



IN THE MATTER OF : ***APPLICATION NO.***
SAPORITO, NICOLINA
D'ARIANO, MARK
(GREGORY COURT, NORWALK) : ***201507829-KB***
NOVEMBER 28, 2016

PROPOSED FINAL DECISION

The owners of adjacent waterfront homes in Norwalk have applied for a permit to construct a shared residential dock¹ on their common boundary and to retain existing bulkheads on their properties. The Department of Energy and Environmental Protection reviewed the application and prepared a draft permit. On April 17, 2016, the Department issued a Notice of Tentative Determination recommending approval of the application as conditioned by that draft permit. Thereafter, a petition for hearing was filed by the Norwalk Shellfish Commission, instigating a hearing on the application and the tentative determination. General Statutes §§22a-32, 22a-361.

The applicants and Department staff are the only parties in this proceeding; no requests to intervene were received. A hearing to receive comments from the public was held on September 21, 2016, at Norwalk City Hall. The comments of a few members of the public who spoke were focused on whether the dock will adversely impact the harvesting and/or cultivation of oysters in the area, which is a natural shellfish bed.² At a hearing in Hartford on September 26, 2016, the applicants and staff presented evidence on the application and its review as assurance that this proposed activity complies with applicable statutes and regulations

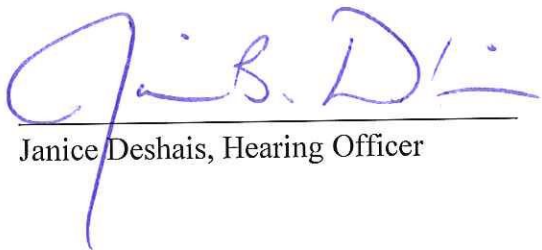
The parties have jointly submitted for my consideration the attached Agreed Draft Decision, which includes proposed findings of fact and conclusions of law. The draft permit, which was admitted to the hearing record as a Department Exhibit-12, is attached to that Decision.

¹ DEEP encourages shared docking facilities where possible in order to limit the number of shoreline structures, thereby minimizing public trust encroachment and any adverse environmental impacts.

² Oral and written comments also included support for construction of the dock.

I have reviewed the record in this matter, including documentary evidence and expert witness testimony, and find that the Department's tentative determination is supported by the substantial evidence in this record. The applicants have met their burden of proof by demonstrating by a preponderance of the evidence that the proposed activity, if conducted in accordance with the draft permit, complies with the relevant statutory standards found in the Structures, Dredging and Fill statutes (General Statutes §§ 22a-359 through 22a-363), the Connecticut Tidal Wetlands Act (§§22a-32 through 22a-35a), tidal wetlands regulations (Regs., Conn. State Agencies §§22a-30-1 through 22a-30-11) and the applicable portions of the Coastal Management Act (§§22a-90 through 22a-111). The application and the evidence presented show that the applicants can exercise their littoral rights to wharf out while balancing intrusions into the public trust and limiting impacts to resources protected by the relevant statutes and regulations and satisfy the policies and requirements of the Coastal Management Act.

The Agreed Draft Decision is supported by the record and satisfactorily conveys the findings of fact and assessments of applicable law necessary to support its conclusions. Notably, that Decision includes sound reasons why the presence of the dock as designed will not significantly impact any shellfishing activities. I affirm that conclusion and adopt the attached Agreed Draft Decision in its entirety as my proposed final decision. I recommend that the Commissioner issue the draft permit as a final permit, allowing the applicants to proceed with the construction of a shared residential dock.



Janice Deshais, Hearing Officer

SERVICE LIST

Saporito, Nicolina and D'Ariano, Mark
(Gregory Court, Norwalk)
App. # 201507829-KB

Party

Representative(s)

Applicant

Nicolina Saporito
1 Gregory Court

Mark D'Ariano
3 Gregory Court

John Casey, Esq.
Robinson & Cole
888 Howard St., Suite C-1
New London, CT 06320
jcasey@rc.com

DEEP

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

Kristen Bellantuono
Brian Golembiewski
Kristen.Bellantuono@ct.gov
Brian.Golembiewski@ct.gov

Petitioner

Peter Johnson
46 Gregory Blvd
Norwalk, CT

pjohnson@ttd.gov

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF : **Application No. 201507829-KB**
:
SAPORITO, NICOLINA & :
D'ARIANO, MARK :
(GREGORY COURT, NORWALK) : **NOVEMBER 16, 2016**

AGREED DRAFT DECISION

SUMMARY

On October 15, 2015, DEEP Central Permit Processing received and date stamped a permit application filed under the Structures, Dredging and Fill Statutes and the Tidal Wetlands Act and Regulations (the "Application") (DEEP-3) submitted by Nicolina Saporito and Mark D'Ariano (the "Applicants") to conduct activities waterward of the coastal jurisdictional line at 1 and 3 Gregory Court in Norwalk, Connecticut (the "Properties"). The Application proposed the construction of a shared residential dock and the retention of existing bulkheads on the Properties.

The Department of Energy and Environmental Protection ("DEEP") Land & Water Resources Division (formerly OLISP) staff reviewed the Application and prepared a Draft Permit (DEEP-12). On April 17, 2016, a Notice of Tentative Determination (DEEP-10), indicating that DEEP staff recommended the Application be approved as conditioned in the Draft Permit (DEEP-12), was published in the Norwalk Hour. A petition for hearing was received on May 26, 2016, and this hearing process was initiated (DEEP-15).

A public hearing was held at Norwalk City Hall on September 21, 2016, and written public comments were accepted until September 19, 2016. An evidentiary hearing was held on

September 26, 2016, at DEEP headquarters in Hartford. No person or entity sought to intervene in the proceeding. The parties to this proceeding were the Applicants and DEEP staff.

At the evidentiary hearing, testimony from three expert witnesses was accepted into the record. Kristen Bellantuono, an Environmental Analyst II with DEEP, and the permitting analyst assigned to review the Applicants' proposal, testified as an expert in coastal permitting on behalf of DEEP staff. DEEP-1, DEEP-2. Testifying on behalf of the Applicants was David Provencher, from Coastline Consulting & Development, LLC ("Coastline"), an expert in permitting for coastal structures and regulated in-water activities (APP-1, APP-7) and Jeffrey Westermeyer, also from Coastline, an expert in coastal resources, environmental science, and permitting for coastal structures and regulated in-water activities (APP-2, APP-8). Also testifying were the Applicants themselves, Nicolina Saporito (APP-3) and Mark D'Ariano (APP-4).

Based on a review of the record in this matter, including the documentary evidence, witness testimony, and public comment, the Applicants, through the presentation of substantial evidence, have met their burden of proof by demonstrating that the proposed activities, if conducted in accordance with the proposed Draft Permit (DEEP-12), complies with the relevant statutory standards, namely the Structures, Dredging and Fill Statutes (General Statutes §§ 22a-359 through 22a-363), the Connecticut Tidal Wetlands Act (General Statutes §§ 22a-32 through 22a-35a), the Tidal Wetlands Regulations (Connecticut Agencies Regulations §§ 22a-30-1 through 22a-30-11), and the applicable portions of the Coastal Management Act (General Statutes §§ 22a-90 through 22a-112). As such, the proposed Draft Permit (DEEP-12) should be issued as a final permit.

