

ADVISORY COMMISSION ON COASTAL WATERS TOWN OF DARIEN

JOHN McDONALD, CHAIRMAN
C. LINCOLN JEWETT, VICE CHAIRMAN
FRANK KEMP, CLERK
WALTER RALEIGH, SHELLFISH
ROBERT MONROE
CHERYL RUSSELL
JON SCHOUDEL
COLIN SEELY
PALMER SPARKMAN
HENRY STRAUSS



EX-OFFICIO MEMBERS
JANE BRANIGAN, PARK & REC. COMM.
ROBERT PRICE, HARBOR MASTER
BUD MCGARRY, DEPUTY HARBOR MASTER
CAPT. GARY PAVIA, POLICE DEPT.

GREEN'S LEDGE LIGHT

Minutes of May 6, 2009 Meeting

The meeting was called to order at 7:31 in Room 119A by Chairman McDonald.

Present were Chairman McDonald, Commissioners Kemp, Raleigh, Monroe, Russell, Schoudel, Seely, Sparkman, plus Ex-Officio Member Price (Harbormaster). Commissioners Jewett and Strauss were absent.

The minutes of the April 1, 2009 Meeting were reviewed and approved.

Chairman's Report

Chairman McDonald reported on activities on behalf of the Commission since the last meeting:

- notice of the temporary removal of the Noroton Presbyterian Church's 137' steeple will be filed with the Coast Guard for publication in the "Local Notice to Mariners." The steeple is noted as "spire" on maritime charts, and is used as a landmark for mariners returning to the Noroton Harbor. Once this is done, Commissioner Kemp will see that the notice is relayed to the Darien Boat Club, the Noroton Yacht Club and the Darien Sail & Power Squadron.
- Seven of the Commissioners participated in this past weekend's Optimist Team Trials, an event that attracted over 200 nationally ranked sailors, 15 and under. The event was conducted smoothly and without incident due to the close coordination and planning and emphasis on safety.
- The Town of Greenwich is progressing on initial activities of harbor management that is structured in many ways similar to Darien's.

Harbor Master's Report

The Harbor Master reported that responses to the annual renewal permits has been very poor. Approximately 280 mooring permits were sent out for renewal, yet only 200 have been returned, leaving 80 applications un-renewed at this point.

Shellfish Report

Commissioner Raleigh noted that the Department of Aquaculture is preparing to post the areas in Scotts Cove where shellfishing is now prohibited.

A copy of the notice from David Knauf, Director of Health was circulated for review (March 24, 2009 “Important Notice to Shellfish Permit Holders”). This notice is attached to these minutes.

The Commission discussed the status of the Darien Boat Club’s plans to hook up to the Town’s sewer line and retire the use of their septic field. Commissioner Russell will make inquiries of the Boat Club concerning this matter.

General Agenda Topics

A motion to amend the Agenda to permit discussion and vote on the approval of the change of Town Ordinances relating to Boats Harbors and Waters was made by Commissioner Kemp, seconded by Commissioner Raleigh and passed unanimously.

These changes to the ordinances had been proposed and submitted for approval in previous meetings. This action was requested on Monday of this week by the Board of Selectmen so as to bring the requested action to a current status.

Commissioner Raleigh made a motion that the Commission be on record as approving the ordinance changes as discussed. The motion was seconded by Commissioner Monroe, discussed and passed unanimously. A copy of these ordinances is attached to these minutes.

A motion to amend the Agenda to permit discussion and vote on the Charter of the Commission was made by Commissioner Kemp, seconded by Commissioner Raleigh and passed unanimously.

Commissioner Raleigh made a motion that the following two phrases (as detailed below and in the attached documents) shall be applied to the 1992 “Resolution Establishing an Advisory Commission on Coastal Waters.” The motion was seconded by Commissioner Monroe, discussed and passed unanimously. A copy of the two revised sections is enclosed below, and in the attached documents.

