

City of Norwalk

Special Joint Meeting of Harbor Management Commission, Norwalk Shellfish Commission, and the Mayor's Water Quality Committee

Meeting Agenda

March 3, 2022 @8:00pm

By Video Conference and Teleconference

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Members of the public who wish to provide “live comments” will need to register in advance and use the Zoom meeting platform. All participants will be muted upon entering the meeting. To speak, click the “raise your hand indicator” and you will be called upon by the host of the meeting during the public comment section. Please find the information using the link above.

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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email William Money at wmooney@norwalkct.org to provide written public comment prior to the meeting.

Agenda

- 1. Roll Call (by Commission/Committee)**
- 2. Public Comment**
- 3. Acceptance of Minutes**

No minutes. (Minutes will be taken up by these individual commissions/committee at their next regular meeting).

4. Old Business (as discussed by individual commissions/committee)

- a. Comments at the public hearing on February 23, 2022**
- b. DEEP Draft permit for the Walk Bridge Project**
- c. DEEP proposed permit conditions**
- d. Walk Bridge Project Area as designed by Geoff Steadman**

5. New Business (identical as Old Business)

- a. Comments at the public hearing on February 23, 2022**
- b. DEEP Draft permit for the Walk Bridge Project**
- c. DEEP proposed permit conditions**
- d. Walk Bridge Project Area as designed by Geoff Steadman**

6. Adjournment

Mayor's Water Quality Committee Agenda
For March 3, 2022

a) **Call to order:**

b) Roll call: Steve Bartush: Bill Mooney, John Crespo, Diane Lauricella, Dick Harris, Pete Johnson, Chris Malik, Harry Filling, John Romano, Joe Schnierlein, Geoff Steadman, Louise Washer

c) **Communications:**

DEEP – Chris

Dept. of Aquaculture – Steve or Pete

Dept. of Health – Bill

Harbor Commission – John R. or Geoff

Planning and Zoning – Michelle

d) **Old Business –**

e) DEEP permit for Walk Bridge construction – Geoff. Or John
Missing environmental requirements in DEEP's Permit

f) **New Business**

Letter of support for SB120. An Act concerning the use of chlorpyrifos and neonicotinoids for nonagricultural use.

g) **Reading and approval of minutes** from 2/3/2022. See below

h) **Adjournment.** – 6:45 PM

MAYOR'S WATER QUALITY COMMITTEE REGULAR MEETING FEBRUARY 3, 2022

Joe Schnierlein, Chair; Steve Bartush, John Crespo, Dick Harris, Pete Johnson, Diane Lauricella, Chris Malik, John Romano, Geoff Steadman, Louise Washer

William Mooney, Health Department, Elsa Obuchowski, First District Water Committee Chair, Lynnell Jones, Mitch Palais

CALL TO ORDER

Mr. Schnierlein called the meeting to order at 6:03 p.m.

ROLL CALL

The roll was called. A quorum was present.

COMMUNICATIONS:

- DEEP – Chris -No report.
- Dept. of Aquaculture – Steve or Pete – No report.
- Dept. of Health – Bill – Mr. Mooney said that the rain gauge was down for most of January. The water quality will be discussed under Old Business. Mr. Mooney said that he had a short meeting with DEEP about the heavy metals levels in the samples. The DEEP staff was not concerned about the levels at this time.
- Harbor Commission – John R. or Geoff –

Ms. Lauricella said that she had observed the last Harbor Commission meeting and that Mr. Romano had requested the Clean Water Public Concern PowerPoint presentation by Ms. Jones be sent to the Water Quality Commission. She asked Mr. Mooney if he had received that PowerPoint presentation. Mr. Mooney said that he would send it out the following day.

Mr. Romano said that Mr. Steadman was drafting a letter about DEEP's permitting process to the Mayor, Laoise King and all the members of the Common Council regarding having Corporation

Counsel as an intervenor and a number of items that were left out of the permit. Mr. Romano said that he was requesting that all the chairs of the Harbor Management Commission, the Water Quality Committee and the Shellfish Commission sign this letter. Discussion followed about the minutes taken during that meeting and the DEEP permitting period being open for comment.

Mr. Steadman said that the DEEP issued a public notice on November 15th about their intent to approve the permit for the Walk Bridge Replacement Project. The comment period was not noticed but ended on December 25th. He said that there were two petitions for a public hearing, one from a group called the Manresa Neighborhood Coalition and the second one from the Harbor Commission and the Shellfish Commission jointly.

