

OFFICE OF ADJUDICATIONS
(Via Facsimile)

IN THE MATTER OF : **APPLICATION NO. 200502051-MG**

ERIC LARSON : **JANUARY 17, 2007**

PROPOSED FINAL DECISION

I

SUMMARY

The applicant, Eric Larson, has filed an application with the Department of Environmental Protection (DEP) Office of Long Island Sound Programs (OLISP) seeking a permit to conduct certain regulated activities in connection with the construction of a pier, ramp and floating dock in the Quiambaug Cove in Stonington. This permit is sought in accordance with the structures, dredging and fill provisions of General Statutes §§22a-359 through 22a-363f, the Coastal Management Act, §§22a-90 through 22a-112, and the Tidal Wetlands Act and regulations. §§22a-28 through 22a-35; Regs., Conn. State Agencies §§22a-30-1 through 22a-30-17.

The applicant and OLISP submitted the attached *Agreed Draft Decision* for my review and consideration following a hearing on the application (Attachment A). The record in this matter closed on September 15, 2006. On January 17, 2007, the record was opened for the purpose of admitting the attached revised draft permit prepared by OLISP (Attachment B).

The parties' *Agreed Draft Decision*, as supplemented herein, satisfactorily conveys the findings of fact and conclusions of law necessary to support a conclusion that the proposed activities, if conducted in accordance with the terms and conditions of the draft permit, will comply with all relevant statutes and regulations. I therefore adopt this *Agreed Draft Decision* as my proposed final decision and recommend issuance of the permit.

II

DECISION

A

SUPPLEMENTAL FINDING OF FACT

I have reviewed the record, public comments and the *Agreed Draft Decision*. I adopt the findings set forth in the *Agreed Draft Decision* and make the following supplemental finding of fact.

1. The draft permit provides for a structure that includes an elevated 4' wide by 18' long fixed pile and timber pier, a 3.5' wide by 25' long ramp and a 6'8" wide by 15' long floating dock secured by two cables. The floating dock will include 3" by 8" skids to prevent the float from resting on the substrate during low tide. The waterward edge of the floating dock will be located at mean low water. (Ex. DEP-17.)

III

RECOMMENDATION

I recommend that the Commissioner issue the requested permit incorporating the terms and conditions set forth in the draft permit.

/s/ Jean F. Dellamarggio
Jean F. Dellamarggio, Hearing Officer

P A R T Y L I S T

Proposed Final Decision in the Matter of Eric Larson
Application No. 200502051-MG

PARTY

REPRESENTED BY

The Applicant
Eric Larson

Andrew Lord
Gregory A. Sharp
Murtha Cullina LLP
CityPlace I - 29th Floor
185 Asylum Street
Hartford, CT 06103

Department of Environmental Protection

Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106

Micheal Grzywinski

AGREED DRAFT DECISION

ERIC LARSON
COASTAL PERMIT APPLICATION #200502051-MG

INSTALLATION OF A PIER, RAMP AND FLOATING DOCK
TOWN OF STONINGTON

January 10, 2007

1. Introduction: On September 1, 2005, Mr. Eric Larson (the "Applicant") submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the high tide line and in an area of tidal wetlands, for the removal of an existing ramp and floating dock and for the installation of a fixed pile and timber pier, ramp and floating dock with two restraint pilings in Quiambaug Cove in the Town of Stonington. This application seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes ("General Statutes") sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the General Statutes, and the Tidal Wetlands Act and regulations, sections 22a-28 through 22a-35 of the General Statutes and sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies ("RCSA") and the Connecticut Water Quality Standards developed pursuant to General Statutes section 22a-426.
2. Parties: The parties to the proceeding are: the Applicant and staff from the Office of Long Island Sound Programs ("OLISP") of the Department of Environmental Protection ("DEP").
3. The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions comprising staff exhibits DEP-1 through DEP-17, and the Applicant's exhibits APP-1 through APP-2, as well as APP-3 and APP-4, which were submitted at or after the public hearing.

FINDINGS OF FACT

Background:

1. Site Location and Character: The site is located at 144 Cove Road on Quiambaug Cove in Stonington, Connecticut. Quiambaug Cove is a tidal cove subject to an average 2.7' tidal range. (DEP-1). Tidal wetland vegetation is present along the entire frontage of the site. (DEP-6).

2. Application History: The initial application was received on September 1, 2005. It requested authorization to remove an existing ramp and floating dock and to install an elevated 4' wide by 51' long fixed pile and timber pier, a 3.5' wide by 22' long ramp, and a 6'8" wide by 15' long floating dock anchored by two (2) restraint pilings. Notice of the application was published in the New London Day on September 2, 2005 (DEP-7). On October 24, 2005 and December 20, 2005, DEP staff requested additional information concerning certain technical details regarding the plans for the proposed structure (DEP-3 and DEP-5). The Applicant provided the requested information to DEP on December 13, 2005 (DEP-4) and January 3, 2006 (DEP-6). On March 3, 2006, DEP issued a Notice of Tentative Determination to Approve and Intent to Waive a Public Hearing for the dock, ramp and float as proposed by the Applicant (DEP-9). The notice of such determination was published in the New London Day classified on March 3, 2006 (DEP-8 and DEP-13).

