



CITY OF NORWALK
Norwalk Harbor
Management Commission
125 East Avenue
Norwalk, CT 06856

VIA EMAIL

August 24, 2023

Mr. Steve Kleppin
Director, Planning & Zoning
Planning and Zoning Department
Norwalk City Hall
125 East Avenue
Norwalk, Connecticut 06856

**Subject: Referral from Norwalk Planning & Zoning (P&Z) Commission:
Proposed Amendment to the 2019 Plan of Conservation & Development (POCD)**

Dear Mr. Kleppin:

The Norwalk Harbor Management Commission (NHMC) has reviewed the following proposed POCD text amendment, prepared by the P&Z Commission and referred to the NHMC with your letter of July 24, 2023: ***“Implement the recommendations of the Industrial Zones Study and the Norwalk Industrial Waterfront Land Use Plan. The City will further evaluate, modify as necessary and implement the recommendations within these studies.”*** This amendment would be inserted on page 250 of the POCD as item v.

The NHMC is not able to make a favorable recommendation concerning the proposed POCD amendment for the reasons described in more detail below. However, as a preface, these reasons include the intended significant reduction of the Water Street Marine Commercial Zoning District; the lack of consideration of Norwalk’s state-approved Municipal Coastal Program; and the intended increase in multi-family residential development in the coastal floodplain contrary to the basic principles of floodplain management and resiliency planning.

As the proposed POCD text change would impact property within the coastal boundary and affects property on, in, or contiguous to the Norwalk Harbor Management Area, it is subject to review by the NHMC to determine its consistency with the Norwalk Harbor Management Plan (Harbor Management Plan). The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes and the Harbor Management Plan. Pursuant to the General Statutes

and the Harbor Management Plan, a 2/3 vote of all members of the P&Z Commission is needed to approve a proposal that has not received a favorable recommendation from the NHMC.

This matter was discussed during a Special Meeting of the NHMC's Application Review Committee on August 21, 2023 and during the NHMC meeting on August 23, 2023. Following significant discussion, including consideration of the relevant recommendations and other provisions in both the *Norwalk Industrial Waterfront Land Use Plan* (Waterfront Plan) and *2019 Citywide Plan* (POCD), the NHMC approved a motion during its August 23 meeting to inform the P&Z that the NHMC cannot make a favorable recommendation concerning the proposed POCD amendment for the following reasons:

1. The Waterfront Plan does not acknowledge Norwalk's state-approved Municipal Coastal Program prepared by the city's P&Z Commission in accordance with the CT Coastal Management Act that must be considered when preparing POCD amendments affecting the designated coastal area.
2. The proposed POCD amendment would enact the recommendations outlined in the Waterfront Plan and concurrently stipulates that these recommendations can be modified as necessary, presumably by the P&Z Department and/or by the P&Z Commission. This provision affords the planners significant flexibility to pursue a wide array of actions without requiring them to amend further the POCD and respond to public comments. The logic in this approach appears to be tantamount to circular reasoning.
3. After the NHMC reviewed the Zoning Regulations Update Public Draft March 2023 (Zoning Update), it is evident that the planners intend to remove about half of the Water Street Marine Commercial Zoning District subsequent to revision of the POCD. This action would apparently invalidate the state-approved Municipal Coastal Program.
4. The complex developmental scenarios outlined in the Waterfront Plan referred to as "test fits," support increased development, including multi-family residential development, within the special flood hazard area along Water Street and the Upper Harbor shoreline. Such an approach runs counter to the basic principles of effective floodplain management and the pursuit of sound objectives for resiliency planning. Furthermore, it should be noted that the Department of Energy and Environmental Protection, responsible for administration of the CT Coastal Management Act, has determined and has issued formal statements in this regard to other municipalities. In brief, these statements cite that increased residential development in the coastal floodplain is inconsistent with goals and policies of the Coastal Management Act.
5. The Harbor Management Plan supports the Marine Commercial Zoning District and the application of state coastal management goals and policies to help guide waterfront land use. Reducing the Marine Commercial Zoning District and introducing a new "urban density" multi-use zone in the 100-year floodplain to boost residential density in both the remaining Marine Commercial area and the other waterfront locations would all be inconsistent with the Harbor Management Plan.

In addition, the NHMC agreed to transmit the following comments regarding the Waterfront Plan as discussed during the NHMC's August 23 meeting and relevant to review of the proposed POCD amendment.

- The Waterfront Plan includes the following key recommendations: Safeguard water-dependent activities while promoting inclusion of other uses that enhance the enjoyment of the harbor; ensure the preservation of harbor side communities from unsuitable development; and maintain scenic views and viable access to the harbor.
- Despite the recommendation of the Waterfront Plan to maintain the existing configuration of the Water Street Marine Commercial Zoning District in both its northern and southern sections, the Zoning Update has selectively disregarded this recommendation.
- The Waterfront Plan specifically addresses the waterfront of the west shore of the Upper Harbor extending from King Industries upriver to the Head of Navigation. The Waterfront Plan recommends that this region retain its heavy industrial zoning designation, allowing for continuation and reinvestment of established resilient heavy industrial and marine commercial enterprises on this otherwise underutilized land. This suggestion also has been ignored, as evidenced by the proposed alteration of the zoning here to CD-5W Urban Center district in the Zoning Update. It is noteworthy that a significant portion of this area is within the 100-year floodplain, leading to concerns similar to those raised by the NHMC about future redevelopment in the Water Street floodplain.

Please be advised that the NHMC reserves its right to continue to review and comment on the proposed POCD amendment at such time as it may be modified, additional information may be available, or the proposal is the subject of a public hearing.

If you have any questions, please contact me (203) 984-5339 or pintoj@optonline.net.

Sincerely,



John Thomas Pinto, Ph.D.
Chairman, NHMC Application Review Committee

cc:

Marcy Balint, CT DEEP
Steve Bartush, Chair, Norwalk Shellfish Commission
Alan Kibbe, Chair, NHMC
Louis Schulman, Chair, P&Z Commission