

Office of Adjudications

***IN THE MATTER OF*** : ***APPLICATION NO.***  
***200802576-KB***

***RONALD B. HARVEY*** : ***JUNE 17, 2014***

***PROPOSED FINAL DECISION***

***I  
SUMMARY***

Ronald Harvey has filed an application with the Department of Energy and Environmental Protection (DEEP/Department) for a permit to conduct activities waterward of the coastal jurisdiction line in accordance with General Statutes § 22a-361, the Structures, Dredging, and Fill Act. The Commissioner of Energy and Environmental Protection directed that a public hearing on this application be held in accordance with the determination that it would serve the public interest. The parties to this matter are the applicant, DEEP staff, and the intervening parties, Wallacks Point Association, Inc. (WPA) and Christopher Buckley.<sup>1</sup>

The proposed activity consists of repairs to an existing stone groin, the addition of a walkway on top of the existing groin, and the construction of a dock structure extending from the end of the walkway. The dock structure includes a pile-supported pier, a ramp, a pile-supported floating dock, and a pile-supported boat lift. The proposed structure is intended to provide recreational boating access to Long Island Sound at property owned or controlled by the applicant located at 52 Wallacks Drive in Stamford.

The hearing in this matter consisted of prehearing meetings with the parties, site visits conducted at low and high tide, an evening hearing in Stamford for the collection of public comment on the record and several days of continued evidentiary hearings in Hartford for the collection of witness testimony and documentary evidence from the parties. After the conclusion of the hearing and in accordance with the post-hearing directive, the parties filed post-hearing

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<sup>1</sup> Christopher Buckley was granted party status in this matter under § 22a-19 of the General Statutes as an individual and as Trustee of the William F. Buckley, Jr. Revocable Trust. During the course of the hearing, Mr. Buckley's counsel withdrew from this matter at his request. As an intervening party, Mr. Buckley provided direct testimony during the hearing to express his concerns regarding the proposed activity. He did not avail himself of further opportunities to support his opposition or claim under § 22a-19 with legal arguments or specific references to the record in a post-hearing filing. It can be argued he has abandoned his claims by failing to adequately brief them. See *Lane v. Commissioner of Environmental Protection* 136 Conn.App. 136, 159 (2012). However, Mr. Buckley's allegations under § 22a-19 were identical to those made by WPA. Regardless of whether he abandoned his claims, they received full consideration in this decision and the findings and conclusions in this decision apply equally to those claims.

findings of fact and conclusions of law for my consideration and adoption as part of the proposed final decision. WPA filed a summary of its objections to issuance of the proposed draft permit.

I have reviewed the record in this matter, including the documentary evidence, witness testimony, and the public comment. Following this review, I conclude that the applicant, through the presentation of substantial evidence, has demonstrated that the proposed activity, if conducted in accordance with the proposed draft permit as modified by this decision, complies with the relevant statutory and regulatory requirements, namely the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363) and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through 22a-112).

The joint submission provided by DEEP and the applicant is generally supported by the hearing record. Although the joint findings are not adopted in their entirety, this decision incorporates portions of the joint submission while combining and reformatting certain findings based on my review of the record and my determination of which joint findings I found relevant and necessary to support my decision. In addition, I have made some additional findings based on witness testimony and documentary evidence to further support the conclusions of law.<sup>2</sup> The applicant has demonstrated that the proposed dock structure and its component parts, if constructed in compliance with the proposed permit terms and conditions as modified by this decision, would comply with the applicable statutes and regulations. I therefore recommend issuance of the proposed draft permit (Attachment 1) with the modifications recommended by this decision.

## ***II DECISION***

### ***A FINDINGS OF FACT***

1. The activities proposed in the application will occur at property owned by the applicant at 52 Wallacks Drive in Stamford, Connecticut (the "Property"). The Property is approximately 1.83 acres in size and is currently developed with a house, garage, and other accessory structures. The Property borders on Cove Harbor, a tidal, coastal or navigable water of the State that is part of the nearshore waters of Long Island Sound. (Exs. DEEP-H-18, HARVEY-1, 2, 17, 18.)

2. There are no previous permits or certificates issued by the DEEP that authorized work waterward of the High Tide Line ("HTL")<sup>3</sup> at the Property, and the Property has not been the subject of a DEEP enforcement action for unauthorized activities waterward of the HTL. Notice of the application was provided to all required parties at the time it was filed, including the Mayor of the City of Stamford and abutting property owners. (Exs. DEEP-H-1, 17, 18, HARVEY-9.)

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<sup>2</sup> The joint submission is not attached to this document because I have elected not to refer directly to it.

<sup>3</sup> At the time the application was filed, the term high tide line was defined in statute at General Statutes § 22a-359(b). A statutory amendment effective October 1, 2012 replaced the term "high tide" line with "coastal jurisdiction line." The statutory change does not impact these findings.

3. In the northeast corner of the Property, there is a stone groin that was installed prior to 1934, which extends into the waters of Cove Harbor from an existing stone seawall to the Mean Low Water line ("MLW") (the "Groin"). The Groin is approximately 120 feet long with a width varying between 15 feet and 19 feet and a top elevation varying from +11.0 feet at its landward end to approximately +2.6 feet on its waterward end. The Groin is composed of large stones, with a median size of approximately 4 feet in diameter. The Groin is in reasonably good condition with some displacements along the inshore end of the structure. Approximately 20 linear feet of the landward portion of the Groin is covered by sand, with its top elevation at or near the existing beach elevation. (Exs. DEEP-H-18, DEEP-HM-63, 64, HARVEY-13, 14, 31 (W.F. Bohlen. Prefiled Test.), p. 5, lines 16-18; test. A. Sleicher, 9/4/2013, pp. 90-92, E. Ciampini, 9/4/2013, pp. 175-177, K. Bellantuono, 9/6/2013, pp. 174-180, 182.)

4. The Groin still functions as intended. While some stones have fallen off the structure, it has maintained its basic shape. A review of the historic aerial photographs indicates that there has been no significant change in the beach on either side of the Groin over the years. (Exs. HARVEY-29, 31 (W.F. Bohlen Prefiled Test.), p. 11, lines 1-5; test. A. Sleicher, 9/4/2013, pp. 91-92, A. Kreuzkamp, 9/10/2013, p. 155.)

5. The original application was submitted on behalf of the applicant by Ocean and Coastal Consultant (OCC) on October 30, 2008. The original proposal requested to reconstruct and modify the existing groin over its entire length of 120 feet. This would require the placement of new stone on the waterward portion of the Groin to bring it up to an elevation consistent with the more landward portions of the Groin. The structure would then be modified by laying a concrete slab on top of the Groin to bring the finished elevation of the Groin to +7.0 feet. At the terminus of the reconstructed and modified groin, the applicant proposed to install an aluminum ramp to pile-supported floating measuring 8 feet by 20 feet dock and a pile supported boat lift. (Ex. DEEP-H-1; test. A. Sleicher, 9/4/13, pp. 110-111.)

6. As part of the initial application, the applicant submitted a wind and wave analysis justifying the need for a floating dock measuring 8 feet by 20 feet, as opposed to a smaller dock of 100 square feet, due to concerns about safety of the smaller float under the wave conditions at the Property. The DEEP found the justification for the larger float to be acceptable. (Exs. DEEP-H-1, 18; test. A. Sleicher, 9/4/2013, pp. 100-103, 9/6/2013, pp. 54-59, E. Ciampini, 9/4/2013, pp. 170-171, K. Bellantuono, 9/6/2013, p. 193.)

7. On October 26, 2010, the DEEP issued its "fee letter", requesting more information on the project, alternatives, and possible modifications or revisions to the proposal set forth in the Application. The issuance of the fee letter is a normal step in the processing of a coastal permit application and the letter contains standard language that is not a denial or tentative denial of the application. (Ex. DEEP-H-7; test. A. Sleicher, 9/4/2013, pp. 114- 117, E. Ciampini, 9/4/2013, p. 172, M. Ludwig, 9/6/2013, p. 110, K. Bellantuono, 9/6/2013, pp. 185-189, 229-230.)

8. OCC submitted a response to the fee letter that included revisions to the original design of the regulated activities, on June 27, 2011. The fee letter response also included analysis of alternatives to the pier, ramp, and dock. The DEEP was satisfied with the contents of the

response. (Exs. DEEP-H-12, 18; test. A. Sleicher, 9/4/2013, p. 121, E. Ciampini, 9/4/2013, pp. 181-182, M. Ludwig, 9/6/2013, p. 137, K. Bellantuono, 9/6/2013, pp. 193, 239-240.)

9. The design provided with the fee letter response includes reconstruction and modification to fifty-five feet of the Groin. Loose stones will be replaced and the Groin will be capped with a stone wall and concrete walkway to bring the level of the finished walkway to an elevation of +7.0 feet. At the end of the concrete and stone walkway, the applicant proposes to build a 45-foot pier to MLW supported by three 16-inch mono-piles. At the end of the pier, the applicant will affix a 32-foot aluminum gangway that proceeds to the 8' x 20' floating dock that will be supported by four 12-inch steel piles. The boatlift extends approximately thirteen additional feet and will also be supported by four 12-inch steel piles. There will be no modification of the first 25 feet of the Groin that extends from the seawall and is currently covered by sand. (Exs. DEEP-H-12, 18; test. A. Sleicher, 9/4/13, pp. 119-20, 9/11/13, pp. 91-92.)

10. Changes to the Groin repair and modification to the dock proposal were made to minimize the amount of fill below the HTL by replacing a portion of the stone/concrete walkway, as originally proposed, with a pile-supported pier, and thus reducing the potential impacts to coastal resources. (Exs. DEEP-H-12, 18; test. A. Sleicher, 9/4/2013, pp. 120-121, 9/6/2013, pp. 60-61, E. Ciampini, 9/4/2013, pp. 173-174, K. Bellantuono, 9/6/2013, pp. 195-196.)

11. Because the fixed pier portion of the dock is 45 feet long, if Harvey had proposed a dock of standard design, as opposed to steel mono-piles, it would require four pairs of piles, or a total of eight piles for the pier. The use of three mono-piles, rather than standard piles, is a reduction of 62.5 percent of the presence of structure in the waterway associated with the pier. (Ex. HARVEY-30 (M. Ludwig Prefiled Test.), p. 12, lines 11-23.)

12. Designing the pier to be incorporated into the Groin out to MLW and embedding the pier piles in the rocks within the Groin was done at the request of the DEEP. Doing so minimizes the footprint of structures in the area, particularly within the public trust area, and minimizes impacts on the benthic environment and the beach face because fewer piles are needed than would be the case if an entirely new dock structure was to be constructed on the beach. It also further minimizes the environmental impacts associated with the pier and creates a micro-habitat. (Exs. HARVEY-30 (M. Ludwig Prefiled Test.), p. 12, lines 11-23, p. 14, lines 10-15, HARVEY-31 (W.F. Bohlen Prefiled Test.), p. 13, lines 5- 12; test. A. Sleicher, 9/4/2013, pp. 92-93, 9/6/2013, p. 66, 67, E. Ciampini, 9/4/2013, pp. 195-196, M. Ludwig, 9/6/2013, pp. 149-155, 166; K. Bellantuono, 9/6/2013, p. 196, 9/11/2013, pp. 108, 109-110.)

13. The floating dock is designed with float stops, so that the float is elevated 18 inches from the bottom in all conditions. The float stops were incorporated into the design as part of the project approval by the U.S. Army Corps of Engineers under the Programmatic General Permit. The applicant will also comply with the Army Corps requirement that all work be conducted behind a turbidity curtain or silt fence. (Exs. DEEP-H-15, 17, 18; test. A. Sleicher, 9/6/2013, p. 48, E. Ciampini, 9/4/2013, pp. 188-189, M. Ludwig, 9/6/2013, pp. 131-132, 136-137, K. Bellantuono, 9/6/2013, pp. 198, 213.)

