

**Five Mile River Commission
June 11, 2015 Meeting Minutes
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

Guests:

Geoffrey Steadman, marine consultant
John Hilts, consultant, in water structures
Lynn Worland, Rowayton Beach Association
Kathleen Hagerty, Rowayton Beach Association

Matthew Marion took the chair at 7:30 p.m.

Chairman Marion confirmed for the record that the Commissioners had reviewed and unanimously approved the May 7, 2015 meeting minutes electronically, and that the minutes were then filed electronically with the Town of Darien and the City of Norwalk. Public notice of the May 7, 2015 meeting was timely provided and the agenda timely filed with the Town of Darien and the City of Norwalk.

Chairman Marion welcomed the guests to the meeting and, after initial remarks about the dredging project in 1999, asked consultant Geoff Steadman to provide an overview of the basic steps the Commission should take to progress its next dredging project in the Five Mile River (FMR). Mr. Steadman stated that two of the major issues to be addressed are funding and compliance with Army Corps of Engineers (ACE) policy, including the proximity of moorings to the federal channel. He listed among the preliminary steps a survey of present depths and toxicity testing of proposed dredged material, both of which would be conducted and funded by the New England Division, ACE. Mr. Steadman proposed contacting the ACE to see if the FMR is currently scheduled for those two tasks. If not, he will ask the ACE to add the FMR to its sounding and testing schedule, as per the Commission's request. He also noted the Department of Energy and Environmental Protection (DEEP) needs to approve dredging projects.

As regards the cost and sources of funding for dredging, Chairman Marion asked Mr. Steadman to estimate the 2015 cost of dredging the FMR, assuming a quantity of spoils (i.e., 48,000 cu. yds.) comparable to the 1999 project. Mr. Steadman promised to revert with an estimate. Also, after noting that Congressional earmarks are no longer available, Mr. Steadman confirmed that in 2011 the Governor of Connecticut authorized a \$60 million fund for dredging, of which

\$30 million has been bonded and used to dredge the Mianus River, Housatonic River, Connecticut River, Mystic River, and harbors such as Clinton, New Haven and Westbrook. The administration of the remaining dredging fund, according to Mr. Steadman, will be taken over from the DOT by the Connecticut Port Authority (CPA), beginning October 1, 2015. There is concern the CPA will focus primarily on commercial ports such as New London, New Haven and Bridgeport, rather than the smaller non-commercial harbors. Thus, funding for shallow draft recreational harbors such as the Five Mile River remains uncertain.

Disposal of dredged materials, according to Mr. Steadman, is overseen jointly by representatives from New York and Connecticut who focus on the equitable distribution of materials within the waters of Long Island Sound. The availability of capped material is also a concern regarding disposal of dredged spoils. Chairman Marion inquired about the use of "disposal cells" to dispose of dredged material from the FMR. Commissioner Jessup suggested that "spot" dredging might be an option if the ACE survey indicates the need for only partial dredging.

Chairman Marion thanked Mr. Steadman for his comments and he left the meeting at 8:01 p.m.

The proposed dock at 41 Rowayton Ave., with a pier, ramp and 8' x 20' foot floating dock centered on the landward property, was presented by the applicant's technical consultant, John Hilts. Chairman Marion noted the drawings do not indicate how the last 30'- 40' of pier leading will attach to the seawall, to which Mr. Hilts replied that the owners had not decided how to configure it. Concerns were also expressed about the height of the pier, as the silting underneath (as witnessed at the adjacent pier, 43 Rowayton Avenue) will compromise the 5' of clearance required for public access below the mean high water. David Snyder noted that two existing mooring sites will be eliminated by the proposed dock and pointed out that the DEEP recommends floating docks of 100 sq. ft. rather than the 200 sq. ft. as proposed. Kathleen Hagerty and Lynn Woreland, representing the Rowayton Beach Association, owners of the adjacent property to the north, agreed with the proposed dock/float as long as it meets all legal requirements. Ms. Woreland said the proposed dock plans were circulated electronically to the 89 households in the Rowayton Beach Association (RBA) and were approved by the RBA's eight board of directors.

The Commission then discussed the dock application (3' x 20' wooden ramp and a 10' x 14' floating dock) for 51 Rowayton Ave. Commissioner Marion asked consultant Hilts if he was aware that the DEEP had issued a Certificate of Permission prior to the Five Mile River Commission's (FMRC) submission of comments. Mr. Hilts acknowledged he was aware of the DEEP's error but would not alter the approved design unless required to do so by the DEEP. Commissioner Marion noted the Commission's concern about the minimal distance (20' or less) between the adjacent floating dock to the south and the dock at 51 Rowayton Avenue and suggested the applicant move the ramp and dock approximately 6' to the north, and perhaps re-angle the dock, to increase the separation between the two floats. He also expressed concern about the securing arrangements--two crossed anchor cables at the western end of the float that will be exposed at low tide, directly underneath any aground boats with likely damage

to the boat and the cables. Finally, he noted the float and any boat tied to the southern or northern sides of the float will rest on the mud at low tide. Notwithstanding these specific navigational and environmental concerns, however, the applicant's consultant refused to discuss changes to the dock configuration.

Mr. Hilts left the meeting at 8:29 p.m.

According to the year-to-date income and expense reports as of June 11, 2015 prepared by Tammy Papp, the Commission's administrative assistant, 2015 income totals \$49,150 and expenses total \$6,781. YTD Income was \$9,700 ahead of the same period in 2014. The increase in income over last year was due to the notification and collection efforts of the Harbor Superintendent and Assistant Harbor Superintendent, as well as Boatworks' direct collection of the harbor use fee from its dock customers. Additional monthly email reminders about the use fee will be sent to nonpayers throughout the year.

Finally, Commissioner Marion reported that he had met with members of Save the Sound regarding public/private efforts to reduce the use of fertilizers that are stimulating the growth of sea lettuce in LIS, including the FMR. The Commission plans to will assist Save the Sound in data collection.

The meeting was adjourned at 8:48 p.m.

The remaining meeting dates for 2015 are July 23, September 10, October 22 and December 3. The meetings are in the Boardroom of the Rowayton Community Center beginning at 7:30 p.m.

Respectively submitted,
Ray Meurer
Harbor Superintendent