Change #1 – re the composition of the Commission:

“Be it resolved that the Advisory Commission on Coastal Waters shall consist of eleven members to be appointed by the Board of Selectmen for one year terms with the following representations:

Nine At Large Members	-	General Public
Darien Harbor	-	Noroton Yacht Club
Darien Boat Club	-	Darien Boat Club

And with the following to be ex-officio members:

The Harbor Master, the Deputy Harbor Master, a representative of the Darien Police Department, and a representative of the Park & Recreation Commission.”

Change #2 – re the charge of the Commission:

2009 Proposed modification of article #2 of the 1992 Resolution: “Advise the Board of Selectmen concerning protection and use of Darien’s coastal waters: and Shell fishing until such time as a Shellfish commission is formed.”

Other business

Commissioner Kemp noted that the Darien Sail & Power Squadron is now conducting their second Safe Boating Course in 2009, and that there are over 50 students enrolled in the course, which is being presented at the Noroton Yacht Club. The number of students in this class, as well as the January class, is well over the anticipated size for the class.

Adjournment

There being no further business, the meeting adjourned at 8:59 pm.

The next meeting of the Commission is anticipated to be Wednesday June 3, 2009.

Respectfully submitted,

Frank B. Kemp
Clerk

Attachments to these Minutes

Page	Document
1	March 24, 2009 Dept of Health notice re Scott's Cove
2,3,4	Revision 3 to Harbor Ordinances, as approved
5	Discussion of Revisions to Commission Resolution of January 30, 1992
6	Board of Selectmen Resolution, January 30, 1992 (re this Commission)

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March 24, 2009

Important Notice to Shellfish Permit Holders

The State of Connecticut Department of Agriculture has notified the Town of Darien that they will be reclassifying and downgrading the recreational shellfishing status of a significant portion of Scott's Cove area from "APPROVED" to "PROHIBITED." This reclassification is intended to be permanent and will be official on April 1, 2009, but we feel it is important to inform Permit holders immediately of this impending action. According to the Bureau of Aquaculture which oversees the shellfishing program, the reclassification is due to deterioration in water quality noted in samples collected over the past several years and their inability to complete a federally mandated "Sanitary Survey" of properties served by septic systems in the area.

A map of the redefined shellfishing area is included for your reference. Approved areas are open except when they are closed following heavy rains. Be sure to call the Shellfishing Phone Line at (203-838-9807) for current status before visiting the shellfish beds.

Please note that Zeigler's Cove has been reclassified and is closed to recreational shellfishing during the boating season, from May 1 through October 30.

Further attempts to complete the survey will be made by State and local Health officials. Successful completion of the survey could lead to further changes in the status of the area. You will be notified of any official reclassifications should there be any.

Sec. 5-1 – Definitions.

Sec. 5-1A – HARBOR MASTER and DEPUTY HARBOR MASTER

The individuals appointed by the Governor of the State of Connecticut and with the authority vested in said position pursuant to Chapter 263 §15-1 et seq of the Connecticut General Statutes.

Sec. 5-1B – DARIEN WATERS

All tidal waters north of a line from the southern extremities of Bell Island, Rowayton, Connecticut, westerly to the northern extremities of the Fish Islands, Darien, Connecticut, to the southern end of Long Neck Point, Darien, Connecticut, to the southern extremities of Shippan Point, Stamford, Connecticut, and west through the Norwalk/Darien border which is a line south from Five Mile River, and east of the Stamford/Darien border which is a line south from the entrance to Holly Pond.