14. The coastal environment in the vicinity of the proposed activity is comprised of beach, developed, shorefront, and nearshore waters. The surface sediments on the beach are coarse-grained gravels to pebbles with fine gravel sands on the upper beach. Although the intertidal area is exposed, it does not meet the definition of a true intertidal flat due to the lack of silts on the site. There are no tidal wetlands present that will be impacted by the proposed activity. (Exs. DEEP-H-1, 17, 18, HARVEY-31 (W.F. Bohlen Prefiled Test.), p. 5, lines 8-18; test. A. Sleicher, 9/4/2013, p. 82-85, 145, E. Ciampini, 9/4/2013, p. 177, M. Ludwig, pp. 111-113, K. Bellantuono, pp. 209-210.)

15. The DEEP Bureau of Natural Resources maintains a Natural Diversity Data Base (NDDDB) listing species in Connecticut noted as species of special concern, threatened species, and endangered species. As part of the application process, the applicant sought review of the NDDDB for listed species in the general vicinity of the proposed facility on two occasions. During the second NDDDB review in 2011, two avian species listed in the NDDDB, the American Oystercatcher, the Brown Thrasher, were noted to occur in the vicinity of the proposed dock. The American Oystercatcher is a threatened species and Brown Thrasher is a species of special concern. The Common Tern is also a species of special concern that does not typically nest in areas off the shore of Stamford. The subject property does not provide nesting habitat for any of these species. The shoreline areas on the subject property are not viable nesting areas for the American Oystercatcher and the Common Tern because they are covered by water during the higher end of the tidal cycle. The American Oystercatcher and Common Tern generally nest on offshore islands. The only potential nesting area for these shoreline species near the property is on Vincent Island. There have been limited instances of these species nesting on Vincent Island. Shore birds, including the American oystercatcher and Common Tern can use the intertidal area for foraging. The Brown Thrasher is an upland species not associated with a beach or dune habitat and relies on dense thickets for nesting habitat. During construction, the time restriction within the permit terms is protective of these species during periods in which they nest even though suitable nesting habitat does not exist on the property. The proposed dock will not impact any habitat of these three species. Common Terns and American Oystercatchers may use the proposed structure for roosting or loafing when it is unoccupied. (Exs. DEEP-H-1, 13, 20, HARVEY-19, 20 30 (M. Ludwig Prefiled Test., p. 11, line 8- p. 12, line 2), HARVEY-32 (T. Baptist Pre-filed test., pp 7-9); test. A. Sleicher, 9/4/2013, pp. 132-133, T. Baptist, 9/6/13, pp. 28-29, 34, 37, K. Bellantuono, 9/6/2013, pp. 189-192, J. Dickson, 9/9/2013, pp. 71-73, 83-84.)

16. The proposed structure and its construction will have no impact on finfish or marine turtle species. Finfish and marine turtles will avoid the area during construction and will avoid the structure and occupants once the pier and dock are constructed. (Exs. DEEP-H-17, 18; HARVEY-30, (M. Ludwig Prefiled Test.), p. 10, line 23, p. 11, line 1 p. 13, lines 1-3, line 21, p. 14, line 1; test. K. Bellantuono, 9/6/2013, p. 211.)

17. The proposed project would have no significant impact on shellfish species. Shellfish, especially oysters, may utilize piles as attachment points. Some shellfish mortality could occur during pile-driving activities associated with the project's construction. The area is currently closed to shellfishing due to toxicity issues related to upstream water quality in Holly Pond. The public is advised not to consume shellfish from closed areas. The draft

permit required that signs be placed on the pier advising the public that the area near the proposed structure remains available public access to shellfishing in the area. A sign clarifying that the public should not consume shellfish found in this area is more appropriate. (Exs. DEEP-H-16, HARVEY-10, 11, 30 (M. Ludwig Prefiled Test.), p. 9, line 10, p. 10, line 8, p. 13, lines 4-6, p. 14, lines 16-18; test. K. Bellantuono, 9/6/2013, p. 200. M. Ludwig, 9/6/2013, pp. 116-118, 121, 124 140.)

18. The area of Cove Harbor in the vicinity of the proposed structure is modified by residential structures, seawalls, groins, and landscaped areas. (Exs. HO-1, DEEP-H-18, DEEP-HM-63, 64, HARVEY-2, 24; test. A. Sleicher, 9/4/2013, pp. 94-95, K. Bellantuono, 9/6/2013, pp. 174-180.)

19. The eastern side of Cove Harbor has a navigation channel leading to the Cove Island Park Marina (the Marina). The navigation channel is 697 feet away at its nearest point from the waterward end of the structures proposed in the Application. The proposed structure will not interfere with navigation in the proposed channel and will not interfere with anyone navigating between the channel and the location of the proposed structure. (Exs. DEEP-H-17, HARVEY-18; test. A. Sleicher, 9/4/2013, pp. 137-138.)

20. Cove Island Park (the "Park"), the southern boundary of which runs along the northern shore of Cove Harbor, is an 80-acre municipal park owned by the City of Stamford. Adjacent to it is Holly Pond, a coastal pond. There is a wildlife sanctuary (the "Sanctuary") within the southern portion of the Park, bordering on Cove Harbor, that has been designated as an Important Bird Area ("IBA") by the National Audubon Society ("NAS"). The Sanctuary serves to attract some migratory bird species as they cross Long Island Sound during both spring and fall migrations, but it is not suitable for all migrant bird species. The park also includes the Marina with approximately two hundred boat slips, a boat launch, public beach, recreational ball fields with lights, a skating rink facility and a paved parking area to accommodate its guests. This municipal park has not had an adverse impact upon the Sanctuary relative to bird habitat or affected its status as an IBA. (Exs. HO-1, HARVEY-32 (T. Baptist Prefiled Test.), p. 5, lines 12-16, p. 7, lines 1-4; test. A. Sleicher, 9/4/2013, p. 96, J. Dickson, 9/9/2013, p. 70, D. Winston, 9/9/2013, pp. 151-152.)

21. In Cove Harbor, longshore littoral sediment transport moves from the south to the north along the western shoreline of the cove. Because there is relatively little fresh source material along the existing shoreline for Cove Harbor, there is typically little movement of sand and shoreline change is slow. Structures in Cove Harbor, like the Groin, segment the beach and interrupt the longshore transport in order to stabilize individual beaches. As such, there are fillets of sand on the south side of these groins, while the north side of the groins typically have more cobble and stone. (Ex. HARVEY-31 (W.F. Bohlen Prefiled Test.), p. 5, line 18- p. 6, line 1, p. 7, line 7, p. 8, line 2; test. A. Sleicher, 9/4/2013, pp. 91-92, W.F. Bohlen, 9/6/2013, pp. 21-22, A. Kreuzkamp, 9/10/2013, pp. 45-46.)

22. The beach along the shoreline of Cove Harbor Park is relatively stable, indicating a balance between the sediments supplied by the littoral sediment transport regime and those lost to the channel for the Marina. The effects of groin structures along the western shore of Cove

Harbor appear to have had little effect on the beach at Cove Island Park. (Exs. HARVEY-27, 31 (W.F. Bohlen Prefiled Test.), p. 7, line 7, p. 8, line 2.)

23. A 63-foot encroachment past mean low water is necessary to reach an adequate water depth for boating access. Based on the analysis OCC performed prior to submitting the Application, the grade elevation at the proposed floating dock location is -4.2' (1.3' below the MLW elevation of -2.9') and -4.6' at the boat lift (1.7' below MLW). As such, this analysis shows that at low tide there will be 20.4" of water at the boat lift and 15.6" of water at the float, which is the minimum allowable water depth needed to make reasonable use of the dock and within the standard allowed by the DEEP. Having the structure available during more of the tidal cycle will ultimately reduce the amount of potential adverse impacts. If the float and boat lift were not in sufficient water depth and Harvey had to bring the boat in at a MLW, there could be more bottom impact by prop scour and other mechanisms. Having sufficient water depth will avoid those impacts. Water depths in this area can fluctuate over time given the potential influence of wave and storm activity. (Exs. DEEP-H-17, H-18; test. A. Sleicher, 9/4/2013, pp. 97-99, 131-132; E. Ciampini, 9/4/2013, pp. 186- 187, K. Bellantuono, 9/6/2013, pp. 212-213, 219, A. Kreuzkamp 9/10/13, pp. 58-59, 103.)

24. The Groin is an existing hindrance to public access along the shoreline of the Property between MHW and MLW, but people pass either around the Groin at or above the MHW line where the grade of the beach is at or near the elevation of the Groin, or around the waterward end of the Groin. There will be no significant change to historic or current public access along the shoreline of the Property in the future. Public access around the landward end of the Groin will be maintained after the construction is completed on the Proposal. The public will be able to cross over the landward end of Groin in the same manner as they currently do. Adding the pier over the waterward end of the Groin does not change current public access along the shoreline of the Property because the Groin height in that area is such that it currently interferes with public access all the way to MLW. The addition of a ramp and float off the proposed pier below MLW does not affect public access because the pier and ramp is elevated +10.6 feet above the substrate so that people can still pass around the waterward end of the Groin under the proposed structure at the lower end of the tidal cycle. (Exs. DEEP-H-17, 18, HARVEY-13, 13D, 14; test. A. Sleicher, 9/4/2013, pp. 141-144, E. Ciampini, 9/4/2013, p. 191, 9/6/2013, pp. 92-93, K. Bellantuono, 9/6/2013, pp. 194-195, 9/9/2013, pp. 9-10, 17, 24.)

25. The applicant examined several alternatives to the proposed structure all of which were challenged by unnecessary impact to resources or the lack of sufficient water depth for berthing a vessel of any size. Placement of the pier in the middle of the property and the additional piles necessary to support the structure was determined by DEEP to be unnecessary given the availability of the Groin to be used to support the walkway for fifty five feet before connecting with the fixed pier. Movement or reorientation of the lift will sacrifice needed depth and impact reasonable use of the dock without significant gain to coastal resources. Even with the proposed location, the water depth may not be sufficient to allow access to the water at all tides. Shallow water depths in Cove Harbor just offshore of the Property, as well as the fact it is an unsheltered area subject to wind-generated waves, preclude the use of a clothesline or traditional mooring. Much deeper water would be needed for a mooring to operate as a feasible alternative to the proposed dock. The two areas of Cove Harbor where there is 4 feet of water at lower low tide are

not suitable areas for a permanent mooring. One is too close to the western boundary of the channel into the Marina and the other, in the southern area of the cove, is too close to shallow and foul areas to the north and south. Due to the presence of rocks and shoals, there are no areas in the vicinity of the Property that are appropriate to use for a mooring as an alternative to a dock. Also, because the Cove Harbor tidal range is in excess of 7 feet, Harvey would need at least three times or more of that length for the scope of a mooring chain. The swing radius of a boat on a mooring in the southern region of Cove Harbor would cover over 11,000 square feet (1/4 of an acre) of public trust waters. Such an excessive swing radius would allow the mooring chain to drag on the bottom during periods of low water, thus impacting the benthic environment or allowing the boat to ground. Lastly, any member of the public may apply to the harbormaster for a mooring permit, which are issued on an annual basis and can be lost by the permittee if he fails to renew. Since a mooring permittee must only have legal access to the water and need not be a waterfront property owner to obtain a mooring permit, having a mooring is not equivalent to the littoral right to have a dock. (Exs. DEEP-H-7, 12, 18, HARVEY-18, 30 (M. Ludwig Prefiled Test.), p. 15, lines 1-19; test. A. Sleicher, 9/4/2013, p. 125-127, 9/11/2013, pp. 29-30, 33-34, 89, E. Ciampini, 9/4/2013, pp. 94-97, 184-185, 188, A. Kreuzkamp, 9/10/2013, pp. 130, 140-141, 144, 146-147, 160-161.)

