

**CITY OF NORWALK
HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
MARCH 27, 2024**

ATTENDANCE: Alan Kibbe, Chair; Matt Gifford; Laurie Jones; Chris MacDonnell; Jeff Mangels; Mike Matthews; John Pinto; Chris White

STAFF: Amelia Williams

AGENTS: 130 Water Street: Jim Bajek/Consultant;
19 Dock Road: Carlo Vona/Property Owner, Matt Popp/Environmental Land Solutions, Wayne D'Avanzo/Fairfield County Engineering;
49 Neptune Avenue: Matthew Schuler/RACE Coastal Engineering;
289 East Avenue: Matthew Schuler/ RACE Coastal Engineering;

OTHER: Dan Stanton, Department of Public Works; Sgt. Justin Bisceglie, Norwalk Marine PD; Steve Bartush, Shellfish Commission Chair; Geoff Steadman, HMC Consultant

CALL TO ORDER/PLEDGE

Chairman Kibbe called the meeting to order at 6:01 P.M. There was a quorum present.

ROLL CALL

Chairman Kibbe performed a roll call of those present.

PUBLIC HEARING

ADOPTION OF THE NORWALK HARBOR FEE SCHEDULE

Mr. Mangels explained their plans for the fee schedule. The proposed change will need to go before the Common Council.

There were no public comments on this item.

**** CHAIRMAN KIBBE MOVED TO APPROVE THE ADOPTION OF THE NORWALK HARBOR FEE SCHEDULE.**

**** THE MOTION PASSED UNANIMOUSLY.**

PUBLIC COMMENT

Ms. Diane Cece came forward for public comment. She wished to speak on agenda items D and E regarding 289 East Avenue with concerns about wildlife, and on agenda item F regarding the Walk Bridge project and requested further information regarding them. She was told that the items would be addressed at the proper times.

APPROVAL OF MINUTES: FEBRUARY 28TH, 2024

**** DR. PINTO MOVED TO APPROVE THE MINUTES OF FEBRUARY 28, 2024 AS SUBMITTED.**

**** MR. GIFFORD SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

SHIPP GRANT DISCUSSION

Chairman Kibbe explained that this is a grant program to support improvement of the Harbor. Mr. Stanton of the Department of Public Works came forward to request using this grant to improve the dock in the Veterans Park East Basin. Features of the reconstruction would include two ramps, personal watercraft docks, handicap-accessible docks, and restoration of the shoreline. Mr. Steadman explained that the Connecticut Port Authority is requesting that the HMC be the lead City Agency to submit the grant application for the Veterans Park reconstruction. Discussion ensued regarding the disappointing lack of necessary support for the transient mooring program, including landing space for loading/unloading and facilities such as electrical and water, especially given repeated requests made by Chairman Kibbe and Commissioner Mangels. Further discussion ensued regarding proposed modifications to support the transient mooring program.

**** DR. PINTO MOVED TO SUPPORT THE SUBMISSION OF A SHIPP GRANT (PREPARED BY CONSULTANT GEOFF STEADMAN ON BEHALF OF THE HMC) TO THE CONNECTICUT PORT AUTHORITY WITH THE DISCUSSED MODIFICATIONS.**

**** MR. MANGELS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

APPLICATION REVIEW COMMITTEE – DR. PINTO

A. 130 WATER STREET – DEEP CERTIFICATE OF PERMISSION: REBUILD AN EXISTING BULKHEAD (CONTINUED FROM LAST MEETING).

Dr. Pinto noted that the application had already been submitted and approved by the D.E.E.P.

Mr. Bajek came forward to discuss this item and provided the plans. Dr. Pinto raised concern over bulkhead creep. Further discussion followed regarding the details of the bulkhead. It was noted that D.E.E.P. was under no obligation to wait until the Harbor Commission responded. It was suggested that the HMC write D.E.E.P. and ask for a discussion regarding this item and seek better communication with them. Further discussion followed.

B. 19 DOCK ROAD – CAM REFERRAL: LIFT AN EXISTING SINGLE-FAMILY RESIDENCE TO BE FLOOD COMPLIANT, CONSTRUCT A SECOND STORY ADDITION, RAISE THE DRIVEWAY, INSTALL A NEW STORMWATER RETENTION SYSTEM, AND UPGRADE THE SEPTIC SYSTEM.

Mr. Vona came forward to discuss this item. The existing footprint will remain the same. They will be raising it above the current flood compliance elevation. A second story will be added to the north end of

the home. They will be lifting the driveway as well. A map of the property was provided. Further discussion followed regarding the material used to make the driveway.

