

**CITY OF NORWALK  
NORWALK HARBOR MANAGEMENT COMMISSION  
REGULAR MEETING  
APRIL 26, 2023**

**ATTENDANCE:** Alan Kibbe, Chairman; Jeff Mangels, Vice-Chair; John Pinto; Mike Matthews; Laurie Jones; Chris MacDonnell; Bruce Lovallo, Harbormaster; Geoffrey Steadman, Consultant; Joe Schnierlein, Water Quality

**STAFF:** Amelia Williams

**OTHER:** Alex Wojtkowiak, William Kenny Associates; Craig Flaherty, Redniss and Mead; Mike Bourgoin, King Industries; Tim DeBartolomeo, Sound Engineering; Atty. Adam Blank; Matt Popp, Environmental Land Solutions

**CALL TO ORDER/PLEDGE**

Chairman Kibbe called the meeting to order at 6:02 P.M. There was a quorum present.

**ROLL CALL**

A roll call of those present was performed.

**PUBLIC COMMENT**

There was no Public Comment at this time.

**APPROVAL OF MINUTES: MARCH 22ND, 2023**

Chairman Kibbe noted that an effort is being made to reduce the density of the minutes since they are only intended to keep a record of decisions and actions taken by the Commission. He has edited the minutes to reflect this.

**\*\* DR. PINTO MOVED TO ACCEPT THE MINUTES OF MARCH 22<sup>ND</sup>, 2023 AS AMENDED.**

**\*\* MS. JONES SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

Approval of the minutes of the joint meeting with the Shellfish Commission also held on March 22<sup>nd</sup> was tabled due to a lack of members present from the Shellfish Commission.

**APPLICATION REVIEW COMMITTEE – DR. PINTO**

**A. 18 BURWELL STREET – PRE-APPLICATION.**

**CONTINUED FROM LAST MEETING. THE APPLICANT, SOUND ENGINEERING ASSOCIATES (ON BEHALF OF ALEXANDER SIMUNEK AND ANDREW KILBOURN), PROPOSES TO RETAIN AND MAINTAIN AN EXISTING SEAWALL AND CONSTRUCT A PRIVATE DOCK. THE PROPOSED DOCK WILL INVOLVE CONSTRUCTING A**

**4'X 62' FIXED PIER WITH A 3.5'X 30' GANGWAY ATTACHED TO 5'X 4' LANDING DOCK WITH AN 8'X 12.5' FLOATING DOCK CONFIGURATION. INSTALLATION WILL INITIALLY REQUIRE A BARGE MOUNTED PILE DRIVER FOR PLACEMENT OF TIMBER PILES. DOCK, PIER DECK AND GANGWAY WILL BE FABRICATED OFF-SITE AND INSTALLED IN SITU VIA WORK BARGES DURING HIGH TIDE.**

Dr. Pinto provided a brief overview. Mr. DeBartolomeo came forward to discuss this item. He said they had a recent on-site meeting with members of both Shellfish and Harbor Management Commissions to look at the location of the proposed dock. Alex Wojtkowiak discussed the proposed methodology for eradication of wetland plant *Phragmites australis*. Further discussion followed.

**\*\* MR. MANGELS MOVED THAT THERE IS NO OBJECTION TO THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

- **THERE WILL BE A REVIEW OF THE APPLICATION WHEN IT'S IN ITS FORMAL PROCESS.**
- **THE TWO PROJECTS, THE DOCK AND PHRAGMITES REMOVAL, WILL BE SEPARATED.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**B. 86 BLUFF AVENUE**