26. There will be no adverse environmental impacts as a result of the Proposal as tentatively approved by DEEP. The only permanent impacts are minor, localized disruptions to the water column as the water moves past the piles and to the waves due to the presence of the float. All other impacts from the Proposal are localized, temporary and short-lived due to pile-driving and reconstructing stone Groin structure, and will be mitigated by erosion and sedimentation control measures. After construction is complete, the beach would return to its pre-existing condition within a few tide cycles, and the wildlife populations in and around the Groin would take no more than 17 months to reestablish themselves. (Exs. DEEP-H-17, 18; test. A. Sleicher, 9/4/2013, pp. 148-149, 153- 154, E. Ciampini, 9/4/2013, pp. 192-193, M. Ludwig, 9/6/2013, pp. 139- 141, K. Bellantuono, 9/6/2013, p. 209, J. Dickson, 9/9/2013, p. 84.)

27. The DEEP does not have any requirement that establishes a setback from a littoral boundary for docking structures. Rather, in applying the applicable statutory criteria in General Statutes § 22a-359(a) that docks be regulated with "proper regard for the rights and interests of all persons concerned," the DEEP seeks to ensure that any structure it permits neither encroaches on nor has an adverse impact on an abutting property owner's littoral area or littoral access rights. The DEEP determined that the Proposal would do neither because of the expanse of open shoreline available to the east on the Buckley property should the current or any future owner apply to place a structure on that property. (Ex. INT-30; test. A. Sleicher, 9/6/2013, p. 74, K. Bellantuono, 9/6/2013, p. 196, 213-214, 236, 9/9/2013, pp. 19-20, A. Kreuzkamp, 9/10/2013, pp. 189-190.)

28. In balancing the numerous considerations it must consider when deciding whether to approve a docking structure, the proximity to an abutting property's boundary line is just one factor. Given the presence of the Groin, the DEEP determined that incorporating the dock into the Groin, to utilize an area that had been previously disrupted and impacted, resulted in a structure that has the most minimal environmental impact and the least encroachment into the public trust area, without adversely impacting Buckley's littoral rights. Assuming the Proposal is



constructed, it is possible to design and construct a dock at the Buckley Property that would provide Buckley with reasonable access to Cove Harbor and such that there would be no navigational or littoral conflicts between Harvey and Buckley. (Test. K. Bellantuono, 9/6/2013, pp. 196-197, 9/9/2013, pp. 18-21, 28, A. Sleicher, 9/6/2013, pp. 42-43, 59-60, M. Ludwig, 9/6/2013, pp. 13, G. Kreuzkamp, 9/10/2013, pp. 191-192.)

29. The Proposal will have an insignificant effect on the sediment transport regime in Cove Harbor. The Proposal is too small relative to the entire basin for there to be anything other than a local effect. The Proposal will have no adverse impact on the Cove Harbor sediment transport regime. The three mono-piles proposed to support the pier, as opposed to the eight that would be required for standard construction, reduces the overall cross-sectional area that the wave field is going to encounter as it is coming in toward shore. Those three piles, and the piles that support the float and boat lift, are basically in line with the incoming wave field, thus making them essentially invisible to the wave field. The waves are going to move by the piles, and the sediments that are suspended by the waves are going to similarly move by the piles with resuspension and/or deposition confined to the immediate vicinity of the pile. The flow of a wave past a pile produces a wake, but the wake extends probably on the order of two to three pile diameters downstream of the pile, so the effects for the piles that support the float and boat lift, if there is any effect at all, would be immediately proximate to the base of a pile where there might be a small depression in the sea bed, but it would have no significant impact on the regional sediment transport regime. The piles that support the pier would have no impact because they are imbedded in the Groin. As a result, there will be no measureable effect of the proposed piles on the regional sediment transport regime. (Ex. HARVEY-31 (W.F. Bohlen Prefiled Test.), p. 8 line 15, p. 9, line 1-2, p. 10, line 9; test. W.F. Bohlen, 9/6/2013, p. 23, G. Kreuzkamp, 9/10/2013, pp. 157-158.)

30. The structural steel and pilings for the float and boat lift are designed to withstand the 100-year (1% occurrence) storm. The stone and concrete walkway is designed to withstand storm waves. The floating dock, ramp, and the boat cradle components, as well as the decking and railings, are not designed to withstand the 100-year storm, but the float, ramp, and boat can be removed when a storm is predicted, and the lift can be lowered to below the wave height to minimize damage. The ramp could be rolled up on to the pier and the float could be floated to the Marina and towed up the boat launch there. The ramp and float components of any residential dock are not expected to withstand a 100-year storm. (Test. A. Sleicher, 9/6/2013, p. 46-49, 53, 76, 9/11/2013, p. 100-101, E. Ciampini, 9/4/2013, p. 180-181, A. Kreuzkamp, 9/10/2013, p. 163.)

***B***  
***CONCLUSIONS OF LAW***

***I***  
***SUMMARY***

The activity proposed in the application as conditioned by the proposed draft permit is regulated by the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363) and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through

22a-112). The overall regulatory framework requires a balancing of interests and requires applicants to minimize impacts to coastal resources. Overall, the proposed project meets the requirements of the referenced statutes. The proposed activity will provide the applicant with reasonable access to the water while balancing the limitations presented by the site with any resource and navigational impacts associated with placing a structure in the intertidal area. The application and evidence presented during the hearing supports the assertions that the stated need for improved recreational boating access from the upland has been achieved while minimizing impacts to coastal resources, including wildlife, navigation, and coastal sedimentation and erosion patterns.

The evidence, including documents and testimony support approving the application and issuing the proposed permit with the modifications provided in the joint submission and this decision. The record supports the factual findings and conclusions based on those findings that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following applicable policies regarding coastal resources management.

## 2

### ***APPLICABLE LEGAL STANDARDS***

#### ***a***

#### ***§22a-359 – Structures, Dredging and Fill Act***

General Statutes § 22a-359 requires the department to give due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding, the use and development of adjoining uplands, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.

#### ***b***

#### ***§ 22a-92 – Coastal Management Act***

The Coastal Management Act, General Statutes §§ 22a-92 to 22a-111, includes several general policy statements and requirements regarding the management of Connecticut's coastal resources and the review of proposed structures in coastal areas, including:

- i. § 22a-92(a)(1), which requires that the development, preservation or use of the land and water resources of the coastal area will 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;
- ii. Section 22a-92(a)(2), which requires the preservation and enhancement of coastal resources;

- iii. Section 22a-92(a)(3), which requires that high priority and preference be given to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;
- iv. Section 22a-92(b)(1)(D), 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;
- v. Section 22a-92(b)(2)(F), which requires the management of coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses;
- vi. Section 22a-92(b)(2)(I), which requires the regulation of shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources;
- vii. Section 22a-92(c)(2)(A), which sets forth policies concerning coastal land and other resources within the coastal boundary, including the 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.

### 3 *ANALYSIS*

In light of the overlapping statutory requirements, my analysis of the proposed structure's compliance with the applicable statutes focuses on the major topics highlighted within the exhibits and testimony in the record and the post-hearing filings.

#### *a* *Impact to wildlife*

There is substantial evidence in the record that the application underwent sufficient review by the DEEP staff in its Wildlife Division through the Natural Diversity Database (NNDDB) review. The identification later in the application process of the American Oystercatcher and the Brown Thrasher as NNDDB-listed species in the vicinity of the proposed structure led to a seasonal restriction being placed on any construction. Although testimony indicated any impact was unlikely based on the actual nesting habitat of those species, the seasonal restriction on construction ensures any impacts to these species will be avoided during the construction of the proposed pier. The maintenance and use of the pier in this location will not have an overall impact to the wildlife in the immediate vicinity of the proposed pier or in the CIWS. The lack of impact to the CIWS from the intensive use of the neighboring Cove Island Park and Marina is notable. The proposed structure is a considerable distance from the CIWS. The addition of this structure and its potential use by a single motorized vessel and various

paddle craft will not disrupt the CIWS given the current level of activity in this area that stems from the heavily utilized public park and marina.

*b*

***Impact to sedimentation and coastal circulation patterns***

Because this is a pile-supported structure, the evidence demonstrated that it will have minimal impact on circulation of sediments and littoral drift limited in extent to the surface area of the piles and the small amount of scouring that can occur at the base of a piling during the ebb and flow of the tide. Currently existing groins are designed to and have more significant impacts on the circulation and deposition of sediments and sand. This will remain unchanged by the proposed structure.

The intervening parties' belief that the groin's reconstruction around the piles and its elevation to support the proposed walkway will significantly alter the operation of the existing groin is speculative and not sufficiently supported by the evidence. The existing groin currently allows sand to build up on its southwestern side. It was not demonstrated that the movement of stone to the top portion of the groin and placement of the walkway would significantly alter the transport of sediments to neighboring properties or significantly change the function of the existing groin.

*c*

***Impact to navigation***

The record demonstrates that there is a sufficient distance between the proposed structure and the navigational channel that supports access to Long Island Sound from the public marina. There is sufficient space underneath the proposed pier and a portion of the ramp to allow continued access at the waterward extent of the groin for kayaks and other paddle vessel during the higher range of the tidal cycle. The distance between the floating dock and the navigational channel presents sufficient room for these smaller craft to navigate the cove and avoid conflict with larger powered vessels.

*d*

***Interference with public trust rights***

The proposed structure does not interfere with the rights of others in any manner that warrants a denial of the proposed permit based on the statutory and regulatory criteria available to the agency. Although there are no pier and dock structures at other properties in the cove near Wallacks Drive, presence of this new residential dock in a developed residential area and its alteration of the view from private residences alone do not represent an impact on coastal resources warranting the proposed structure's denial. Personal preferences or matters of taste also do not control the Department's determination on a waterfront property owner's right to seek permission to build a structure that provides reasonable access to the water. The fact that other individuals in the area would not pursue such a course of action if left the choice is not grounds for denial.

There is clear consensus in the record that permitting these structures requires a balancing of interests. Such a balance is the only way to respect a waterfront owner's "right" to wharf out

while also requiring that impact to coastal resources and areas held in the public trust be minimized pursuant to applicable statutes, regulations and policies. See *Bloom v. Water Resources Commission*, 157 Conn. 528, 533 (1969). The department has set guidelines on the length a structure can extend beyond the mean low water line as a starting point for achieving this balance. In this case, the lack of depth necessary to support the intended use required an extension beyond this recommended length. However, this extension beyond the DEEP guideline is permissible because it does not disrupt the balance of interests to be achieved. Although the structure is slightly longer than the provisions within the DEEP guidelines, the extension is necessary because it allows reasonable access to the water by moving the berthing location to deeper water without additional impact of any significance to any resources or navigation. The extent of the fixed pier as proposed also allows continued public access around the waterward end of the Groin. Finally, the record indicates that public access on the landward portion of the groin will be unaffected. It is critical that this access around both ends of the Groin continue as passage over the historic structure in the intertidal area is and will remain difficult.

The intervening parties provided no evidence of environmental impacts from the additional encroachment beyond mean low water. They seek to argue on both sides of the scale. In one instance, they express concerns about the length of the structure and its extension beyond the guidelines yet they are also concerned with the fact that the structure will not provide universal access at all tides. The intervening parties want the application denied because it cannot meet both interests. Such an approach would be acceptable if the statutes provided a check list rather than the balancing of interests reflected in the law that governs my review of an application for a residential dock structure. It is clear that the diversity of interests within the applicable statutes requires a balancing of these interests with a focus on minimizing impacts to coastal resources and navigation. The construction of a structure over the inter-tidal area to gain access to navigable waters from the upland is understood to be an acceptable exercise of one's littoral rights if impacts to navigation and coastal resources are sufficiently minimized in compliance with the applicable statutes, regulations, and policies. See *Id.* at 536 (littoral rights can be subject to reasonable exercise of police power in the interest of the public welfare).