Mr. Steadman then outlined the details of the Public Hearing process including the status conference. Dr. John Pinto represented the Harbor and Shellfish Committee in terms of providing the background report. Dr. Pinto emphasized that the proposed terms and conditions in the draft permit in the opinion of the Harbor Commission are not sufficient to protect the public interest in Norwalk Harbor. Dr. Pinto stated that it was not the intent of the Harbor Commission to oppose or delay the Walk Bridge Project, but that it was such a significant project that affected Norwalk, that the public interest was best served by having the most opportunities for public comment as possible.

On February 10th, there will be a project site visit for the DEEP officer. Mr. Steadman noted that the actual Public Hearing was scheduled for February 23rd with a deadline for written comments on February 28th.

Mr. Steadman stated for the record that the Harbor Commission approved the following motion:

“The Harbor Management Commission has reviewed the proposed conditions included in the draft permit noticed by the DEEP for the Walk Bridge Project and finds that those proposed conditions are insufficient for protecting the public interest in Norwalk Harbor and achieving project consistency with the Norwalk Harbor Management Plan. Specifically, the Commission is concerned that the proposed conditions do not significantly, do not adequately address the Commission’s previously expressed concerns with regard to:

1. Protecting Water Quality
2. Maintaining public navigation safety
3. Planning for bulkheading along the propose Water Street marine staging area
4. Ensuring future water dependent uses and those would be in respect to the properties that the D.O.T. would use for the bridge project that would be available for redevelopment after the project
5. Establishing and maintaining coordination with the Harbor Master and local emergency services
6. Managing barge mooring locations protecting the quality of life in shore front residential areas adjoining Manresa Island.

Accordingly, the Commission resolves to submit during the DEEP public hearing process detailed recommendations for strengthening the proposed conditions for the purpose of protecting the public interest and achieving project consistency with the Harbor Management Plan.”

Mr. Steadman noted that Dr. Pinto had pointed out that there were no requirements in the draft conditions and terms for monitoring water quality during the work. It was the Harbor Commission’s understanding that this would be included, which was why baseline monitoring was done.

After the public hearing concluded, the Harbor Commission would create their comments and submit the motion and the Commission’s Status Conference report. This would be sent to the Mayor, the full Common Council and other City officials.

Mr. Steadman said that the Harbor Commission would like their letter to also be signed by the Water Quality Committee Chairman and the Shellfish Commission Chairman. He noted that the Harbor Commission has worked on this for seven years and it will be important to emphasize that the Harbor Commission has special standing in this matter due to the Harbor Management Plan that includes a specific policy that work, repair, maintenance and replacement of bridges over the Norwalk Harbor will be properly monitored during construction to avoid adverse impacts on the water quality.

** MR. SCHNIERLEIN MOVED TO AGREE TO SIGN ON TO THE LETTER AND TRANSMIT THE FOLLOWING MOTION AND THE BACKGROUND REPORT TO DEEP:

“THE HARBOR MANAGEMENT COMMISSION HAS REVIEWED THE PROPOSED CONDITIONS INCLUDED IN THE DRAFT PERMIT NOTICED BY THE DEEP FOR THE WALK BRIDGE PROJECT AND FINDS THAT THOSE PROPOSED CONDITIONS ARE INSUFFICIENT FOR PROTECTING THE PUBLIC INTEREST IN NORWALK HARBOR AND ACHIEVING PROJECT CONSISTENCY WITH THE NORWALK HARBOR MANAGEMENT PLAN. SPECIFICALLY, THE COMMISSION IS CONCERNED THAT THE PROPOSED CONDITIONS DO NOT SIGNIFICANTLY, DO NOT

ADEQUATELY ADDRESS THE COMMISSION’S PREVIOUSLY EXPRESSED CONCERNS WITH REGARD TO:

1. PROTECTING WATER QUALITY
2. MAINTAINING PUBLIC NAVIGATION SAFETY
3. PLANNING FOR BULKHEADS ALONG THE PROPOSED WATER STREET MARINE STAGING AREA
4. ENSURING FUTURE WATER DEPENDENT USES AND THOSE WOULD BE IN RESPECT TO THE PROPERTIES THAT THE D.O.T. WOULD USE FOR THE BRIDGE PROJECT THAT WOULD BE AVAILABLE FOR REDEVELOPMENT AFTER THE PROJECT
5. ESTABLISHING AND MAINTAINING COORDINATION WITH THE HARBOR MASTER AND LOCAL EMERGENCY SERVICES
6. MANAGING BARGE MOORING LOCATIONS
7. PROTECTING THE QUALITY OF LIFE IN SHORE FRONT RESIDENTIAL AREAS ADJOINING MANRESA ISLAND.
8. ACCORDINGLY, THE COMMISSION RESOLVES TO SUBMIT DURING THE DEEP PUBLIC HEARING PROCESS DETAILED RECOMMENDATIONS FOR STRENGTHENING THE PROPOSED CONDITIONS FOR THE PURPOSE OF PROTECTING THE PUBLIC INTEREST AND ACHIEVING PROJECT CONSISTENCY WITH THE HARBOR MANAGEMENT PLAN.”

