

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
SEPTEMBER 7, 2023**

ATTENDANCE: Steve Bartush, Chair; Pete Johnson, Nicholas Sacchinelli

OTHERS: William Mooney, Dr. John Pinto, Alan Kibbe, Harbor Commission;
Officer Justin Bisceglia, Joseph Schnierlein, Water Quality Advisory Chair;
Geoff Steadman, Harbor Commission Consultant; John Hilts, Diane
Lauricella

The meeting was held via Zoom teleconference.

CALL TO ORDER

Mr. Bartush called the meeting to order at 7:16 p.m.

ATTENDANCE

The roll was called. A quorum was present.

APPROVAL OF MINUTES

• August 3, 2023

**** MR. SACCHINELLI MOVED TO APPROVE THE MINUTES OF THE AUGUST 3, 2023 MEETING.**

**** MR. JOHNSON SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE AUGUST 3, 2023 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

PUBLIC COMMENT

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

TREASURER'S REPORT

Mr. Mooney presented the report and announced the June balance of \$24,213.17. There was \$2,495.00 of revenue generate through the shellfish permits. The current balance is \$26,708.17. Mr. Bartush asked if the canvas cover for the Harbor Master's boat had been paid. Mr. Mooney said that he did not believe it had. He will look into this.

SECRETARY'S REPORT

Mr. Bartush said that he had some comments regarding the proposed zoning changes, particularly involving the northern half of the Marine Commercial District on Water Street. He also expressed concerns about a moratorium on onshore shell fishing infrastructure in the East Channel. The Coastal Flood Plain Management Act outlining the regulations has been settled for 45 years. Mr. Bartush said that he felt that this project was too big and was a much too large cultural change. Letting it go through the current regulatory process was wrong. He asked for everyone to propose a referendum on this matter so that the residents could decide the way this should go. There are a lot of people who are interested in increasing density to promote equity but Mr. Bartush said that the loss of moderate boat dockage was not equitable. This would also impact the Hispanic fishing and shell fishing communities.

Mr. Bartush said that the barge mooring bond request was still on the table. He added that they would most likely have more information after the next meeting of the Harbor Management Commission.

He encouraged everyone to keep their eyes on Hurricane Lee, which is forecasted to have winds up to 165 miles per hour and currently a Category 5 hurricane.

COMMITTEE REPORTS

A) Health Department

Mr. Mooney presented his report. There was 5.68" of rainfall in August. Last August it was 0.53". Historically, there is 4.13" of rainfall in August. There were four closures, on 8/7, 8/13, 8/15 and 8/18 due to the rainfall. There was one bypass on 8/18.

B) Wastewater Treatment Plant – No report.

C) Water Quality

Mr. Schnierlein said that there had been no new cases of vibrio, but there may be a potential incident in the Groton area. Mr. Johnson said that no one was ill in Groton but there were some high counts, so they shut down the waterfront.

Mr. Schnierlein said that Ms. Lauricella was scheduling a tour of the water treatment plant on October. He invited anyone that was interested to join the group.

Mr. Schnierlein said under New Business, there had been discussions about the increased density of multiple family housing along Water Street. This is a conflict with the Harbor Commission's goals. Mr. Schnierlein said that one of the project leaders stated that there were no hazardous

waste sites or brownfields to worry about based on an EPA list. Mr. Schnierlein said that there were other lists that would include the Pepco site and a recycling location where they handled 55 gallon drums of chemicals. A letter requesting that a hold be placed on the project until more research is done is being created.

Another potential change will be an proposed project to add an entrance and exit at the intersection of Route 7 and Route 15 interchange. This will provide more access for both north and south bound traffic. That area is in a watershed area and some of Norwalk's water supply is drawn from the Silvermine River.

Mr. Bartush said that he would like to include a portion of the proposed letter in the record and the Commission might wish to co-sign if it meets their approval.

D) Permits – Presented earlier in the reports.

E) Police – Sgt. Bisceglia gave a brief overview and said that things had been quiet. The water temperature was between 76 and 78 depending on the day.

F) Advisory – No report.

G) Harbor Management –

Mr. Bartush said that he had asked Mr. Steadman to present an outline of the letter. Mr. Steadman said that the letter was sent in response to the proposed amendment to the POCD. This letter was sent to Planning and Zoning after the Harbor Commission's last meeting. The Water Quality Committee also discussed this at their Committee meeting.

The Harbor Management Commission is not able to make a favorable recommendation concerning the proposed POCD amendment for the reasons described in more detail below, which is in the main part of the letter. This includes the intended significant reduction of the Water Street Commercial Zoning District, the lack of consideration of Norwalk State approved Municipal Coastal program and the intended increase in multi-family residential development in the coastal flood plain, which is contrary to the basic principles of flood plain management and resiliency planning.