The record indicates that the permission to be granted to the applicant respects the balance to be struck between his rights to reasonable access to navigable water and the interests related to coastal resources and navigation. I am not allowed to determine whether this should be done based on some unspecified and subjective standard of neighborly ethics not found in the law. The law clearly allows for these structures as long as impacts to coastal resources are closely considered and can be minimized. The record in this case, including the application materials and the proposed draft permit, demonstrate that the required balance was achieved.

It is true that a dock at this location cannot be built to provide universal access to the water at all tides and remain respectful of the necessary balance. That is a limitation of the property and does not equate to a limitation on the property owner's right to build a reasonable structure to provide access to the water from the upland. The applicant, in attempting to achieve the necessary balance to receive a permit, did not seek to extend the structure to the deeper water of the navigational channel. Instead, he has accepted these limitations and understands they dictate that prudence be used in the berthing of any vessel at the structure.

The NOAA documents submitted by the applicant indicate a minimal increase in water depth at the location of the proposed lift while the intervening parties submitted an additional document that warns of inaccuracies when using the NOAA tool. I understand that there are

potential inaccuracies identified by NOAA; therefore, my conclusions do not turn on the additional two inches of depth indicated by the NOAA tool. The pivotal finding is not how deep the water actually is but whether there is sufficient depth to support the intended use and provide reasonable access without causing undue impact to other interests, including navigation. The depth of the water may limit the ability to get on and off the lift during the lowest ends of the tidal cycle. Mr. Kreuzkamp's testimony regarding INT-167 indicates that he was not attempting to provide accurate depth measurements at the berthing location but rather evidence that this area is subject to tidal forces that could cause fluctuations in the available water depths. Again, this is cause for the applicant to carefully consider the type of vessel to be berthed at the proposed structure given the potential for water depths in the area to fluctuate, but is not a reason to deny the application. The impact from the installation of four additional piles to support the boat lift is reasonable given that the lift will prevent contact between the bottom of the boat and the substrate especially when balanced against the consequences to navigation if the dock is extended further into the waters of Long Island Sound to attempt to reach deeper water.

*e*

### ***Interference with rights of adjacent property owners***

The intervening parties point to the potential inaccuracies of the littoral boundary lines drawn on permit plans by the applicant as a reason for denial. This decision is not based on the drawing of those lines but on an understanding of the law applicable to littoral boundaries and the influence it should have in this proceeding. The proximity to the littoral boundary would be of more significant concern if the abutting property owner already had a defined or limited area on his shorefront for accessing navigable water. The area from which Mr. Buckley can access the water is virtually unlimited along his entire waterfront. DEEP staff is charged with balancing interests of abutting owners with the impacts associated with construction of a residential dock facility. Staff chose to require use of the existing groin structure rather than permitting additional piles and an elevated pier over the beach. Although this area near the existing groin is closer to the littoral boundary, there is no demonstrated impact to littoral rights that would give cause to deny the application. "More importantly, the defendant was in no way prevented from building wharfs and obtaining access to deep water from docks in front of its own property. That access is the most important consideration in setting littoral boundary lines." *DelBuono v. Brown Boat Works, Inc.*, 45 Conn. App. 524, 539-40, *cert. denied*, 243 Conn. 906 (1997). Only a court can truly determine the littoral boundary line relative to the structure as designed and constructed.

Although the applicant cannot be assured by this decision that he will avoid encroachment on the littoral boundary with Mr. Buckley, it appears to be a reasonable assumption that the proposed activity will not encroach based on the representations of the lines taken within the context of the entire cove and the rights of others to access the cove from upland property. "In apportioning littoral rights along an irregular or concave shore, the basic aim is to preserve the essential rights of both parties to wharf out and to achieve reasonable access to the channel." *Water St. Assocs. P'ship v. Innopak Plastics Corp.*, 230 Conn. 764, 774 (1994). The establishment of a boundary line will not only consider access impact between the applicant and Mr. Buckley but must also consider any impact the extension of such a line will have on the adjoining neighbor to the southwest that also have rights of access to these waters. In apportioning these riparian rights, the object to be kept in view is to so extend the lateral lines of adjoining owners of upland as to secure to each rights appropriate to, and over an area

proportioned in extent to, his shore lines. *Rochester v. Barney*, 117 Conn. 462, 469 (1933). Due to the proximity to the line, the applicant should take care to ensure the structure is placed in accordance with the design plans incorporated into the permit and demonstrate through the provision of as-built drawings in accordance with the terms and condition of the permit that it was so constructed.

There were also concerns about impacts from the proposed structure during a storm event. The installation of the proposed structure does not present any significant potential for impact that does not already exist in any coastal setting. Debris in storms washes up from all areas. It is driven by forces outside of anyone's control and can include offshore and nearshore sources. Any potential impact from the proposed structure is mitigated by the design of the structural components to withstand the 100-year storm event and the ability to remove the ramp and floating dock in the event of a substantial storm forecast or on a seasonal basis.

*f*  
*Application review process*

The record supports a conclusion that this application was thoroughly reviewed by staff over a long period of time during which additional information responsive to staff's concerns was supplied by the applicant and his consultant, including the review of several alternatives to the proposed structure. DEEP staff carefully considered all concerns and reviewed substantial amounts of information related to the coastal resources at and adjacent to the subject property. Although the intervening party, WPA, questions the cordial nature of interactions between staff and the applicant, they fail to point out any specific examples where the applicant failed to respond to an inquiry from staff or failed to provide the requested information. Staff adequately demonstrated its ability to review materials provided by the applicant with a critical eye and ask for additional information as necessary to complete its technical review. The assumption that DEEP staff members, as representatives of the state of Connecticut, are prevented from interacting cordially with their constituents is unfortunate and incorrect. DEEP staff is just as capable as any other professional of being cordial to project proponents and opponents alike without violating obligations they have to the people of Connecticut to appropriately balance the interests at stake in the context of coastal permitting.

WPA also appears to question why the department did not solicit outside expert opinions during the application's technical review. The DEEP staff members had sufficient expertise to review this application and make a recommendation to the Commissioner. Consistent with Department practices, OLISP staff did seek assistance from DEEP's wildlife division resulting in the seasonal restriction on construction protective of various bird species. The hearing process provides an additional opportunity for an applicant to support a proposal with additional expert testimony based on that expert's review of the application materials necessary to formulate an opinion. Although part of the hearing process, there are no requirements to seek assistance from outside the agency during an application's review unless staff determines it to be necessary and other divisions within DEEP lack the necessary experience or expertise to provide such assistance.

### *Allegation of Unreasonable Pollution*

Both intervening parties petitioned to intervene under § 22a-19 of the Connecticut General Statutes. Section 22a-19 provides a right to intervene in an administrative hearing based on allegations that the proposed activity will or is reasonably likely to cause unreasonable pollution, impairment, or destruction of the air, water, or other natural resources of the state. Courts, in interpreting § 22a-19 and the standard of what is unreasonable have determined that unreasonable activity is that which if permitted would violate or does not comply with legally recognized statutory or regulatory standards governing that activity. Where the legislature has created a statutory and regulatory scheme that specifically governs the proposed conduct, the question of whether it is unreasonable “must be evaluated through the lens of [that] entire statutory scheme ....” *City of Waterbury v. Town of Washington*, 260 Conn. 506, 549-551 (2002). I conclude that the activity is compliant with all applicable statutes based on substantial evidence in the record provided by the applicant and DEEP staff.

The intervening parties have the burden to establish a prima facie case that, if the proposed conduct is authorized, unreasonable pollution and impairment will likely result. *Manchester Env'tl. Coalition v. Stockton*, 184 Conn. 51, 57-58 (1981). I cannot base such a conclusion on suspicion or possible impacts unsubstantiated by fact or expert testimony or documentary evidence. See *Riverbend Associates v. Conservation and Inland Wetlands Commission*, 269 Conn. 71 (2004); *Estate of Casimir Machowski v. Inland Wetlands Commission*, 137 Conn. App. 830, 836 (2012) (evidence of general environmental impacts, mere speculation or general concerns do not qualify as substantial evidence). Viewed in its most favorable light, the testimony from the intervening parties’ witnesses demonstrated that others would not choose to exercise the applicant’s littoral rights in the same manner or would spend some additional time exploring alternatives. This is not substantial evidence as articulated by the courts and is in sharp contrast to the extensive body of expert testimony provided on behalf of the applicants specifically supporting the proposed activity and demonstrating clearly that impacts associated with the proposal either do not exist or have been sufficiently minimized. I cannot reach a conclusion that the proposed activity would or is unreasonably likely to cause unreasonable pollution based on the evidence presented by the intervening parties because it does not reach the standard of substantial evidence required under the law.

### **III**

#### **CONCLUSION AND RECOMMENDATION**

Given the substantial evidence in the record, I conclude that the proposal is consistent with the applicable standards, goals and policies of sections 22a-359 and 22a-92 of the General Statutes.

For the reasons stated above, I recommend issuance of the proposed draft permit in accordance with the following modification referenced and agreed to in the joint submission of the applicant and DEEP staff. DEEP staff shall amend Special Condition 4 of the proposed draft permit to reflect the current closure of the area to recreational shellfishing. The signage on the proposed residential dock shall warn against recreational harvesting or taking of shellfish for consumption and maintained in place for the duration of the closure period. If the closure is



lifted, then the sign shall be replaced with a sign advising the public that recreational shellfishing is allowed in the area of the proposed structure.

A handwritten signature in blue ink that reads "Kenneth M. Collette". The signature is written in a cursive style with a large initial 'K' and 'M'.

---

Kenneth M. Collette, Hearing Officer



## PERMIT

Permit No: 200802576-KB

Municipality: Stamford

Work Area: Long Island Sound off property located at  
52 Wallacks Drive

Permittee: Ronald Harvey  
52 Wallacks Drive  
Stamford, CT 06902

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with CGS section 22a-98 and the Connecticut Water Quality Standards, effective February 25, 2011, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to rehabilitate a stone groin for flood and erosion control and install a pier, ramp, float and boatlift for private recreational boating access as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

### **\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

**UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.**

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #2008002576-KB, including 12 sheets of plans dated June 2, 2011 submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. rehabilitate a pre-1939 stone groin as shown on Sheets 5 through 12 of the project plans attached hereto as follows:



- a) install sedimentation and erosion controls consisting of a silt fence or turbidity curtain as shown on Sheet 6;
  - b) build a 55' long x 10' wide by 3' high stone/concrete paved walkway on top of the landward portion of the groin;
  - c) temporarily excavate sand as necessary to create a stable base for the groin rebuild authorized in 1.d., below;
  - d) rebuild in-kind and in-place approximately 45 linear feet of the waterward end of the existing groin;
  - e) temporarily remove stones as necessary to install piles;
  - f) install a 4' x 45' pier with railings, supported by three, 16' diameter steel piles to be built directly over the waterward end of the groin;
  - g) replace the sand excavated in 1.c., above. and
  - h) remove the sedimentation and erosion controls installed in 1.a., above.
- 2) install an approximately 3' x 32' ramp, an 8' x 20' floating dock with float stops or bracing secured by piles;
  - 3) install a boatlift as shown on Sheets 5 and 12.

