

# ADVISORY COMMISSION ON COASTAL WATERS TOWN OF DARIEN

JOHN McDONALD, CHAIRMAN  
C. LINCOLN JEWETT, VICE CHAIRMAN  
WALTER RALEIGH, VICE CHAIR. - SHELLFISH  
FRANK KEMP, CLERK  
FLIP HUFFARD  
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JON SCHOUDEL  
J. PALMER SPARKMAN  
ROBERT VILTER



Green's Ledge Light

EX-OFFICIO MEMBERS  
JANE BRANIGAN, PARK & REC COMM.  
TOM BELL, HARBOR MASTER  
CAPT. GARY PAVIA, POLICE DEPT.

## Minutes of the June 5, 2013 Meeting

Present: Chairman McDonald, Commissioners Huffard, Kemp and Harbor Master Bell.

Absent: Vice-Chairman Jewett, Commissioners Raleigh, Monro, Schoudel, Sparkman and Vilter.

Also present: David Dever, Commodore of the Darien Boat Club, and former Commissioner William Cavers.

The meeting was called to order at 7:40pm by Chairman McDonald, noting that although a quorum was not present, the meeting would continue as an informational discussion.

It was noted that the meeting was being recorded by Channel 79, for broadcast at a later date.

The minutes for the two prior meetings, February 6, 2013 and June 5, 2013 were available for review, and are posted on the Town's web-site. They will be considered for approval at the next meeting.

### Chairman's Report

Chairman McDonald reported on the following matters:

- the CT Maritime Commission's May meeting was focused on the issue of harbor dredging, in particular the Army Corp of Engineers and the State of Connecticut. While the major effort is dedicated to the large harbors, there is the possibility of allocating funds from Federal and State resources for smaller projects.

- The CT DEEP has issued the 2013 Boaters' Guide in a large magazine format, with useful articles supplementing the listings of regulations.

- The Long Island Sound Study (LISS) has issued a comprehensive letter to the Town Board of Southold concerning the development in Plum Island. The concern is the protection of the natural areas and wildlife on Plum Island by the Town of Southold, which is considering various development options for the island(s). A copy of this report is included as an attachment to these minutes.

- the Harbor Masters of Connecticut (who report to the Transportation Department rather than DEEP) are implementing the “Collect System” that will assist in reporting and recovering boats that are lost during a storm, providing a listing of boats that are found.

- a meeting on June 6 in New London provided a forum for discussion the Amtrak bridge repair program in which approximately five major bridges will be closed – requiring the cooperation of the boating community that must pass beneath them as they remain “down” for repairs.

- the Long Neck Point breakwater repair on the east side of the point is proceeding without incident.

- the Noroton Yacht Club (NYC) is proceeding with a long-range planning process in reaction to the need for repairs from Storm Sandy. There are approximately 12 sub-committees involved in this effort, with several expressing interest in the dredging and maintenance of harbor facilities. The Commission anticipates cooperating with NYC in this effort, and has forwarded copies of the most recent soundings survey for their reference.

#### **Darien Boat Club Update – Storm Sandy Repairs, and Expansion Plans**

Darien Boat Club Commodore David Dever provided updates on the repairs from Storm Sandy, and the plans for expansion.

The Clubhouse was determined to be structurally sound, despite the loss of porch decking that was washed away. The Town’s P&Z has approved the repair of the Clubhouse to its prior dimensions. While the pilings that support the Clubhouse are sound, the pilings for the porch area are receiving special attention, as some are compromised. While issues concerning the deck are being addressed, access to the docks is available “though” the Clubhouse on a temporary basis. Water, restroom, power for the Police boat and the pump-out station have been restored. The gasoline facility survived the storm, yet restoration of service awaits the results of testing and the hook-up of the monitoring system. Most boats are now in their slips, with a deadline of June 15.

The expansion plan is in the hands of the Army Corp of Engineers. If approval is received, the matter will go before the full membership of the Boat Club for approval, before being submitted to the DEEP.

Commodore Dever noted that The Darien News published an article on May 17, 2013 that accurately described the topic of expansion, although it was also noted that the author of the article did not interview anyone who was critical of the project. It was agreed that a copy of the article would be included as an attachment to the minutes.

The Chairman and members of the Commission expressed their appreciation for Commodore Dever’s attendance at this and other meetings of the Commission, in the interest of promoting good communication among the town’s boating organizations.

