

# **Five Mile River Commission Annual Report 2009 Town of Darien**

## Introduction

The purpose of this report is to provide the Town of Darien with an annual summary of the Five Mile River Commission's (FMRC) operations for 2009 as required by the ordinances governing Five Mile River.

The report also includes a statement as to whether or not the FMRC recommends any changes to the current ordinances governing the Five Mile River (the River) that have been adopted by the Town of Darien.

## Background

The FMRC is an agency of the State of Connecticut established by Connecticut statute with regulatory jurisdiction over the use of the Five Mile River. The Commission concerns itself with the navigation, pollution and conservation of the River and its drainage basin.

There are four Commissioners, two from the town of Darien and two from the City of Norwalk, who are appointed by the Governor of Connecticut. This equal representation recognizes that the Five Mile River is geographically surrounded on the east by the Town of Darien and on the west by the City of Norwalk.

## FMRC commissioners

Matthew Marion, Chairman, 16 Harstrom Place, Rowayton, CT  
John deRegt, 6 Vincent Place, Rowayton, CT  
William Jessup, 122 Five Mile River Road, Darien, CT  
Dirk Leasure, 94 Five Mile River Road, Darien, CT

## FMRC staff

Ray Meurer, harbor superintendent, 30 Rowayton Ave., Rowayton, CT  
David Snyder, assistant harbor superintendent, 23 Chipmunk La., Norwalk, CT  
06850  
Tammy Papp, administrative assistant, 95 Rowayton Ave., Rowayton, CT

## FMRC meetings

Meetings are held in the Board Room of the Rowayton Community Center, 33 Highland Ave., Rowayton, beginning at 7:30 p.m. Meeting dates for 2009 were set at the beginning of the year for January 15, March 12, May 14, July 16, September 17 and November 19.

## Review of the highlights of the FMRC operations for the year 2009.

The FMRC is authorized under its governing ordinances to collect an annual harbor use fee from all boats berthed at docks or moored in the River. The harbor use fees are collected to cover future maintenance dredging as well as the Commission's day-to-day operating costs incurred while managing the River. In 2009, harbor use fee collections totaled \$42,450; operating expenses totaled \$19,859. These fees were deposited in a special fund maintained for the Commission by the controller of the City of Norwalk (subject to examination by the finance officer of the Town of Darien). As of December 31, 2009, there was \$401,830.02 in the special fund. Interest income for 2009 was \$8,670.

Mooring location permits are issued annually by the harbor superintendent. In 2009, 125 such permits were issued to recreational boat owners. In addition, 297 boats are berthed at docks owned by boatyards, marinas and private individuals along the River.

A wait list is maintained of boat owners requesting a mooring location in the River. The number of boat owners on the wait list ranged from a low of 60 to a high of 65. The wait list includes people whose boats are only suitable for certain mooring locations due to length or draft. Others on the wait list are waiting to purchase boats. During the year three boat owners were assigned mooring locations in the River for the first time. The wait list is made available to the City of Norwalk clerk's office, the Town of Darien clerk's office, the Rowayton Library and the Darien Library. It is also available directly from the Harbor Superintendent.

Service mooring location permits are issued each year solely for repair and commissioning purposes to qualified marine service operators for service to their customers. The service mooring are also made available free of charge to transient vessels. Seven such permits were requested and issued in 2009 in accordance with the governing regulations. In addition, there are pending enforcement proceedings and a litigation involving B&G Marine with regard to other service moorings in the River.

The FMRC meets annually with representatives from the working boat yards on the River to discuss mutual interests and concerns. This year's meeting on February 7 was attended by three boat yards. There was a general discussion about the need to inform boatyards which boat owners have named them as service provider for their ground tackle, the importance of inspecting ground tackle every two years and the advantages of sharing bow and stern ground tackle. The marinas agreed to stay

The FMRC continues to maintain two "No Wake Zone" floating buoys in the River: one at the entrance to the harbor and a second one 200 yards from the

entrance. "Slow No Wake" signs were provided to two boatyards to install on their pilings to remind boaters that the river is a no wake zone. The river's no wake policy is enforced by the Norwalk Marine Police and the Darien Marine Police.

The FMRC also maintains a "No Discharge Area" buoy at the mouth of the River.

The U.S. Coast Guard granted permission to the FMRC to place a red nun marked "4A" and a green nun marked "5" at the mouth of the River to ensure safe navigation as boaters enter the River. The new floating aids to navigation are designated as "private aids to navigation" and are authorized to be put in place seasonally between April and November. The aids were installed for the first time in April 2009.

After a public hearing, Robert Griffith, a local commercial fisherman, was granted a mooring permit for his newly acquired 50-foot clam boat "Kittyhawk" for use in transplanting seed clams. Mr. Griffith continues to occupy a mooring for his 46-foot clam boat "Susan G", which is used to harvest clams. A new mooring location was established by the Commission to accommodate the "Kittyhawk." Several recreational mooring locations also were realigned to make room for the boat.

A number of applications for docks and other waterfront construction activities on the River were received from the Department of Environmental Protection and reviewed by the Commission. The location of the properties included 43, 49 ½, 55 and 157 Rowayton Avenue, as well as 19 and 25 Five Mile River Road.

The Commission notes that the River is in good shape and plans to study a number of projects including a review of the governing ordinances and policies, further boater education initiatives that pertain to the River and winter storage arrangements, if any, for docks and floats.

Signed,  
Matthew Marion  
Chairman, Five Mile River Commission