### SPECIAL TERMS AND CONDITIONS

1. The Permittee shall conduct work using both upland and waterborne access.
2. Unless specifically authorized in writing by the Commissioner, the Permittee shall not conduct the work authorized herein between May 1<sup>st</sup> and August 30<sup>th</sup> of any calendar year in order to protect the American Oystercatcher ~~bird~~. Any request to modify this condition must be made no later than April 1<sup>st</sup> of any calendar year.
3. Unless specifically authorized in writing by the Commissioner, the Permittee shall not conduct any work in shrubby habitats along the waterfront between April 1<sup>st</sup> and August 30<sup>th</sup> in order to protect the Brown thrasher bird. Any request to modify this condition must be made no later than March 1<sup>st</sup> of any calendar year.
4. The Permittee shall work with the Stamford Shellfish Commission and the Connecticut Department of Agriculture, Bureau of Aquaculture (CT DA/BA) to design signage that indicates that there is a recreational shellfish area at this location and that shellfishing is allowable in the area of the groin/pier. Within 60 days of issuance of this permit, the Permittee shall contact the Stamford Shellfish Commission and the CT DA/BA with regard to language on the sign and shall submit such language to the Commission for review. No construction shall commence on the pier until the Commissioner has issued written approval of such signage language. The Permittee shall install such signage between mean high water and mean low water on the groin/pier prior to the completion of the pier construction and shall send photographs showing such signage to the Commissioner within 10 days of installation. Such signage shall be maintained in perpetuity.

5. The Permittee shall undertake work on the groin during low water conditions unless specifically authorized in writing by the Commissioner.
6. The Permittee shall deconstruct the groin in approximately 10' wide segments to allow for installation of the pilings.
7. The Permittee shall use a silt fence or turbidity curtain to enclose the area of disturbance during work authorized herein on the groin unless specifically authorized in writing by the Commissioner as shown on Sheet 6 of 12 of the project plans attached hereto.
8. The Permittee shall install the piles authorized herein during high water.
9. The Permittee shall install float stops or bracing as shown on Sheet 12 of the project plans attached hereto. Such stops or bracing shall be maintained in perpetuity.
10. The Permittee shall install the concrete/stone walkway atop of the groin such that the top of walkway elevation is no higher than +7' NGVD.
11. The Permittee shall maintain the width of the top of groin such that it is no wider than 10'.
12. 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 all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
13. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
14. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
15. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
16. The Permittee shall establish a minimum of a 10 foot setback from any wetlands or watercourses in and adjacent to the area where work is to be conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.



17. 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 access way other than as provided herein.
18. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
19. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the work area showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

### GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
  - a. 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, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
  - b. 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.
2. 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.
3. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. 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 CGS section 22a-423.

6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7. 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.
8. 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.
9. 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.
10. 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 Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3034  
Fax # (860) 424-4054
11. 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.
12. 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.”

13. 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 proposed 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 any unauthorized activities may be subject to enforcement action.
14. 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.
15. In the event that the Permittee becomes aware that he/she 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.
16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittee of his/her obligations to obtain any other approvals required by applicable federal, state and local law.
18. 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 \_\_\_\_\_, 2013

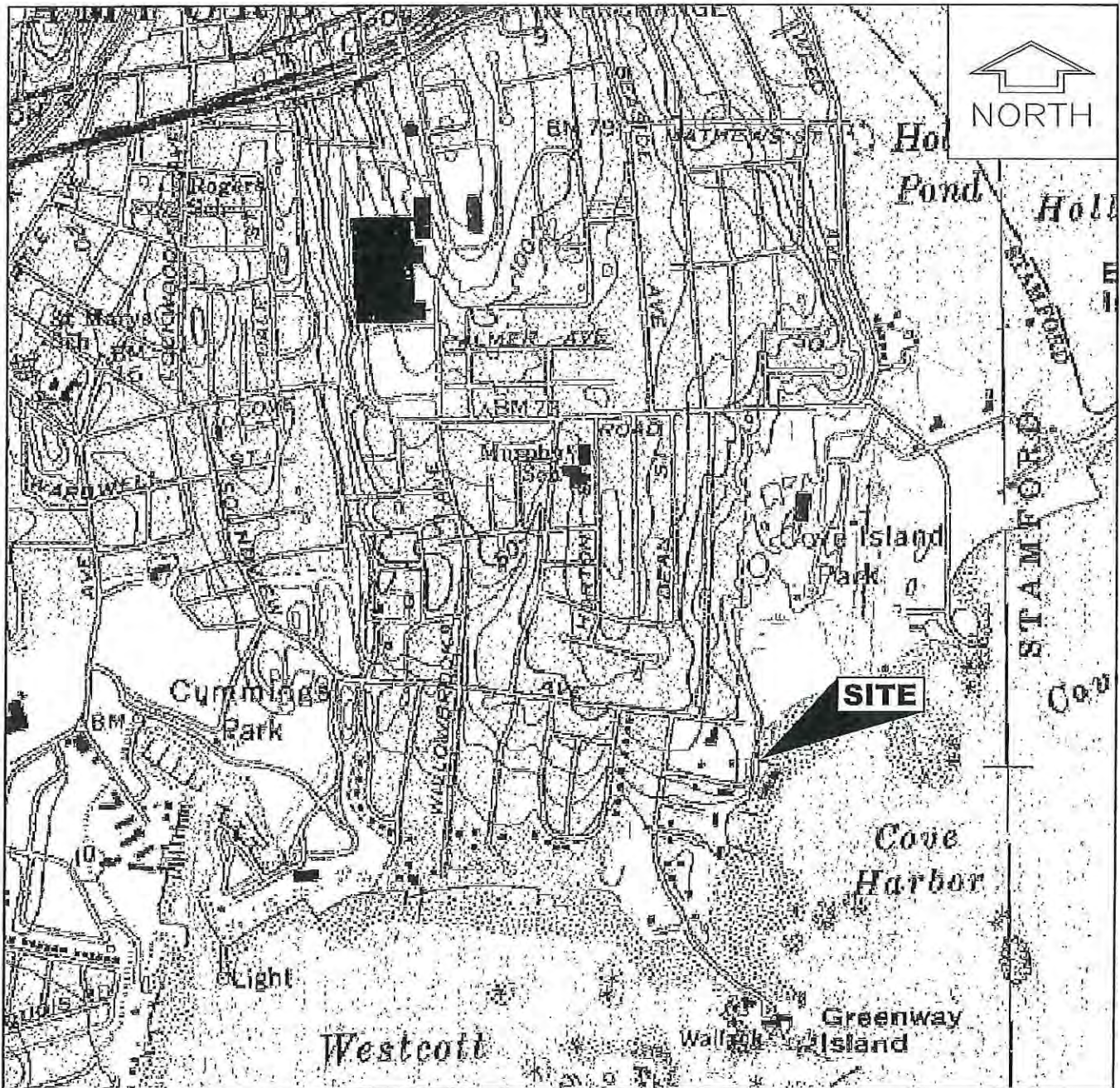
STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

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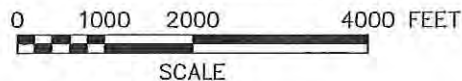
Betsey C. Wingfield  
Bureau Chief  
Bureau of Water Protection and Land Reuse

Permit #200802576-KB, Stamford  
Ronald Harvey





VICINITY MAP



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 9/24/08

SHEET 1 OF 12





**TAX ASSESSOR'S MAP**  
NOT TO SCALE

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. '29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

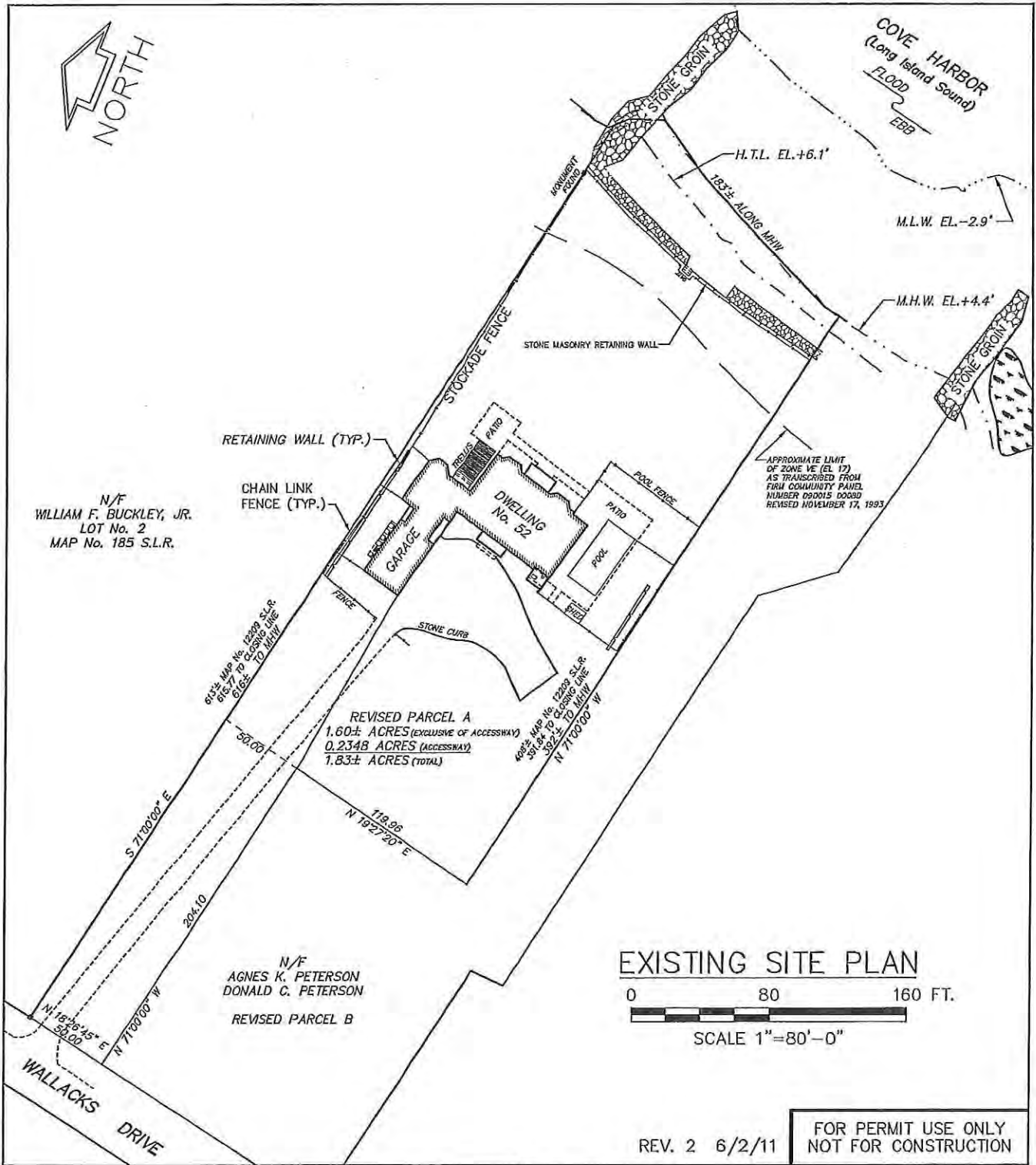
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

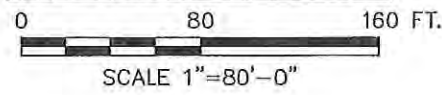
APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 9/24/08