### **Harbor Master Report**

Harbor Master Bell reported that there was no damage to boats in the harbor as a result of Storm Sandy, and that an informal review of the harbor's depth (one hour after low tide) had revealed one area of 5'7" depth, and all other parts of the channel at over 6'.

He reported that there are 14 new mooring owners in the harbor, with two more in progress. These allocations have resulted from turnover of ownership. The main harbor's moorings appear to be 70% populated at this point, with the area north of the Boat Club not as densely occupied. The main harbor has 265 moorings, the river has 23 moorings. The main harbor is "full" with the exception of space to add two new moorings in the south-east, or most exposed, area of the harbor.

On a related matter, Commissioner Kemp recapped the condition of the two "Rock Buoys" in the harbor. One buoy was damaged in Storm Sandy, snapping its metal 'spine' and losing its ground tackle. Repair of the buoy and tackle will cost approximately \$600, an amount to be shared equally by the Darien Sail & Power Squadron, Noroton Yacht Club, the Darien Boat Club and the Darien Harbor Master. Representatives of each of these groups who were in attendance, agreed to work to secure the approval of their organizations for funding this joint effort (@ \$150 each).

### **Holly Pond Report**

Commissioner Kemp reported on the recent SoundWaters initiative in convening the "Friends of Holly Pond," having sponsored meetings on March 29, 2013 and May 22<sup>nd</sup> (Steering Committee). The purpose of the meetings is to determine the nature and extent of efforts to improve 1) the removal of sediment from the north end of the Pond, and 2) the repair of the dam at the south end of the Pond. While there have been State funds earmarked for this effort, there has been no agreement on a plan to dredge and dispose of the sediment, due to the presence of contaminants in the spoils. This makes the disposal of the spoils an issue, adding greatly to the expense of the project. As for the dam, there is a general sense that the dam is leaking more extensively than in the past, although no specific cause has been identified. It is estimated that the Pond loses an additional 1.5' of water in every tide cycle, due to leaks and slumping, adding to the unsightliness and disruption of waterside vegetation. A topic under discussion is whether requests for grants (for funding further studies and remedial actions) may be prepared by an independent organization formed for the purpose, or through SoundWaters as a parent organization.

### **Shellfish Report**

Commissioner Raleigh forwarded a note that there would not be a formal Shellfish Report for this meeting.

He requested that the Commission be notified that he has organized a tour of Bloom Brothers shellfishing operation in East Norwalk, 9:00 am to Noon on June 26th. Attending the tour will be health department officials from three Fairfield County towns, as well as Darien First Selectman Stevens and State Representative Terrie Wood. While space on the boat is limited, if any Commissioner is interested in attending, they should contact him at (203) 655-9596 for details.

## **Coastal Projects for Summer**

Commissioner McDonald noted two summer projects that will welcome volunteers:

- an informal survey of the depths of the harbor – to further assess the effects of Storm Sandy, in comparison to the professional survey conducted in the spring of 2012

- Operation Boat/Camp/2013, scheduled for Friday, July 26. Boat/Camp, a traditional event supported by members of the Commission, matches local boaters with groups of students from local day-camps. These young people attend camps that are part of Person-to-Person's "Camperships" program, in which under-served young people are offered the opportunity to attend camp and benefit from a variety of new experiences. Commission members who are (again) interested in participating should contact Commissioner Kemp for more details.

## **Other Business**

There being no further business, the meeting was adjourned at 8:45pm.

The next meeting of the Commission is scheduled for Wednesday, September 4<sup>th</sup> 5, 2013, at 7:30pm in Room 213, Town Hall.

Respectfully submitted,

Frank B. Kemp, Clerk

## **ATTACHMENTS:**

1) Letter to Town Board, Southold, NY from Citizens Advisory Committee of the Long Island Sound Study, concerning the proposed zoning of Plum Island, New York.

2) Darien News, Friday May 17, 2013, article concerning the Darien Boat Club's permit application for a dock expansion project.



