

**CITY OF NORWALK
JOINT MEETING OF THE
APPLICATION REVIEW COMMITTEE
AND HARBOR MANAGEMENT COMMISSION
JANUARY 27, 2021**

ATTENDANCE: John Romano, Chair; John Crespo, Matt Gifford, Laurie Jones, Alan Kibbe, Jeffrey Mangels, Chris MacDonnell, Dr. John Pinto

OTHERS: Geoff Steadman, Consultant; Steve Bartush, Shellfish Commission; Joe Schnierlein, Water Quality; John Hanafin, Project Managers; Tony Ciriello, Milone and MacBroom; Adam Blank, Wofsey, Rosen, Kwesking & Kuriansky, LLP; Atty. Elizabeth Suchy, Carmody Torrance Sandak & Hennessey, LLP; Christian Brown, Bill Edberg, Lauren DiGovanni, HNTB; Devin Santa, Vlad Kaminisky, Chris Samoraj, Andy Davis, Chris Egger, Jeffrey Knapp, Harbor Master Gregg Scully, Kevin Carifa, Richard Bertoli, Kim Lesay, Pete Johnson, Shellfish Commission; Mike Grzywinski, CT DEEP; Thomas Ryder, Mike Silva, Norwalk Marine Police, John Hilts, Mark Strang, Basel Hashem, 203-943-2772

CALL TO ORDER

Mr. Romano called the meeting to order at 6:00 p.m. A quorum was present.

DOT Walk Bridge Presentation of project assignments: CTDOT will review proposal methodologies that address the navigation safety and risk of operating the Maritime Aquarium Research Vessel, the Sheffield Island Lighthouse Ferry, and recreational boaters during proposed construction activities of the Walk Bridge Project. They will also review the proposed use of Manresa Island for docking of construction barges and staging for bridge construction and the consideration of alternative sites.

Mr. John Hanafin introduced himself as the Walk Bridge Project Manager and also introduced Mr. Ciriello of Milone and MacBroom, who would be narrating the presentation of the plans. He said that they had been meeting about this project for the last three years.

The last meeting with the Norwalk Harbor Commission took place last fall. Since then a vessel has conducted test runs in the river with the consulting firms and the contractor. A risk safety study has been completed in the construction area. The results should have been forwarded to the Commission members.

The milestone of design was completed on November 20, 2020 and all the permits have been submitted. Safety is the number one item followed by risk reduction. The Department (CTDOT) has decided on two options, a northern option which would be located near the IMAX Theater and a southerly option below this. These would allow both vessels to be docked at either location as needed. These options will reduce risk and give the most options for everyone.

Mr. Tony Ciriello then narrated a PowerPoint presentation on the location of the docks.

Mr. Steadman asked if they would be coordinating with Eversource around their installation of a power line. Mr. Hanafin said that they were coordinating with Eversource. Dr. Pinto noted that the Harbor Management Commission had not been contacted by Eversource at all about their project in the last two years.

Dr. Pinto asked for a brief report on Manresa. Mr. Hanafin explained that there would be one slip and they would be using several different barges to transport the materials to the construction site.

Dr. Pinto asked about noise abatement. Mr. Hanafin said that they had been contacted by someone about this and spoken with the concerned party.

Dr. Pinto asked if there was any idea of how many barges would be used. Mr. Hanafin replied that they would look into this. Dr. Pinto said that he was curious to see how many barges would be used along with the current amount of traffic at both the construction site and Manresa Island.

Mr. Steadman asked about the construction timeline. Mr. Hanafin said that all the permit applications have been submitted to the appropriate agencies, such as the Coast Guard and DEEP, so they are waiting for the process to be completed.

Dr. Pinto asked about the Neptune Boat Club and whether the area would be used during the project. Mr. Hanafin said that they were in discussions with the Club about using the property.