**CAM REFERRAL. THE APPLICANTS, PHILLIP AND ERIN KERR, INTEND TO REPLACE AN EXISTING, NON-FEMA COMPLIANT, SINGLE-FAMILY RESIDENCE WITH ONE OCCUPYING A SIMILAR AND SMALLER FOOTPRINT THAT IS FEMA COMPLIANT. THE STRUCTURE WILL BE BUILT ON PIERS WITH BREAKAWAY WALLS. A VEGETATED TIDAL WETLAND BUFFER, POOL, AND STORM WATER IMPROVEMENTS ARE ALSO PROPOSED. THE PROPOSED PLANS ARE INTENDED TO IMPROVE CONDITIONS BY REPLACING PORTIONS OF THE EXISTING STRUCTURE THAT ARE CLOSEST TO THE ABUTTING FARM CREEK WITH AN EXPANDED BUFFER AREA. PROPOSED IMPROVEMENTS RESULT IN ~4900 SQ FT OF IMPERVIOUS AREA, AN INCREASE OF ~290 SQ FT OF THE EXISTING IMPERVIOUS AREA. TWO PROPOSED CONCRETE INFILTRATION DRAINAGE GALLERIES (FRONT AND BACK YARD) WILL BE DESIGNED TO COVER ~2300 SQ FT OF THE IMPERVIOUS SURFACE AREA. IN TOTAL, THE NEW HOME REPLACEMENT WILL BE FEMA COMPLIANT, SHIFT THE NEW HOME AWAY FROM FARM CREEK WITH AN EXPANDED BUFFER ZONE, AND ADD STORMWATER MANAGEMENT ACCOMMODATIONS.**

Mr. Flaherty came forward to discuss this item. He provided maps of the site for review. They have provided a drainage summary narrative, a coastal area management assessment, a flood zone compliant review, and a landscape plan for the installation of vegetation. They have found that they will be improving water quality as a result of the proposed systems.

**\*\* MS. JONES MOVED THAT THE APPLICATION IS CONSISTENT WITH THE HARBOR MANAGEMENT PLAN IN THAT THE PROJECT WILL RESULT IN A SIGNIFICANT IMPROVEMENT IN WATER QUALITY CONDITIONS AND FLOOD RESILIENCY AND PROVIDED IT MEETS CITY STORMWATER MANAGEMENT AND FEMA REQUIREMENTS.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**C. NORWALK BUILDING ZONE REGULATIONS AMENDMENT (HISTORIC PRESERVATION)**

**THE NORWALK PLANNING & ZONING COMMISSION HAS RECEIVED AN APPLICATION TO AMEND THE ZONING REGULATIONS THAT PERTAIN TO THE PRESERVATION OF HISTORIC STRUCTURES THROUGH INCENTIVIZATION.**

Atty. Blank came forward to discuss this item. There will be a special permit filing that relates to property on Chestnut Street. He provided the proposed text amendment for review. He reviewed the reasoning for the proposed amendment and what its approval would result in. A zone map of the City was provided. Further discussion followed.

**\*\* DR. PINTO MOVED TO TABLE THIS ITEM UNTIL THE HMC HAS MORE INFORMATION AND TIME TO PUT MORE THOUGHT INTO THE POTENTIAL IMPLICATIONS.**

**\*\* MR. MACDONNELL SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**D. 1 SCIENCE ROAD**

**DEEP APPLICATION TO RENEW A PERMIT FOR AN EXISTING DISCHARGE OF STEAM CONDENSATE, NON-CONTACT COOLING TOWER BLOWDOWN, FIRE SYSTEM TESTING WASTEWATER AND STORMWATER TO THE NORWALK RIVER FROM THE KING INDUSTRIES FACILITY.**

Mr. Bourgoin came forward to discuss this item. He provided a brief overview of the item. He noted this would be similar to other renewals. He did have a request regarding the shifting of PH units which he explained to those present. He provided more information regarding the amount of water that they were pumping into the river.

**\*\* DR. PINTO MOVED TO REITERATE THE COMMENTS MADE BACK IN 2018 REGARDING THIS APPLICATION.**

**\*\* MR. MACDONNELL SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**E. 12 SHOREHAVEN ROAD - PRE-APPLICATION.**

**ECLYPSE HOLDINGS, LLC (GEORGE STIEGLER) PROPOSES TO REMOVE A PORTION (FROM 4'X 105' FT TO 4'X 77') OF PILING SUPPORTED PIER, INSTALL A 3'X 30' RAMP, PILING-ANCHORED 10'X 16' FLOATING DOCK, AND TWO PILING SUPPORTED PWC LIFTS. THE ENTIRE STRUCTURE WILL EXTEND ~10' WATERWARD THAN THE CURRENT STRUCTURE.**

A map of the site was provided for those present. Dr. Pinto provided an overview of the pre-application.