# LONG ISLAND SOUND STUDY

*A Partnership to Restore and Protect the Sound*

## CITIZENS ADVISORY COMMITTEE

OF THE LONG ISLAND SOUND STUDY

Website: <http://www.longislandsoundstudy.net>

**CITIZENS ADVISORY COMMITTEE OF THE LONG ISLAND SOUND STUDY**

**OFFICERS**

Curt Johnson  
*Connecticut CAC Co-Chair*

Nancy Seligson  
*New York CAC Co-Chair*

Martin Garrell  
*Secretary*

**CAC SUBCOMMITTEES:**

Advocacy, Legislative & Policy  
Tracking & Accountability  
Local Government

**LISS WORK GROUPS**

Habitat Restoration  
Stewardship  
Nonpoint Source/Watersheds  
Communications  
Nutrients

**CAC ADDRESS**

Long Island Sound Study  
Citizens Advisory Committee  
c/o EPA LIS Office  
Stamford Government Center  
888 Washington Blvd, Suite 6-5  
Stamford, CT 06904  
Office: 203 977-1541  
Fax: 203 977-1546

*The CAC meets quarterly on the second Thursday of March, June, September, and December at alternating locations in New York and Connecticut. Meetings are open to the public.*

Supervisor Scott Russell  
Members of the Town Board  
Town Hall  
53095 Main Rd  
P.O. Box 1179  
Southold, NY 11971

May 7, 2013

Dear Supervisor Russell and Members of the Southold Town Board:

On behalf of the Citizens Advisory Committee ("CAC") of the Long Island Sound Study ("LISS"), we provide these comments in support of Southold's new proposed zoning of Plum Island, New York. The CAC represents a broad array of citizen, environmental and business organizations from New York and Connecticut that has long advocated for the restoration of Long Island Sound. We advise and advocate for the implementation of the Comprehensive Conservation and Management Plan of the Sound, and are part of the LISS. Attached is a list of our membership.

Our interest in Plum Island is in assuring the conservation of undeveloped habitat on the island as well as the safe re-use of the developed portions of the island. To that end, we have provided comments to the General Services Administration ("GSA") during its scoping and Draft Environmental Impact Statement public comment periods, urging it require a mixed conservation/re-use sale. We assert that the language of the *Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009* requiring the sale of Plum Island provides GSA with the flexibility to effectuate such a sale. However, thus far it appears that GSA is not moving forward with this approach, leaving the task of protecting the natural areas and wildlife on Plum Island to the Town of Southold. It is for this reason that we submit these comments in enthusiastic support of the Town of Southold's new zoning proposal for the island.

As you know, Plum Island boasts large populations of loons, scoters, buffleheads, piping plovers, common, least and roseate terns and dozens of other species, along with wild orchids and other rare plants. There are numerous federal programs and LISS related policies whose goals include protecting critical areas like this one, and the CAC has a strong interest in ensuring those programs and policies are implemented. By protecting Plum Island open space, habitats and wildlife, the Town's proposed zoning ensures that many of the goals of those Long Island Sound programs are met.

*The Long Island Sound Study is a cooperative Federal/state Management Conference researching and addressing the priority environmental problems of the Sound identified in the Comprehensive Conservation and Management Plan (CCMP). The Citizen's Advisory Committee provides advice on public education activities to the Management Committee in implementing the CCMP.*

## **Plum Island and The Long Island Sound Stewardship Initiative**

The Long Island Sound Stewardship Initiative was created by a Resolution of the Policy Committee dated September 28, 2006 (attached). One month later it was codified by an act of Congress (see the *Long Island Sound Stewardship Act of 2006*). It formally adopted the policy to achieve the permanent protection, restoration, and conservation of various critical Long Island Sound areas, and to increase public access to appropriate recreation and education. Through this action thirty-three inaugural Stewardship Areas around Sound were formally endorsed.

Plum Island, together with Little Gull and Great Gull, form the *Plum-Gull Islands complex*, which was identified for protection as an inaugural stewardship site by the Long Island Sound Stewardship Initiative. This trifecta was found by scientists to possess "exemplary" ecological value and is considered a crown jewel filled with unspoiled habitat types and federally endangered species. (See attached Stewardship Site Atlas).

The LISS endorsement was formally signed by all the members of its Policy Committee including the Region I and II Regional EPA Administrators and the Environmental Commissioners of New York and Connecticut, and represents a strong and unequivocal governmental interest in ensuring the conservation of the undeveloped portions of Plum Island. We are pleased that Southold's zoning recognizes the need to protect this ecologically valuable site.