The discussion then moved to the mooring locations of the barges and the Coast Guard night lighting requirements. Several concerns were expressed about the CA11-3 mooring area located off of Fitch Point due to the amount of night-time traffic through this area of the Harbor. There will be a number of barges moored off of Green's Ledge.

Mr. Hanafin said that he believed that they were only talking about six barges but would confirm the number. Dr. Pinto said that having the number would be helpful in terms of assessing the traffic pattern.

Mr. Steadman pointed out that they had not yet heard from the Harbor Master or Deputy Harbor Master about this. Dr. Pinto said that it would be easier to have that discussion when they know how many barges will be involved.

Mr. Steadman asked the DOT if they would be discussing how they wished to proceed before DEEP issues their decision or if they would wait until the public notice is issued.

Mr. Mike Grzywinski of CT DEEP said that he was listening to the comments in order to have a sense of how the Commission functions.

A discussion followed about whether the NHMC consultation forms had been completed. Mr. Steadman pointed out that DEEP needs to determine whether or not the State Application was completed. Mr. MacDonald said that he did not want to miss the opportunity to submit comments for the record.

Dr. Pinto thanked the presenters for all their time and hard work on this project.

b. 15 Pine Point Rd., Norwalk, Connecticut, COP application. Roton Point Club, Inc. (The Applicant) proposes to repair and maintain a jetty in place at the project site. The applicant proposes to chip out and repoint existing deteriorated mortar along the length of the jetty and re-patch areas where mortar has been removed. Existing stones that have been displaced will be reset along the jetty and ~10% of stone will be imported to fill large voids. Sandy layer on top of jetty will have underlay of geotextile material and the applicant requests that its elevation of 1 foot higher than past authorizations be maintained. Work on the jetty will be completed using land-based cranes, dump trucks and bull dozers.

Mr. Eggers then gave a brief overview of the project and noted that they want to just repair the jetty.

Mr. Bartush asked for a drone photo of the area at low tide. Dr. Pinto said that it would be good to have that. Mr. Egger said that they would comply with the terms of the permit.

Dr. Pinto said that it was a straightforward application.

There were no additional comments from the Commission. Mr. Steadman said that this was consistent with the Harbor Management Plan.

**** DR. PINTO MOVED TO APPROVE THE COP APPLICATION FOR 15 PINE POINT RD, NORWALK, CONNECTICUT.**

**** MR. KIBBE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

c. 31 Commerce Street, Devine Brothers, COP Dredging application. The applicant proposed to conduct maintenance dredging 12,534 sq ft. area to ~8 ft MLW. Accordingly, 1,647 cu yards of mud, sand and gravel will be dredged using an upland excavator and dewatered on site. The gravel consists of approximately 549 cu yds of trap rock that will be screened from the rest of the material, rinsed and re-purposed. The remaining dewatered materials will be tested as necessary for disposal at an approved offsite location.

Mr. Hilts said that he was surprised about the amount of organics versus trap rock. In 2001, it was mostly sand and trap rock. Now that they are using excavators to off load the barges, there is far more organic materials. The debris will go to the Manchester land fill.

Mr. Hilts gave a brief description of the process for disposing of the material after it is dewatered.

Mr. Steadman asked where their outfall was located. Mr. Hilts said that it just south of where the dredging will be done.

Mr. Steadman said that historically the federal channel went up to the bulkhead and the Harbor Management Commission worked with Congress to re-align the channel so the barges would not be in the navigational channel.

Mr. MacDonnell noted that the dredged area includes 7 feet of the federal channel. He had concerns about the fact that they would be dredging their area down to the appropriate level, but the channel would be left with a ridge in the channel.

Mr. Hilts said that they would have to go back to for a full dredging permit if they were to dredge further into the Federal navigation channel. However, they have received permission to dredge within the perimeters that have been established. They are not authorized to dredge outside of the established boundary. This is maintenance dredging. Discussion followed about the details.

