

Five Mile River Commission
Meeting Minutes: March 27, 2014
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:

Steve Bartush, Norwalk Resident
Tammy Papp, The Boatworks
Robert Haskell, Haskell Marina
Keith Cavanaugh, Cavanaugh's Marina
Mary Ilchert, Five Mile River Works
George Ward, Five Mile River Works
Nate Gottlieb, All Seasons Marine Works
Paul Tierney, Darien Resident
Jim Bajek, Marine Consultant
Nic Cuoco, Cuoco Structural Engineers

Matthew Marion took the chair at 7:30 p.m. and welcomed the marina and boatyard operators to the meeting held annually to share mutual interests and concerns. He noted that of particular interest this year is the winter storage of floats and ramps in the Five Mile River.

He pointed out that the Commission's main responsibilities are: (i) helping to ensure the enforcement of the DEEP's regulations governing winter storage of docks and floats and (ii) reviewing alternatives covering the possible temporary storage of floats and ramps on moorings in the fall prior to being moved into marinas for the winter and similar temporary storage in the spring. The Department of Energy and Environmental Protection (DEEP) has exclusive responsibility for approving the winter storage of floats at docks and is, therefore, the direct contact for issues related to in-marina storage during the off-season.

Regarding the temporary storage of floats and ramps on moorings, Chairman Marion said the Commission is considering a variety of options, including possibly assigning a location in the River for such temporary storage on an ad hoc basis, charging a fee for each float, requiring marinas to apply in writing for such storage, limiting storage to some time period within October or November, as well as a similar time interim period in the spring.

He noted that the DEEP regulations exempt floats that are no more than 100 square feet from the DEEP's permitting requirements for temporarily winter storage. Larger floats must be

formally permitted by the DEEP. The DEEP prohibits storage of any kind on the intertidal waters, commonly referred to as the mud flats, due to the environmental harm that such storage would cause. Steve Bartush, a biologist and resident of Norwalk, noted that docks resting on the mud negatively impact marine growth in the immediate sub-surface layer of sediment. Chairman Marion also encouraged the marina operators to feel free to report any concerns during the summer, including, for example, shallow spots in the River, as well as River traffic caused by the recent proliferation of kayaks and paddle boards. The Harbor Superintendent maintains a trail consisting of yellow buoys to direct kayakers and paddle boarders along the western shore of the River, thus avoiding use of the Federal Channel. However, even with this system in place, some kayakers and paddle boarders have strayed into the channel.

In response to a query from Chairman Marion, the Harbor Superintendent reported that 94 floats and 66 ramps were stored at four marinas this winter.

George Ward, Manager at Five Mile River Works said his particular concern regarding winter storage is an 80-foot by eight-foot floating concrete dock that he no longer can store on the mud flats. Finding an alternate location has been difficult, he said. John deRegt recommended contacting a local marine contractor or a larger boatyard in Norwalk harbor. He noted that it is the owner's responsibility to find another place to winter store his dock. He said that in his opinion this is not something the Commission should be involved in.

Keith Cavanaugh said he does not use temporary moorings for the floats that are stored in Cavanaugh's Marina. Instead, the floats are brought directly into his docks. Filling his marina with floats prevents ice from forming and eliminates the expense of running 'ice eaters' through the winter. Keith said he talked to Susan Jacobsen of the DEEP late last year and was told at the time that he did not need permission to winter store floats at his docks. Chairman Marion noted that the DEEP is likely to include permitting restrictions on the winter storage of docks/floats by marinas as the permits are reissued in the next few years.

Mary Ilchert (Five Mile River Works) said the first time a storm is forecast in the fall, home owners with docks in exposed areas call and request the removal/storage of their floats in the River. Sometimes she gets calls as early as September.

Tammy Papp (The Boatworks, Inc.) said they have been storing floats on moorings temporarily for short period of time for many years. Depending on the weather, the calls to remove docks from exposed areas can occur at any time during the fall.

Nate Gottlieb (All Seasons Marine Works) said they only winter store a small number of floats at their docks. They also have two service moorings close to their docks that are used to store floats

Robert Haskell (Haskell Marina) said he does not winter store any floats at his docks. His marina is also at the head of the River and fills in with silt before any other part of the river.

Chairman Marion thanked the attendees for their comments and said the Commission will provide them with a draft of the Commission's proposed plan well prior to the fall of 2014.

The marina representatives left at 8:02 p.m. and the meeting was joined by Paul Tierney, private dock owner, Darien; Jim Bajek, marine consultant representing Mr. Tierney; and Nic Cuoco of Cuoco Structural Engineers, LLC.

Mr. Tierney is applying for the reconstruction of his dock located at the mouth of the River that was twice destroyed by storms, the most recent being super storm Sandy in 2013. In response to questions from the Commission, Jim Bajek and Nic Cuoco discussed what they believed to be the primary causes of the earlier failures and reviewed the events leading up to the current rebuilding of the dock.

The original dock, or pier, rested on the stone jetty and led to a ramp and a floating dock secured to four wood pilings driven into the mud. The pier, the piling and the float were destroyed by a storm.

A second pier was then built and secured to the jetty using large poured concrete blocks. The pier led to a ramp that was attached to a floating dock attached to four metal I-beams. The metal I-beams were secured to the rock ledge by drilling holes in the ledge and cementing the I-beams in place. During Sandy the pier was lifted off the concrete blocks but remained on the jetty. The large rocks that make up the jetty were moved out of place by the force of the storm. The float and ramp had been safely removed prior to the storm. The metal I-beams used to secure the float were not disturbed.

The new pier proposed by the Tierney's would be supported by six steel I-beams set ten feet into the rock ledge using cement and epoxy material. The new pier would be just north of the jetty giving it some protection from wave action, according to the applicant. The pier will lead to a ramp and a floating dock secured to the four I-beams currently in place that survived super storm Sandy. The jetty will be reconstructed using a variety of different sized rock. The smallest rocks will be placed at the base of the jetty. Then progressively larger rocks will be used as the height of the jetty increases, with the biggest rocks ending up at the top of the jetty.

The Commissioners closely questioned Mr. Bajek and Mr. Cuoco seeking information and assurance that the new pier will be built as strong as possible so that no damage can occur to other properties on the River, and inquiring about the precedent for two dock structures attached to one piece of property.

Mr. Tierney said he wants to rebuild the pier so that his family can safely enjoy the use of the dock for boating activity. He also does not want it to be a threat to other property owners and boaters on the River. He expects it to be a ten week project and, ideally, would like it completed for this year's boating season. However, the application is also subject to a formal public notice period under DEEP procedures.

Commissioner Marion thanked Mr. Tierney for coming to the meeting and said he would provide the Commission's response to the DEEP after the Commissioners have discussed the submission.

Messrs. Tierney, Bajek and Cuoco left the meeting at 8:39 p.m.

The Harbor Superintendents reported that Tammy Papp, Administrative Assistant recorded YTD income of \$22,000 and expenses of \$2,619.

The number of open moorings total 15 with a waitlist of 62 boat owners. With so many open moorings, the Commissioners requested that the mooring availability be communicated to the boating community.

David Snyder said that could be accomplished using an email edition of *Currents*. It was agreed to move forward with a spring edition of *Currents*. David will outline possible subjects to cover and will ask each Commissioner to contribute an article.

Chairman Marion noted that the minutes of the February 20, 2014 meeting were unanimously approved by telephone.

The meeting was adjourned at 8:55 p.m.

The remaining meeting dates for 2014 are May 8, June 12, July 24, September 11, October 23 and December 4.

Respectfully submitted,

Ray Meurer
Harbor Superintendent