## **Plum Island and The Comprehensive Conservation and Management Plan**

In addition to the Long Island Sound Stewardship Initiative, the CCMP—the Long Island Sound Management Plan adopted by federal and state governments to restore its waters and habitats— itself highlights the need to protect areas like Plum Island.<sup>1</sup>

The *Management and Conservation of Living Resources and Their Habitats* section on "Managing Habitats" states "The destruction of coastal habitats has had a major impact on the diversity and abundance of plants and animals in the Sound." And that "Long Island Sound is an area that has undergone rapid industrialization and rapid diminution of areas remaining in their natural condition. It is desirable to identify areas of land and water of outstanding or exemplary scientific, educational, or biological value to reflect the regional differentiation and variety of ecosystems and address all the significant natural habitats found in Long Island Sound. These sites would be combined to form a *Long Island Sound Reserve System*. Many of these sites are already in public ownership or held for conservation purposes. Therefore, acquisition priorities should emphasize sites not currently held for conservation purposes." This section resulted in the creation of the above described Stewardship Initiative, of which Plum Island is included. It is clear, that given the current potential for those significant habitats to change from federal to private hands, that the island is considered a priority area for conservation. This is bolstered from the action item list in this same section of the CCMP under "What Needs to Be Done": "... Conservation of natural resources and open space is vital to the protection of the Sound."

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<sup>1</sup> See [http://longislandsoundstudy.net/wp-content/uploads/2011/10/management\\_plan.pdf](http://longislandsoundstudy.net/wp-content/uploads/2011/10/management_plan.pdf) pp.104-107; pp.126; and pp.132-133.

There are two other sections of the CCMP that align with Southold's vision to zone portions of Plum Island as conservation areas. First, the *Conserve and Enhance Natural Resources and Open Spaces* section outlines "Preserv[ing] open space and natural areas" as a key objective. Second, the *Land Use and Development* provision states that "preserving environmentally sensitive habitats, such as forests, and maintaining open space minimizes runoff pollution and provides wildlife habitat." It further outlines that "existing federal, state, and local open space or other land acquisition programs should support Long Island Sound water quality and habitat objectives."

### **Plum Island and the U.S. Fish and Wildlife Service**

The Town's move to preserve Plum Island also meshes with the United States Fish and Wildlife Service ("USFWS") assessment. It identified a host of important habitat functions and federal designations recognizing the ecological value of Plum Island and its adjacent waters. Specifically, the USFWS highlighted recognition of the site as Orient Point – Islands Complex Significant Fish and Wildlife Habitat (USFWS 1991)<sup>2</sup> and a part of the USFWS Coastal Barrier Resource system, unit numbers NY-24 and NY-25.

The value of the ecologically interconnected chain of islands in this area of Long Island Sound has been recognized as providing unique opportunities for collaborative natural resource management. As the USFWS presented to the GSA: the Long Island National Wildlife Refuge Complex was founded in order to "conserve, manage, and where appropriate, restore wildlife and plant species and their habitat for the benefit of present and future Americans."<sup>3</sup> In that same letter, the USFWS noted their ongoing efforts to encourage Least and Roseate Tern nesting at the recently acquired Gardiner's Point Island, referring to the island's proximate location to both Plum and Gardiners Island and underscoring the tremendous wildlife and habitat potential of all three islands.<sup>4</sup> While the CAC believes the best way to conserve the island is for it to remain in federal hands and to be incorporated into the USFWS Refuge system, we applaud Southold's effort to ensure that even if the federal government moves forward with a public sale, the island will be protected.

### **Plum Island and SoundVision**

In 2011, the CAC recognized that there had been significant progress in the implementation of the 1994 CCMP but noted that the region's heritage—which is centered on appreciating beautiful views of the coast, enjoying our beaches, sailing and kayaking, clamming and fishing—remained threatened. In an effort to protect the watershed landscape, not only for the birds, fish and other animals that depend on special habitats, but also to re-build the economically vibrant legacy of shoreline industries and neighborhoods the CAC, advised by the best Long Island Sound

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<sup>2</sup> The USFWS highlighted that this Habitat Complex "underscores its high value for nesting colonies of piping plover and least tern . . . and colonial wading bird rookeries of black-crowned night heron . . . and great egret." USFWS Letter to GSA dated June 16, 2010.

<sup>3</sup> USFWS Letter to GSA dated June 16, 2010

<sup>4</sup> USFWS Letter to GSA dated June 16, 2010, pp.4-5

scientists and experts, developed a practical and attainable Action Plan to heal and restore the Sound.

