

**CITY OF NORWALK
SHELLFISH COMMISSION
REGULAR MEETING
MARCH 7, 2024**

ATTENDANCE: Steve Bartush, Chair; Jonathan Pageler, Nick Sacchinelli; Pete Johnson
(7:22 p.m.)

OTHERS: Geoff Steadman, Consultant; William Mooney, Health Department; Alan Kibbe, Harbor Commission; Police Sgt. Justin Bisceglia, Azure Dee, Tim DeBartolomeo, Sound Engineering Associates

CALL TO ORDER

Commissioner Bartush called the meeting at 7:17 p.m.

ATTENDANCE

Commissioner Bartush announced that a quorum was present.

APPROVAL OF MINUTES

• January 4, 2024

The following correction was noted:

Page 1 and following, please change the date both the Header and Footer to 2024.

**** COMMISSIONER PAGELER MOVED TO APPROVE THE MINUTES OF THE JANUARY 4, 2024 MEETING AS CORRECTED.**

**** COMMISSIONER SACCHINELLI SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE JANUARY 4, 2024 MEETING AS CORRECTED PASSED UNANIMOUSLY.**

PUBLIC COMMENT

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

TREASURER'S REPORT

Mr. Mooney presented his report. The revenues came to \$998.40. The boat servicing cost \$402.50 and the holiday party came to \$1,780.67. The current balance is \$25,523.00. He added that the cost for the permits was \$515.00, and this was submitted in February.

SECRETARY'S REPORT

Commissioner Bartush reported that there had been a structure dredging along with a notice of tentative determination that had been issued earlier in the day for 2 Nathan Hale. Commissioner Bartush said that it appears that the dredging was not included on the drawings for the permit. This will be discussed further during Harbor Management or under New Business

COMMITTEE REPORTS

A) Health Department – Mr. Mooney reported that in January, there was 4.96 inches of rainfall. In January 2023, there was 5.25 inches, but historically, it is 3.22 inches. There were no bypasses but there were three closures: on 1/9, 1/13 and 1/28 due to rainfall.

In February, the rainfall was 2.29 inches, In February 2023, it was 1.65 inches. Historically, it is 2.13. There were no bypasses and only one closure on 2/27 due to rainfall.

B) Wastewater Treatment Plant – No report.

C) Water Quality – No report.

D) Permits -- Mr. Mooney said that he had delivered the yearly permits during the third week in January along with approximately 95% of the current maps in stock. This should cover this year.

Commissioner Johnson joined the meeting at 7:22 p.m.

E) Police – Sgt. Bisceglia said that it had been fairly quiet but work has started on the Walk Bridge and they have been monitoring that activity. There was one spill a few months ago. Notification of the closure came through earlier in the day and the flags will be changed over. The water temperature has been between 38 and 39 degrees.

F) Advisory – Sgt. Bisceglia said the water temperature has been between 38 and 39 degrees. Sgt. Bisceglia said that his readings came from when he was in the boat, but thought that someone with the Weather Services was logging in the data from a weather buoy. Commissioner Bartush said that there were two sites that were check the temperatures: the Maritime Aquarium and Cove Marina, but he was unsure if that information was available to the public.

G) Harbor Management – Mr. Kibbe said that the Harbor Grants that the City has applied for. He spoke briefly about the street end project for grant funding. There will be a discussion about whether the street ends should be made into public access in the near future.

The Walk Bridge project is moving forward and yellow buoys have been placed in the Harbor by the lighthouse.

The fourth round of Ship Grants has been announced and the Harbor Commission is trying to assemble some projects that would qualify for the funding. This could include the street ends project.

Mr. Steadman also had a number of comments about the Ship Grants. He said that this could be a source of partial funding for the reconstruction of the Veteran's Park East Marina.

He said that the Norwalk River Watershed Commission, which the Harbor Commission was instrumental in establishing, may qualify for a Sea Grant and Norwalk was one of the first identified because of the shellfish beds.

Mr. Steadman said that the current nutrients monitoring that is underway at Sasco Creek will be concluding soon.

The DEEP just notified the Harbor Commission that they intend to approve the Eversource project for drilling under the river. There will be a 40 day comment period. The Citing council turned down the request for a public hearing. DEP is requiring Eversource to post a bond and Mr. Steadman said there would be two conditions attached by the State. He said that there were no attachments that would protect the City's interests.

A site plan application has been received from O&G to reactivate the former asphalt plant for aggregate on the upper Harbor. This would involve 12 barges a month. There are some concerns that these barges that could block the Norwalk Yacht Club moorings.

There are some neighborhood groups that are about to present some petitions against this use of the property as it is not part of the Plan.

Mr. Steadman said that he had been requested to speak about the SEA Grant and explained that he had been able to speak on behalf of the Harbor Management Association. Mr. Steadman said he had focused on the court case that diminished the Harbor Management Commission's authority. He added that he believed all the Shellfish Commissions were supporting their interest in this regard because they know that the recommendations of the Harbor Commissions can serve to support and advance Shellfish Commission interests. The hope is that there will be a meeting with the Governor about this.

**** COMMISSIONER SACCHINELLI MOVED TO APPROVE THE REPORTS AS PRESENTED.**

**** COMMISSIONER PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

OLD BUSINESS

Commissioner Bartush said that he had a meeting with Mr. Kevin Dahms to discuss the details of the Restoration Grant. Commissioner Bartush said that the Shellfish Commission is concerned

about the subtidal areas and the effect on production and the washing of gametes or spat larvae down river.