**** MS. JONES MOVED THAT APPLICATION B IS CONSISTENT WITH THE HARBOR MANAGEMENT PLAN.**

**** MR. MANGELS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

C. 49 NEPTUNE AVENUE – PRE-SUBMISSION CONSULTATION: RESIDENTIAL PIER AND FLOATING DOCK.

A map of the site was provided for those present. Dr. Pinto reviewed the details of the property and application for those present.

Mr. Shuler came forward to discuss this item. A question arose regarding the location of the littoral property lines which needed to be displayed on the applicant's site plan. It will be sent to the Shellfish Commission due to concerns about the impact on shellfish. There had been a request for a site meeting with the Shellfish Commission submitted.

**** DR. PINTO MOVED THAT THERE IS NO OBJECTION TO APPLICATION C MOVING FORWARD PROVIDED THAT THERE IS CLARIFICATION OF LITTORAL PROPERTY LINES AND THAT THE HMC RESERVES THE RIGHT TO REVIEW THE APPLICATION FOLLOWING ITS SUBMISSION TO THE D.E.E.P.**

**** MR. GIFFORD SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

D. 289 EAST AVENUE – DEEP COASTAL GENERAL PERMIT REGISTRATION FOR 4/40 DOCK AND ACCESS STAIRS: INSTALL A 40 SQUARE FOOT L-SHAPED TIMBER PIER.

A map of the property was provided for those present. Discussion followed regarding the property and the use of proposed dock. It was noted that there are currently no structures in the enclosed tidal pond. It was noted that there were no littoral property lines on the map; but they were unsure how that would apply to a pond. It was noted that blue crab did travel in the pond. Dr. Pinto wished to have clarified from DEEP whether there were any environmental concerns of a dock placement within Mill Pond area that might be overlooked.

**** MR. GIFFORD MOVED TO MOVE APPLICATION D FORWARD PROVIDED THAT LITTORAL LINES BE PROVIDED AND WITH THE RIGHT TO GIVE FURTHER COMMENT SHOULD CONSERVATION ISSUES ARISE.**

**** MR. WHITE SECONDED THE MOTION.**

**** THE MOTION PASSED WITH SEVEN (7) IN FAVOR (KIBBE; GIFFORD; JONES; MACDONNELL; MATTHEWS; PINTO; WHITE) IN FAVOR AND ONE (1) AGAINST (MANGELS).**

E. 289 EAST AVENUE – DEEP CERTIFICATE OF PERMISSION: REPAIR AND RAISE THE EXISTING DRY STACKED STONE WALL.

The plans for the property were provided for review along with photos of the property. The existing wall was grandfathered in. Discussion followed regarding drainage.

**** DR. PINTO MOVED THAT APPLICATION E IS CONSISTENT WITH THE HARBOR MANAGEMENT PLAN WHILE RESERVING THE RIGHT TO REVIEW THE COASTAL SITE PLAN REVIEW AND ADD FURTHER COMMENT IN THE FUTURE.**

**** MR. MANGELS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

F. STANDING ACTION ITEMS: OPEN DISCUSSION OF FUTURE WALK BRIDGE PROPOSALS REGARDING PLACEMENT OF TRANSMISSION CABLES AND EXCLUSION ZONE PROPOSAL BY EVERSOURCE, DOT'S PLANS FOR STATIONING WORK BARGES IN NORWALK HARBOR AND HARBOR MASTER'S AUTHORITY; DOT'S PLANS TO MONITOR WATER QUALITY, AND BULKHEAD CONSTRUCTION AT PROPOSED SOUTH WATER STREET STAGING PROPERTIES.

Dr. Pinto said he wished to stress the need to respond to the Eversource public notice. He felt that there had been communication issues regarding this item. He also felt that Eversource should be held responsible for any additional work that would be required regarding the dock in the future due to the presence of two high tension wires underneath the public facility. Chairman Kibbe suggested that they try to mobilize a public hearing on the matter. Further discussion followed regarding what would need to happen to get a public hearing and make a petition. A letter will be drafted regarding this item.