** MS. LAURICELLA SECONDED.

** THE MOTION PASSED UNANIMOUSLY.

- Planning and Zoning – Michelle – No report.

OLD BUSINESS

- Wilson Point Cove and going forward to Spring of 2022

Mr. Schnierlein asked Mr. Mooney if there were any red flags that were noted when the dye testing was done at the homeowners association. Mr. Mooney said that there was not. Mr.

Schnierlein said that back in the early 90's, they discovered that geese can leave up to half a pound of fecal material daily. The bacteria count should clear during the winter while the geese are not in the area.

Mr. Schnierlein added that the heavy metals may be residuals from days gone by. They had a similar issue on Roton Point, which turned out to be from the wildlife. Discussion followed about checking back on previous hot spots to insure that they are not contributing to the issue. It was suggested that the Health Department consider an ordinance regarding a regular sewer pump out schedule.

Ms. Lauricella said that she was creating a proposal regarding educating home owners about a regular sewer pump out ordinance. She suggested that Trolley Road and MLK be looked at carefully. It will be important to be transparent and thorough. Ms. Washer said that the NRWA was working on a roll out campaign for the project.

NEW BUSINESS Spraying trichlopi by Eversource for tree control.
Louise

a. Need half life. b) spray vs paint. c) other possibilities

Ms. Washer said that she was focused on Wilton regarding the Eversource Spraying trichlopi.

Ms. Washer said that Chris Torres had been given a plan from Eversource's spraying cutting and spraying the area with trichlopi, which can leach into the soil and eventually into the water. After speaking with Mr. Torres, Eversource said that they would not use the trichlopi. The City of Norwalk does not use many types of pesticides.

Mr. Schnierlein said that when the Aspetuck Land Trust was trying to get rid of phragmites. DEEP cut the phragmites and also sprayed the area to prevent the phragmites from coming back. The finger crabs and herons returned to the area.

"Green" salting of roads. Louise.

Ms. Washer said that they believed that most of the salting was being done by private residents. She said that the overuse of deicer was evident in the rocks that were appearing white from the excess salt. Overuse ends up infiltrating the drinking water. Discussion followed.

DEEP permit for Walk Bridge construction – Geoff or John. This was covered earlier in the meeting.

Missing environmental requirements.

PUBLIC COMMENTS

Ms. Lynnell Jones said that she felt that she had to reframe her concerns about Wilson Point and had given her presentation to Mr. Schnierlein. She said that she had sent out some communications from Wilson Point.

Mr. Schnierlein said that they had contacted a number of agencies and all of them had agreed that Wilson Point did not need a permit. Ms. Jones said that there was a procedure regarding filing plans which was not followed.

Mr. Schnierlein said that they would take this under advisement. Mr. Romano said that there had been some plans filed with the Harbor Commission in 2015. He said that procedurally, the Homeowners Association should have submitted a set of plans that were stamped stating that no plans were needed.

Mr. Steadman said that this was a statewide issue. There are no regulations for private roads and the State regulations and MS-4 do not cover this. Mr. Schnierlein said that they had made recommendations to the Mayor and Common Council about this. Discussion followed about following up on this issue and whether MS-4 had been amended.

Mr. Johnson left the meeting at 6:55 p.m.

Ms. Elsa Obuchowski, the Chair of the First District Water Committee, indicated that she was present and happy to attend the meetings.

Mr. Mitch Palais thanked everyone. He said that he wanted to clarify some of the details. In 2015, the permit was for raising a road, not for drainage. There was some ancillary drainage done, but it was a road raising project. Nothing was found that was emanating from Wilson Point. He added that they have learned about the septic systems. When there is a storm event, any septic system that is located near Trolley Road and MLK will discharge into Wilson Cove. The Wilson Cove Homeowner's Association will continue to work with the City on this. The storm drains as far away as I-95 end up discharging in Wilson Cove.

READING AND APPROVAL OF MINUTES • January 6, 2022.

** MS. LAURICELLA MOVED THE MINUTES OF JANUARY 6, 2022. ** MR. BARTUSH SECONDED.

** THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

** MR. BARTUSH MOVED TO ADJOURN. ** MR. ROMANO SECONDED.

** THE MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:01 p.m.

Respectfully submitted,
S. L. Soltes, Telesco Secretarial Services.