

**Five Mile River Commission
July 30, 2015 Meeting Minutes
Rowayton Community Center
33 Highland Ave., Rowayton, CT 06853**

Commission members in attendance:

Matthew Marion, Chairman
William Jessup, Commissioner
John deRegt, Commissioner
Dirk Leisure, Commissioner
David Snyder, Assistant Harbor Superintendent

Guests:

Robert Fisch, Lorely Peche, and other residents of River Walk Lane, West Norwalk
Mitchell Truitt – property owner of 123 Five Mile River Road
John Casey – Attorney representing Mitch Truitt
Thomas Ryder, Landtech Consultants
Chris and Kirstie Nygaard
John Edmister and Willie Kaye
Robert Griffith

Matthew Marion took the chair at 7:40 p.m.

Chairman Marion noted for the record that the Commissioners had reviewed and unanimously approved the June 11, 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 rescheduled July 30th, 2015 meeting was timely provided and the agenda was timely filed with the Town of Darien and the City of Norwalk.

Chairman Marion welcomed the guests to the meeting and reported that the Commission was awaiting an update from its dredging consultant, with whom the Commission had conferred at their June meeting, regarding the process of securing a permit for dredging and the cost of future dredging of the River. He also noted that he and the Harbor Superintendent planned to obtain drone images of the River, and would provide these images to Save the Sound later this month or early in September, to document the growth of sea lettuce along the shoreline in the River, and also planned to meet with a water quality expert to review ways to establish benchmark levels of nitrogen and water-borne bacteria in the River.

Chairman Marion then asked the property owners of River Walk Lane (RWL) in West Norwalk to make their presentation regarding 123 Richards Avenue. The group noted they were concerned about a proposed assisted living facility at 123 Richards Avenue abutting their properties on the Five Mile River, north of the harbour. They shared graphs/images concerning the proposed design and documented a significant increase (i.e., above 35%) in impervious surface (asphalt) coverage near the shore, which in turn raised both flooding/shore erosion and nonpoint source pollution issues. Chairman Marion observed that the Commission's jurisdiction included the river and shoreline in the area of 123 Richards Avenue and noted that the Commission is concerned with both up-river non-point source pollution and sediment flow and the down-river impact of that pollution/sediment flow. Chairman Marion asked the RWL property owners to circulate a copy of their power point presentation and other supporting documentation to the Commission, after which the Commission will decide whether to correspond with the Norwalk Planning and Zoning Commission regarding the impact of project on the River. Chairman Marion thanked the RWL property owners for their comments and they left the meeting at 8:15 p.m.

Next, the Commission reviewed the revised dock application for 123 Five Mile River Road, with public comments being provided by the applicant's immediate neighbours, the Nygaards. The applicants were represented by technical consultant Tom Ryder of Landtech, attorney John Casey, and Mitchell Truitt, the property owner ("applicant").

The unresolved issue discussed at the meeting was the length of the Truitt's proposed pier. After the applicant initially reduced the pier from 126' to 106', among other changes, in 2014, the Commission recommended a pier of 60'. Since then, the applicant has proposed further reducing the length of the pier to 79' by way of compromise, and has submitted letters from a number of neighbours supporting the re-designed dock. No one at the meeting raised any opposition to the applicant's decision to locate the dock near the southern property boundary, which the applicant justifies based upon the length of available shoreline, the presence of environmentally sensitive grasses elsewhere along the site, and the separation from the nearest dock.

The applicant's immediate neighbours, the Nygaards, continue to believe a 60' pier—roughly comparable to their own—is sufficient, provides water depth comparable to adjacent docks, preserves the sight line along the shore, provides a necessary navigational buffer, and avoids a harmful precedent for future overbuilding. Conversely, the applicant's consultants argue that the water depth available at 79' fully satisfies encroachment guidelines, does not impact navigation or impede sightlines, and provides reasonable access to the water but no more. (-4.0' feet at MLW, according to Mr. Ryder).

The Commission thanked both sides for their well reasoned, courteous presentations and stated that the Commission would provide its final decision shortly.

During the Public Comment section of the meeting, a member of the public, John Edmister (a/k/a Sequoia Sun), raised the matter of possible river access for his 56' ketch, Tandemeer. Mr. Edmister stated he is owner/operator of Gypsy, a 36' sloop currently moored on the Five Mile River, and owner/operator of Tandemeer, which is currently anchored outside the mouth of the Five Mile River. Last year, he requested a mooring in the River, but the Harbor Superintendent denied his request—and the Commission supported that decision—because of navigational concerns posed by the 32-ton, 56' long vessel. He stated he intended to renew his 2014 request. The Commission confirmed to Mr. Edmister it would discuss the issue with the Harbor Superintendent upon his return from vacation, but noted that in the absence of anything new to change the Commission's mind, a reversal of the Harbor Superintendent's decision was very unlikely. Edmister was also asked about his ability to access his vessels. He reported that while he had been using the town dock—which, the Commission noted, he has been doing since the beginning of the summer under repeated objections from the dock master and the permitted users there and in violation of dock regulations—he had just paid for dinghy access via the Bait Shop, effective August 1st.

Also in attendance, Robert Griffin advised he would report back to the Commission at a later time.

The pending dock application for 41 Rowayton Avenue was discussed. The Commission confirmed it would issue its decision shortly.

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 \$52,800 and expenses total \$6,781.91. YTD Income exceeds income for the entire 2014 FY.

The Commissioners then discussed the process of overseeing, and possibly supervising, mooring inspections on the Five Mile River. Commissioner deRegt, whose stern mooring had recently failed due to undetected corrosion (of the chain), expressed concern whether ground tackle inspections were taking

place bi-annually, as required. Ideas were discussed including possibly having the Harbor Superintendent oversee the process. The Commission agreed to continue discussions on this issue.

The meeting was adjourned at 9:40 p.m.

The remaining meeting dates for 2015 are set for, 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,
David Snyder
Assistant Harbor Superintendent