

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT
COMBINED HARBOR COMMISSION AND APPLICATION REVIEW
COMMITTEE MEETINGS
FEBRUARY 24 , 2021**

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

OTHERS: Geoff Steadman, Consultant; Steve Bartush, Shellfish Commission; Joe Schnierlein, Water Quality; Michael Silva, Marine Police; Harbor Master Gregg Scully; Wes Oliver; Atty. Craig Flaherty, Redniss and Mead

CALL TO ORDER/ ROLL CALL

Mr. Romano called the meeting to order at 6:06 p.m. A quorum was present.

**** MR. KIBBE MOVED TO ENTER IN TO EXECUTIVE SESSION REGARDING LEGAL ISSUES.**

**** MR. MANGELS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The Commissioners entered into Executive Session to discuss legal issues at 6:07 p.m. They returned to Public Session 6:41 p.m. No actions or motions were made during the Executive Session.

PLEDGE OF ALLEGIANCE.

Mr. Mangels led those present in reciting the Pledge.

APPLICATION REVIEW COMMITTEE – DR. PINTO

a. 13 River Drive, Norwalk, CT. Application: The applicant, Sam Haight, proposes to remove existing pier, ramp and dock; construct a 4' by 36' piling - supported timber pier, 42" by 24' ramp, and 8' by 12.5' timber floating dock for private recreational small boat launching and landing.

Dr. Pinto said the applicant wishes to move the dock from the perimeter of their property to the center of their shoreline property. Mr. Bartush suggested that a site inspection be done.

Dr. Pinto said that the plans do not have an architect's stamp, but Mr. Hilts usually does not stamp his plans until the final draft of the plans.

Details of the drawings were displayed on the screen.

Mr. MacDonnell noted that the new dock extends about 17 feet. He added that the new dock has skids, which the original dock did not have.

A discussion followed about the width of the creek and where the closed shellfish beds were. Mr. Steadman noted that normally the guidelines require that half the width of the channel be left open so the dock should not protrude too far into the waterway.

Mr. Kibbe had several questions about what type of chains would be used for the ramp.

**** MR. MANGELS MOVED TO TABLE THE APPLICATION FOR 13 RIVER DRIVE, NORWALK, CT. APPLICATION: THE APPLICANT, SAM HAIGHT, PROPOSES TO REMOVE EXISTING PIER, RAMP AND DOCK; CONSTRUCT A 4' BY 36' PILING - SUPPORTED TIMBER PIER, 42" BY 24' RAMP, AND 8' BY 12.5' TIMBER FLOATING DOCK FOR PRIVATE RECREATIONAL SMALL BOAT LAUNCHING AND LANDING ADDITIONAL PENDING THE PLACEMENT OF AN ARCHITECTURAL DESIGN STAMP ON THE PROPOSED PLANS, SHELLFISH COMMISSION APPROVAL AND MORE INFORMATION AND DETAILS ON THE RAMP.**

**** DR. PINTO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

b. 165 Gregory Blvd, Norwalk, CT. pre-Application: The applicant plans to construct a 4' by 30' piling - supported timber pier, 3' by 30' ramp, 5' by 6' ramp landing float and 5' by 20' timber floating dock for private recreational boating.

Dr. Pinto reviewed the details of the pre-application for Charles Creek. The plans show the boat bordering the dredged fairway area. Mr. Steadman recommended that a condition be included that the boat could not extend into the fairway. Discussion followed about the navigation fairway.

Another recommendation was to reduce the length of the ramp to bring the floating dock closer to the mean low water line. Mr. Bartush noted that this would give the Commission time to perform an inspection also.

Mr. Kibbe said that the mud and sand slope area was not indicted on the east side of the drawing.

**** DR. PINTO MOVED TO TABLE THE PRE-APPLICATION FOR 165 GREGORY BLVD, NORWALK, CT. – THE APPLICANT PLANS TO CONSTRUCT A 4' BY 30' PILING - SUPPORTED TIMBER PIER, 3' BY 30' RAMP, 5' BY 6' RAMP LANDING FLOAT AND 5' BY 20' TIMBER FLOATING DOCK FOR PRIVATE RECREATIONAL BOATING FOR MORE INFORMATION.**

**** MR. MANGELS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

c. 38 Yarmouth Road, Rowayton, CT. pre -Application: Mr. Geoffrey Porges proposes to construct 17' by 5' maximum width masonry steps for improved access to adjacent waterway.

Dr. Pinto reviewed the details of the pre-application for more masonry steps to provide access over the rock ledge at Sheffield Island Harbor. Mr. Steadman said that they would be putting something into the inter-tidal area.