Because the project spans an area of tidal wetland vegetation, section 22a-32 of the General Statutes required a 40-day comment period on the application and also required that a public hearing be held upon request by twenty-five (25) individuals in a petition. The public comment period closed on April 14, 2006. Prior to the close of the comment period, DEP staff received thirty-three letters and e-mails regarding the proposed structures (DEP-10). On March 29, 2006, staff received from Franklin O. Rich a petition containing 152 signatures requesting that a public hearing be held on the application. (DEP-10 and DEP-11). Following the comment period and request for the hearing, the Applicant submitted to DEP a proposal to revise the plans for the dock, ramp and float, reducing the overall length of the dock, ramp and float and changing the orientation of the float such that the waterward edge of the float would be situated at mean low water (DEP-14). The overall length of the structures (from the high tide line) was reduced from 77 feet to approximately 42 feet (DEP-1 and DEP-14).

On May 17, 2006, DEP staff provided comments to the Applicant recommending, in part, that the length of the fixed pier should be increased by at least 6.8 feet to allow the landward edge of the float to be located at mean low water. DEP staff also recommended that the height of the pier should be raised to elevation 7.5 feet (DEP-14). On July 18, 2006, the Applicant submitted revised plans to DEP showing the requested changes (DEP-14).

A status conference was held on August 11, 2006 at which DEP and the Applicant exchanged exhibits and at which a public hearing was scheduled for September 6, 2006. A Notice of Public Hearing was published in The Day newspaper on August 13, 2006 (DEP-16). A site inspection took place on September 6, 2006 at 3:45 P.M. In attendance were the Hearing Officer, the Applicant, the Applicant's counsel, Andrew W. Lord, the Applicant's engineer, Gary Sharpe, Micheal Grzywinski (DEP) and interested members of the public. The hearing was held in the Mystic-Hoxie Firehouse Meeting Room, 34 Broadway Avenue in Stonington (Mystic) at 6:30 P.M. Mr. Sharpe, the Applicant's expert witness, and Mr. Grzywinski (DEP) each testified as to the application's consistency with all applicable requirements. Thirteen members of the public, most of

whom testified under oath, spoke about their concerns that the proposed structure could cause environmental and navigational impacts. Following the hearing, the Hearing Officer kept the record open until September 15, 2006, to receive written comments regarding the Application. After the hearing, DEP received comments from three members of the public, which primarily expressed concerns about the length of the proposed structures. One commenter, Mr. Robert Hersh, suggested that a float, equipped with devices to prevent the float from resting on the substrate, could be used to reduce potential impacts to benthic flora and fauna and reduce the overall length of the proposed structure. On September 15, 2006, Andrew Lord, legal counsel for the Applicant submitted a letter to DEP indicating that the Applicant would be amenable to reducing the length of the dock, ramp and float such that the waterward edge of the float would be located at mean low water and the float would be equipped with devices to prevent the float from resting on the substrate at low tide.

3. Project Description: The Applicant seeks authorization to install an elevated 4' wide by 18' long fixed pier supported by four (4) single pilings, a 3.5' wide by 25' long ramp, and a 6'8" wide by 15' long floating dock secured to the pier and ramp by two cables and a hinge. The Applicant is willing to reduce the length of the structures by moving the waterward edge of the float to mean low water and using devices to prevent the float from resting on the substrate during low tide (DEP-14).
4. Purpose and Use of Proposed Dock: The purpose of the proposed work is to construct a pier, ramp and floating dock for the Applicant's private, recreational boating use (DEP-1).
5. Compliance and Enforcement History: There are no previous permits or certificates issued by the DEP-OLISP that authorized work waterward of the high tide line at this site. The site has not been the subject of a DEP enforcement action for unauthorized activities waterward of the high tide line (DEP-8).
6. Tidal Wetlands Vegetation: On November 21, 2005, OLISP staff conducted a site visit to verify the location of tidal wetland vegetation within the project location. The inspection revealed that tidal wetland vegetation (consisting primarily of *Spartina alterniflora*) exists in a narrow band, to the north and south of the proposed dock location. Open grate decking will allow for the maximum amount of sunlight penetration through the proposed structure, thereby minimizing any potential shading impacts to the existing vegetation. In addition, the pier will be sufficiently elevated above the existing marsh substrate to minimize potential shading impacts and allow for the continued growth of this vegetation (DEP-8).
7. Shellfish: OLISP staff spoke with James Citak, Department of Agriculture, Bureau of Aquaculture regarding the proposed activity. Mr. Citak indicated that the project is located in a Restricted-Relay area and that oysters were historically found in Quiambaug Cove, but the current conditions are unknown. Mr. Citak concluded that the proposed activities will not significantly impact any shellfish area, but requested the inclusion of a

condition in any approval requiring float stops or skids to prevent the float from resting on the substrate during period of low water (DEP-8 and DEP-12).