**** DR. PINTO MOVED TO APPROVE THE DEVINE BROTHERS COP DREDGING APPLICATION FOR 31 COMMERCE STREET.**

**** MR. KIBBE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

80 Seaview Avenue, COP Application. The applicant proposes to rebuild and elevate by 1 foot (new elevation 4.8 ft) an existing seawall located along the northern and western boundaries of the property. Existing stone and timber will be removed using an upland excavator. New concrete block or steel sheeting will be used for reconstruction. This proposal except for the new wall elevation and was authorized in a previous COP (#201615831)) but was not implemented.

Mr. Tom Ryder said that there was a permit issues in 2017 that included an elevation of the wall. The permits expired and a new application was submitted to the DEEP. Mr. Ryder said that they were going with concrete blocks. The northern section will be flush with the parking lot. The southern section will have a 1-foot berm. The height variance is between 0 to 6 feet. Mr. Ryder said that they do meet all the requirements. Everything is exactly as it was before. They are just doing the walls.

Mr. Steadman asked if there was a violation associated with the original application. Mr. Ryder said that there was a ramp to an extra float and there was some debris that was later removed. There are no current violations.

There is a small area along the road that will need repair, but that is not in the DEEP's jurisdiction and will be submitted on a separate application.

Mr. Mangels asked about the debris that had fallen down in the northeast corner. Mr. Ryder said that this would have to be repaired as well, but was not part of this application.

**** DR. PINTO MOVED TO APPROVE THE COP APPLICATION FOR 80 SEAVIEW AVENUE.**

**** MR. GIFFORD SECONDED.**

**** THE MOTION TO APPROVE THE COP APPLICATION FOR 80 SEAVIEW AVENUE PASSED UNANIMOUSLY.**

Dr. Pinto said that all of the Commission members would receive all of the application in advance.

Zoning Commission Referral – 2021-01 R/SP – RAP II, LLC – 125 Richards Avenue. Due to the Richards Avenue application requesting “Elderly Housing Units” in a B Residence Zone by special permit, the Zoning Commission is requesting comments from the NHMC. Because several areas in Norwalk are zoned as B Residence and are in the coastal area management zone of Norwalk Harbor, a recommendation from the Harbor Management Commission is necessary.

A discussion followed regarding whether or not this item would be in the jurisdiction of the Harbor Management Commission.

Atty. Blank said that assuming the text change passes and the NHMC would receive an application for review.

Atty. Blank displayed the site plan and showed what the congregate housing would look like. This would create a new use in a Resident B Zone. He then indicated what the key concerns were.

There are almost no 2-acre parcels within the area of the Coastal Area Management zone.

Mr. Bartush asked whether or not this would be a question that should be addressed to the Five Mile River Commission. Atty. Blank said that there was a requirement for a review of the text change by the Five Mile River Commission and there was one for the Harbor Management.

**** MR. MACDONNELL MOVED FOR NO OBJECTION REGARDING THE ZONING COMMISSION REFERRAL – 2021-01 R/SP – RAP II, LLC – 125 RICHARDS AVENUE PROPOSAL AS IT HAS NO IMPACT ON THE NORWALK HARBOR MANAGEMENT AREA AND WITH THE UNDERSTANDING THAT THE SPECIFIC DEVELOPMENT PROJECT WITHIN THAT ZONE THAT WOULD AFFECT THE HARBOR MANAGEMENT AREA WILL BE REVIEWED BY THE HARBOR MANAGEMENT COMMISSION.**

**** MR. KIBBE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Response to DOT 195 Stormwater Management Project: Site Location: Interstate 95 between the Saugatuck River and the Norwalk River; the proposed activity included the retention and modification of the outfall on the Norwalk River and associated tidal wetland renovations. Final comments and recommendation are required 40 days from Jan 7th.

Dr. Pinto said this project has been reviewed once before and there were no changes in the plan. He has no problem moving forward with the application.

Mr. Steadman said that this was consistent with the Harbor Management plan and captures the materials from the highways. Dr. Pinto agreed and said that this was a prototype project regarding the outflow from all highways.

