

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

**ATTENDANCE:** Tony D'Andrea, Chair; Jack Callahan, Pat Clark, Tony Mobilia, John Romano, Michael Hardin, Jose Cebrian; Dr. John Pinto (7:47 p.m.)

**STAFF:** Harbor Master Griffin, Geoff Steadman, John Frank, Shellfish Commission Chairman

**CALL TO ORDER**

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

**ROLL CALL**

Mr. D'Andrea announced that Mr. Palau had an excused absence and that Dr. Pinto was en route.

**CHAIRMAN'S REPORT**

Mr. D'Andrea said that the City will no longer be mailing items directly to the Commissioners to prevent the .50¢ per piece charge. He said that he would be picking up the mail on a weekly basis and distributing it needed. Currently, he is working on getting a Commission box in the mail room.

Mr. D'Andrea then reviewed the items listed on his report.

**APPLICATION REVIEW COMMITTEE**

Ms. Clark informed the Commission that there were two formal items on the agenda. Both have been in the works for some time.

2009-12: Deborah Dawson, 6 Shorehaven Road, Norwalk

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

**BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF THE**

**APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:**

**THE PROPOSAL BY DEBORAH DAWSON OF 6 SHOREHAVEN ROAD FOR WORK AT THE SAME ON RECONSTRUCTION OF STONE GROIN, BEACH NOURISHMENT INVOLVING REMOVAL OF SHELLFISH FOR TRANSPLANTATION BY SHELLFISH COMMISSION AND INSTALLATION OF 165 CU YRDS OF SAND 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 AND BASED UPON THE CONDITIONS AS INDICATED BELOW:**

**THE COMMISSION HAS STRONG RESERVATIONS ABOUT THE INTRODUCTION OF FOREIGN MATERIAL ONTO AN AREA OF SHELLFISH RESOURCES.**

Ms. Clark explained that this was an application for two projects at the same locations. One is the repair of an existing stone groin that had been deteriorating for some time. Once it is repaired, it will have the same footprint, but be more compact. The DEP requested that the applicant bring in some sand for beach nourishment. This has become a major discussion point.

Mr. Romano had several questions about the replacement of the sand. The Shellfish Commission strongly objected because it was in a shellfish area. The agent has indicated that his client was willing to do so.

Mr. Frank pointed out that in 1999, this project had also been proposed and that because of the cost of the sand, the project was abandoned. Ms. Clark said that the DEP said that in the draft permit, the applicant would remove the shellfish in the area that is to be renourishment and transplanted to another area. The DEP has also noted that an adjoining neighbor had an illegal structure that contributed to the erosion.

*Dr. Pinto joined the meeting at 7:47 p.m.*

Ms. Clark said that there have been numerous discussions between the ACOE, the applicant, the DEP, the Harbor Commission and the Shellfish Commission. The discussion then moved to what the source of the sand for the renourishment.

Ms. Clark said that the Shellfish Commission had no objection to the repair of the groin, but had serious concerns about the introduction of foreign sand from an upland source into the harbor and Sound.

**\*\* MS. CLARK THEN MOVED TO AMEND THE PREVIOUS MOTION FROM:**

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

**THE PROPOSAL BY DEBORAH DAWSON OF 6 SHOREHAVEN ROAD FOR WORK AT THE SAME ON RECONSTRUCTION OF STONE GROIN, BEACH NOURISHMENT INVOLVING REMOVAL OF SHELLFISH FOR TRANSPLANTATION BY SHELLFISH COMMISSION AND INSTALLATION OF 165 CU YRDS OF SAND 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 AND BASED UPON THE CONDITIONS AS INDICATED BELOW:**

**THE COMMISSION HAS STRONG RESERVATIONS ABOUT THE INTRODUCTION OF FOREIGN MATERIAL ONTO AN AREA OF SHELLFISH RESOURCES.**

**TO:**

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

**THE PROPOSAL BY DEBORAH DAWSON OF 6 SHOREHAVEN ROAD FOR WORK AT THE SAME ON RECONSTRUCTION OF STONE GROIN, BEACH NOURISHMENT INVOLVING REMOVAL OF SHELLFISH FOR TRANSPLANTATION BY SHELLFISH COMMISSION AND INSTALLATION OF 165 CU YRDS OF SAND 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 AND BASED UPON THE CONDITIONS AS INDICATED BELOW:**

**THE COMMISSION HAS STRONG OBJECTIONS TO THE INTRODUCTION OF FOREIGN MATERIAL ONTO AN AREA OF SHELLFISH RESOURCES.**

**\*\* MR. ROMANO SECONDED.**

**\*\* THE MOTION TO AMEND PASSED UNANIMOUSLY.**

Mr. D'Andrea then asked which DEP official was requiring the renourishment of the beach. Ms. Clark said that it was George Whisker. Ms. Clark explained that based on the fact that the DEP was making this a requirement, the Application Review Committee strongly recommends the inclusion of their very strong concerns about the insistence by the DEP for this requirement. Discussion then followed about whether the area that would have the additional sand put on it would ever recover and become an active shellfish bed again.