8. Connecticut Endangered, Threatened and Special Concern Species: A review of all Endangered, Threatened, and Special Concern species was conducted for the project site by staff of DEP's Environmental & Geographic Information Center ("EGIC"). A September 15, 2006 letter from Dawn McKay (EGIC) to Mr. Sharpe indicated that there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur at the site of the proposed structures (DEP-2).
9. Intertidal Mudflats: The proposed structure does not affect any intertidal mudflats in the vicinity of the project site (DEP-8).
10. Finfish: The proposed project will not adversely impact existing finfish populations in the vicinity of the project site (DEP-8).
11. Navigation Impacts: The proposed dock will not have an adverse impact on navigation. As currently proposed, the structures will extend less than 50 feet into Quiambaug Cove (DEP-1 and DEP-14). In the vicinity of the site, the Cove is approximately 300 feet wide (DEP-1 and DEP-14). The dock will not interfere with navigation on adjacent properties because it is located in the center of the Applicant's property (DEP-8). With respect to potential impacts on adjacent properties, the proposed dock is located approximately 65 feet from the property line of the Applicants' upstream (northerly) neighbors, and approximately 75 feet from the property line to the south (DEP-1, APP-3 and APP-4). Therefore, the structure will not adversely impact navigation of either adjacent property owner. The project will not affect any Federal navigation Channel or Fairway (DEP-8).
12. Public Trust: The DEP has found that along the Connecticut coast reasonable access for a riparian property owner can generally be achieved by a fixed pier extending to mean low water with a ramp and 100 square foot float. The Applicant's original proposal was consistent with this policy. As noted above, the proposed structure's design was modified to reduce the length of the fixed pier and the overall length of the structures. The Applicant is willing to further reduce the overall length by 6.8 feet to address public comments. Pedestrian access below the mean high water line is limited due to the existing substrate, stone rip-rap and tidal wetland vegetation (DEP-8). As modified, the proposed structure cannot be further minimized, does not deviate from standard policies, and does not affect public access. Therefore, the proposed structure does not represent an unreasonable encroachment into public trust waters in Quiambaug Cove (DEP-8).

Environmental Impacts:

Environmental impacts associated with the proposed pier, ramp and floating dock have been minimized to the greatest extent practicable. The installation of the ramp and float

are not anticipated to adversely impact existing intertidal flats, tidal wetlands, shellfish or finfish resources (DEP-8).

Alternatives: Several project alternatives were considered by the Applicant:

1. Shorter Fixed Dock: A shorter fixed dock was considered but rejected because such a dock would have a significantly limited use. In addition, a shorter dock and any boats tied to it would rest on the substrate for longer periods of time increasing the potential for benthic impacts (DEP-1).
2. Longer Fixed Dock: A longer fixed dock structure to reach deeper water depths was originally proposed, consistent with DEP policies. However, the length has been reduced to address public comments. A dock longer than originally proposed was not considered feasible as it would be inconsistent with the public trust responsibilities of the DEP to minimize encroachment into public trust waters and would not have yielded more water depth (DEP-1).

After balancing all of the relevant concerns, a dock structure consisting of a fixed pier, ramp and float as proposed by the Applicant will afford the Applicant with reasonable access to public trust waters for boating while minimizing both overall encroachment and impacts to coastal resources. This proposal represents the least intrusive and most environmentally sensitive of those alternatives considered.

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The proposed project would provide the Applicant with reasonable access to public trust waters for recreational boating. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:
 - a. Section 22a-92(a)(1) of the General Statutes, which requires that the development, preservation or use of the land and water resources of the coastal area proceed in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
 - b. Section 22a-92(b)(1)(D) of the General Statutes, which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;

- c. Section 22a-92(b)(1)(H) of the General Statutes, which requires, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redeveloped areas, (iii) are located to assure optimal distribution of state owned facilities to the state wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;
- d. Section 22a-92(b)(2)(D) of the General Statutes, which requires the management of intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation;
- e. Section 22a-92(c)(2)(A) of the General Statutes, which requires management of estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational fisheries;
- f. Section 26-310(a) of the General Statutes, which requires that each state agency, in consultation with the Commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of the endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species, unless such agency has been granted an exemption.
- g. Section 22a-92(b)(2)(E) of the General Statutes, which requires preservation of tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.
- h. Section 22a-92(c)(1)(B) of the General Statutes, which disallows any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable unless it is found that adverse impacts on coastal resources are minimal.
- i. Section 22a-33 of the General Statutes, which establishes the criteria for review of Tidal Wetlands Act applications.

- j. RCSA section 22a-30-10 of the Tidal Wetlands Regulations, which further explains the criteria for Tidal Wetlands Act review.
 - k. RCSA section 22a-30-11(b)(2) of the Tidal Wetlands Regulations, which defines the use guidelines for small residential docks.
2. Consistent with All Applicable Standards: The proposal is consistent with applicable standards, goals and policies of sections 22a-28 through 22a-35 and 22a-359 of the General Statutes which require the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the use and development of adjoining uplands, and the recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.
 3. Alternatives to the Proposed Action: There is no feasible or prudent alternative that would provide the Applicant reasonable riparian access and which would have less impact on the adjacent coastal resources.
 4. Public Comments and Testimony. The public comments focused primarily on the proposed structure's length and raised concerns that it could have navigational impacts (DEP-10 and DEP-11). No expert testimony was provided to support these assertions. Approximately thirteen members of the public provided sworn testimony at the hearing. While well intentioned, their expressed concerns about navigation were contradicted by the sworn expert testimony of Mr. Sharpe and Mr. Grzywinski and the evidence in the record. Based on a review of the proposed structure and existing conditions in the Quiambug Cove, staff concluded that proposed structure would not have any navigational impacts (DEP-8). Both staff and Mr. Sharpe testified that the proposed structure was consistent with the applicable standards, and would not create any navigational impacts as asserted by the public commenters. Therefore, the comments by the public are neither entitled to any significant weight, nor are they supported by the sworn, expert evidence in the record. Nevertheless, the Applicant is willing to further reduce the length of the dock by moving the float landward by 6.8 feet to address, to the extent practicable, to address the public comments regarding navigational impacts.