**\*\* MR. MACDONNELL MOVED THAT THE HMC HAD NO OBJECTION TO MOVING FORWARD WITH THE OPTION OF REVIEWING THE PLAN IN ITS FINAL FORM WHEN IT'S SUBMITTED TO THE D.E.E.P.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

**F. NORWALK BUILDING ZONE REGULATIONS AMENDMENT (R.O.W.)**

**THE NORWALK PLANNING & ZONING COMMISSION HAS RECEIVED AN APPLICATION TO AMEND THE ZONING REGULATIONS THAT PERTAIN TO EXPANDING THE CITY'S RIGHT-OF-WAYS NOT CAUSING A LOT OR STRUCTURE TO BECOME NONCONFORMING. THE TRANSPORTATION, MOBILITY, AND PARKING**

**DEPARTMENT, OR TMP, IS SEEKING TO EXPAND SIDEWALKS AND STREETS THROUGHOUT THE CITY. PHASE ONE OF THEIR PLAN IS TO EXPAND APPROXIMATELY 3,500 LINEAR FEET OF NEW SIDEWALKS AND CURBS THAT ABUT APPROXIMATELY 12 PARCELS OF LAND. THIS EXPANSION OF SIDEWALK/STREETS MAY CAUSE REMAINDER OF OWNER'S PROPERTY TO BE IN VIOLATION OF ZONING REGULATIONS, WHICH IS WHY THEY ARE SEEKING THIS TEXT AMENDMENT. A RECOMMENDATION BY THE HMC IS TO BE MADE AND REFERRED TO THE PLANNING & ZONING COMMISSION WHO MAY TENTATIVELY HOLD A PUBLIC HEARING ON WEDNESDAY, MAY 17, 2023, AT 6:00PM REGARDING THIS TEXT AMENDMENT.**

Dr. Pinto provided an overview of this item. He said that the City wanted to capture some of the land adjacent to the property owner and use it as a buffer zone. But in doing so this could leave the owner's property out of compliance with regulations. This amendment will assure property owners that zoning-compliant properties will not become non-compliant due to sidewalk installations.

**\*\* MS. JONES MADE THE MOTION OF NO OBJECTION TO THE TEXT AMENDMENT ELIMINATING PENALTY TO THE HOMEOWNER PROPERTY THAT MAY COME AS A RESULT OF THE CITY SIDEWALK PROJECT.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

#### **G. 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.**

#### **CHAIRPERSON'S REPORT – KIBBE**

Chairman Kibbe came forward to present his report including the following points:

- He has been focused on the administrative functions of the Commission.
- Changes have been made to improve document flow in the application review process.
- Looking into most efficient way to track HMC recommendations and D.E.E.P's decisions. Used 26 Valley Road application as example.
- He and the Harbormaster attended a meeting with the on-site Norwalk Walk Bridge team.
- A recap of what happened at their last meeting with the CT Siting Council with regard to Eversource's Petition.
  - There was no response from the Council regarding questions concerning financial responsibility for expenses related for future development above the relocated transmission lines and the reasoning behind their request for a declaratory ruling.
  - The request for a public hearing was denied.
- His efforts to steer the meetings towards Roberts Rules of Order.

#### **STAFF REPORTS**

### **HARBOR MASTER – LOVALLO**

Mr. Lovallo came forward to present his report including the following points:

- A recent boat fire at one of the marinas happened during the meeting. The cause of the fire was unknown at that time.
- 12 Moorings have been renewed and 3 removed.
- His efforts to get the Harbor Master boat ready for the season.
- His recent work with the Walk Bridge Project, including upcoming moorings.

With regard to placement of moorings for the Walk Bridge project, Dr. Pinto asked what size vessels would be mooring at those locations. Mr. Lovallo said he didn't know yet.

### **CONSULTANT – STEADMAN**

Mr. Steadman came forward to present his report including the following points:

- Proposed amendments to the Harbor Management Act and a status update on them.
- Updates on other ongoing projects.
- He and Dr. Pinto had attended the Siting Council Meeting to request a Public Hearing regarding Eversource's transmission line relocation on April 13<sup>th</sup>. He discussed the results of that meeting and next steps.
- The pending amendments for the plan of conservation and development and for the City-wide zoning regulations.

Mr. MacDonnell asked for more information regarding the timeline for money from bonding, which Mr. Steadman provided. He asked if they should have a discussion about responding to the D.E.E.P.'s approval of the Valley Road project and express the commission's concerns about the implications for considering littoral rights. Dr. Pinto presented the DEEP's Issued permit for the project which was discussed. He felt it was still inconsistent with the Harbor Management Plan. Further discussion followed.