SHEET 2 OF 12



**EXISTING SITE PLAN**



REV. 2 6/2/11

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

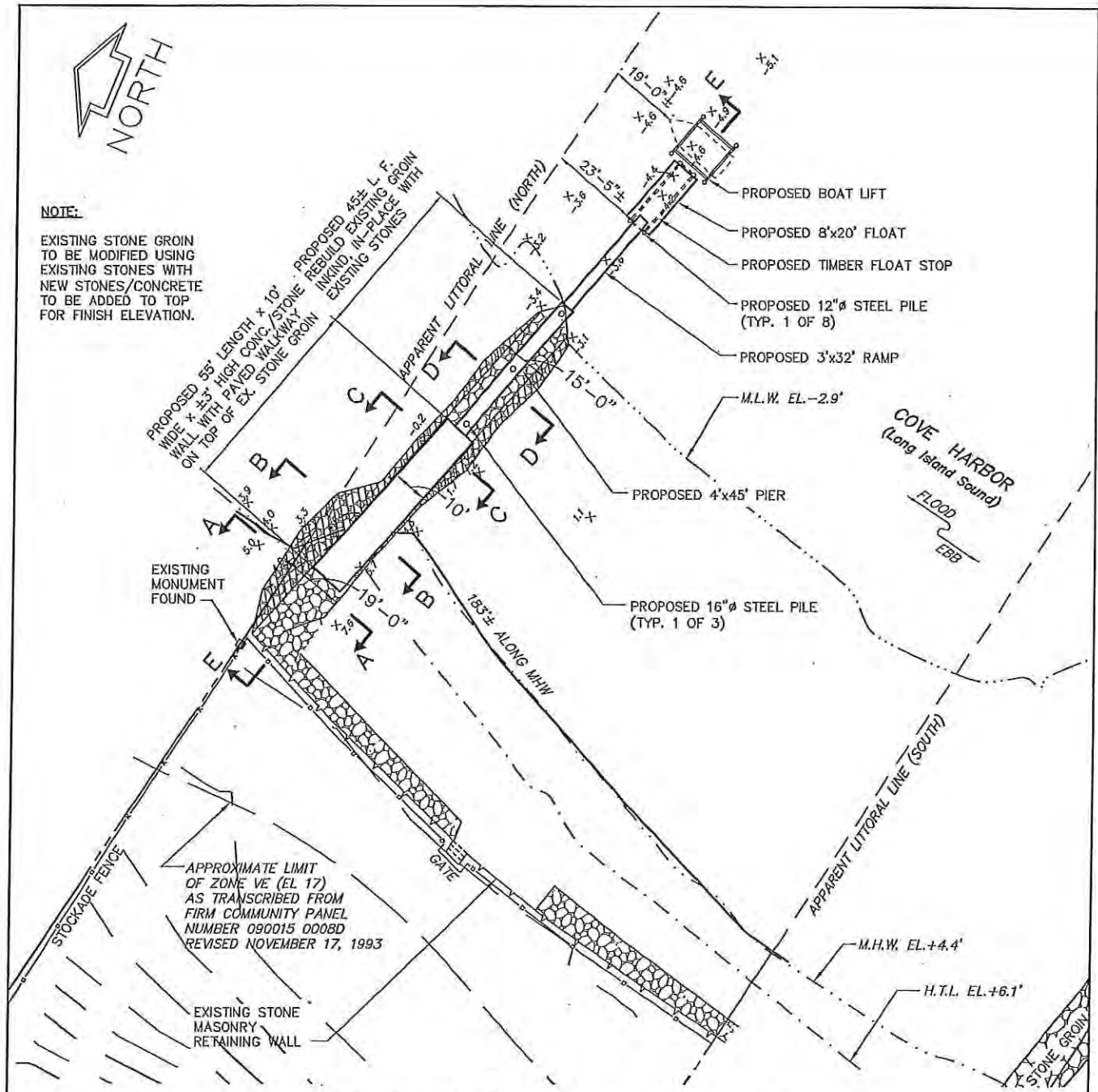
PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
 AND ACCESS TO LONG ISLAND SOUND  
  
 DATUM: N.G.V.D. 29  
 ADJACENT PROPERTY OWNERS:  
 SEE ATTACHMENT  
  
 AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
 IN COVE HARBOR, LONG ISLAND SOUND  
 CITY OF STAMFORD  
 COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: RONALD HARVEY  
 APPLICATION No.: 200802576-KB  
  
 DATE: 9/24/08

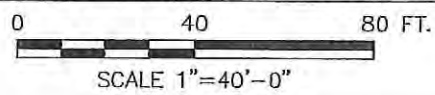




**NOTE:**  
 EXISTING STONE GROIN TO BE MODIFIED USING EXISTING STONES WITH NEW STONES/CONCRETE TO BE ADDED TO TOP FOR FINISH ELEVATION.



**PROPOSED PARTIAL SITE PLAN**



FOR PERMIT USE ONLY  
 NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS: SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT IN COVE HARBOR, LONG ISLAND SOUND

CITY OF STAMFORD  
 COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
 APPLICATION No.: 200802576-KB

DATE: 9/24/08

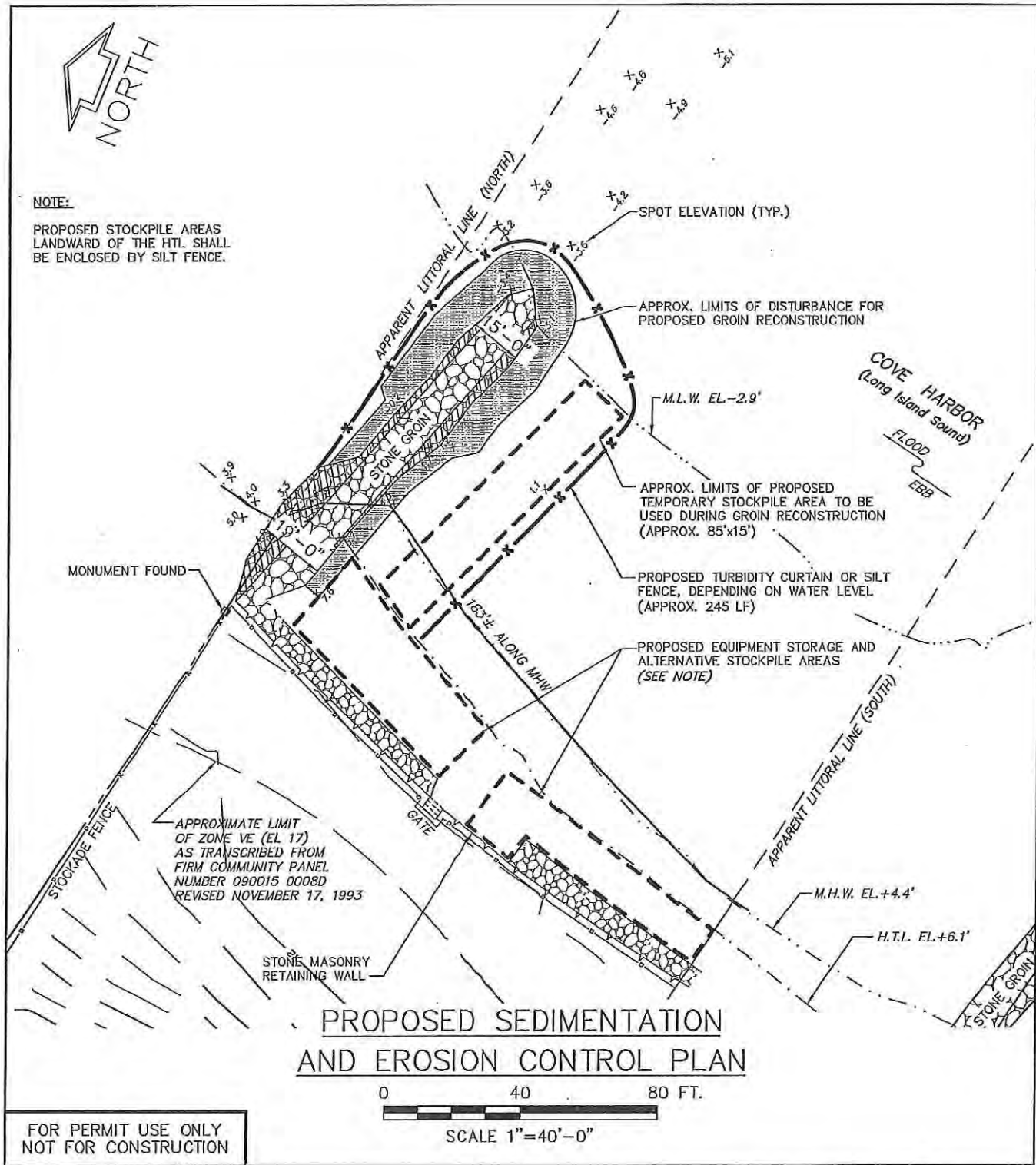
SHEET 5 OF 12



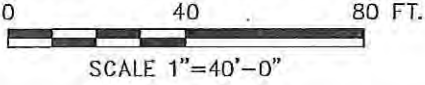


**NOTE:**

PROPOSED STOCKPILE AREAS  
LANDWARD OF THE HTL SHALL  
BE ENCLOSED BY SILT FENCE.



**PROPOSED SEDIMENTATION  
AND EROSION CONTROL PLAN**



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

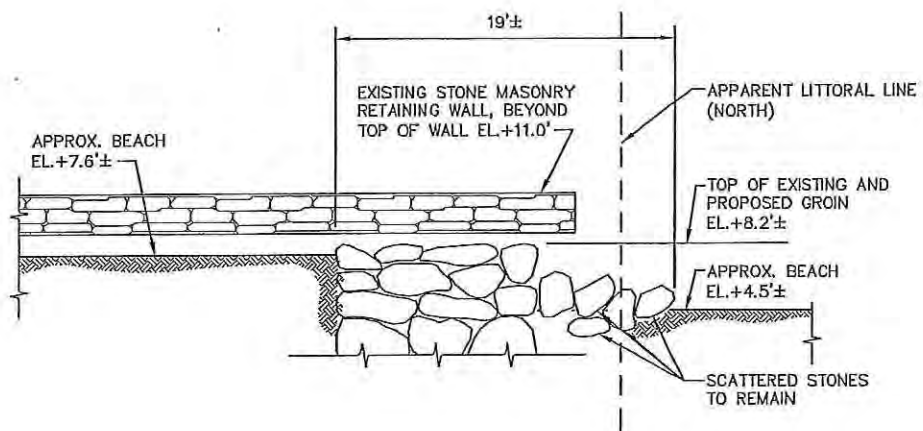
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

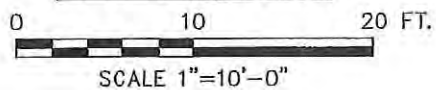
DATE: 6/2/11

SHEET 6 OF 12



EXISTING AND PROPOSED

SECTION A-A



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

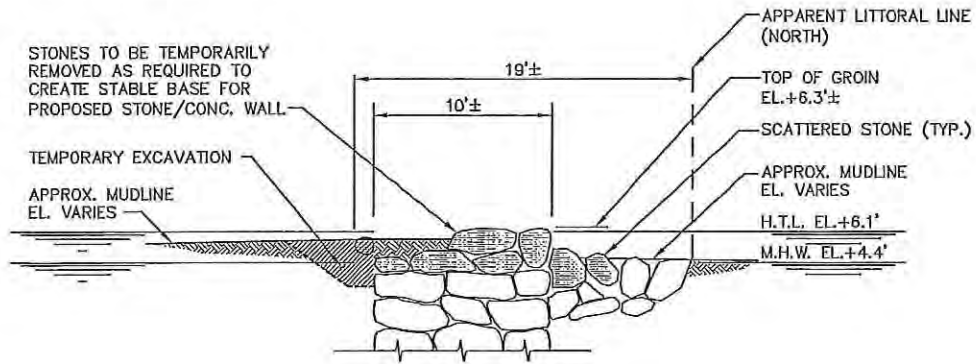
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