FINDINGS OF FACT

1. Nicolina Saporito and Mark D'Ariano are owners of neighboring waterfront properties in Norwalk, Connecticut. Nicolina Saporito is the owner of property known as 1 Gregory Court, Norwalk, Connecticut and Mark D'Ariano is the owner of property known as 3 Gregory Court, Norwalk, Connecticut (collectively, the "Properties"). APP-1, APP-3, APP-4, DEEP-3.
2. 1 Gregory Court is a waterfront parcel that is approximately $0.1071 \pm$ acres in size and is improved with a home and stone, masonry, and concrete bulkhead and steps. It is bordered by 3 Gregory Court on the south; Gregory Court on the east; Blackstone Drive on the north; and Norwalk Harbor on the west. The intertidal area of 1 Gregory Court consists of a $35' \pm$ band of tidal wetlands vegetation and a $27' \pm$ band of cobble and sand beach. APP-1, DEEP-3, DEEP-5, DEEP-9.
3. 3 Gregory Court is also a waterfront parcel. It is approximately $0.1259 \pm$ acres in size and is improved with a home and a concrete bulkhead and steps. It is bordered by 5 Gregory Court (an improved residential property) on the south; Gregory Court on the east; 1 Gregory Court on the north; and Norwalk Harbor on the west. The intertidal area of 3 Gregory Court consists of a narrow $6' \pm$ band of tidal wetlands vegetation, but mainly consists of a cobble and sand beach. APP-1, DEEP-3, DEEP-5 and DEEP-9.
4. There are no public trust access points over the Properties. APP-1
5. While the Applicants could have sought approval of two separate docking facilities, they have instead chosen one shared facility. DEEP encourages waterfront property owners to utilize a shared docking facility where feasible to limit the number of structures along the shoreline, thereby minimizing the amount of encroachment into public trust areas and any adverse environmental impacts. APP-1, DEEP-2 and DEEP-9.
6. There are several other man-made structures in the coastal zone area near the Properties, including waterfront homes, docks, revetments, seawalls, moorings, and other coastal structures. There is a permitted dock at 5 Gregory Court (APP-9) and a permitted shared dock at 7 and 9 Gregory Court. There are also permitted docks further south at 9, 11, 15 and 19 Sylvester Court. APP-1 APP-10, APP-11, APP-12, APP-13, APP-14, APP-15.
7. As part of the pre-application process, Coastline sent consultation forms to the Norwalk Harbor Management Commission, the Norwalk Shellfish Commission, the State of Connecticut Department of Agriculture/Bureau of Aquaculture ("DA/BA"), and the U.S. Army Corps of Engineers New England District ("Army Corps"). APP-1, DEEP-3.
8. Coastline also sent a request for Natural Diversity Data Base ("NDDB") State Listed Species Review to the DEEP Bureau of Natural Resources Wildlife Division. On December 22, 2014, Dawn McKay of responded to the Applicants' request for NDDB

review and indicated that there would be no negative impacts to State-listed species resulting from the Project. On March 17, 2016, Ms. Bellantuono requested an updated NDDDB review letter, which was issued on April 11, 2016, and again indicated no anticipated negative impacts to State-listed species. APP-1, DEEP-3, DEEP-8.

9. During the pre-application process, DEEP staff identified an unauthorized 240+ square foot concrete pad waterward of the bulkhead at 1 Gregory Court. In compliance with DEEP's requests, Ms. Saporito had the concrete pad removed in September 2015, prior to the submission of the application for the shared dock. DEEP-7, -7A, -7B, -7C, -7D, -7E, and DEEP-9.
10. Coastline submitted the application in early October of 2015 and DEEP received it on October 15, 2015. Some additional information was required of the Applicants and after that was submitted, the Application was deemed complete and contained all the information necessary for OLISP to conduct its review and make a tentative determination. APP-1, DEEP-3, DEEP-5, DEEP-7, Test. of K. Bellantuono (Sept. 26, 2016).
11. The Applicants propose to construct the following shared residential dock:
 - (a) a 4' x 83' pier with open grate decking that will be supported with one single 12" pile, six sets of two 12" timber support piles, and two sets of battered piles;
 - (b) two 11' x 11' jet ski elevator lifts;
 - (c) a 3' x 34' hinged ramp; and
 - (d) a 5' x 40' floating dock with a 5' x 10' ramp landing float secured by four 12" anchor piles.

APP-1, DEEP-1, DEEP-3, DEEP-9 and DEEP-12.

12. The Applicants also propose the retention of the following structures:

- (a) 1 Gregory Court: 49 + linear feet of stone masonry bulkhead with an irregular 2-4.5' wide concrete and masonry footing, and a 4' wide set of stone masonry access steps at the footing; and
- (b) 3 Gregory Court: 43 + linear feet of concrete bulkhead with a 2' wide concrete footing and 5' wide set of recessed access steps.

APP-1, DEEP-1, DEEP-3, DEEP-5, DEEP-9 and DEEP-12. (All regulated activities are hereinafter identified as the "Project.")

13. The proposed docking facility will be located on the boundary between the Properties. The landside end of the pier will meet the existing bulkhead. In addition

to the open grate decking, the pier will be elevated at sufficient height to limit shading on coastal resources below and to allow the public to pass underneath the pier below mean high water. Wire roping will be used as deck guardrail to minimize visual impact. APP-1, DEEP-3.

14. The only coastal resources found on the Properties and in the vicinity of the Project site are beaches/dunes, coastal hazard areas, developed shorefront, tidal wetlands, intertidal flats, coastal waters, wildlife resources and habitat, including shellfish habitat, and indigenous aquatic life. APP-1, DEEP-3, DEEP-9.
15. The Project will extend approximately 110' 9" beyond the mean high water line into Norwalk Harbor. APP-1, DEEP-3, and DEEP-12.
16. The float will rest in waters with depths of approximately 1.9' at low tide, which is sufficient to prevent the bottoming out of the float and any vessels berthed to the float at low tide. APP-1, DEEP-3 and DEEP-9.
17. The plans for the shared dock were prepared by Coastline and stamped by Robert J. Grabarek, a registered professional engineer in Connecticut (License #13441). DEEP-3.
18. On March 18, 2015, as part of the DEEP pre-application process, the Army Corps informed the Applicants that the relevant federal agencies that review dock application (National Oceanic and Atmospheric Administration, National Marine Fisheries Service, and Environmental Protection Agency) had minor comments and suggestions. APP-1, DEEP-3, DEEP-4 and DEEP-9.
19. The Army Corps issued an approval under the Connecticut Programmatic General Permit ("PGP") to the Applicants for the Project on November 12, 2015, concluding that the proposal would have only minimal individual or cumulative impacts on the waters of the United States, including wetlands. The only condition imposed by the Army Corps is that the open-grate decking be used for the fixed pier. By approving the Project under the PGP, the Army Corps determined the dock would not impact navigation, because no project is eligible under the PGP if it unreasonably interferes with navigation or prevents the "full and free use by the public of all navigable waters at or adjacent to the activity..." DEEP-4, PGP Gen. Conditions # 13(a).
20. On November 21, 2014, as part of the pre-application process, David Carey, DA/BA Director, reviewed the plans and concluded that the Project would not significantly impact any shellfish area. DEEP-3.
21. Also as part of the pre-application process, the Norwalk Shellfish Commission reviewed the plans. On the consultation form dated September 3, 2015, they indicated that the proposed dock would adversely impact a shellfish area and stated that the dock should be shortened so that the fixed pier was 40' only, and that stops should be required on the float. APP-1, DEEP-3.