The SoundVision Plan identifies four priority areas, one of which is "Creating Safe and Thriving Places for All Sound Creatures." A key Action Step for this priority area is to "Improve management and acquisition of key coastal and island wildlife refuges" by "Protect[ing] Plum Island from unfettered development and encourage[ing] the US Fish and Wildlife Service to add it to its network of preserved habitats."<sup>5</sup> Again, Southold's effort to create "Plum Island Conservation District" demonstrates the town's commitment to do what it can to help protect the island from rampant development.

### **Plum Island and LISS Action Agenda**

In addition to the CAC's SoundVision Action Plan, the LISS adopted its 2011-2013 Action Agenda for Long Island Sound. Similar to SoundVision, it contains a goal to "Restore and maintain Long Island Sound in a healthy, productive and resilient condition so that it can provide the services humans want and need." One of the top priorities is to "Protect 820 acres of coastal habitat" by 2013.<sup>6</sup> Plum Island is one such coastal habitat, as identified by the Stewardship Initiative.

According to the Agenda

Healthy coastal habitats provide critical feeding, breeding, and migratory stopover sites for the diverse abundance of plants and animals that use LIS. In 1996, the LISS established the Habitat Restoration Initiative, and in 1998 established a goal of restoring and protecting 12 priority LIS habitat types around the Sound. The Initiative uses partnerships to accomplish the restoration objectives and leverage limited state, local, and federal funds. In addition, the LISS established the Stewardship Initiative in 2006 to conserve natural areas, increase access to the Sound, protect important habitats, and plan for multiple uses. The Stewardship Initiative identified places with significant ecological or recreational value throughout the Sound and developed a strategy to protect and enhance these special places. In 2006, the LISS adopted thirty-three inaugural Stewardship Areas that represent lands of outstanding or exemplary scientific, recreational, educational, or biological value for protection, management. These areas provide opportunities around the Sound to enhance the public's awareness and personal connection with our special estuary.

By providing zoning requirements that protect habitats and provide for limited public access for enjoyment of the island and potentially learning opportunities, Southold is once again doing its part to ensure the goals and policies established for Long Island Sound are met.

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<sup>5</sup> See <http://www.lisoundvision.org/pdf/Sound-Vision-Final.pdf> pp.14-16.

<sup>6</sup> See [http://longislandsoundstudy.net/wp-content/uploads/2011/09/Final-LISS-Action-Agenda\\_2011\\_20131-1.pdf](http://longislandsoundstudy.net/wp-content/uploads/2011/09/Final-LISS-Action-Agenda_2011_20131-1.pdf) pp.8-10.

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In addition to offering our support on your zoning plan for the island, we extend a resource as well. One of our partner Long Island Sound Study committees, The Stewardship Work Group, has provided GSA with information on the rare wildlife and habitats found on Plum Island. They offer their wide variety of resources and expertise to the Town Board should you need additional factual information moving forward. They can be reached by email at [David.Kozak@ct.gov](mailto:David.Kozak@ct.gov) (David Kozak, CT DEEP) and [Basso.Georgia@epamail.epa.gov](mailto:Basso.Georgia@epamail.epa.gov) (Georgia Basso, U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service).

We are supportive of Southold's plan, and encourage it to make a couple of minor modifications and explain one apparent discrepancy, all of which are identified and described in more detail by the Preserve Plum Island Coalition. First we recommend that the 35 acres surrounding Plum Island lighthouse that also runs along the shoreline in each direction, along the edge of the dock facility, along the edge of the main laboratory facility, and to the paved road be included in the Plum Island Conservation District ("PIC"), not the Plum Island Research ("PIR") District. Second, we do not believe solar energy installations should be permitted within the PIC, unless they are incorporated into/on-top of existing structures. Lastly, we note that the combined totals of the PIR and PIC districts fall short of the island's actual size, is there a particular reason that the acreages differ?

We sincerely appreciate the Town's willingness to protect and preserve this rare jewel and applaud your effort to do what the federal government has not yet done: Save Plum Island.