AGREEMENT

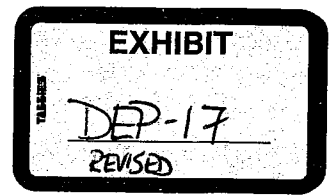
Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the Draft Permit, DEP-17, attached hereto.

APPLICANT, ERIC LARSON

By: Andrew W. Lord
Andrew W. Lord, Esq.
His Attorney

OFFICE OF LONG ISLAND SOUND
PROGRAMS

By: Brian P. Thompson
Brian P. Thompson, Director
Office of Long Island Sound Programs
Department of Environmental Protection



DRAFT - PERMIT

Permit No.: 200502051-MG

Town: Stonington

Work Area: Quiambug Cove off property located at 144 Cove Road

Permittee: Eric Larson
144 Cove Road
Stonington, CT 06378

Pursuant to sections 22a-359 through 22a-363f and 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS"), and in accordance with section 22a-98 of the CGS and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to remove an existing timber walkway and construct a fixed pile and timber pier, ramp and floating dock and install new tie-off piles for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in the "work area" in Quiambug Cove described above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200502051-MG, including seven (7) sheets of plans dated August 18, 2005, sheet 3 of 7 revised September 6, 2006, sheets 4, 5 and 6 of 7 revised December 12, 2006, submitted by the Permittee to the Commissioner and attached hereto:

1. retain approximately 47 cubic yards of riprap over an approximately 850 square foot area and a 2 linear foot section of stonewall over an approximately 4 square foot area;
2. remove an existing timber ramp and floating dock; and
3. construct a 4' wide by 18' long fixed pile and timber pier, a 3.5' wide by 25' long ramp and a 6'8" wide by 15' long floating dock equipped with either skids or float stops and secured with two (2) cables.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
3. Prior to the construction of the fixed pile and timber pier authorized herein, the Permittee shall remove the existing timber walkway identified in paragraph 1. of the SCOPE OF AUTHORIZATION.
4. All work associated with the installation of the piles authorized herein shall be conducted from land-based equipment during periods of high tide.
5. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
6. The Permittee shall install open-grate decking as authorized pursuant to the SCOPE OF AUTHORIZATION, above, and as shown on sheets 5, 5A and 6 of 7 of the plans and said decking shall be maintained and serviceable for the life of the pier.
7. The Permittee shall install and maintain the float stops or skids authorized herein for the life of the structure.
8. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
9. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and

structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within three (3) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
2. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
3. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
4. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
5. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable laws including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the CGS.
6. Prior to the commencement of any work authorized herein, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit "pollution" means "pollution" as that term is defined by section 22a-423 of the CGS.
8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in

writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of

such design.

16. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit, the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the purpose of the work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and the Permittee may be subject to enforcement action.
18. The Permittee may not conduct any work waterward of the high tide line or in tidal wetlands at this work area other than work authorized herein, unless otherwise authorized by the Commissioner pursuant to section 22a-359 et. seq. and/or section 22a-32 et. seq. of the CGS.
19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, State and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material

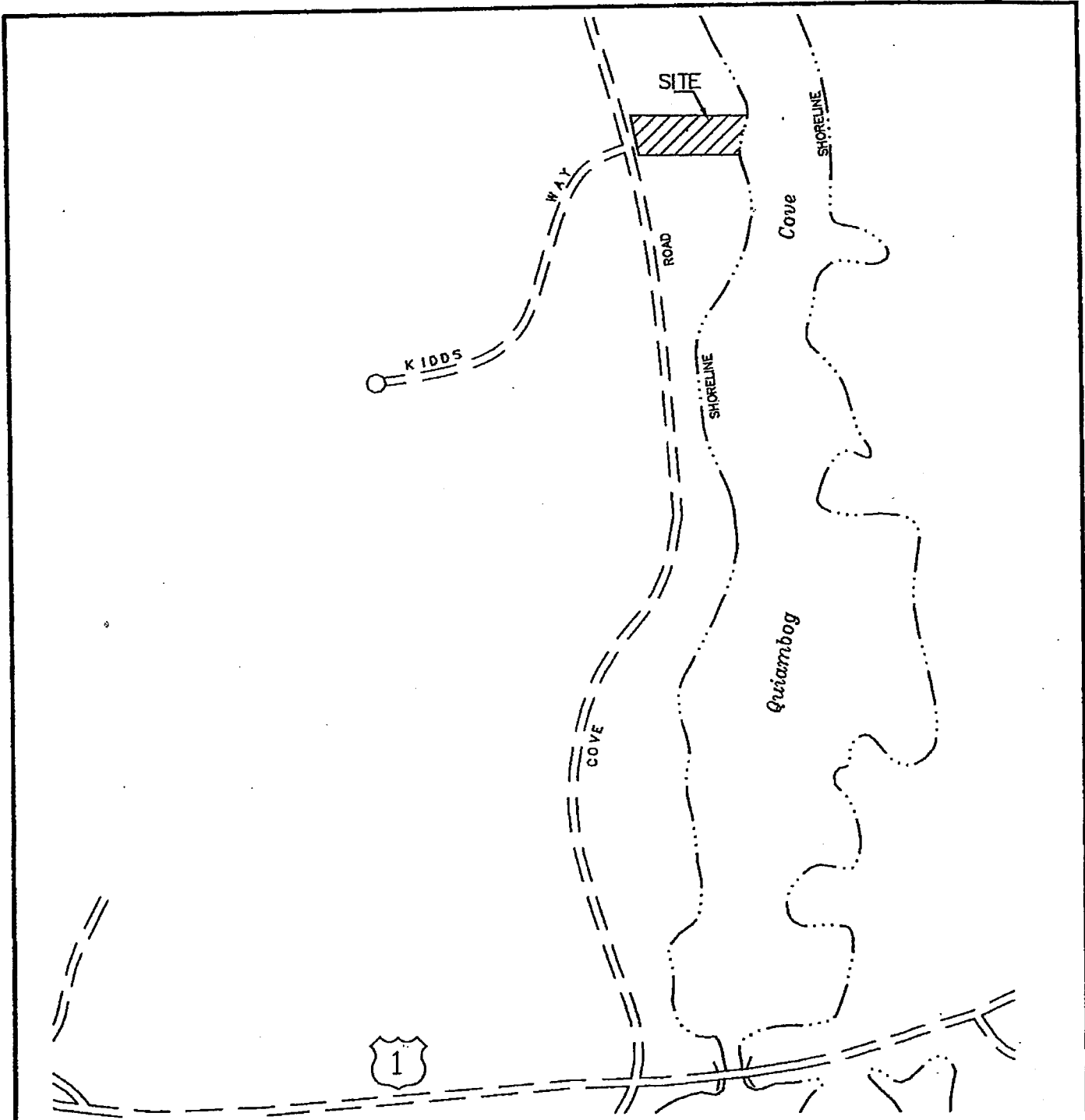
nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, State or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2007.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