**** MR. MACDONNELL MOVED TO APPROVE THE PRE-APPLICATION FOR 38 YARMOUTH ROAD, ROWAYTON, CT FOR MR. GEOFFREY PORGES TO CONSTRUCT 17' BY 5' MAXIMUM WIDTH MASONRY STEPS FOR IMPROVED ACCESS TO ADJACENT WATERWAY BECAUSE THERE WERE NO OBJECTIONS TO MOVING AHEAD WITH THE FULL APPLICATION.**

**** MR. MANGELS SECONDED.**

Dr. Pinto said that he would contact Mr. Hilts to ensure that there would not be any additional gravel being added to the cobble and gravel area by the mean low water area.

**** THE MOTION PASSED UNANIMOUSLY.**

d. 3 East Wall St Zoning Text Amendment Application: Discuss language regarding the NHMC responsibilities to review applications: “....review all proposals for dredging, filling and constructing or altering any structure on, in or contiguous to the harbor and to cooperate with federal and state permitting authorities to ensure their consistency with the harbor management plan.”

Dr. Pinto said that he had received a letter from Brian about some work that was being done across from Collins Funeral Home. He asked if they should be adjusting the language to include 1,000 feet of the coastal boundary. Mr. Steadman pointed out that it would include projects that would affect the properties “on, in or contiguous to the harbor” and this would include things like storm water run-off.

Atty. Craig Flaherty a senior engineer with Redniss and Mead, addressed the Commissioners. He said that his client was Mr. Anthony Gaglia and the site is located at 3 Wall Street. They are looking to place some infill to construct 10 more units behind the existing structure. This would include historic restoration of the existing structure. The East Avenue Village area itself does touch the Harbor. However, the property is not located "...on, in or contiguous to the harbor".

Atty. Flaherty noted that currently there was no limit on introducing how much hardscape can be used. The new language would limit the hardscape to 70%. 30% of the site would be vegetation. He added that the project would be also compliant with the drainage requirements.

Mr. Steadman said that the site plan should have been referred to the Commission and then they could state that the plans were consistent with the Harbor Management Plan.

Atty. Flaherty said that they would be adding historic restoration and preservation incentives. Mr. Steadman said that it would reduce run off and manage non-source point pollution. Both the site plan and the text change would support the Harbor Management Plan. the current structures coverage is slightly less than 70% and this project would increase the hardscape slightly, but also improve the water quality due to the proposed drainage plan.

There are only five properties in the East Avenue Village, including the First Congregational Church, St. Paul's on the Green, The Norwalk Inn, and Collins Funeral Home.

**** MR. MACDONNELL MOVED TO FIND THAT THE PROPOSED TEXT CHANGE THAT WAS DISCUSSED FOR THE HISTORICAL PRESERVATION PLAN IS CONSISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN WITH THE UNDERSTANDING THAT IT WOULD IMPROVE THE STORM WATER MANAGEMENT. IN ADDITION, THE COMMISSION RECOMMENDS THAT P&Z RECOMMENDS A SIMILAR PLAN THROUGH THE EAST AVENUE VILLAGE DISTRICT.**

**** MR. MANGELS SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

e. Open discussion concerning a Connecticut Superior Court decision regarding the Greenwich Harbor Commission's challenge to a DEEP permit issued for a private dock.

The Court's decision stated, among other things, that municipal Harbor

Management Commissions lack authority to review and make recommendations on proposals for state permits affecting their harbors. This statement is counterintuitive and counterproductive to the intent of all Harbor Management Plans and to Sec. 22a-113m of the General Statutes that specifies any recommendation made pursuant to a section in a State - approved Plan “shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.”

**** MR. GIFFORD MOVED TO STATE THAT AS BASED ON THE DISCUSSION HELD IN EXECUTIVE SESSION THE FOLLOWING WAS DETERMINED:**

1. THE NHMC SHOULD CONTACT THE NORWALK CORPORATION COUNSEL TO BRING THIS MATTER TO THEIR ATTENTION AND REQUEST THEIR APPROPRIATE ASSISTANCE TO ASSIST IN RESOLVING ON THIS AND CC THE MAYOR AND COMMON COUNCIL.

2. THE NHMC SHOULD CONTACT ALL THE CT HARBOR MANAGEMENT GROUPS TO REACT TO THIS.

3. THE NHMC SHOULD FORWARD A REQUEST TO THE STATE REPRESENTATIVES AND SENATORS REQUESTING THEIR ASSISTANCE IN ACHIEVING LEGISLATIVE REMEDY.

**** MR. KIBBE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

f. Standing Action Items: Open discussion of future Walk Bridge proposals 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.

Dr. Pinto said that there had been a meeting about Site Plan A and B docking the vessels. After discussion with the harbormaster regarding the latest docking proposal. Mr. Steadman said that it was a follow up on the navigation risk assessment. The commission should make its comments to the DEEP at the earliest possible moment. The Harbormaster and Marine Police have determined that there should be no operation of passenger vessels between the two bridges due to public safety concerns. Discussion followed about the duration of the bridge project.

Dr. Pinto cautioned the Commission against making a decision about when the docks should be used due to potential liability. He said that the Harbor Commission should take the stand that no vessel should be docked above the Straffolino bridge during the construction. Using the Water Street dock site will keep all the passengers safe.

