

Five Mile River Commission Minutes
January 9, 2014
The Boardroom, Rowayton Community Center
33 Highland Ave., Rowayton, CT 06853

Commission members in attendance:

Matthew Marion, Chairman
William Jessup, Commissioner
John deRegt, Commissioner
Ray Meurer, Harbor Superintendent
David Snyder, Assistant Harbor Superintendent

Chairman Marion took the chair at 7:46 p.m. He noted that the minutes of the November 7, 2013, meeting had been electronically reviewed and approved by the commissioners and filed with the Town of Darien and the City of Norwalk.

Chairman Marion directed the harbor superintendent and the assistant harbor superintendent to draft a plan to submit to the DEEP regarding the winter storage of docks and floats in the river. The plan should take into consideration safe navigation, commercial interests in the river, the requirement that no docks or floats are to be stored at any time in the tidal flats and only authorized marine service providers may use the river for such purposes. It was suggested that a portion of the river be set aside for service moorings that could be assigned each year in the fall for the temporary storage of docks prior their being tied up to the marinas for permanent winter storage. Four marinas winter store docks; The Boatworks, Cavanaugh's Marina, Five Mile River Works and B&G Marine. The plan is to be submitted at the February 20, 2014 meeting.

It was agreed to invite representatives from all the boatyards and marinas to attend the February 20, 2014 meeting for the annual sharing of mutual interests and concerns. Of particular interest is enlisting the support of the marina operators in reminding boat owners of the importance of paying the harbor use fee. Chairman Marion directed the harbor superintendent to determine if additional space is available should there be a big turnout.

Chairman Marion directed the harbor superintendent to include in the minutes of this meeting a copy of a letter from the commission signed by him to the Town of Darien Planning & Zoning Commission regarding the proposed real estate development of the property at 123 Five Mile River Road, Darien, Conn.

In preparing the 2013 annual report of the commission for Darien and Norwalk, Chairman Marion directed the harbor superintendent to include a proposed budget for the year 2014.

The year-end financial report submitted by Tammy Papp, administrative assistant, showed income of \$43,600 and expenses of \$12,663. The amounts charged for servicing the kayak buoys was questioned and the harbor superintendent was asked to review the charges and report back at the next meeting.

The harbor superintendent reported that mooring permits are being emailed to boat owners for the first time savings the costs of printing a three page application, a one page covering letter and postage. Marina operator were provided with a covering letter and a harbor use fee application form to send to their customers along with the 2014 summer slip contracts they mail to customers. The Darien Sail & Power Squadron asked that the courses they offer be mentioned by the harbor superintendent in the next item he writes for Five Mile River Currents.

As directed by Commissioner Leasure, the harbor superintendent reported he contacted The Boatworks and The Bait Shop requesting they send a letter to boat owners who do not pay the harbor use fee pointing out that payment of the fee is required of all boats berthed in the river. Both marina operators agreed to do so.

Chairman Marion declared an executive session at 8:24 p.m.

The remaining meeting dates for 2014 are February 20, March 27, May 8, June 12, July 24, September 11, October 23 and December 4.

Respectfully submitted,

Ray Meurer
Harbor Superintendent



State of Connecticut
FIVE MILE RIVER COMMISSION
P.O. BOX. 119
ROWAYTON, CONNECTICUT 06853

November 26, 2013

VIA EMAIL

Town of Darien
Planning & Zoning Commission
Attn: Mr. Jeremy B. Ginsberg
Director, Planning and Zoning Comm.

Re: 123 Five Mile River Rd.
Application of Eric Richards/Estate of Beatrice Richards

Dear Sirs:

The Five Mile River Commission* ("FMRC" or "Commission") respectfully submits these comments regarding the Application of Eric Richards/Estate of Beatrice Richards ("Richards Application") covering the proposed development of 123 Five Mile River Rd. in Darien.

By way of background, the Commission is a four member entity comprised of two commissioners from Norwalk and two from Darien. Each member is appointed by the Governor of Connecticut from a list submitted by the local elected officials in the respective jurisdictions. As the regulatory group with primary jurisdiction over the Five Mile River ("the River"), the Commission is responsible for overseeing "navigation, pollution and conservation." In addition, the Commission is responsible for notifying responsible governmental authorities about violations of the applicable federal and state laws that impact the River.

* Commissioner William Jessup has recused himself from the Commission's review of the Richards Application.

The Commission has reviewed a 4 page document titled "*Land Filling and Regrading Application*" and various supplemental information provided by the Darien Planning and Zoning Commission ("P&Z"). Based on its review, the Five Mile River Commission has identified the following significant concerns regarding the Richards Application, as it impacts the Five Mile River:

First, there is an obvious and immediate concern that any shoreline development in the scale of the Richards project will have a significant adverse impact on the tidal wetlands and water quality of the River, whose condition can best be described as fragile. There has been a well documented loss of marsh grasses in recent years concurrent with shoreline development and non-point source pollution from neighbouring homes and road surfaces. In addition, the River is now burdened by a rapidly spreading, invasive algae and continues to suffer from the chronic impact of pollution and sedimentation.

Here, the obvious stressors on the tidal wetlands and intertidal zone in the River include the Applicant's substantial use of blasting and excavation, the creation of additional impervious surfaces (35% of the site, according to one consultant), and the vast increase in truck traffic (somewhere between 1000-2000 truck loads) immediately adjacent to the shore. It is likely that runoff from the excavation of two large homes will be significant and, as such, will increase water quality problems and silting in the River and adversely impact the wetlands that serve as a vital buffer and filter of pollutants. Thus, the Commission believes the project will have a significant, direct impact on the coastal resources immediately adjacent to the site, including the intertidal flats, rocky intertidal shorefront, and the shellfish concentration areas.

Other site-specific concerns of the Commission include: (i) the impact of the proposed construction and blasting on the sea wall along proposed lot 2, and (ii) the lack of a clear construction phasing plan to minimize construction-related impacts on the shoreline generally.

In addition, the Commission is concerned about the indirect but equally significant impact that the estimated 2000 heavy dump trucks, excavators, backhoes and other construction vehicles will have on the roadway and the seawalls adjacent to Five Mile River Road. Additional seawall and road work will only increase the negative impact of the project up and down the River.

Accordingly, the Five Mile River Commission strongly urges P&Z to reject the Richards Application in its present form, or, if this project moves forward, to condition its approval of the Application in such a way as minimize any adverse impact on the Five Mile River.

Very truly yours,



Five Mile River Commission
By Matthew A. Marion, Chairman