22. While the proposed dock is in an area classified as a natural shellfish bed, the presence of the dock will not significantly impact shellfishing activities. First, the area where the proposed dock is located is classified as closed to recreational shellfishing and the Town's regulations provide that no shellfish may be removed from closed areas at any time for any purpose. Second, the area is classified as Restricted Relay by the DA/BA. As such, the area of the proposed dock can only be used for seed oystering activities from November to May of each year. The closest commercial shellfish beds are approximately 1.2 miles away from the Properties via the water. APP-1, APP-5, APP-6, APP-15.
23. The area where the float will be located is in line with other docks in the area, including the shared dock at 7 and 9 Gregory Court. Therefore, it represents no greater encroachment into the natural bed than existing docks, which are existing impediment to seed oyster boats and their dredges. APP-1, APP-10, APP-15.
24. Mr. Carey of the DA/BA noted that access to the piles that will support the float would be a benefit to seed oystering activities because the fishermen can tie off to them in the winter months. Also, the area where the float is proposed to be located has a substrate that is mucky silt, which is not amenable to seed oystering because oysters need to attach to a solid substrate. Also, the Applicants report that they have not witnessed any seed oystering activities in the vicinity of their properties since they lived there. APP-1, APP-3, APP-4, DEEP-3.
25. The recommendation by the Shellfish Commission that the dock be shortened would result in more impacts to coastal resources, including any shellfish resources in the area, because the float and any boats berthed to it would likely ground at each low tide. As presently designed, the float will be in approximately 1.9' of water at mean low water, which means it and any boats berthed to it will not ground for nearly all low tides. Therefore, float stops are not needed for the Project. Shortening the dock would also fail to properly balance the Applicants' littoral rights against the relevant statutory and regulatory criteria that the DEEP must apply when evaluating residential dock applications. APP-1, DEEP-1, DEEP-9, Test. of K. Bellantuono (Sept. 26, 2016).
26. The proposed shared docking facility cannot be made any shorter because this would compromise safe access to the water and would provide no further minimization or mitigation of environmental impacts. APP-1.
27. Given that the proposed dock only has four piles waterward of mean low water, and those are located within a mucky area not amenable to shellfishing, there is no significant impact to a shellfish area from the Project. APP-1, DEEP-1, DEEP-3, DEEP-9, Test. of K. Bellantuono (Sept. 26, 2016).
28. On September 8, 2015, the Norwalk Harbor Management Commission sent a letter outlining its review of the Project and approved a motion to inform DEEP that it "conducted a preliminary review of the applicant's plans and had no objection to their inclusion in an application submitted to the Land & Water Resources Division

(formerly OLISP). While the Commission had some questions about the Project, it did not oppose the application or determine it was inconsistent with the Norwalk Harbor Management Plan. APP-1, DEEP-3.

29. In a letter dated May 26, 2016, the Harbor Management Commission wrote that due to the concerns raised by the Shellfish Commission, it found the Project, specifically the proposed dock, inconsistent with the Harbor Management Plan policy to avoid adverse impacts on opportunities for shellfish harvesting and/or cultivation. DEEP-13.
30. For the reasons stated herein, the proposed dock will not have an adverse impact on shellfishing, and, therefore, is not inconsistent with the Harbor Management Plan. To the extent the Project is inconsistent with a provision in the Harbor Management Plan, Land & Water Resources Division (formerly OLISP) has good cause to issue a permit for the Project despite the objection by the Harbor Management Commission, in that the design of the proposed dock properly balances the Applicants' littoral rights against the relevant statutory and regulatory criteria that the DEEP must apply when evaluating residential dock applications. APP-1, Test. of K. Bellantuono (Sept. 26, 2016).
31. The only permanent impact from the Project will be in the form of pile installation that is routine for many, if not most, docks. There are only 21 piles proposed. The total amount of space taken up by these piles is 16.6 square feet, 5.5 square feet in the tidal wetlands and 11.1 square feet in the intertidal and benthic areas. Except for the minimal loss of area occupied by the piles, there will be no adverse environmental impact. APP-1, DEEP-1, DEEP-3, DEEP-9, Test. of K. Bellantuono (Sept. 26, 2016).
32. The Project will not have any anticipated long-term impact to water quality. The environmental impact from the installation of the pier pilings will be short-term and will quickly stabilize after construction is completed. APP-1, DEEP-1, DEEP-9, Test. of K. Bellantuono (Sept. 26, 2016).
33. A barge or workboat will be used during construction, but will only be on site during sufficient tides. Construction of the pier and pile installation will be completed using a barge based crane. A crane and/or excavator will be used to remove and restore stones. Construction activities will not adversely impact the environment and will be quickly stabilized once construction has been completed. APP-1, DEEP-1, DEEP-3, DEEP-9.
34. Several alternatives to the Project were considered but rejected for various reasons. These alternatives are discussed in the application, pages 13-15, and include sufficient information for DEEP-OLISP to analyze them. The Project is considered to be the most appropriate design to achieve the Applicants' goals of water access while balancing their rights of access with the relevant statutory and regulatory criteria. APP-1, DEEP-1, DEEP-3, DEEP-9, Test. of K. Bellantuono (Sept. 26, 2016).

35. Due to the minimized length of the pier, and the existing docks in the area and the tidal wetlands area, the Project does not represent an impact on the public's ability to navigate in the area. APP-1, DEEP-1, DEEP-3, DEEP-9.

CONCLUSIONS OF LAW

The Applicants' Burden

The activity proposed in the Application, as conditioned by the proposed Draft Permit, is regulated by the Structures, Dredging and Fill Statutes (General Statutes §§ 22a-359 through 22a-363), the Connecticut Tidal Wetlands Act (General Statutes §§ 22a-32 through 22a-35a), the Tidal Wetlands Regulations (Connecticut Agencies Regulations §§ 22a-30-1 through 22a-30-11), and the applicable portions of the Coastal Management Act (General Statutes §§ 22a-90 through 22a-112). This statutory framework requires a balancing of interests and requires applicants to minimize impacts to coastal resources. The Project, specifically the construction of a shared docking facility, will provide the Applicants with reasonable access to the water in accordance with their littoral rights as waterfront property owners while balancing intrusions into the public trust and limiting environmental impacts. The Application and evidence presented during the hearing supports the assertion that the Applicants' exercise of their littoral rights to wharf out can be achieved while minimizing impacts to coastal resources, wildlife, navigation, and coastal sedimentation and erosion patterns.

The Applicants' Littoral Rights

It is well settled that owners of waterfront property have the right to erect structures to reach navigable waters.

The owner of the adjoining upland has certain exclusive yet qualified rights and privileges in the waters and submerged land adjoining his upland. He has the exclusive privilege of wharfing out and erecting piers over and upon such soil and of using it for any purpose which does not interfere with navigation, and he may convey these privileges separately from the adjoining land. He also has the right of accretion, and generally of reclamation, and the right of access by water to and from his upland.

Rochester v. Barney, 117 Conn. 462, 468 (1933). These rights are exclusive, yet qualified; the qualifications are formulated in statutes.

The Applicants are owners of two neighboring waterfront properties and are each entitled to access water from the upland. The waterfront property owner has the exclusive right to erect a pier and use it for “any purpose.” *Rochester v. Barney*, supra, 177 Conn. at 468. When conflicts arise between littoral property owners and the owners of shellfish grants or leases, the right of the littoral property owner to wharf out is deemed to be superior to the rights of a shellfish bed owner. See *Lovejoy v. Van Emmenes*, 177 Conn. 287 (1979); *Lovejoy v. Water Resources Commission*, 165 Conn. 224, 229 (1973); *Lovejoy v. Darien*, 131 Conn. 533, 538 (1945); *Prior v. Swartz*, 62 Conn. 132 (1892).

The Applicants’ littoral rights are subject to reasonable restriction. Connecticut courts have recognized that “the state may regulate [the exercise of littoral rights] in the interest of the public” and that the littoral rights of a property owner are “subordinate to the public rights.” *Lane v. Comm. of Env’tl. Protection*, 136 Conn. App. 135, 157-58 (2012). DEEP is the authority charged by the General Assembly with regulating littoral rights, and within the statutory structure created, DEEP seeks to ensure that the design proposed in an application achieves a balance between the applicant’s littoral rights, coastal resources, navigation, and the public trust. See *In the Matter of Ronald Harvey*, Application No. 200802576-KB, Final Decision, Sept. 23, 2014, p. 3. Land & Water Resources Division (formerly OLISP) staff engaged in this balancing analysis to allow the Applicants to exercise their littoral rights while respecting the public’s rights and privileges and minimize adverse impacts to coastal resources.

Applicable Statutory and Regulatory Standards

To satisfy its burden, the Applicants must demonstrate compliance with the standards contained in the Structures, Dredging and Fill Act, the Connecticut Tidal Wetlands Act, the Tidal Wetlands Regulations, and the Coastal Management Act.

The Structures, Dredging and Fill Act requires that DEEP 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 recreation 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. *See* General Statutes § 22a-359.