### **SHELLFISH COMMISSION – BARTUSH**

Mr. Bartush was not present to deliver his report.

### **COMMITTEE REPORTS**

#### **MOORING AND HARBOR SAFETY – MANGELS**

Mr. Mangels came forward to present his report including the following points:

- An update on the state of the online mooring system and training received regarding it.

- Status of the validation of the online mooring template.
- Rowayton YC has sent in a check as did Sprite Island a while back.
- He has been in contact with the Norwalk Yacht Club regarding their check.
- His continuing efforts to work with the City to come up with a plan for payment.
- An upcoming notification at the end of the year stating how much needed to be paid by a certain date and the associated late fees.
- Both the recent boat fire and the grounding of a vessel.

### **FINANCE – MACDONNELL**

Mr. Kibbe reported that they had made their first payment to DOCWA and would be getting their space on the DOCWA page all set up.

### **PLANS AND RECOMMENDATIONS – MACDONNELL**

Mr. MacDonnell came forward to present his report including the following points:

- The results of a recent meeting with the Amistad staff. Both the Norwalk School System and Seaport Association have provided financial commitment for what they can support.
- They have applied for the event permit from the Coast Guard.
- Information regarding the Street Ends. They will get an RFP together regarding this for future distribution.
- Monitoring of CT Source for RFP program for funding for transient boater/floating dock program.

Dr. Pinto asked if there were any concerns regarding interference or encroachment with the horizontal drilling that Eversource will be doing for placement of the High Power Transmission lines under the Visitor's dock and the placement of the Amistad. Mr. MacDonnell said there weren't and explained why.

### **NEWSLETTER/WEBSITE – MATTHEWS**

Mr. Matthews came forward to present his report including the following points:

- They do not have a newsletter printed as of yet. He provided information on why this was the case.
- The new, revamped, front page of the newsletter.
- A review of the information found within the newsletter.

Ms. Jones asked how the newsletter would be distributed. Mr. Matthews said it would be distributed at City Hall and further discussion followed as to other methods of distribution. Mr. Mangels suggested using the email from the online mooring system to email the newsletter out.

### **WATER QUALITY – SCHNIERLEIN**

Mr. Schnierlein came forward to present his report including the following points:

- He said his computer had been hacked and provided information to thwart the hackers if members of the commission were affected by his emails.
- There will be two water monitoring devices to record data. The data will be reported via digital access. He reviewed how useful the data could potentially be.
- Issues regarding the barge and its potential impact on water quality.
- A review of the last Water Quality Committee meeting including the PFOS sampling results.
- Plans regarding MS4 and the development of both a small committee and a guide for who to contact over water issues.

### **NEW BUSINESS**

#### **REVIEW AND RECOMMEND CANDIDATES TO FILL THE VACANT POSITION OF DEPUTY HARBORMASTER. CONSIDER THE APPOINTMENT OF TWO DEPUTY HARBORMASTERS.**

Dr. Pinto has sent out the resume summaries of the candidates for review. Dr. Pinto reviewed the triage he used for his recommendations. He noted that the commission will submit the names of the candidates to the Governor's office.

#### **Recommendation for having two deputy harbormasters:**

Dr. Pinto said it wouldn't be any additional effort on the part of the Governor's Office. He would approach Mr. Scanlon regarding this possibility. If this could be arranged, the commission will go with the first and second preference of the submitted candidates. Further discussion followed.

**\*\* MS. JONES MOVED TO PROPOSE THE THREE CANDIDATES IN ORDER OF PREFERENCE, ACCORDING TO HARBOR MASTER'S PREFERENCE, WITH THE INDICATION OF THE PREFERRED CANDIDATE.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

### **PROPOSAL FOR REVISIONS TO NHMC BYLAWS, LAST REVISED 2016**

Mr. Jones suggested a review of the current operating procedures and bylaws. There has been discussions about putting together a small committee to do so. Further discussion followed.

### **ADJOURNMENT**

**\*\* MS. JONES MOVED TO ADJOURN.**

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

**\*\* THE MOTION PASSED UNANIMOUSLY.**

*The meeting adjourned at 8:36 P.M.*

Respectfully Submitted,

City of Norwalk  
Norwalk Harbor Management Commission  
Regular Meeting  
April 26, 2023

Ian A. Soltes  
Telesco Secretarial Services