Sec. 5-1C - HARBORS

For the purposes of this chapter, the harbors of the Town are defined to be and are described, as follows:

- (a) **Noroton Bay:** All the navigable waters of Long Island Sound north of a line 270 True from the western extremity of Pratt Island and east of the Stamford town line.
 - (b) **Noroton (Darien) Harbor:** All the navigable waters **north of lines** extending 180 True about 200 yards from the southernmost extremity of Long Neck Point, thence 305 True for about 850 yards to the east side of a clump of rocks, thence 336 True for about 425 yards to Nash Island.
 - (c) **Ziegler's Cove:** All the navigable waters west of a line from the northeast extremity of Hay Island extending 360 True, to about 240 yards to the southernmost point of Great Island.
 - (d) **Scott Cove:** All the navigable waters north of a line from the northernmost extremity of Fish Island extending 280° True about 790 yards to the southeasterly point of Great Island, and west of a line from the northernmost extremity of the Fish Islands extending 025 True about 190 yards to the southernmost point of Contentment Island.
 - (e) **Tokeneke Beach Cove:** All the navigable waters north of a line from the southwestern most extremity of Butlers Island extending 245° True about 280 yards to the nearest point of Contentment Island
 - (f) **Five Mile River:** All the navigable waters of Five Mile River lying within the town north a line from the southwestern most extremity of Butlers Island extending 090 True for about 400 yards.
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(g) **Fish Islands:** All the navigable waters east of a line extending 025 True about 190 yards from the northernmost extremity of the Fish Islands to the southernmost extremity of Contentment Island; thence north of a line 100 True for about 200 yards from the northernmost extremity of the Fish Islands; thence, from that point, west of a line 025 True about 350 yards to Contentment Island. Moorings are prohibited except those authorized by State Statute.

Sec. 5-2. Disposal of refuse and other substances.

No refuse or garbage shall be dumped and no sewage shall be discharged from any vessel into any Darien Harbor or Waters except as may be caused by an act of nature.

Sec. 5-3. Operation of boats—In public beach areas.

The Park and Recreation Commission shall place official markers in accordance with the **Regulations of Connecticut State Agencies** indicating the area of operation of the public beaches of the Town.

Sec. 5-4. Speed Limit "Slow-No-Wake".

A vessel shall not produce more than a minimum wake in all Darien harbors and shall not attain speeds greater than 6 miles per hour over the ground unless a higher speed is necessary to maintain steerageway when traveling with a strong current. In no case shall the wake produced by the vessel be such that it creates a danger of injury to persons, or will damage vessels or structures of any kind.

Sec. 5-5. Mooring, tackle, and gear.

All mooring standards in Darien harbors are determined by the Harbor Master and will be approved by the Board of Selectmen. These standards are available in the Darien Town Clerk's Office, and from the Harbor Master. **Standards regarding the color and shape of mooring buoys are required to comply with subsection (a) of section 15-121-A3 of the Regulations of Connecticut Agencies.**

Sec. 5-6. Interference with channels.

Under no circumstances shall moorings interfere with the free use of channels.

Sec. 5-7 Special regulations governing Darien (Noroton) harbors and waters.

The Harbor Master shall have jurisdiction over moorings, dock (whether floating or fixed to the land), or other matters pertaining to water craft and their regulations on Holly Pond. Holly Pond pier, dock and mooring applications within the territorial limits of Darien will be subject to Darien Regulations and State Statutes and Regulations.

Sec. 5-8. Penalties.

Violation of any provisions of these regulations in any Darien waters (except Five Mile River) shall be punishable by a fine in accordance with Darien and State Boating Statutes and Regulations. The provisions of this section are in addition to and do not supersede any penalties resulting from simultaneous violations of State or Federal laws.

Sec. 5-9. Appeal.

Any person aggrieved by a decision of the Harbor Master, or a Deputy Harbor Master made pursuant to the powers granted in this chapter may appeal such decision to the Board of Selectmen in writing within fifteen (15) days of the decision. The Board of Selectmen is empowered, after a hearing to be held within thirty (30) days of receipt of the appeal at which both the appellant and the official involved shall be given an opportunity to be heard upon a finding that such decision does not conform to the provision of this chapter or State Statutes or Regulations, to reverse or amend such decision.

Sec. 5-10. Coordination with other governmental laws and regulations.

Nothing herein contained shall bar or prevent the Harbor Master of the Town or any of his deputies from performing those duties which have been assigned to him under the General Statutes of the State.