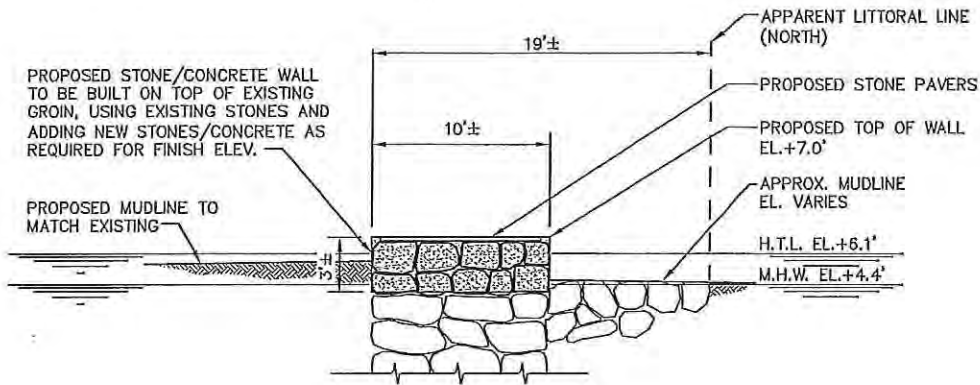
APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 12/9/10

SHEET 7 OF 12

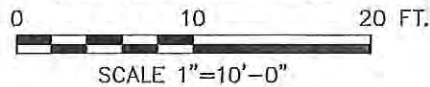


EXISTING AND DEMOLITION



PROPOSED

SECTION B-B



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

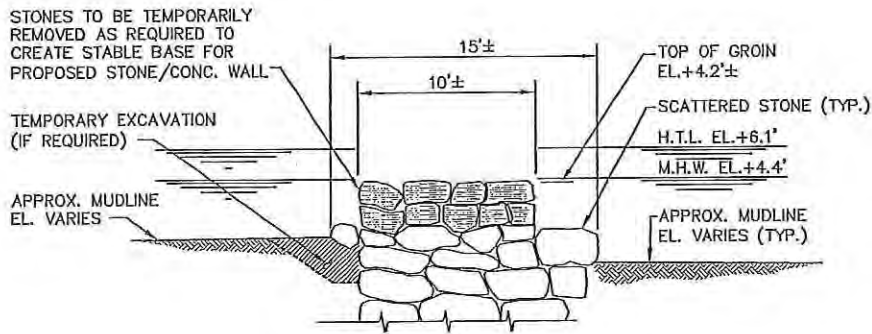
PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

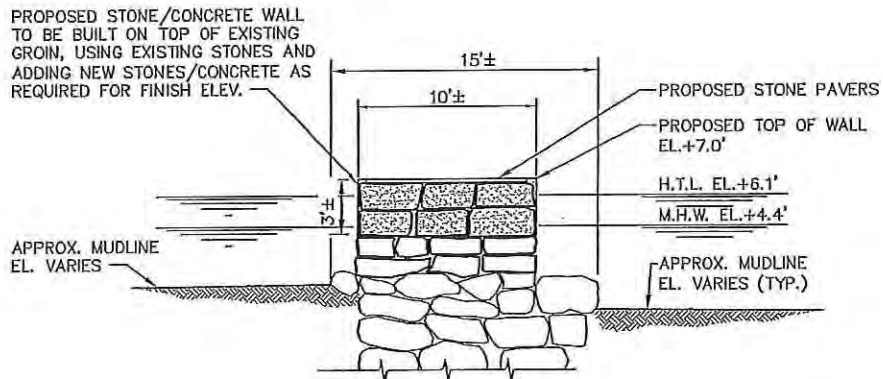
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SHEET 8 OF 12



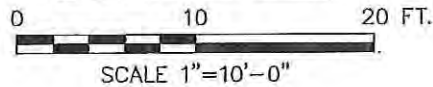


EXISTING AND DEMOLITION



PROPOSED

SECTION C-C



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 2 6/2/11

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING  
AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

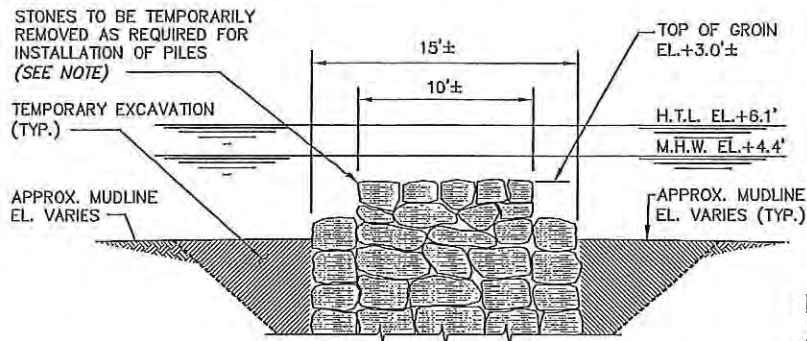
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 12/9/10

SHEET 9 OF 12



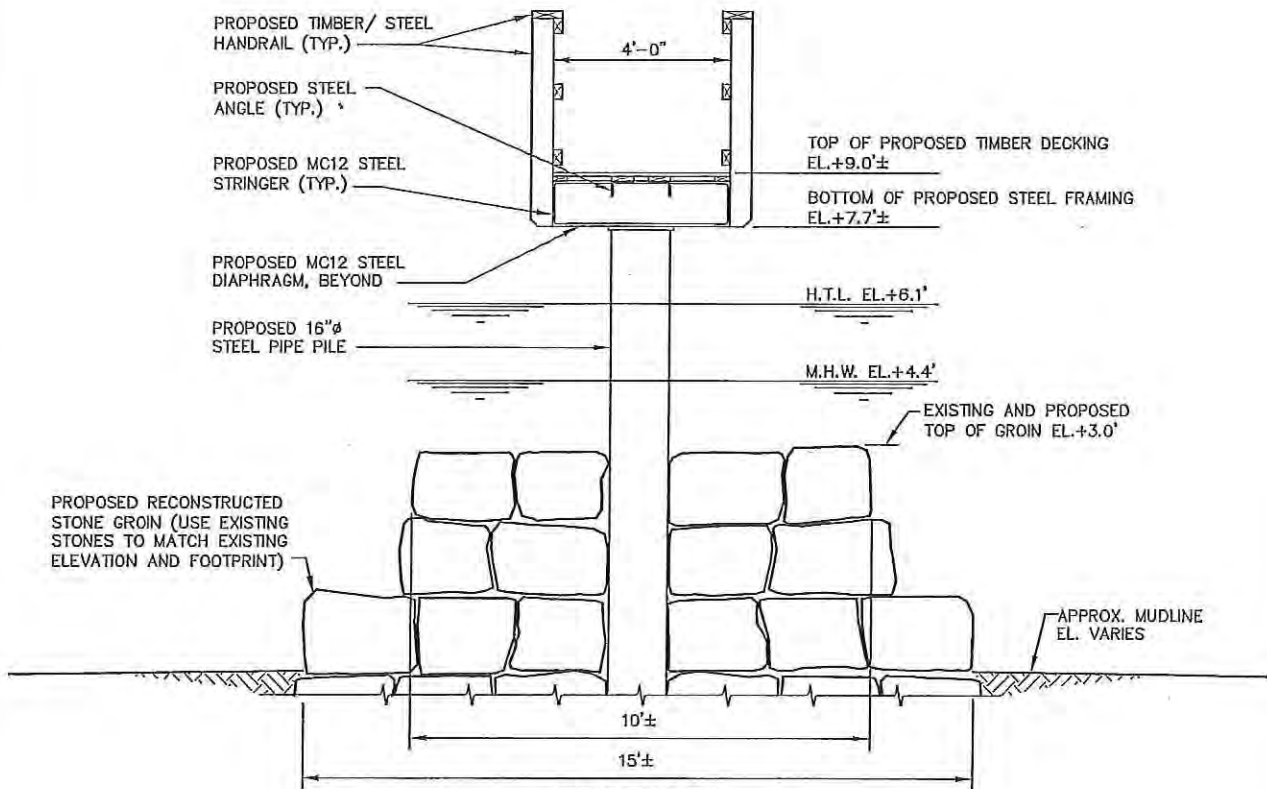
**EXISTING AND DEMOLITION**

0 10 20 FT.

SCALE 1"=10'-0"

**NOTE:**

GROIN TO BE DECONSTRUCTED IN SEGMENTS (10'± WIDE, DEPENDING ON STABILITY) TO ALLOW FOR PILE INSTALLATION. GROIN TO BE RECONSTRUCTED AFTER INSTALLATION OF PILE.



**PROPOSED**

0 4 8 FT.

SCALE 1"=4'-0"

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

**SECTION D-D**

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

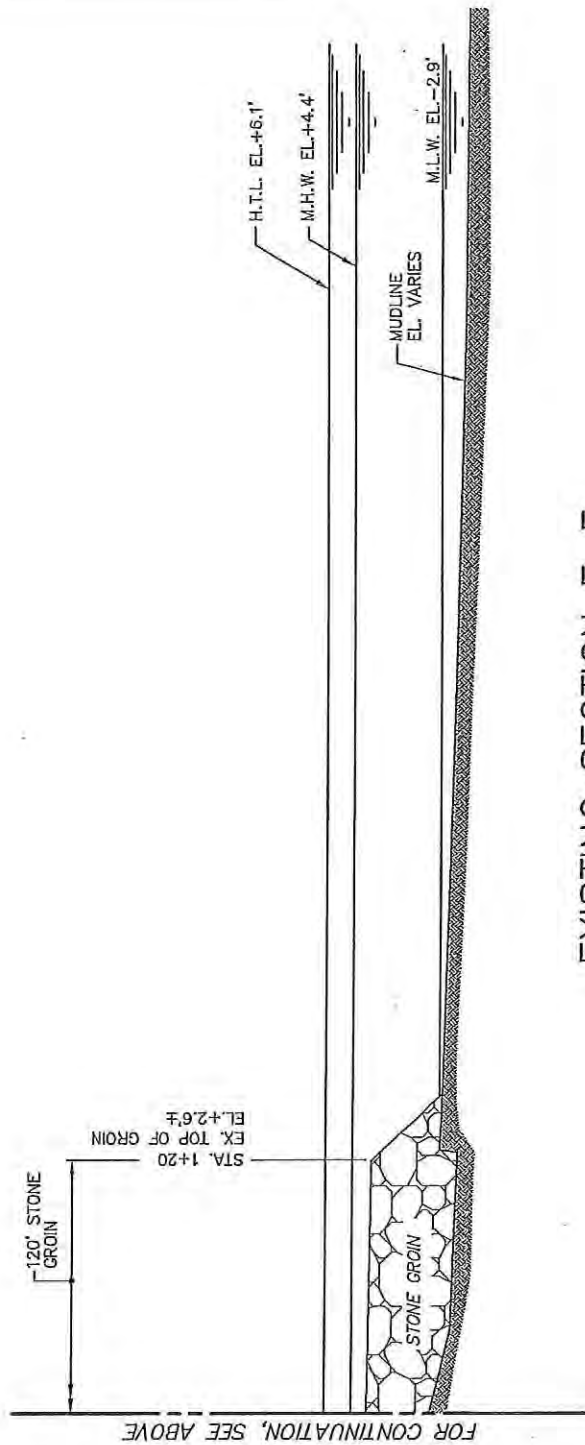
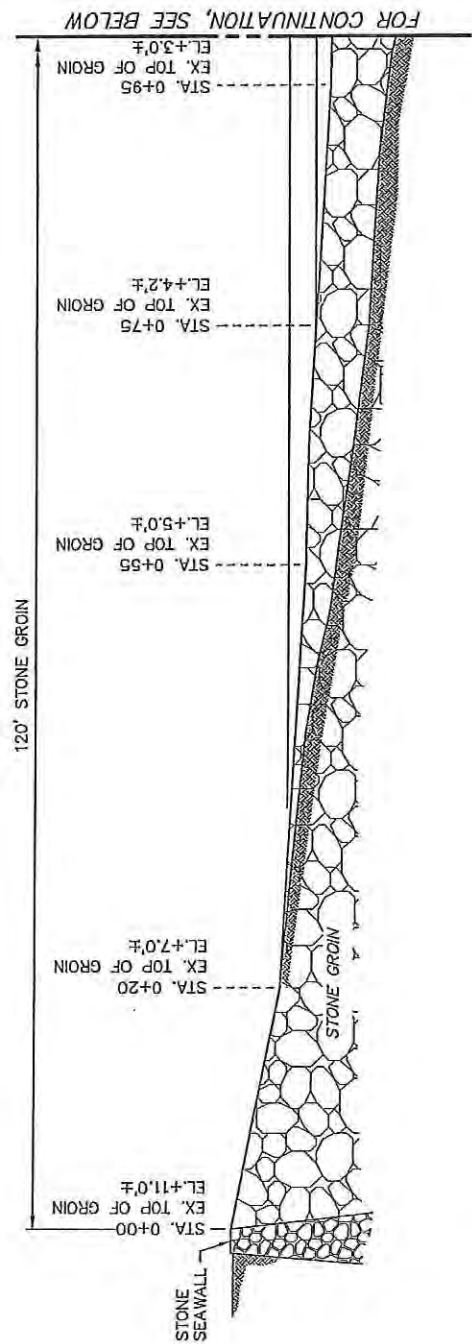
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 6/2/11

