

**Five Mile River Commission  
Minutes  
March 16, 2011**

Commission members in attendance:

Matthew Marion, chairman  
John deRegt  
William Jessup  
Ray Meurer, harbor superintendent  
David Snyder, assistant harbor superintendent

Members of the public in attendance:

David Chute, 55 Rowayton Ave, Rowayton, CT  
Attorney John Casey, legal counsel to Mr. Chute

Matthew Marion took the chair at 7:44 p.m. noting that April 20 is the commission's next meeting date. He said the agenda for tonight's meeting included winter storage of boats and proof of liability insurance.

Chairman Marion welcomed Mr. Chute and Attorney Casey and invited them to present their case for soliciting the commission's support in refuting the DEP's recommendation that Mr. Chute withdraw his request for a dock at property he owns at 43 Rowayton Ave.

In a letter to Mr. Chute dated January 13, 2009, the DEP said the "...proposed location appears to be inconsistent with state policies, standards and criteria making it unlikely that a recommendation for permit approval can be made."

The DEP went on to say, "Specifically, the proposed dock will negatively impact both navigation and beach resource which is inconsistent with CGS sections 22a-359(a) and 22a-92k(b)(2)(c). Your site is located in a narrow, congested area of the River that includes two lines of moorings between the federal channel and the proposed dock. A review of plan sheet 3 shows that the proposed float would be only 10' from an existing mooring and that the length of the proposed dock would impact navigation at the adjacent dock to the north. Additionally, the proposed dock would transect a wide beach which is actively utilized by the Rowayton Beach Association."

Mr. Chute and Attorney Casey presented a four page document outlining their position which essentially stated that the DEP's "...concerns are nonexistent or over stated." They displayed photos in support of their position, including aerial photos of the river and the beach area that would be affected by the proposed dock.

Mr. Chute's and Attorney Casey's formal presentation was followed by a general discussion, during which all attendees shared their thoughts both for and against the proposed dock.

Commissioner Jessup suggested a tour of the site by water would be helpful in understanding the docks impact on the surrounding public moorings.

Chairman Marion asked if any comments had been received from the two adjoining neighbors. Mr. Chute said he had no documented knowledge of any comments other than a conversation he had with the neighbor directly to the north who said the proposed dock would not interfere with his existing dock.

Mr. Chute and Attorney Casey left the meeting at 8:24 p.m., at which time Chairman Marion thanked them for their presentation.

In order to get a sense of what the neighbors in the immediate area thought of the proposed dock, Chairman Marion said he would send a letter soliciting their comments.

Regarding a dock application at 15 Five Mile River Road, the commissioners agreed to meet at the site at low tide, March 22, 8 a.m., to see if there were any environmental concerns

Winter storage of boats on moorings was discussed by Commissioner deRegt who strongly recommended that the use be prohibited. Concerns voiced during a discussion of the subject included:

- Fuel spills
- Seacocks freezing
- Wind and ice breaking mooring lines
- Inability to access boats due to ice in the river
- Injury to persons attempting to save a sinking boat

This winter six boat owners stored a boat on their mooring.

Winter storage is prohibited in Norwalk, Darien, Southport and Westport according to a survey requested by Chairman Marion of how other harbors treat winter use of moorings.

Liability insurance carried by boat owners also was discussed. Mooring permit applications received to date showed 54 boat owners carry insurance and 52 do not. Dock harbor use fee applications showed 46 boat owners carry insurance and 13 do not..

At the end of the discussion it was agreed to prohibit boats on moorings from December 1 to March 1 and that a plan to implement the prohibition was needed.

Income and expense reports provided by Tammy Papp, administrative assistant, showed YTD 2011 income \$24,350 and expenses \$2,769.29.

Regarding the telephone number listed in the phone book under, "Five Mile River Commission – Harbor Superintendent," as 203.852.8095, Chairman Marion suggested that the phone be converted to a cell phone that the harbor superintendent could keep in his home or carry with him.

Representatives from the boatyards and commercial marinas will be invited to the April 20 meeting to discuss our mutual interests and concerns.

The meeting was adjourned at 9:16 p.m.

Upcoming 2011 meeting dates are April 20, May 25, July 20, September 14, October 13 and December 7. All meetings are held in the Boardroom of the Rowayton Community Center, 33 Highland Ave., Rowayton, CT beginning at 7:30 p.m.

Respectfully submitted,

Ray Meurer  
Harbor Superintendent