Mr. D'Andrea suggested that indigenous sand from the Harbor be used rather than upland sand. If the DEP decided to approve the use of upland sand, then the Commission could use this as a precedence for having upland sand used later for capping material in the Sound.

Ms. Clark said that after lengthy discussions about this, the Committee ultimately arrived at supporting the issue because the Harbor Master Plan supports the renourishment of the beaches. Earlier in the day, Ms. Sue Jacobson confirmed again that the DEP was making the introduction of upland sand to the Harbor a requirement for the renourishment of the area.

A discussion followed about whether the Commission should issue a letter expressing the strong concerns about the introduction of the upland sand to the Harbor.

**\*\* MS. CLARK MOVED TO APPROVE THE MOTION AS AMENDED.**

**\*\* MR. ROMANO SECONDED.**

**\*\* THE MOTION TO APPROVE THE MOTION AS AMENDED PASSED UNANIMOUSLY.**

2007-17 Revised: Robert Manning, 32 Yarmouth Road, Rowayton

Ms. Clark then gave a brief overview of the revised application. She informed the Commission members that the DEP had issued a notice of intent to approve. Ms. Clark then reviewed the site plans for the application. She explained that one of the concerns that the Shellfish Commission had was the moving and rearrangement of large stones in

the area. The revision indicates that the stones will be removed from the site and deposited at an upland location.

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

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

**THE PROPOSAL BY ROBERT MANNING OF 32 YARMOUTH ROAD, ROWAYTON FOR WORK IN THE WATERS OF WILSON COVE TO REMOVE PERMITTED STRUCTURES AND INSTALL NEW PILE SUPPORTED PIER, 3 PILING SUPPORTED FLOAT; RE-USE THE RAMP AND REMOVE FILL AND STONES FROM 24 X 24 AREA FOR UPLAND DISPOSAL 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 AND BASED UPON THE CONDITIONS AS INDICATED BELOW:**

**THE COMMISSION NOTES THE DRAWING SHOWING THE LOCATION OF THE IN-WATER STRUCTURES RELATIVE TO THE EXISTING WATER DEPTHS ARE NOT CERTIFIED BY A SURVEYOR OR ENGINEER.**

**\*\* MR. CALLAHAN SECONDED.**

Mr. Steadman pointed out that there had been some concerns about the depth of the water where the proposed in water structures were located.

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Ms. Clark said that there was one pending application that was in the process of being revised.

### **PLANNING AND ZONING REPORT**

No report.

### **NOMINATIONS AND VOTING FOR D.S. DUNAVAN AWARD**

Dr. Pinto announced that there were two nominations and that there were still two outstanding reports. Once he has the information, he will email all the Commission members a report on the candidates.

## **REPORTS**

### **Dredging –**

Dr. Pinto then distributed a written report. It included the figures from the ACOE for the amount of capping that they did not use. He then reviewed all the figures associated with the dredging costs to the City. Discussion followed about the breakout of the figures and the reimbursement of the funds for the North Cove material testing. Mr. D’Andrea said that it would be extremely important to have the Federal funds in a designated fund for dredging.

### **Finance –**

Mr. Cebrian gave a brief overview of the Finance Report. He requested that all the bills and other items be submitted soon. The grant application needs to be prepared. Mr. D’Andrea reviewed his proposed changes to the mail process. Mr. D’Andrea said that he had been informed by the Health Department that the funds would not be available for the testing next year. Harbor Master Griffin had a question about one item on the report, which Mr. Cebrian will verify for him.

### **Boating and Harbor Safety – No report.**

### **Water Quality/Watershed Initiative –**

Mr. Hardin said that there had not been a meeting recently. Medallions are being placed around South Norwalk on the storm drains that lead to the Sound. Progress has been made in the Moody Lane issue. Dr. Pinto asked how active the Watershed Initiative group was. Mr. D’Andrea said that the group was considering a candidate for hiring.

### **Plans and Recommendations –**

Mr. Mobilia announced that meeting had been cancelled but that a letter would be written with the Commission’s recommendations.

### **Waterfront Advisory –**

Harbor Master Griffin reviewed his written report with the Commission.

## **STAFF REPORTS**

### **Harbor Master/Harbor Manager -**

Harbor Master Griffin reviewed his written reports with the Commission.