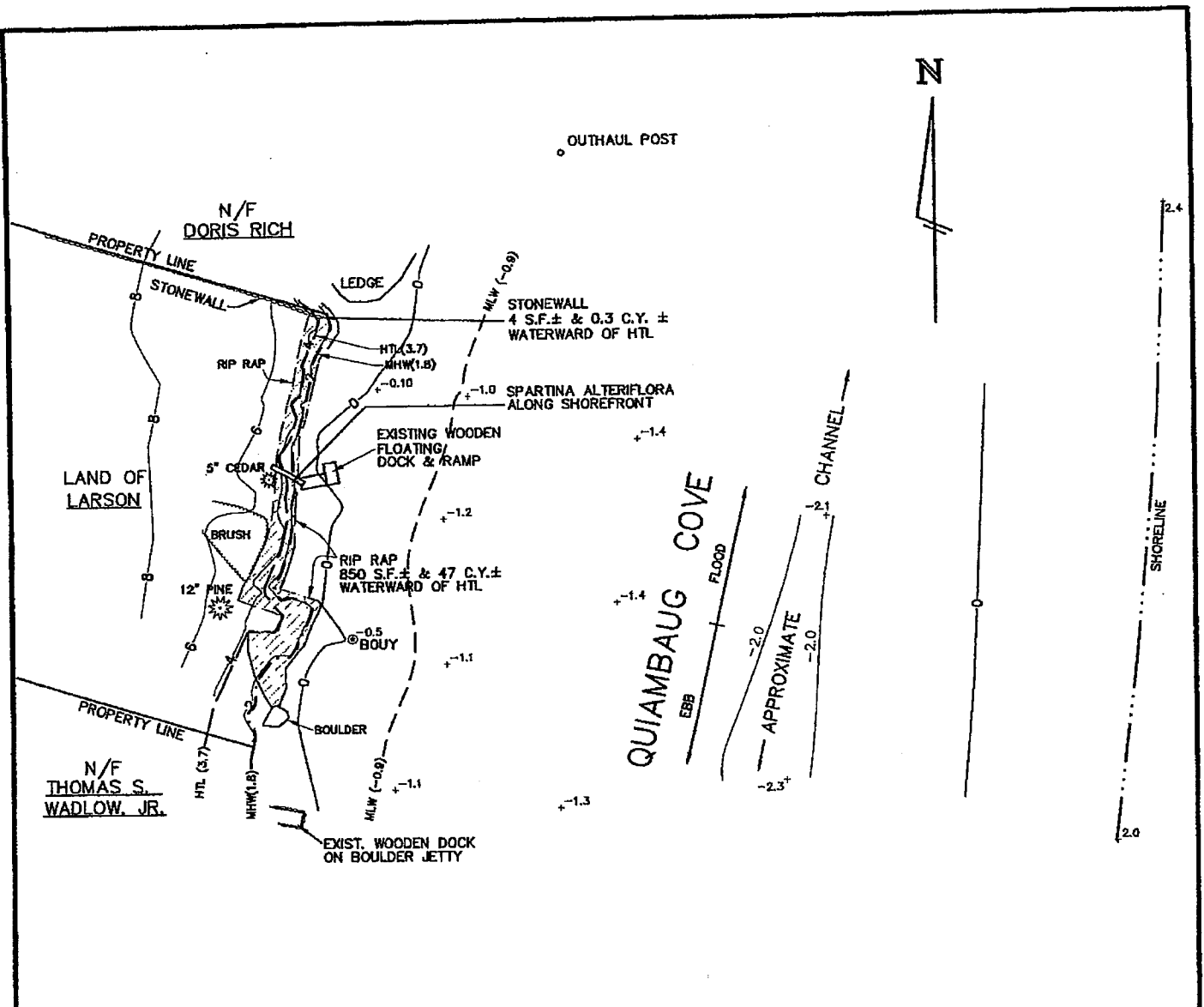
Gina McCarthy
Commissioner

Permit Application No. 200502051-MG, Stonington
Eric Larson



ANGUS McDONALD / GARY SHARPE
& ASSOCIATES, INC.
 CIVIL ENGINEERS • PLANNERS • SURVEYORS
 OLD SAYBROOK, CONNECTICUT
 DR'N P.J.S. | CK'D | APP'D
 SHEET 2 OF 7 | JOB NO. 055106

