

Ginsberg, Jeremy

From: Ginsberg, Jeremy
Sent: Wednesday, February 26, 2020 11:37 AM
To: Doneit, Fred (fdoneit@darienct.gov)
Subject: FW: 14 Raymond Street, Darien, Ct (Stephens)

From: Matthew Marion [<mailto:mmarion@marionlawllc.com>]
Sent: Wednesday, February 26, 2020 11:31 AM
To: John Hilts
Cc: lawrence Stephens; Ginsberg, Jeremy; Wilder Gleason; Jacobson, Susan; Kevin R. Kotelly P.E.
Subject: Re: 14 Raymond Street, Darien, Ct (Stephens)

Thank you, Mr. Hilts. We confirm receipt of your email and the two photographs. We look forward to receiving the new survey.

Regards,

Matt Marion

Chairman, Five Mile River Commission

On February 26, 2020 at 10:52 AM John Hilts <mrhilts@erols.com> wrote:

Good Morning Mr. Marion,

I write to confirm my intention to provide your Commission with additional information regarding Mr. Stephen's dock project.

As you are aware, the CT DEEP requested additional survey information in order to clarify the issues regarding navigation by small craft in the vicinity of the proposed dock. It is my hope and belief that such a survey will put to rest people's concerns in this regard. Furthermore, once the survey is available, the applicant will explore the possibility of relocating the proposed dock towards the center of his waterfront. Your Commission will be copied on all correspondence in this regard with the Department of Energy and Environmental Protection and Army Corps of Engineers.

Having visited the site at low tide, your Commission understands that navigation in the waters adjacent to the applicant's upland is limited. The boulder dam at the downstream end of the property prevents access from below the dam. The rocks and shallow waters of the two streams passing the island to the upstream prevent navigation by any vessel. There is a sand bar immediately downstream from the location of the proposed dock, which impedes navigation close to the west side of the waterway.

Only at tides at or above Mean High Water level are there sufficient water depths to allow for passage from below the boulder dam. At these higher tides, corresponding water depths throughout the waterway allow for navigational access by small craft. The irregular top elevation of the boulder dam provides the widest opening at the east side of the river, with smaller openings towards the middle. The west side of the dam is impeded by several boulders with higher top elevations. I am attaching two photographs showing this for your reference. Given this, anyone passing above the dam would need to favor the east side or middle of the river. Based on my measurements and available survey data, there

should be an adequate 50% fairway for passage past the proposed dock. However, this will be borne out when I obtain the new survey requested by CT DEEP.

I thank you for your attention to this matter, and ask that you contact me at any time should you or your fellow Commissioners have any questions.

Best,

John Hilts

Permitting for In-Water Structures
Post Office Box 47
Rowayton, CT 06853
cell: (475) 441-1244
email: mrhilts@erols.com



On Feb 23, 2020, at 8:24 PM, Matthew Marion <mmarion@marionlawllc.com> wrote:

Dear Mr Ginsberg,

I attach the Five Mile River Commission's February 23, 2020 decision revoking its February 18, 2020 approval of the dock application submitted by the owners of 14 Raymond Street, Darien.

Please let me know if you have any questions. Thank you.

Regards,

Matt Marion

Chairman, Five Mile River Commission

Marion Law LLC

95 Rowayton Avenue

Rowayton, Connecticut 06853

Tel: 203-866-4050

Fax: 203-854-6656

MOB: 203-434-9387

<Darien P-Z letter-2-23-20-Stephens.pdf>

Marion Law LLC

95 Rowayton Avenue

Rowayton, Connecticut 06853

Tel: 203-866-4050

Fax: 203-854-6656

MOB: 203-434-9387