Yours truly,

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Nancy Seligson  
New York CAC Co-Chair  
[Nancy18b@aol.com](mailto:Nancy18b@aol.com)  
914 834 4953

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Curt Johnson  
Connecticut CAC Co-Chair  
[cjohnson@cfenv.org](mailto:cjohnson@cfenv.org)  
203 787 0646/ext. 111

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**RESOLUTION  
OF THE  
LONG ISLAND SOUND STUDY  
POLICY COMMITTEE  
CONCERNING  
LONG ISLAND SOUND STEWARDSHIP**

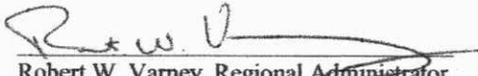
**W**hereas, Long Island Sound is recognized as a National treasure of great cultural, environmental, ecological, and economic importance; and

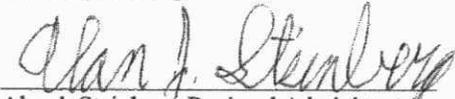
**W**hereas, as a highly urbanized estuary, the Long Island Sound ecosystem is under stress from both sustained human uses as well as emerging global and regional environmental conditions; and

**W**hereas, the *Comprehensive Conservation and Management Plan* for Long Island Sound calls for creation of a system to identify areas of land and water of outstanding or exemplary scientific, educational, or biological value for protection, management or acquisition; and

**W**hereas, at the direction of the Policy Committee under the Long Island Sound 2003 Agreement, the Long Island Sound Study Management Committee has worked to identify key areas in the Long Island Sound watershed that reflect regional differentiation, a variety of ecosystems and significant natural habitats found in the Sound, and public access to this magnificent body of water;

**N**OW THEREFORE BE IT RESOLVED THAT, the Long Island Sound Study Policy Committee, assembled in Rye, New York on September 28, 2006, hereby endorses the work of the Management Committee in recommending thirty-three inaugural Stewardship areas, and hereby adopts them as part of the Long Island Sound Stewardship Initiative.

  
Robert W. Varney, Regional Administrator  
US Environmental Protection Agency  
New England Region

  
Alan J. Steinberg, Regional Administrator  
US Environmental Protection Agency  
Region II

  
Gina McCarthy, Commissioner  
Connecticut Department of  
Environmental Protection

  
Denise M. Sheehan, Commissioner  
New York State Department of  
Environmental Conservation

# Still no decision made on dock expansion permit application

By Megan Spicer

With the warm weather and trees blossoming, boating season is nearly underway in Darien, but there are still more than 300 people on the wait list for a slip at the Darien Boat Club and no final decision about the proposed expansion.

The dock expansion would add 100 slips to the 250 that are currently at the club, which is open to Darien residents only.

The boat club has responded to a letter from its neighbors and sent it along to the U.S. Army Corps of Engineers, said David Dever, Darien Boat Club commodore.

"It's now sitting on their laps," Dever said. "We're waiting for them."

The permit application is still under review by the Army Corps, according to Tim Dugan, an Army Corps spokesman.

If the application is approved, the club would add 200 feet to Dock A and 250 feet to Dock B, which would require dredging 61,000 square feet and moving 18,500 cubic feet of materials into the western part of Long Island Sound. The plan has already been approved by the state of New York.

There have been a few conversations be-

tween the Army Corps of Engineers and the dock's consultants, but "nothing that's really shaking or changing," Dever said.

Dugan doesn't have a definitive timeline for the completion of the permit application approval.

Once a final response from the Army Corps of Engineers is received, members of the boat club will enter into an executive session to determine the next step.

"We're hoping they have a positive response," Dever said. "All indications are that it will be positive, but surprises happen and we have to wait."

At a public meeting in October, Dever gave a brief history of the club and the purpose of the dock expansion application. The club started in 1948 and currently has 803 members.

"We want to put more recreational boats in the water for the enjoyment of Darien residents," Dever said, adding that the process "will take some time."

Keith Nelson, from Docko Inc., discussed the application at the October meeting.

"Before we came up with the proposal, we investigated many options, including complete reconfiguration of

the dock facilities, but retaining this system is really the most efficient," Nelson said, adding that boats would come and go through the same area of water as they do now.

The idea to expand began in 2009 when the Darien Boat Club wait list, for medium-sized boats, jumped from 12-plus years to 20-plus years in a very short time. At the time, the club went to the Connecticut Department of Energy and Environmental Protection for an informal inquiry about expanding.

DEEP was supportive of the expansion, telling the club it had the opportunity to use the most amount of space with the last amount of environmental disruption.

During a public hearing in 2012, several neighbors expressed their concerns about the addition to the docks, including potential issues with navigability to their private docks and the impact to the ecosystems.

Dever said the club has responded to the letter from the neighbors.

"We're hoping this will be a positive thing for the town," Dever said.

*mspacer@bcnnew.com;  
203-972-4407; @Meg\_DarienNews*