AREA PLAN
 PREPARED FOR
ERIC R. LARSON
 144 COVE ROAD
 STONINGTON, CONNECTICUT
 DATED: AUG. 18, 2005



LEGEND

- 2x8 EXISTING SPOT ELEVATION
- 1 — EXISTING CONTOUR
- HTL (3.7) HIGH TIDE LINE
- MHW (1.8) MEAN HIGH WATER
- MLW (-0.9) MEAN LOW WATER

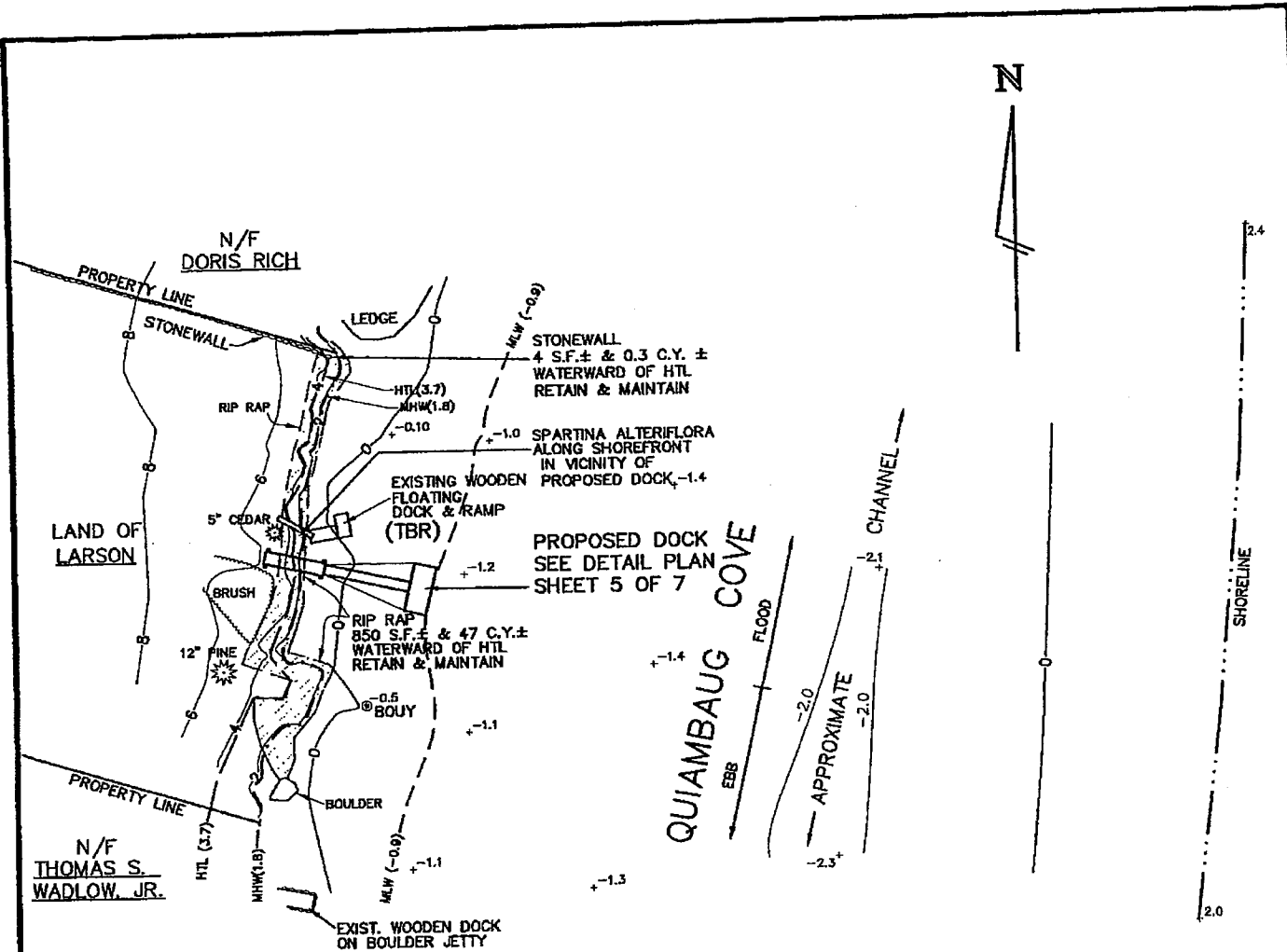
NOTE:
ALL ELEVATIONS REFERENCED TO
N.G.V.D. MEAN SEA LEVEL DATUM.