Standing Action Items: Open Discussion of future Walk Bridge proposal regarding placement of transmission cables by Eversource and DOT, DOT's plans for stationing work barges in Norwalk Harbor; DOT's plans to monitor water quality, and bulkhead construction at proposed South Water Street staging properties.

Harbor Master Scully said that he does not think they should have the docks between the two bridges during the construction period. He said he prefers joining the two docks

together below the bridge. Dr. Pinto said that they would need to have some coordination between the Marine Police regarding the traffic. Discussion followed.

Mr. Steadman pointed out that this should really go to Committee. Mr. Romano agreed and noted that there had been a number of changes to the critical path.

Mr. Schnierlein pointed out that the Spirit (the Norwalk Maritime Vessel) draws four feet empty, which indicates there may be some issues. Mr. Romano suggested having a Committee meeting to discuss these issues. He said that they do not want the vessels on Property A during the construction.

CHAIRMAN'S REPORT.

Mr. Romano said that a letter was sent to DEEP regarding the Commission's safety concerns moving forward.

- **Harbor Master** – There was no report at this time.

- **Mooring and Harbor Safety** – Renewal applications started January 1, 2021. Email communications were set to applicants with instructions. The Committee is not aware of any Harbor Safety issues.

- **Shellfish Commission** – 2021 Shellfish Permits are on sale at Fisherman's World.

Mr. Mangels asked if daily permits were available. Mr. Bartush said that those permits were on hold.

- **Finance** – Mr. Kibbe said that he had emailed the members a financial spreadsheet. This year, the grant request was for \$20,000 and next year, the request will be for \$24,000. Mr. Kibbe reviewed the details of the financials.

- **Plans and Recommendations** – Mr. Mangels said that they were finalizing a plan for a Harbor Use Fee, including a Norwalk Harbor Management Commission Review Fee. There is also discussion about fees for commercial marinas, such as \$35.00 per slip. There is no property tax on mooring in managed fields and personal watercrafts. Once the plan is finalized, it will be sent to the Commissioners. This would be designated account for major Capital projects, like replacement of the Harbor Master's boat.

Mr. Romano said that he would like to have this ready for the next meeting, so that it could be presented to the Ordinance Committee, and then to Corporation Counsel for finalization.

Mr. Mangels said that the individuals who have docks in their backyards would be charged for the dock.

• **Water Quality** – Crespo and Schnierlein – Mr. Schnierlein reported that at the recent Water Quality meeting Dr. Sarah Crosby, the director of Harbor Watch, spoke.

Save the Sound will be coming to the next Water Quality meeting scheduled for February 4, 2021 at 6:00 p.m. Mr. Schnierlein said that he had several questions about the Save the Sound’s report card. He pointed out that there was no factor for dredging or turbidity in their report card. Dr. Pinto agreed and asked what criteria that grade was based on.

Mr. Schnierlein said that there were concerns about the Norwalk River Watershed. He said he had sent out letters about this but did not hear anything back.

Mr. Schnierlein said that Mr. Crespo had created a number of graphs which allowed Mr. Schnierlein to analyze the placement of the collection sites. Mr. Steadman suggested possibly have a

- **Newsletters/Website** – Kibbe – There was no report at this time.
- **Bridges.** – This was discussed earlier in the meeting.

Mr. MacDonnell said that they were still working on public access to the harbor. He said that they would try to get some kind of communication going before the next meeting. He commented that there were certain areas of City property in East Norwalk that had been taken by the local residents for their own private use.

PUBLIC COMMENT

There was no one from the public who wished comment at this time.

APPROVAL OF MINUTES.

- **December 16, 2020**

**** MR. KIBBE MOVED THE MINUTES OF DECEMBER 16, 2020.**

**** MR. MANGELS SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF DECEMBER 16, 2020 AS SUBMITTED PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. MANGELS MOVED TO ADJOURN.**

**** MR. KIBBE SECONDED.**
**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 9:09 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services