receiving \$312.00 from the donation.

Mr. Steadman said that the Plan document was in the final stages proof reading of the amendments and addition of appendices.

APPROVAL OF DEC 2009 AND JAN 2010 MINUTES

December 8, 2009 Minutes

The following corrections were noted:

Page 2, **MOTION**: please correct the spelling in following motion from:

**** MR. MOBILIA MOTIONED TO APPROVE THE PROPOSED AMENDMENTS TO MOORING PERMIT FEES TO ESTABLISH AN ANNUAL PERMIT FEE OF \$30.00 PER LINEAR FOOT OF THE PERMITTED VESSEL; 2) RAISE THE ONE-TIME APPLICATION FEE FOR NEW APLICATIONS FROM \$40.00 TO \$75.00; AND 3) RAISE THE REINSTATEMENT FREE FOR PEROSNS WHO FAIL TO RENEW THEIR PERMITS FROM \$110.00 TO \$165.00.**

**** MR. HARDEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

TO:

**** MR. MOBILIA MOTIONED TO APPROVE THE PROPOSED AMENDMENTS TO MOORING PERMIT FEES TO ESTABLISH AN ANNUAL PERMIT FEE OF \$30.00 PER LINEAR FOOT OF THE PERMITTED VESSEL; 2) RAISE THE ONE-TIME APPLICATION FEE FOR NEW APPLICATIONS FROM \$40.00 TO \$75.00; AND 3) RAISE THE REINSTATEMENT FREE FOR PERSONS WHO FAIL TO RENEW THEIR PERMITS FROM \$110.00 TO \$165.00.**

**** MR. HARDEN SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY**

Page 2, paragraph 3, line 1: please change the following from:

“D’Andrea asked for a moment of silence in memory of Jonathan Lovejoy’s wife, Jeanne Dugdale Lovejoy, who passed away December 5, 2009.”

TO:

“Mr. D’Andrea asked for a moment of silence in memory of Jonathan Lovejoy’s wife, Jeanne Lovejoy, who passed away December 5, 2009.”

Page 3, paragraph 2, line 2: please change the following from:

“dated 8/11/2004 prepared by Hamons LLC Land Engineers of Fairfield, CT.”

TO:

“dated 8/11/2004 prepared by Hamons LLC Land Engineers of Fairfield, CT.”

**** MR. PALAU MOVED TO APPROVE THE MINUTES OF THE DECEMBER 8, 2009 SPECIAL MEETING AS CORRECTED.**

**** MR. MOBILIA SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

January 27, 2010 Minutes

The following corrections were noted:

Page 1, under Application Review Committee – paragraph 1, line 3 and throughout. Please change “Mr. John Hiltz” to “Mr. John Hilts”.

Page 2, paragraph 1, line 2: please change “above the substraight” to “above the substrate”

Page 2, paragraph 3, line 4: please change “ amount of shellfishing in the” to “amount of “shellfishing in the”

Page 3, **MOTION**, please change the spacing in the following from:

**** MR. CALLAHAN MO VED 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 TIME 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'A NDREA SECONDED.**

**** MOTION PASSED UN ANIMOUSLY.**

TO:

**** 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 TIME 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.**

Page 4, under Finance, paragraph 1, line 2: please change the following from:

“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”

to: “to have them realize that the dredging money should be returned to the Commission. He reported that the Commission is debt free as of January 1, 2010. He said that Mr. Steadman, Harbor Master Griffin and Mr. Cebrian”

Page 5, under Plans and Recommendations, paragraph 2, line 2: please change the following from “come back to the Commission to present” to “come back to the Council to present”

**** DR. PINTO MOVED TO APPROVE THE MINUTES OF JANUARY 27, 2010 AS CORRECTED.
** MR. CALLAHAN SECONDED.
** THE MOTION PASSED WITH FOUR IN FAVOR (D'ANDREA, CALLAHAN, PINTO, AND PALAU) AND ONE ABSTENTION (MOBILIA).**

NEW/OLD BUSINESS

There was no new or old business to consider at this time.

ADJOURNMENT

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

The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Sharon L. Soltes
Telesco Secretarial Services