**** MR. MANGELS MOVED TO DRAFT A LETTER TO DEEP IN RESPONSE TO THE EVERSOURCE PUBLIC NOTICE THAT STATES THAT:**

- **THE HARBOR MANAGEMENT COMMISSION EXPRESSES SUPPORT FOR AN ADJUDICATORY CT DEEP PUBLIC HEARING ON THE EVERSOURCE'S PROPOSED PROJECT.**
- **REAFFIRM THAT THE CT DEEP'S APPROVAL OF THE PROPOSED PROJECT FOR THE DUNAVAN BOATING CENTER AND VETERAN'S MEMORIAL PARK INCLUDE A SPECIAL CONDITION GUARANTEEING NORWALK'S UNRESTRICTED MAINTENANCE AND IMPROVEMENT OF AFFECTED FACILITIES DESPITE TRANSMISSION LINE RELOCATION, WITH THE APPLICANT LIABLE FOR ANY RESULTING ADDITIONAL COSTS OR DELAYS.**
- **REAFFIRM TO CT DEEP AND THE APPLICANT THAT WITHOUT THE RECOMMENDED SPECIAL CONDITION (ITEM 2), THE PROPOSED PROJECT IS INCONTISTENT WITH THE NORWALK HARBOR MANAGEMENT PLAN.**
- **THE LETTER REAFFIRMS PREVIOUS COMMENTS MADE JOINTLY BY NHMC AND NSC TO THE COMMON COUNCIL, SITING COUNCIL, DEEP, AND THE APPLICANT.**
- **RESUBMIT FOR THE PUBLIC RECORD THE PREVIOUS COMMENTS SUBMITTED TO DEEP AND THE SITING COUNCIL.**

**** DR. PINTO SECONDED THE MOTION.**

**** THE MOTION PASSED WITH SEVEN (7) IN FAVOR (KIBBE; MANGELS; GIFFORD; JONES; MACDONNELL; PINTO; WHITE) AND ONE (1) ABSTENTION (MATTHEWS).**

Discussion followed regarding proper signatures and submission methods. Chris White offered to set up a change.org page for easy distribution of the petition to request a public hearing regarding placement of the Eversource lines.

CORRESPONDENCE

There had been correspondence regarding the O&G property at 55 Smith Street application from last month and discussion followed regarding narrowing of the federal channel due to mooring and storage of barges between Devine Brothers and O&G. Amelia Williams responded to the correspondent and there has been no subsequent communication.

CHAIRPERSON'S REPORT – KIBBE

Chairman Kibbe thanked Mr. White for his work on the newsletter. He noted that Mr. MacDonnell would be stepping down from Plans and Recommendations for various reasons. Ms. Jones will be taking over for him. There is still a need for a volunteer to represent the Harbor Management Commission on the Mayors Water Quality Committee. The NHMC plans to form a Harbor Management Plan Review Committee as the document had been last reviewed 15 years ago and is in need of an update. The NHMC has also gone through the process of the City grant application and been authorized. The NHMC will be getting \$15,000 grant from the City.

STAFF REPORTS

HARBOR MASTER – LOVALLO

In Mr. Lovallo's absence, Deputy Harbor Master Owen Lee reported that 101 mooring renewals have been paid and 31 are outstanding. NPD has met with the Norwalk rowing clubs to discuss safety strategies during the Walk Bridge construction.

CONSULTANT – STEADMAN

Mr. Steadman reported that the future of the CT Port Authority is uncertain since its operations will be combined with those of the CT Airport Authority, but the hope is that the SHIPP grant program will continue. He also reported that there has been concern from the Norwalk Boat Club regarding the constriction of the channel downstream from them and how this will impact traffic during Walk Bridge construction. DEEP has not been responsive to the ongoing question of the authority of the Harbor Management Commission. There has also been talk of having a meeting of the various harbor masters in Connecticut to share common concerns and issues.

SHELLFISH COMMISSION – BARTUSH

Mr. Bartush thanked Dr. Pinto for the C.O.P. and 440 referrals. They were submitted on March 9th. He reviewed the referrals for those present.

COMMITTEE REPORTS

MOORING AND HARBOR SAFETY – MANGELS

Mr. Mangels reviewed the number of people who had paid online mooring renewals. He noted that there would be new mooring balls from Dillman Corporation that can accommodate lines on the top for the transient moorings. He noted that all three managed mooring fields had paid their first installment. The Dockwa landing page will be updated.

FINANCE – MACDONNELL

There was no report at this time.

PLANS AND RECOMMENDATIONS – MACDONNELL

There was no report at this time.

NEWSLETTER/WEBSITE – MATTHEWS AND WHITE

Mr. White said that they were working on the second newsletter. Mr. Matthews requested that Chris White assist him with the website.

WATER QUALITY – TBD

There was no discussion at this time.

NEW BUSINESS

Mr. Matthews provided a brief update on the Oyster Trail. He attended the CORR (Collective for Oyster Shell Restoration and Recycling) event and has helpful maps, trails and information. He's waiting for a sign-off from the City.

ADJOURNMENT

**** MS. JONES MOVED TO ADJOURN.**
**** CHAIRMAN KIBBE SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:56 P.M.

Respectfully Submitted
Ian A. Soltes
Telesco Secretarial Services