The Tidal Wetlands Act and its implementing regulations contain many policy goals and requirements to consider when a project has tidal wetlands impacts, including:

- General Statutes § 22a-33, which requires that a proposed activity not adversely affect public health and welfare, marine fisheries, shellfisheries, or wildlife, and will be constructed to minimize impacts from flood, hurricane, and other natural disasters;
- General Statutes § 22a-28, which requires that a proposed activity not adversely affect the value of wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; not destroy or despoil wetlands as habitats for plants and animals of significant economic value; not eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; not disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; and not substantially reduce the capacity of wetlands to absorb silt;
- Regulations § 22a-30-10(b), which requires that a proposed activity preserve the wetlands of the state and not lead to their despoliation and destruction;
- Regulations § 22a-30-10(c), which requires that a proposed activity not destroy existing or potential recreational or navigational uses;
- Regulations § 22a-30-10(d), which requires that a proposed activity not cause or produce unreasonable erosion or sedimentation;

- Regulations § 22a-30-10(e), which requires that a proposed activity not result in significant adverse impacts on marine fisheries, shellfisheries or wildlife;
- Regulations § 22a-30-10(f), which requires that a proposed activity not result in a significant adverse impact on the circulation and quality of coastal or tidal waters;
- Regulations § 22a-30-10(g), which requires that a proposed activity be consistent with the need to protect life and property from hurricanes or other natural disasters, including flooding;
- Regulations § 22a-30-11(b), which provides a list of activities that may be generally compatible with the functions of wetlands and with established public policy for their management under certain conditions, including: projects that do not include dredging or filling of the wetland surface; docks elevated on low-impact pile foundations; projects that do not interfere with or obstruct navigation; and projects that do not restrict tidal circulation or flushing; and
- Regulations § 22a-30-11(c), which provides a list of activities that are generally found to be incompatible with the functions of tidal wetlands and with established public policy for their management.

The Coastal Management Act 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:

- General Statutes § 22a-92(a)(1), which requires that the development, preservation or use of the land and water resources of the coastal areas proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either natural environment or sound economic growth; (§ 22a-92(a)(1));
- General Statutes § 22a-92(a)(2), which requires the preservation and enhancement of coastal resources;
- General Statutes § 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 shorelands immediately adjacent to marine and tidal waters;
- General Statutes § 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;

- General Statutes § 22a-92(b)(1)(G), which encourages increased recreational boating and use of coastal waters;
- General Statutes § 22a-92(b)(1)(H), which requires that proposed activities minimize any disruption or degradation to natural coastal resources;
- General Statutes § 22a-92(b)(1)(I), which requires that proposed activities be designed and located in a manner that does not interfere with the needs of the commercial fishing industry;
- General Statutes § 22a-92(b)(2)(A) – (I), which requires that a proposed activity not result in significant adverse impacts to specifically defined coastal resources, including beaches, tidal wetlands, intertidal flats, and coastal hazard areas;
- General Statutes § 22a-92(c)(1)(B), which discourages the filling of tidal wetlands and nearshore, offshore, and intertidal waters;
- General Statutes § 22a-92(c)(2)(A), which sets forth policies concerning coastal land and other resources within the coastal boundary, including the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; and
- General Statutes § 22a-93(15), which defines adverse impacts on coastal resources.

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

Expert Testimony

When considering technically complex issues, administrative agencies typically rely on experts. *See River Bend Associates, Inc. v. Conservation & Inland Wetlands Commission*, 269 Conn. 57, 78 (2004) (determination of impacts to an inland wetland is a technically complex matter for which inland wetlands commissions typically rely on evidence provided by experts). “When the application of agency regulations requires a technical, case-by-case review that is precisely the type of situation that calls for agency expertise.” *MacDermid v. Dep’t of Environmental Protection*, 257 Conn. 128, 139 (2001).

Ms. Bellantuono, Mr. Provencher, and Mr. Westermeyer were each asked whether, in their expert opinion, the Project complied with each criteria or policy identified above. All responded that the Project complied. These expert opinions were credible and provide a substantial basis in fact upon which to base my recommendation. No expert evidence was offered to refute their opinions. *See Feinson v. Conservation Comm'n*, 180 Conn. 421, 429 (lay commission must accept expert testimony). The analysis that follows is intended to amplify the general conclusions reached by these experts and provide context for the recommendation that the proposed Draft Permit should be issued as a Final Permit.

The Public Trust

The Application minimizes impacts on the right of the public to access public trust areas near the Properties. The Project provides sufficient clearance from the intertidal area to allow members of the public to pass beneath it. The overall length of the structure minimizes intrusion into waters held in the public trust. DEEP staff considered alternative locations and configurations of the Project before determining that the design tentatively approved appropriately balanced the rights of the Applicants and the public.

Impact to Sedimentation and Erosion

The proposed docking facility is pile-supported and will have little impact on sediment transport through erosion of the intertidal zone or upland areas. These piles will cover a total of 16.6 square feet, 5.5 square feet in the tidal wetlands and 11.1 square feet in the intertidal and benthic areas, resulting in a minimal loss of coastal resource area. The proposed dock will also not alter the coastline or increase the potential for flooding.

Impact to Coastal Resources

The identified coastal resources on the Properties and in the vicinity of the Project site are beaches/dunes, coastal hazard areas, developed shorefront, tidal wetlands, intertidal flats, coastal waters, wildlife resources and habitat, including shellfish habitat, and indigenous aquatic life. The Applicants have met their burden to show, through the presentation of substantial evidence, that the Project, as conditioned by the Draft Permit (DEEP-12), minimizes impacts to these coastal resources in compliance with General Statutes §§ 22a-92(a)(2), 22a-92(b)(2)(B) and 22a-92(b)(2)(F). DEEP staff determined that there would be no unacceptable adverse impacts to the coastal resources, including: wildlife, shellfish, finfish, developed shorefront, water quality, and navigation. There will be no change to the shoreline configuration or bathymetry. The Project will not alter or increase erosion of the shoreline. Although the coastal waters will be temporarily impacted by the installation of pier pilings, substantial evidence shows that there would be no long-term environmental impact from the Project.

The applicable statutory scheme includes “degrading visual quality through significant alteration of the natural features of vistas and viewpoints” in the definition of “adverse impact to coastal resources.” General Statutes § 22a-93(15)(F). This section is intended to preserve views of particular statewide significance. *See Coen v. Ledyard Zoning Comm'n*, 2011 Conn. Super. LEXIS 2663 (Conn. Super. Ct., Oct. 19, 2011) (affordable housing development did not degrade view of coastal resource despite being forty-feet in height and exceeding zoning regulations by five feet). No views of statewide significance were identified that would be impacted by the Project. Development which changes a view does not necessarily have an adverse impact. *Smith v. Zoning Bd. of Appeals*, 1991 Conn. Super. LEXIS 771 (Conn. Super. Ct. 1991). The area around the Project is residential, densely developed with homes and shoreline flood and erosion

control structures. Given this context, the Project does not represent a significant alteration of any natural features and will have only minimal impact on views.

Impacts to Navigation

The substantial evidence in the record demonstrates that the Project will only have minimal, if any, impacts to navigation. Conn. Gen. Stat. § 22a-361. Due to the minimized length of the proposed docking facility, and the existing docks in the area, the Project does not represent an impact to the public's ability to navigate in the area.

Impacts to Shellfish Resources

Public comments and comments by the Shellfish Commission and the Harbor Management Commission raised the concern that the Project, specifically the proposed dock, would unreasonably interfere with a natural shellfish bed and seed oystering activities. While the dock will extend into a natural shellfish bed, the substantial evidence in the record demonstrates that the Project will only have minimal, if any, impacts to shellfish habitat or commercial shellfish activities. The area taken up by the dock in the shellfish bed is minimal in comparison to the overall size of the bed. Also, substantial evidence supports a finding that the substrate in the area of the dock is not conducive to seed oyster habitat and that there has been little commercial shellfish activity in the vicinity of the dock in recent years. As such, the Project, including the dock complies with the relevant statutory criteria concerning shellfish resources and commercial fishing. *See* Conn. Gen. Stat. §§ 22a-28, 22a-33, 22a-92(b)(2)(D), 22a-93(15)(G); Conn. State Regs. §§ 22a-30-10(e), 22a-30-10(f)(4)(C).