ANGUS McDONALD / GARY SHARPE & ASSOCIATES, INC.		
<i>CIVIL ENGINEERS • PLANNERS • SURVEYORS OLD SAYBROOK, CONNECTICUT</i>		
DR'N P.S.	CK'D	APP'D
SHEET 3 OF 7 JOB NO. 055106		

REVISIONS:
12-8-05
12-28-05
9-6-06

PLAN VIEW
SHOWING EXISTING CONDITIONS
PREPARED FOR
ERIC R. LARSON
144 COVE ROAD
STONINGTON, CONNECTICUT
DATED: AUG. 18, 2005



LEGEND

- 2x8 EXISTING SPOT ELEVATION
- 1 EXISTING CONTOUR
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NOTE:
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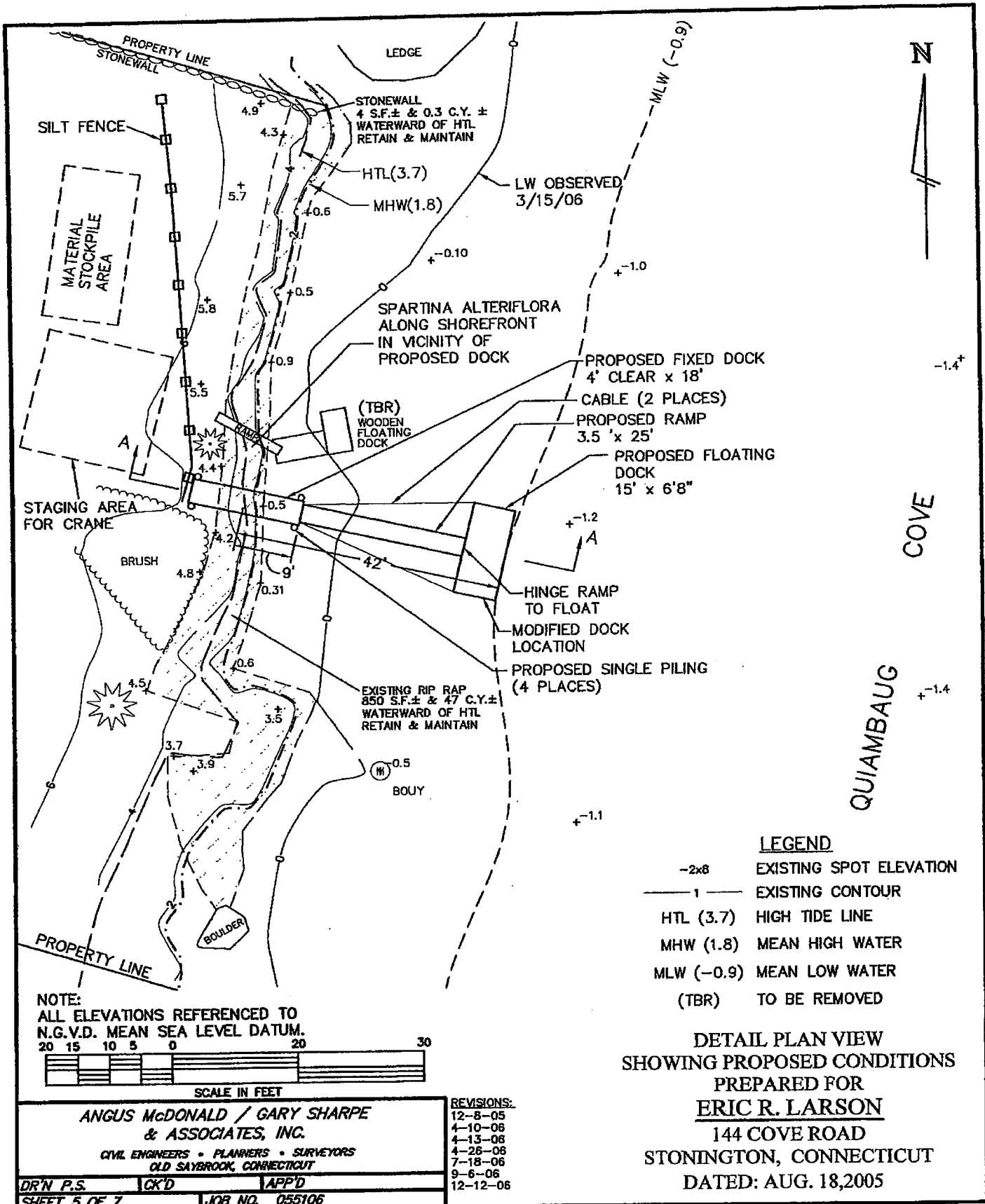
**ANGUS McDONALD / GARY SHARPE
& ASSOCIATES, INC.**

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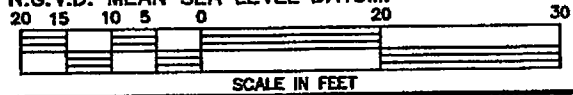
REVISIONS:
12-8-05
12-28-05
4-26-06
7-18-06
9-8-06
12-12-06

PLAN VIEW
SHOWING PROPOSED CONDITIONS
PREPARED FOR
ERIC R. LARSON
144 COVE ROAD
STONINGTON, CONNECTICUT
DATED: AUG. 18, 2005