Sec. 5-11. Rafting of Boats

No more than three boats may raft together on one mooring ~~or anchor~~ in Darien Waters.

Revision of Advisory Commission on Coastal Waters Resolution

The original resolution creating the Coastal Waters Commission was passed by the Board of Selectmen January 30, 1992. It was formed for a list of 7 purposes. The commission originally consisted of nine commissioners which in January, 1993 was expanded to eleven commissioners, five of whom were "at large members" while the other seven represented five Darien coastal neighborhoods and the Darien Boat Club and Noroton Yacht Club. Based on discussions with First Selectwoman Klein, it appears timely to revise the formation of the Commission as follows, eliminating the neighborhood representation which has been difficult to fill, but keeping the Boat and Yacht Club representations because of the value they bring to the Town. The new resolution would read as follows:

"Be it resolved that the Advisory Commission on Coastal Waters shall consist of eleven members to be appointed by the Board of Selectmen for one year terms with the following representations:

Nine At large members	General Public
Darien Harbor	Noroton Yacht Club
Darien Boat Club	Darien Boat Club

And with the following to be ex-officio members:

The Harbor Master, the Deputy Harbor Mater, a representative of the Darien Police Department, and a representative of the Park & Recreation Commission."

In an initiative sent to the BOS on June 10, 2002, the commission recommended a change in one of the articles. This was not approved by the BOS. The following are the original article #2, the 2002 proposed article #2, and a proposed new revision of article #2. If the BOS is considering a charter change such as above, it is proposed that they also include a change in article #2 as follows:

Original article #2: "Advise the Board of Selectmen concerning recreational uses of Darien's coastal waters and shell fishing until such time as a Shellfish Commission is formed."

2002 Proposed article #2: "Advise the Board of Selectmen concerning protection and use of Darien's coastal waters and coastline; and shell fishing until such time as a Shellfish Commission is formed"

2009 Proposed article #2: "Advise the Board of Selectmen concerning protection and use of Darien's coastal waters: and Shell fishing until such time as a Shellfish Commission is formed."

This change would better reflect the commission's broad role concerning the use, safety, and protection of Darien's unique and valuable waters; beyond purely recreational uses. Our involvement in such issues as Broadwater, water quality, piers and jetties into our waters, dredging, and recreational and commercial shellfish are examples of our recent activities.

Sandy McDonald

*Resolution Establishing An
Advisory Commission on Coastal Waters*

BE IT RESOLVED by the Board of Selectmen that an Advisory Commission on Coastal Waters be formed for the following purposes:

1. Advise the Board of Selectmen of any recommended changes to the Town boating ordinance as described in Chapter 5.
2. Advise the Board of Selectmen concerning recreational uses of Darien's coastal waters and shellfishing until such time as a Shellfish Commission is formed.
3. Accept reports and suggestions from the Harbormaster.
4. Receive reports and letters from the public pertaining to Darien's waters.
5. Consult with the Darien Police Department on specific problems and work with the Police Department, Fire Department, Coast Guard and Harbormaster in promoting boating safety.
6. Carry out such other assignments as may be assigned to it from time to time by the Board of Selectmen.
7. Provide the Board of Selectmen with progress reports as necessary and an annual report of the Commission's activities.

BE IF FURTHER RESOLVED that the Advisory Commission on Coastal Waters shall consist of nine members to be appointed by the Board of Selectmen for terms expiring on February 15, 1993 with the following representations:

At Large Member	General Public
Tokeneke Assoc.	Tokeneke Property Owners Association
Scott's Cove	Contentment Island, Delafield Island or Salem Straits Property Owners Association
Noroton Harbor	Darien Boat Club
Noroton Harbor	Noroton Yacht Club
Noroton Harbor	Noroton Bay Property Owners Association
Zeigler's Cove	Great Island APT.

And with the following to be ex-officio members: the Harbormaster, the Deputy Harbormaster, a representative of the Darien Police Department, and a representative of the Park & Recreation Commission.

Enacted by the Board of Selectmen on 1/30/92.