CONCLUSION

DEEP staff's tentative determination (DEEP-9 and DEEP-10) that the Project should be permitted, as conditioned by the Draft Permit (DEEP-12), is supported by the substantial evidence in the record. The Applicants have met their burden of proving, by a preponderance of the evidence, that the Project should be permitted through the credible testimony of expert witnesses and the submission of documentary evidence as described above. The substantial evidence in the record indicates that unreasonable environmental harm is not likely to occur if the Project is constructed pursuant to the conditions in the Draft Permit (DEEP-12).

RECOMMENDATION

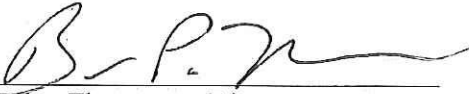
For the reasons stated above, the proposed Draft Permit should be issued as final permit.

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, attached hereto.

Department of Energy and Environmental
Protection, Land & Water
Resources Division

Applicants
NICOLINA SAPORITO and
MARK D'ARIANO

By 
Brian Thompson, Director
Land & Water Resources Division
Department of Energy and Environmental
Protection
79 Elm Street
Hartford, CT 06106-5127

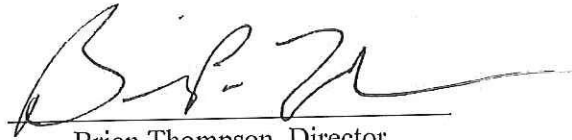
By /s/ John P. Casey
Their Attorneys
John P. Casey, Esq.
Robinson & Cole LLP
88 Howard Street, Suite C-1
New London, CT 06320

CERTIFICATION

I hereby certify that on November 16, 2016, a copy of the foregoing was e-mailed to the Hearing Officer and the following in conformance with the Status Conference Summary:

John P. Casey
88 Howard Street, Suite C-1
New London, CT 06320
Direct (860) 275-8359
E-mail: jcasey@rc.com

Peter Johnson, Petitioner
E-mail: pjohnson@ttd.gov
pete1020j@gmail.com

A handwritten signature in black ink, appearing to read "B. Thompson", written over a horizontal line.

Brian Thompson, Director
CT-DEEP
Land & Water Resources Division



DRAFT PERMIT

Permit No: 201507829-KB

Municipality: Norwalk

Work Area: Norwalk Harbor off properties located at 1 and 3 Gregory Court

Permittees: Nicolina Saporito
1 Gregory Court
Norwalk, CT 06855

Mark D'Ariano
3 Gregory Court
Norwalk, CT 06855

Pursuant to sections 22a-359 through 22a-363g and section 22a-28 through 22a-35 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 install a shared dock for private recreational use boating use 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 Permittees are hereby authorized to conduct the following work as described in application #201507829-KB including 8 sheets of plans dated and revised September 28, 2015 submitted by the Permittees to the Commissioner and attached hereto, as follows:

1. install a shared fixed pier measuring 4' x 83' (of which 74' will be located waterward of the coastal jurisdiction line) with open grate decking and two (2) sets of battered piles; two (2) 11' x 11' jet ski elevator lifts; a 3' x 34' ramp; and a 5' x 40' floating dock with a 5' x 10' landing float secured with four (4) anchor piles;
- 2: retain the following existing structures: (a) 1 Gregory Court- 49 linear feet of stone masonry bulkhead with an irregular 2'-4.5' wide concrete & masonry footing and a 4' wide set of stone masonry access steps at the footing; and (b) 3 Gregory Court-approximately 43 linear feet of concrete bulkhead with a 2' wide concrete footing and 5' wide set of recessed access steps.

SPECIAL TERMS AND CONDITIONS

1. Prior to the commencement of the work authorized herein, the Permittees shall record a Shared Dock Agreement with the City of Norwalk Land Records for the properties identified on the plans attached hereto as "Saporito and D'Ariano properties". The dock authorized herein shall be the sole means of littoral access for 1 and 3 Gregory Court, respectively. Prior to filing such agreement with the City, a copy of said agreement language shall be forwarded to the Commissioner for his review and written approval. Work authorized herein shall not commence until the Permittees have received such written approval and the agreement has been recorded on the land records. If said agreement is revoked, modified or cancelled without the written approval of the Commissioner, this permit shall become null and void and the structure authorized herein must be immediately removed.
2. All work conducted by barge or workboat shall only be conducted during high water. Such barge or work boat shall move to deeper waters during low water conditions.
3. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittees 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.
4. The Permittees 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.
5. The Permittees 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 Permittees 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.

6. The Permittees shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
7. The Permittees 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.
8. 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.
9. The Permittees shall dispose of aquatic sediments in accordance with the terms and conditions of this permit. 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.
10. The Permittees shall ensure that any vessel utilized in the execution of the work authorized herein shall not rest on or come in contact with the substrate at any time.
11. On or before ninety (90) days after completion of the work authorized herein, the Permittees 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 section 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 Permittees 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 Permittees to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittees shall not deviate from the attached plans, as may be modified by this permit. The Permittees shall not make de minimis changes from said plans without prior written approval of the Commissioner.

3. The Permittees may not conduct work waterward of the coastal jurisdiction 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 Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees 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 Permittees' 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 Permittees 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 Permittees and on the Permittees 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 Permittees, including information and data provided in support of the Permittees application. Neither the Permittees 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 the Permittees become aware that they 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 Permittees 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 Permittees 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 Permittees 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.

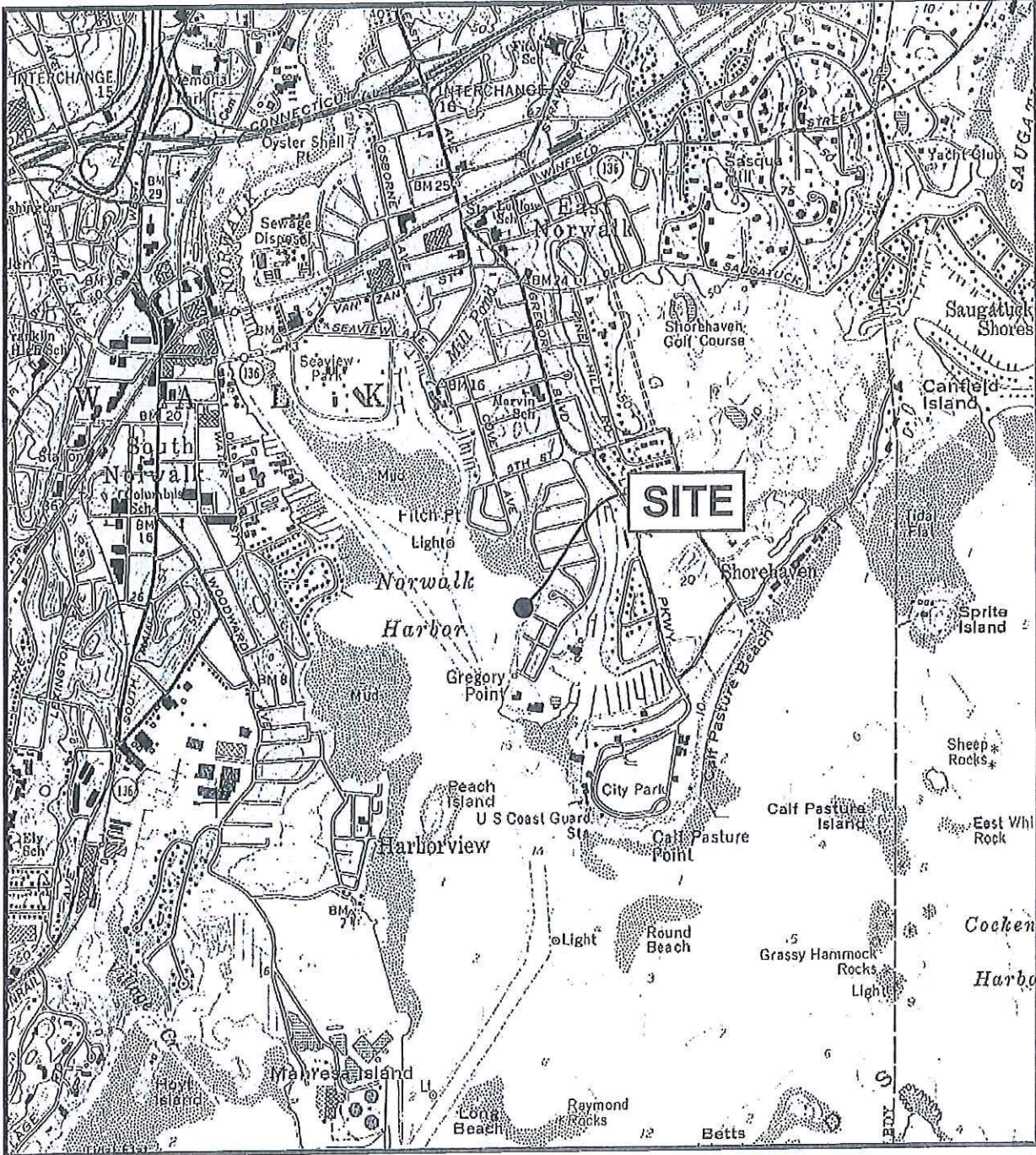
16. This permit may be revoked, suspended, or modified in accordance with applicable law.
17. The issuance of this permit does not relieve the Permittees of their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This permit is subject to and does not 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 _____, 2016