Mr. Silva said that the primary concern was public safety. The City's liability is a secondary concern. Dr. Pinto pointed out that there would still be barges and rowing sculls going up and down the river during the construction. Mr. Silva noted that when the cables were being pulled, they still had to turn away some wake boarders and other boats that were going in for repair.

Harbor Master Scully said that he felt that there would still be some river traffic but he was not in favor of having the passenger vessels docking north of the Straffolino Bridge.

The discussion moved to when the moratorium would start. It was also pointed out that when the demolition of the IMAX theater, it would impact the river. The parking lot would be used for operational processes. Once the permit application for the upper dock (Site A) is denied, the DOT will have to start constructing the lower dock (Site B).

There will be a construction safety boat and a Marine Police Boat there, along with the regular river traffic.

**** DR. PINTO MOVED TO RESUBMIT THE PREVIOUS LETTER WITH THE FINDINGS THAT SITE 2 WOULD BE THE PREFERRED DOCKING SITE FOR PUBLIC SAFETY REASONS AND SITE 1 SHOULD NOT BE INCLUDED IN THE APPLICATION FOR DURATION OF CONSTRUCTION UNTIL THE COMPLETION OF THE PROJECT.**

**** MR. KIBBE SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Chairman's Report – Romano

There was no additional information at this time.

STAFF REPORTS:

a. Harbor Master – Scully

Harbor Master Scully said a few applications have arrived. There have been two applications that were not able to make the payment through the system. A brief discussion about the details followed.

b. Consultant – Steadman

There was no additional information at this time.

COMMITTEE REPORTS

a. Mooring and Harbor Safety – Santella

Mr. Santella presented his report.

b. Finance – Kibbe

Mr. Kibbe gave a brief overview of the finances.

c. Plans and Recommendations – Mangels

Mr. Mangels did receive some feedback from the managed fields. He will be reaching out to Mr. Bartush about commercial shell fishing fees. Mr. Romano said that the plans will need to be presented to the Mayor and the Common Council soon. Time is of the essence.

Mr. MacDonnell said that he had started cross referencing a list of properties with docks. He described the number of properties with properties. On the assessor's listings, one street had all of the docks listed, while another neighboring street did not have any of their docks indicated on the assessor's cards. It was noted that there was no building permit required for dock construction.

Mr. Romano asked Mr. MacDonnell if he had been working on public access to the Harbor. Mr. MacDonnell said that he had been working on it and focused on the south anchorage area. The East Norwalk area has access at the ends of street. There are two access areas in South Norwalk.

Mr. Romano said that these were public lands that others have been claiming by putting bushes or benches that prevent access. Mr. MacDonnell said that the City needs to claim all of the access points and deal with the squatting.

d. Newsletter/Website – Kibbe

No report at this time.

e. Water Quality – Crespo and Schnierlein

Mr. Schnierlein said that the Water Quality meeting was interesting because Save the Sound and a professor from UConn were present to explain why Norwalk Harbor received an F. They use a standard for all the harbors, regardless of location. They are looking for ideal conditions according to their criteria including near crystal-clear water and low turbidity. The readings are not taken during the fall, winter and spring. Near crystal clear water is not an ideal condition for shell fishing. Without the plankton and algae in the water, the shellfish growth is reduced. While both groups agreed to disagree, Mr. Schnierlein warned them that if Norwalk Harbor receives a poor grade again, he will go to the media.

Mr. Schnierlein said that he had discovered that the DEEP was intending on putting the Norwalk Harbor under study, but the Norwalk Harbor Management Commission, Mr. Schnierlein and others had not been informed of this. The SOS only uses one author for determining their criteria. They are doing a short-term study and the 2020 report was actually based on 2019 data.

Mr. MacDonnell asked where their funding comes from. Mr. Schnierlein said that they had many difference sources of funding, but he believed that they do receive funding from DEEP.

f. Bridges

There was no additional information at this time.

SHELLFISH COMMISSION – JOHNSON AND BARTUSH

There was no report at this time.

PUBLIC COMMENT

No public comment at this time.

APPROVAL OF MINUTES:

January 27th, 2021

**** MR. KIBBE MOVED TO APPROVE THE MINUTES OF JANUARY 27, 2021.
** MR. MANGELS SECONDED.
** THE MOTION APPROVE THE MINUTES OF JANUARY 27, 2021 AS
SUBMITTED PASSED WITH SEVEN (7) IN FAVOR (CRESPO, GIFFORD,
JONES, KIBBE, MACDONNELL, MANGELS, AND DR. PINTO) AND ONE (1)
ABSTENTION (SANTELLA).**

ADJOURNMENT

**** MR. SANTELLA MOVED TO ADJOURN.**

**** MR. KIBBE SECONDED.**

**** THE MOTION TO ADJOURN PASSED UNANIMOUSLY.**

The meeting adjourned at 9:03 p.m.

Respectfully submitted,

S. L. Soltes

Telesco Secretarial Services