DR'N P.S. CK'D APP'D
SHEET 4 OF 7 JOB NO. 055106



NOTE:
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DR'N P.S. CK'D APP'D

SHEET 5 OF 7 JOB NO. 055106

REVISIONS:
12-8-05
4-10-06
4-13-06
4-26-06
7-18-06
9-8-06
12-12-06

LEGEND

-2x8 EXISTING SPOT ELEVATION

— 1 — EXISTING CONTOUR

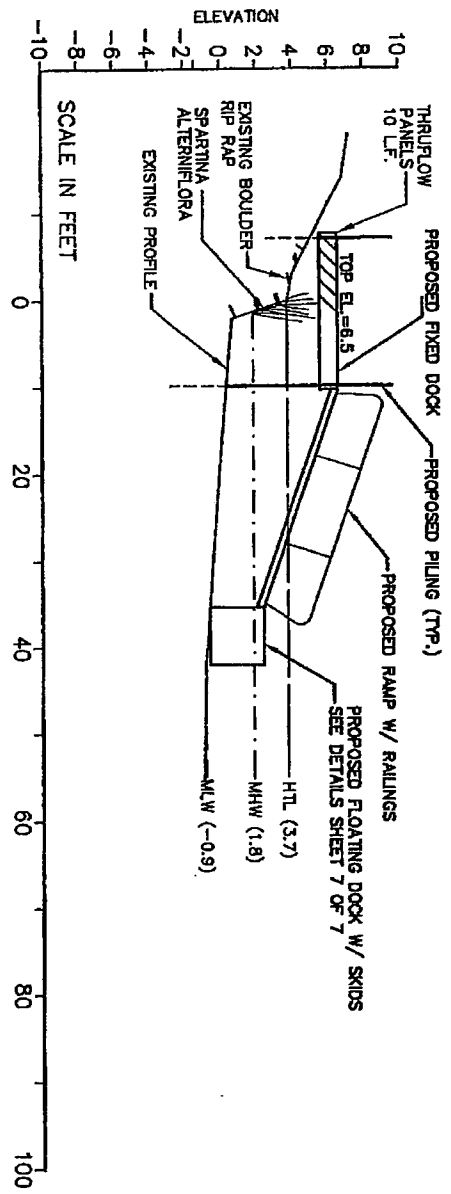
HTL (3.7) HIGH TIDE LINE

MHW (1.8) MEAN HIGH WATER

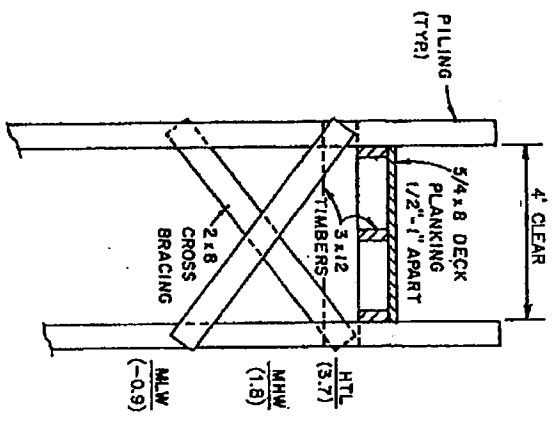
MLW (-0.9) MEAN LOW WATER

(TBR) TO BE REMOVED

**DETAIL PLAN VIEW
SHOWING PROPOSED CONDITIONS
PREPARED FOR
ERIC R. LARSON
144 COVE ROAD
STONINGTON, CONNECTICUT
DATED: AUG. 18, 2005**



CROSS SECTION A-A



FIXED DOCK DETAIL
NOT TO SCALE

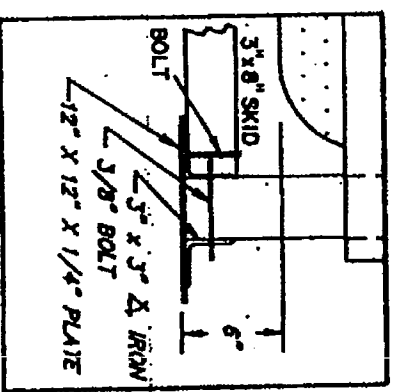
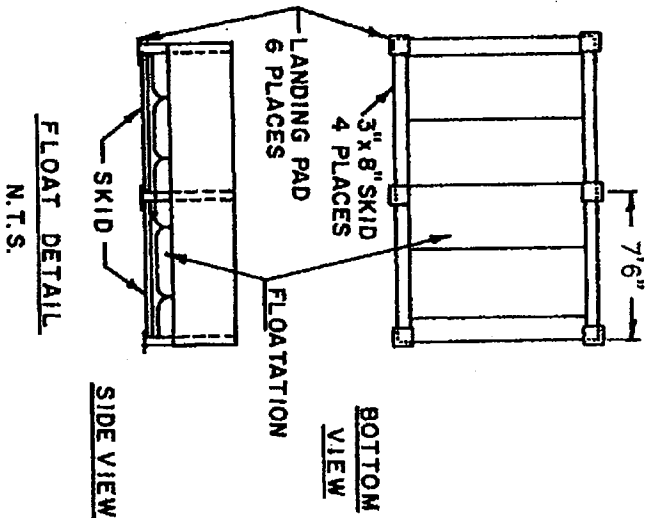
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LEGEND
HTL (3.7) HIGH TIDE LINE
MHW (1.8) MEAN HIGH WATER
MLW (-0.9) MEAN LOW WATER

DETAIL PLAN
PROPERTY OF
PREPARED FOR
ERIC R. LARSON
144 COVE ROAD
STONNINGTON, CONNECTICUT
DATED: AUG. 18, 2005

REVISIONS:
12-8-05
4-26-06
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SHEET 6 OF 7	JOB NO. 055106



DETAIL OF LANDING PAD.
 NOTE: 6 PLACES
 ALL STEEL AND REQUIRED HARDWARE
 TO BE GALVANIZED.

DETAIL PLAN
 PROPERTY OF
 PREPARED FOR
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 144 COVE ROAD
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REVISIONS:

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& ASSOCIATES, INC.	
CIVIL ENGINEERS • PLANNERS • SURVEYORS	
OLD SAYBROOK, CONNECTICUT	
DRN P.S.	APP'D
EX'D	
JOB NO. 055106	
SHEET 7 OF 7	