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner

Permit #201507829-KB, Norwalk
Nicolina Saporito and Mark D'Ariano



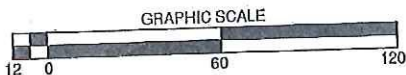
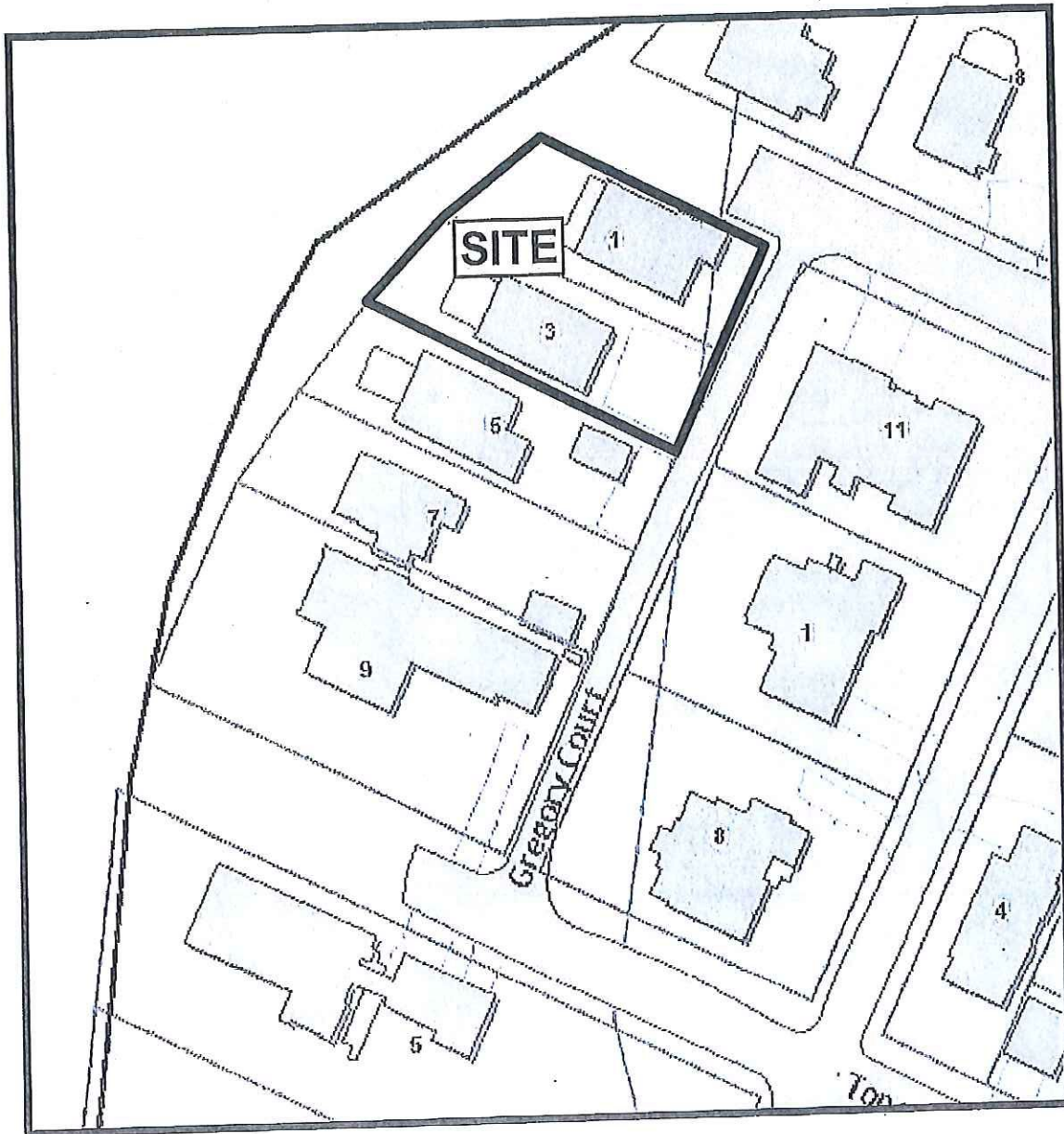
Coastline Consulting & Development
 57-B Industrial Road, Branford, CT 06405
 (203) 433-4486

SITE LOCATION MAP
 SHARED DOCK PROJECT

SAPORITO & D'ARIANO PROPERTIES
 1 & 3 GREGORY COURT
 NORWALK, CONNECTICUT

NOTE: REFER TO NOTES FOR THIS SHEET IN
 APPLICATION DRAWING NOTES ON SHEET 8 OF 8.

9-28-2015 SCALE: 1 = 24,000 SHEET 1 OF 8



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.

Coastline Consulting & Development
 57-B Industrial Road, Branford, CT 06405
 (203) 433-4486