Mr. Steadman said that the Water Quality Committee had moved to express support of the letter. He noted that the Waterfront Industrial Study did not address the location or the presence of contaminated sites in the waterfront area. He mentioned that in 2008, there was a site on the east side of the harbor by the Oyster Bend location. The proposal for remediation at that time was a cap over the area at the site. However this would not address chemicals leaking through the bulkhead or the presence of PCBs in the river. The owner was required by the EPA to contain the PCBs in the river and those on the site. However, at that point, the project was dropped, so there was no remediation. Discussion followed.

Mr. Schnierlein then read the following statement into the record:

The Water Quality Committee recognizes the Land Use Planning and Regulations are connected to the Water Quality matters in multiple ways. We recognize that the waterfront does and has remained a vital asset to the City for hundreds of years. A Land Use study contains many valuable details but two major items are in need of attention and amendment. The Water Quality Committee shall write a letter to the Mayor's Office and the Planning and Zoning Commission to request that the Industrial Waterfront Zone Land Use Study adoption be rejected and placed on hold until the following matters are discussed with our Committee and anybody else. Containment of contaminated sites within the study area in this City's industrial legacy that includes remaining contaminated sites, be articulated throughout the document so that it is clear that contamination remains that can be reviewed, prioritized and resolved with appropriate entities.

Three examples of remaining contaminated sites are:

- the Pepco site on Water Street. The DPW and Connecticut DEEP Hazmat spill records were not reviewed. They only reviewed what the EPA has.
- The Yankee Gas former coal gasification plant which is off of Commerce Street. Coal tar remains on site and is known by Connecticut DEEP Industrial Index done in 1980.
- 23 Platt Street, East Norwalk, a.k.a. the Donahue Property and Oyster Bend Marina. The EPA in Connecticut placed the site on their State and Federal list for remediation and engineered control requests.

There are many additional sites located within the study area that require proper review following ASTM standards for Phase 1 Environmental Site Assessments and, Number 2, the Committee supports the letter written by the Harbor Commission related to the question of development of within the flood plain and the reduction of future Marine District Expansion.

And we also request a meeting with the parties in order to fully discuss and review the matter above.

Mr. Bartush said that he would entertain a motion to send a letter of support to the Norwalk Harbor Management and the Mayor's Water Quality Committee.

Mr. Kibbe said The Amistad is in port. The Norwalk students will be touring the ship in the coming days. He thanked Gary Wetmore and Bruce Lavallo for their hard work on this project.

**** MR. SACHINELLI MOVED TO ACCEPT THE COMMITTEE REPORTS AS READ.**

**** MR. JOHNSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

- **Walk Bridge** – DOT – No report.
- **18 Burwell St.** – No report.
- **Eversource LWRD License Application** – No report.

NEW BUSINESS

**** MR. JOHNSON MOVED TO ISSUE A FORMAL LETTER FROM THE SHELLFISH COMMISSION OF SUPPORT OF THE LETTER FROM THE NORWALK HARBOR MANAGEMENT COMMISSION AND THE ONE OUTLINED BY COMMITTEE MEMBER LAURICELLA TO THE MAYOR’S WATER QUALITY COMMITTEE REGARDING THE TOXIC SITES AS AN ADDITION TO THAT LETTER IF YOU WILL TO ADDRESS MORE SUBJECT MATTER.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

- **17 Sylvester Court** –

Mr. Hilts said that this was Pre-application. He will send hard copies to the Commission members. The neighboring properties all have docks of a similar length. He reviewed the details and said that it had not been determined whether the occupants will be mooring a boat at the dock.

- **10 Harbor View** – COP

Mr. Hilts said that there was a bump in the seawall and a set of steps that would need to be retained. The floating dock will need be to narrower and on float skids. The current dock is a mixture of steel and pilings. This will be replaced with a pile supported pier.

Dr. Pinto said that he had the letter from August 23, 2023 about this stating that the Harbor Commission had no objection and gave a brief overview of the submitted comments.

**** MR. JOHNSON MOVED TO APPROVE THE HARBOR’S RECOMMENDATIONS.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

- **Norwalk Seaport Association/COP: Sheffield Island North Shore Sea Wall**

No report.

Mr. Steadman said that he had some comments about the State's plan to work on the interchange between Route 7 and Route 15. Since this will be taking place in a watershed, there will be a downstream impact. He said that there was no mention of mitigation other than existing conditions. However, there are highway pollutants to consider. This was something that he had mentioned in 2005 when the work on the I-95 bridge. He noted that the entire goal of the watershed was to deal with issues up stream that will have an effect downstream. There were also concerns about Aquarion and dam structures in the past. These issues will affect the Harbor Management Commission and will affect the Shellfish beds. Discussion followed.

• **Next Meeting – October 5, 2023 @ 7:15pm (Zoom)**

ADJOURNMENT

**** MR. JOHNSON MOVED TO ADJOURN.**

**** MR. SACHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:55 P.M.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services