**\*\* MS. CLARK MOVED TO APPROVE THE HARBOR MASTER/HARBOR MANGER'S REPORT.**

**\*\* MR. CEBRIAN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

## **REPORTS Cont'd.**

### **Newsletter/Web Site -**

The Summer/Fall newsletter apparently will be a Winter/Spring newsletter. Dr. Pinto and Harbor Master Griffin have both submitted their articles. Mr. Mobilia suggested that since the newsletter would be late, sending out a flyer about the State of the Harbor meeting. Harbor Master asked if the State of the Harbor meeting can be used as a public hearing for a potential increase in fees. Mr. D'Andrea said that when the amendments to the Harbor Master Plan were done, it had been handled through the Recreation and Parks Committee.

## **NEW/OLD BUSINESS**

There was a brief discussion about the agenda for the State of the Harbor agenda

## **STAFF REPORTS Cont'd.**

### **Consultant –**

Mr. D'Andrea said that the Committee would be filing for intervener status, which would allow the Commission to receive all the documents in relation to appropriate issues. He said that he was particular concerned about the Platt Street location.

Mr. Steadman said that there were hazardous waste remediation plans were being made for 23 Platt Street. He explained that the 3 last time that the Commission had been involved was more than a year ago. The Commission had been concerned that the remediation actions not harm the Harbor. He said that since that time, Mr. Steadman understood that the applicant had performed the necessary studies and the DEP has determined to hold a public hearing. There would be a hearing held in Norwalk. He said that he had spoken to someone at the DEP who said that a date had not been set for the public hearing and an officer had been chosen for the hearing. By filing an request to

intervene, the Commission would be placed on a list to receive copies of all documentation, meetings and be able to make a statement at the hearing.

Mr. D'Andrea said that he would like to get a sense of the Commission about this so he can approach the City Attorney about this issue. He said that he would like to have a position statement. Mr. D'Andrea said that he was pressing forward with protecting the environment. Discussion followed about having the Water Quality Committee make a recommendation to file as an intervener.

Mr. Romano asked what concerns the Harbor Commission had to the project. Mr. Frank explained that now that there were buildings proposed for the area, buried barrels were discovered. He said that Commission was looking to have a barrier places across the entire waterfront of the parcel. Harbor Master Griffin said that the point was to insure the Commission receives all the correspondence and other documentation to keep them in the loop.

**\*\* MR. HARDIN MOVED TO EMPOWER THE CHAIR TO FILE A PETITION AS INTERVENER STATUS IN REGARD TO 23 PLATT STREET IF NECESSARY.**

**\*\* MR. CALLAHAN SECONDED.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Mr. Steadman said that he was working on cleaning up the final copy of the Harbor Management Master Plan.

The discussion then moved to the upcoming Christmas Party. It was suggested that the Shellfish Commission was interested in having a joint Christmas Party at the Ischoda Yacht Club. There may be a charge for this. The date is yet to be determined.

**APPROVAL OF SEPTEMBER 2009 MINUTES**

**\*\* MR. HARDIN MOVED THE MINUTES OF SEPTEMBER 2009.**

**\*\* MR. CALLAHAN SECONDED.**

The following changes were noted:

Page 1, under **ATTENDANCE**: please remove Mr. Mobilia's name.

Page 2, paragraph 1, line 2: please change the following from "4 x 24 pole supported" to "4 x 24 pile supported"



Page 2, paragraph 2, line 3: please change the following from “tabled until a public hearing could be held.” To tabled until it was determined whether a public hearing would be held.”

Page 2, paragraph 6, line 1: please change the following from “to potential damage to pilings” to “to potential damage by pilings”

Page 3, paragraph 2, line 2: please change the following from: “wall size was questionable asked why it was two feet down.” To “questionable. A question was raised as to why the repair was to the lower 2 feet.”

Page 3, paragraph 3, line 1: please change the following from: “Mr. Skip Guardella stated that he found it appalling to defend the HSC comments over” to “Mr. Skip Gardella stated that he found it appalling to defend the NSC comments over”

Page 3, paragraph 8, line 4: please change the following from: “determination by the Department of Aquaculture.” To “determination by CT DEP including comments from the Department of Aquaculture.”

Page 7, under Plans and Recommendations – please change the following “another meeting with Parks & Recreation” to “another meeting with Recreation & Parks”

**\*\* THE MOTION TO APPROVE THE MINUTES AS CORRECTED PASSED UNANIMOUSLY.**

**ADJOURNMENT**

**\*\* DR. PINTO MOVED TO ADJOURN.**  
**\*\* MR. HARDIN SECONDED.**  
**\*\* THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Sharon L. Soltes  
Telesco Secretarial Services