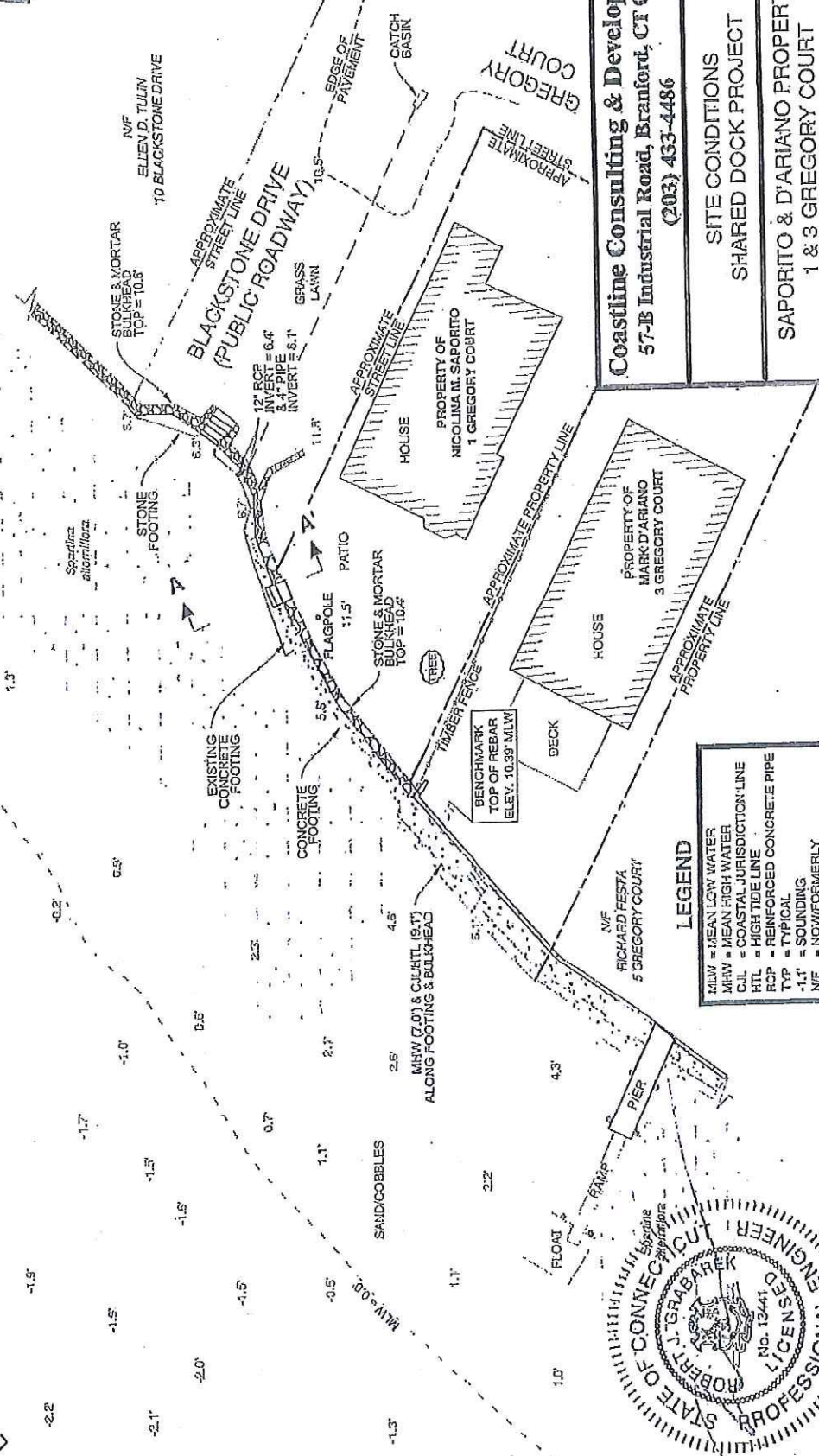
GEOGRAPHICAL INFORMATION SYSTEM MAP
 SHARED DOCK PROJECT

SAPORITO & D'ARIANO PROPERTIES
 1 & 3 GREGORY COURT
 NORWALK, CONNECTICUT

9-28-2015 SCALE 1" = 60' SHEET 2 OF 8

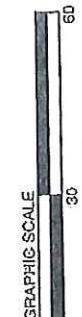
CT STATE PLANE COORDINATE SYSTEM (NAD 83)

NORWALK HARBOR
LONG ISLAND SOUND



LEGEND

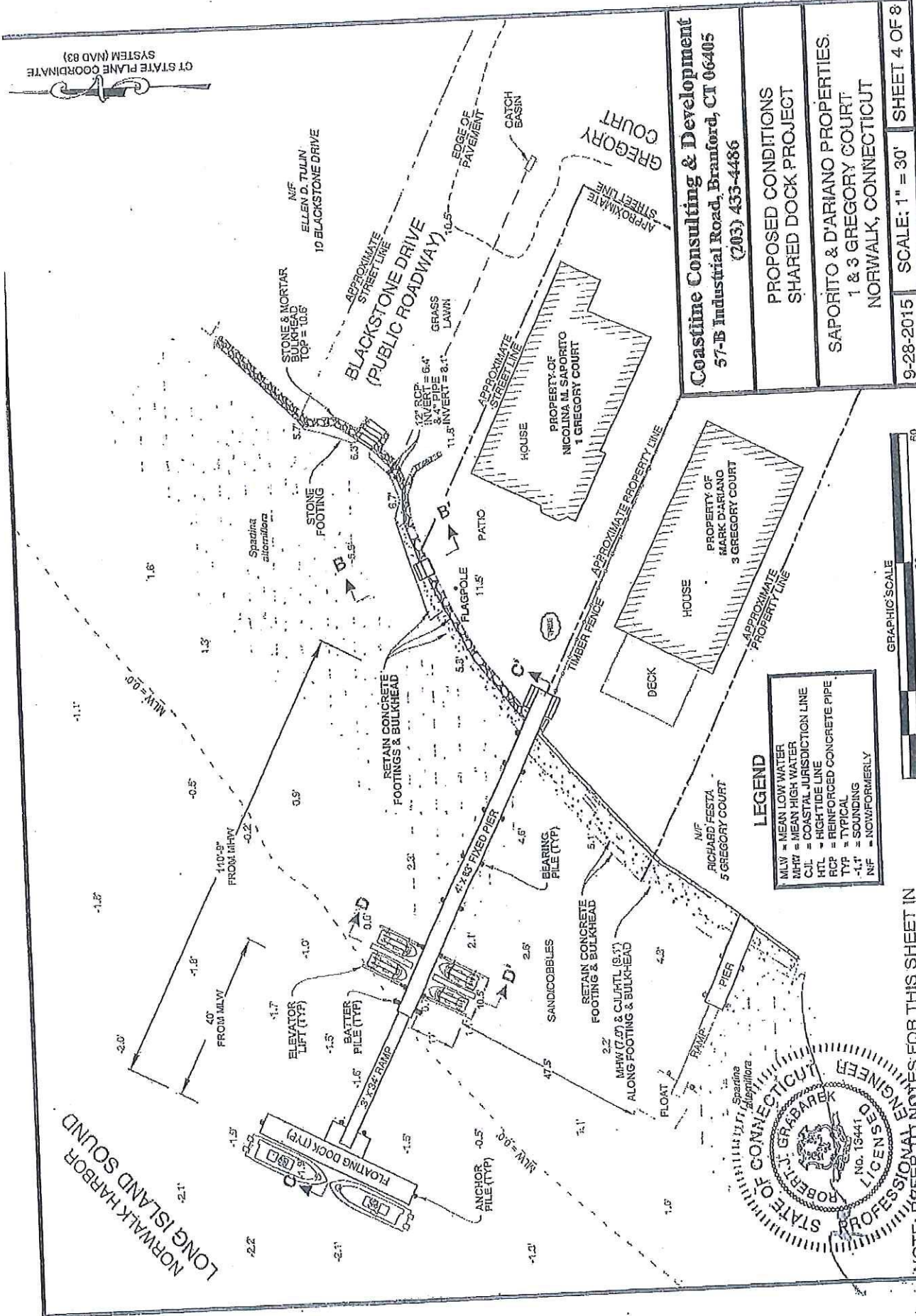
- MHW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- CUL = COASTAL JURISDICTION LINE
- HTL = HIGH TIDE LINE
- RCP = REINFORCED CONCRETE PIPE
- TYP = TYPICAL
- 1.1' = SOUNDING
- NF = NOW/FORMERLY



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.