Commissioner Bartush said they had also discussed the DOT mitigation, which has already been partially completed north of the bridge. The concern is that while the State may agree to subtidal issues, the question was how far out this would extend. Two alternatives will be presented and both the Shellfish and Harbor Management will be informed of the permitting process.

NEW BUSINESS

Commissioner Bartush thanked the representatives for the COPs for attending the meeting and also Dr. Pinto of the Harbor Commission for passing along the applications.

• COP 10 Nearwater Road

Mr. DeBartolomeo of Sound Engineering Associations displayed a site plan for the parcel. He explained that the structure was in place prior to 1995. The owner received authorization for replacing the current structure but there was no dock included, only a ladder. They will not encroach any further but reduce the existing structure and replace it with a gangway to a float with a frame to prevent it from sitting on the bottom. They will be using open decking.

The existing structure would be dismantled from the landward side, leaving the piles and Mr. Wetmore will bring his barge during the high tide to remove the existing piles and return on another high tide to drive the new piles. Once this is done, the remaining work will be done from the landward side.

Mr. Steadman said that the Harbor Commission felt that this project was consistent with the Harbor Management Plan because it does not enlarge the current structure. They do not believe there will be any impact on navigation.

Commissioner Bartush said that this application was a COP and asked if there were any particular comments or conditions that they would like to make to Harbor Management. Both Commissioner Johnson and Commissioner Pageler felt this was acceptable. Commissioner Bartush said that the Shellfish Commission would report no objection to this application.

• COP 8 Golden Court

Commissioner Bartush said that there were two applications for 8 Golden Court. One is for repairs associated with a seawall and the second involves a ramp, float and piles.

Mr. Matt Shuler of Race Coastal greeted everyone and displayed the proposed plans for the resetting of stones on an existing pier that has developed large voids and pouring a slab on top of the pier.

The second project application is for a floating ramp and 440 dock. He displayed the site plans.

Commissioner Bartush said that these application also fit in to the COP model.

Mr. Steadman said that the Harbor Management approved this since the stones were falling out of the pier. It would fall under repair and maintenance. The second application would be covered in the “as of right” category unless there were navigation issues or the vessel was resting on the bottom.

Commissioner Bartush agreed and said that strengthening the structure would prevent the eventual collapse and it protects the natural beds that are there. Commissioner Bartush said they would notify the Harbor Commission that the Shellfish Commission had no objections.

• 49 Neptune

Mr. Shuler displayed the site plan and said that there was an existing floating dock with a gangway that rests on the bottom during low tide. The application is for removing the existing dock and replacing it with a permanent dock and ramp along with dock stops. The new access ramp would go over some wetlands.

Commissioner Bartush said that it would be good to conduct a site visit with some Harbor Commissioners during low tide before the next Harbor meeting.

Mr. Steadman asked when the application came in. Mr. Shuler said that he had received it on Tuesday evening. He asked Mr. Shuler to let the applicant know that the Commissioners would be present on the property during a low tide.

Commissioner Bartush then said that they would like to discuss 2 Nathan Hale. Mr. Steadman said that DEEP has tentatively approved 12,050 cubic yards of dredging around the private pier. However, the drawings do not indicate where the dredging would happen. Public comments are due by March 31st, which is before the next Shellfish meeting.

Mr. Steadman said that he did not see dredging mentioned in the original application but it was added later. DEEP’s policy in the past has been that they would not allow dredging for residential use. Mr. Steadman said that he had contacted Mr. Carey about this and Mr. Carey told Mr. Steadman that he had asked about this but not received an answer. Discussion followed.

Commissioner Bartush said he would be interested in seeing the documentation regarding the footprint of the dredging area and noted that there was a historical precedent of not dredging within that footprint.

Mr. Steadman suggested that Commissioner Bartush communicate that to the Harbor Management Commission so that it could be included in with the Harbor Commission’s response to the Public Notice.

**** COMMISSIONER JOHNSON MOVED TO REQUEST DREADING PARAMETERS AND DOCUMENTATION.**

**** COMMISSIONER SACCHINELLI SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Steadman said that there was another application that the Harbor Commission reviewed at its last meeting for 130 Water Street which involves installing a new bulkhead. This will involve excavating materials and putting the material on the land for testing for contaminants. This could possibly lead to runoff.

Because the applicant's agent could not supply some of the requested information, the Harbor Commission tabled the item. However, in the meantime, DEEP issued a Certificate of Permission before the Harbor Commission submitted their comments. There is no statutory requirement for DEEP to wait for the Harbor Commission to submit their comments. Mr. Steadman said that this was an example of why they needed to work with DEEP on this process. Discussion followed.

Commissioner Bartush said that Harbor Master Lovallo had planned to go out to check on the signage. He asked Mr. Kibbe if the Harbor Master had in fact, reported back to him. Mr. Kibbe said that the Harbor Master had gone out and the signage was there as specified.

Next meeting is scheduled for April 4, 2024 @ 7:15pm (Zoom)

ADJOURNMENT

**** COMMISSIONER JOHNSON MOVED TO ADJOURN.**

**** COMMISSIONER PAGELER SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:05 p.m.

Respectfully submitted

Sharon Soltes

Telesco Secretarial Services