SHEET 10 OF 12



**EXISTING SECTION E-E**



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING AND ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 29

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

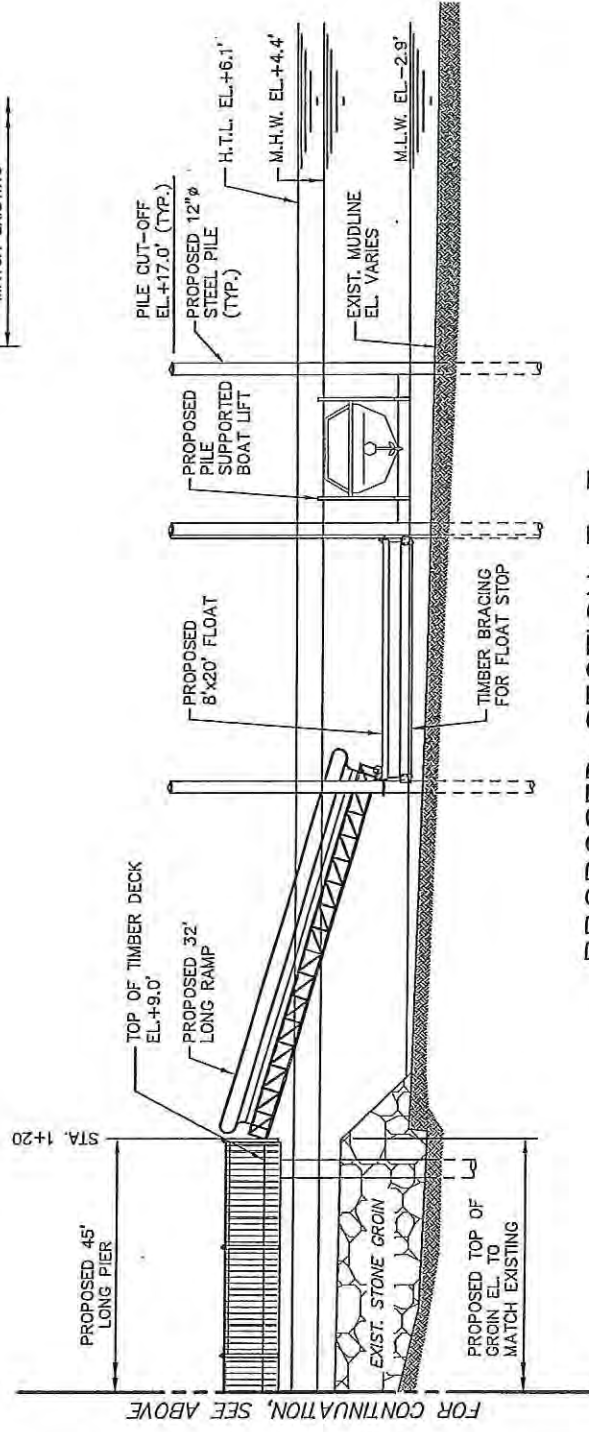
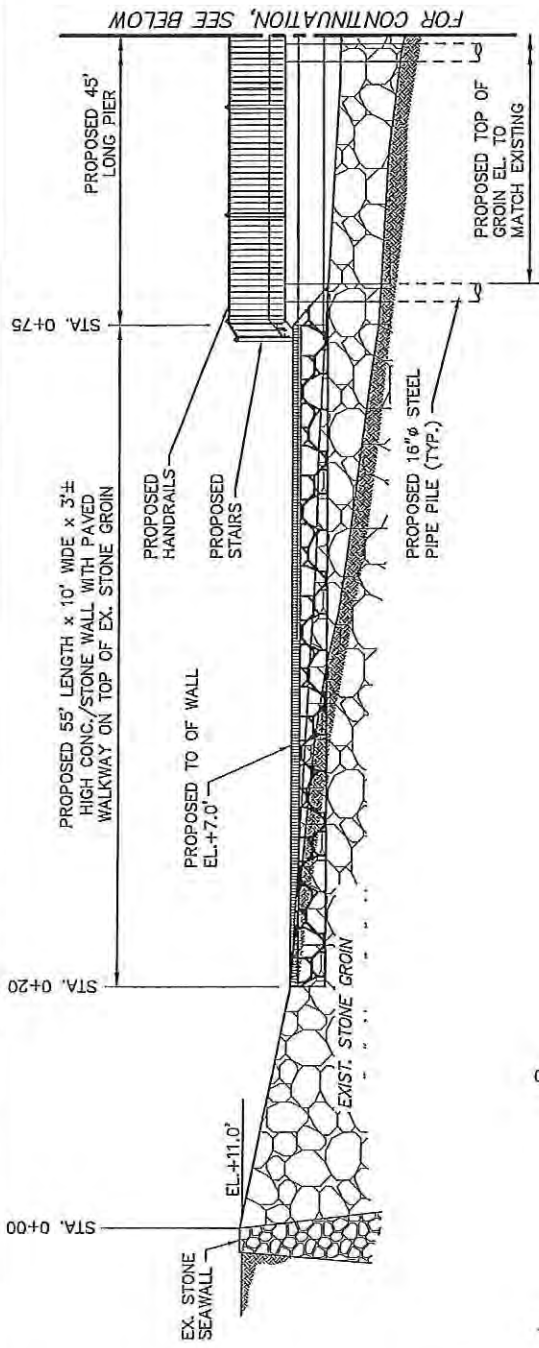
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT  
IN COVE HARBOR, LONG ISLAND SOUND  
CITY OF STAMFORD  
COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

APPLICATION BY: RONALD HARVEY  
APPLICATION No.: 200802576-KB

DATE: 6/2/11

SHEET 11 OF 12



PROPOSED SECTION E-E  
 0 15 30 FT.  
 SCALE 1"=15'-0"

FOR PERMIT USE ONLY  
 NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL VESSEL BERTHING AND ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 29  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT  
 AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED RAMP, FLOAT, AND BOAT LIFT IN COVE HARBOR, LONG ISLAND SOUND  
 CITY OF STAMFORD  
 COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: RONALD HARVEY  
 APPLICATION No.: 200802576-KB  
 DATE: 6/2/11  
 SHEET 12 OF 12

**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX A**

**TO: Permit Section  
Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEE:** Ronald Harvey  
52 Wallacks Drive  
Stamford, CT 06902

**Permit No:** 200802576-KB, Stamford, CT

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEE:** \_\_\_\_\_  
(signature) (date)





**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX B**

**NOTICE OF PERMIT ISSUANCE**  
**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

**To:** City Clerk of Stamford

**Signature and  
Date:**

**Subject:** 52 Wallacks Drive Stamford, CT  
Coastal Permit #200802576-KB

Pursuant to Section 22a-363g and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Ronald Harvey, 52 Wallacks Drive, Stamford, CT 06902 to:

1. rehabilitate a pre-1939 stone groin as shown on Sheets 5 through 12 of the project plans as follows:
  - a) install sedimentation and erosion controls consisting of a silt fence or turbidity curtain as shown on Sheet 6;
  - b) build a 55' long x 10' wide by 3' high stone/concrete paved walkway on top of the landward portion of the groin;
  - c) temporarily excavate sand as necessary to create a stable base for the groin rebuild authorized in I.d., below;
  - d) rebuild in-kind and in-place approximately 45 linear feet of the waterward end of the existing groin;
  - e) temporarily remove stones as necessary to install piles;
  - f) install a 4' x 45' pier with railings, supported by three, 16' diameter steel piles to be build directly over the waterward end of the groin;
  - g) replace the sand excavated in I.c., above. and
  - h) remove the sedimentation and erosion controls installed in I.a., above.
- 2) install an approximately 3' x 32' ramp, an 8' x 20' floating dock with float stops or bracing secured by piles;
- 3) install a boatlift as shown on Sheets 5 and 12.

If you have any questions pertaining to this matter, please contact the Office of Long Island Sound Programs at 860-424-3034.



# PERMIT NOTICE

This Certifies that Authorization to perform work below the High Tide Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to:

Ronald Harvey

At this location:

52 Wallacks Drive Stamford, CT

To conduct the following: repair existing seawalls and install a pier, ramp and float

Permit #: 200801981-KB

Issued on: <Issue Date>

This Authorization expires on: <Expiration Date>

This Notice must be posted in a conspicuous place on the job during the entire project.

Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street • Hartford, CT 06106-5127  
Phone: (860) 424-3034 Fax: (860) 424-4054  
[www.ct.gov/deep](http://www.ct.gov/deep)

**Service List**

In re  
Ronald B. Harvey      Application No. 200802576-KB

**PARTY**

Daniel McLeod, Applicant

Ronald Harvey, Applicant

**DEEP**

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

Wallacks Point Association, Inc.,  
Intervening Party

Christopher Buckley, Individually and  
as Trustee of the William F. Buckley, Jr.  
Revocable Trust , Intervening Parties

**REPRESENTED BY**

Christopher J. Smith, Esq.  
[cjsmith@goodwin.com](mailto:cjsmith@goodwin.com)

Gregory A. Sharp, Esq.  
[gsharp@murthalw.com](mailto:gsharp@murthalw.com)

John P. Casey, Esq.  
[jcasey@rc.com](mailto:jcasey@rc.com)

Evan Seeman, Esq.  
[eseeman@rc.com](mailto:eseeman@rc.com)

Kristen Bellantuono  
[kristen.bellantuono@ct.gov](mailto:kristen.bellantuono@ct.gov)

David Blatt  
[david.blatt@ct.gov](mailto:david.blatt@ct.gov)

Susan Riley  
[riley.susan@gmail.com](mailto:riley.susan@gmail.com)

Christopher Buckley  
[christobuckley@yahoo.com](mailto:christobuckley@yahoo.com)

**Courtesy copies to:**

Sen. Carlo Leone  
[Carlo.leone@cga.ct.gov](mailto:Carlo.leone@cga.ct.gov)

Rep. Daniel Fox  
[Dan.fox@cga.ct.gov](mailto:Dan.fox@cga.ct.gov)

Michael Bloom  
[Michael.bloom@cga.ct.gov](mailto:Michael.bloom@cga.ct.gov)

Stamford Harbor Management  
Commission  
Attn: Dr. Damian Ortelli  
[drortelli@hotmail.com](mailto:drortelli@hotmail.com)

Azure Dee Sleicher  
[azsl@ocean-coastal.com](mailto:azsl@ocean-coastal.com)