Coastline Consulting & Development 57-B Industrial Road, Branford, CT 06405 (203) 433-4486	
SITE CONDITIONS SHARED DOCK PROJECT	
SAPORITO & D'ARIANO PROPERTIES 1 & 3 GREGORY COURT NORWALK, CONNECTICUT	
9-28-2015	SCALE: 1" = 30' SHEET 3 OF 8

CT STATE PLANE COORDINATE SYSTEM (NAD 83)



Coastline Consulting & Development
 57-B Industrial Road, Branford, CT 06405
 (203) 433-4486

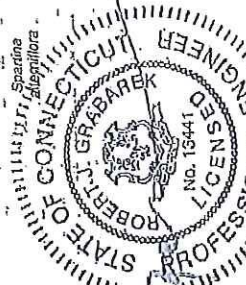
PROPOSED CONDITIONS
 SHARED DOCK PROJECT

SAPORITO & D'ARRIANO PROPERTIES,
 1 & 3 GREGORY COURT
 NORWALK, CONNECTICUT

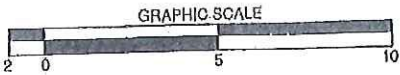
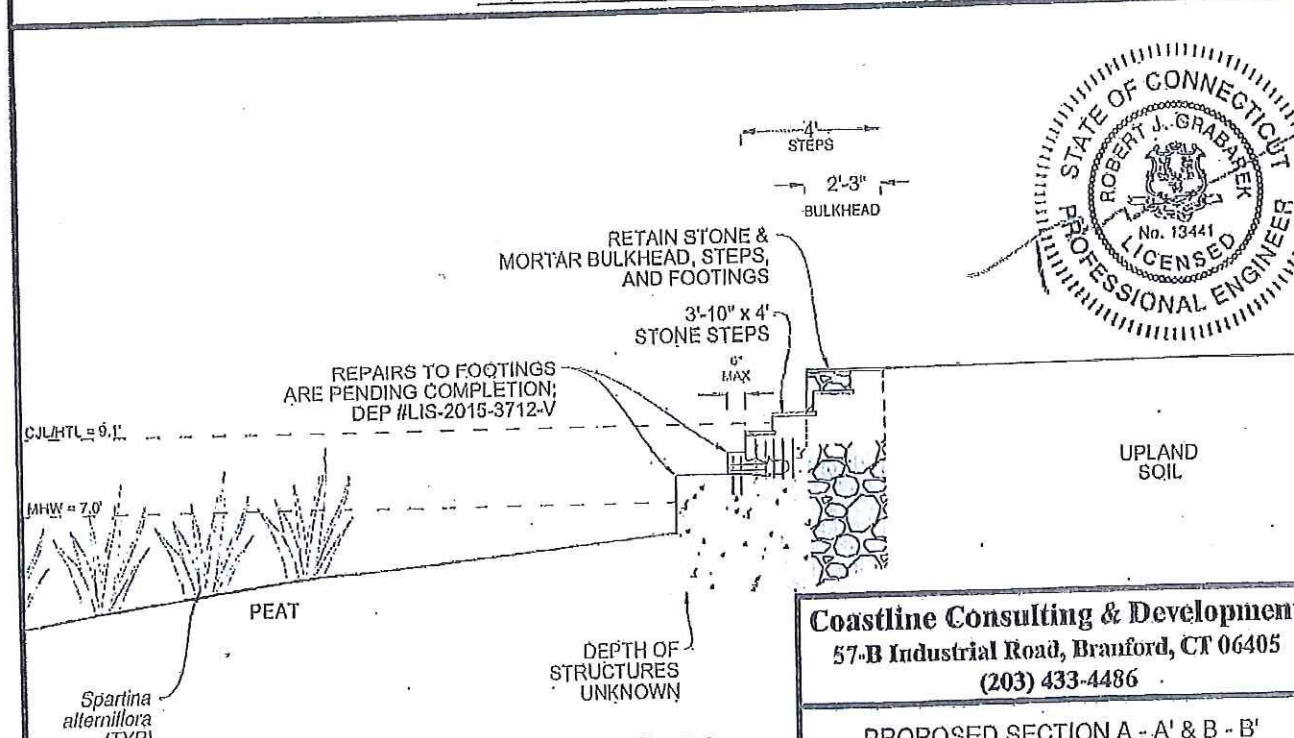
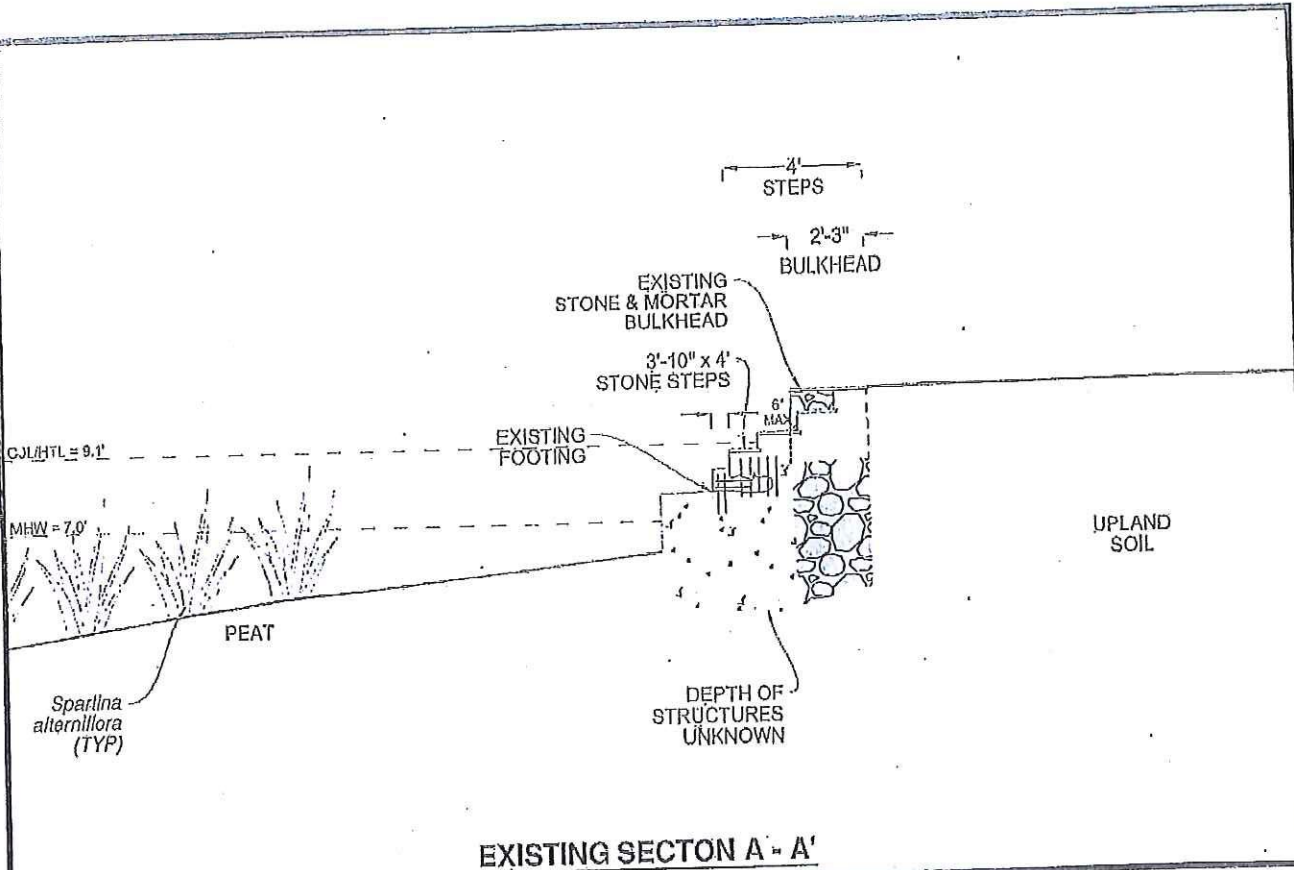
9-28-2015 SCALE: 1" = 30' SHEET 4 OF 8

LEGEND

- MLW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- C.J.L. = COASTAL JURISDICTION LINE
- HTL = HIGH TIDE LINE
- RCP = REINFORCED CONCRETE PIPE
- TYP = TYPICAL
- 1.1' = SOUNDING
- NIF = NON-FORMERLY



NOTE: REFER TO DRAWING NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.

Coastline Consulting & Development 57-B Industrial Road, Branford, CT 06405 (203) 433-4486		
PROPOSED SECTION A - A' & B - B' SHARED DOCK PROJECT		
SAPORITO & D'ARIANO PROPERTIES 1 & 3 GREGORY COURT NORWALK, CONNECTICUT		
9-28-2015	SCALE: 1" = 5'	SHEET 5 OF 8

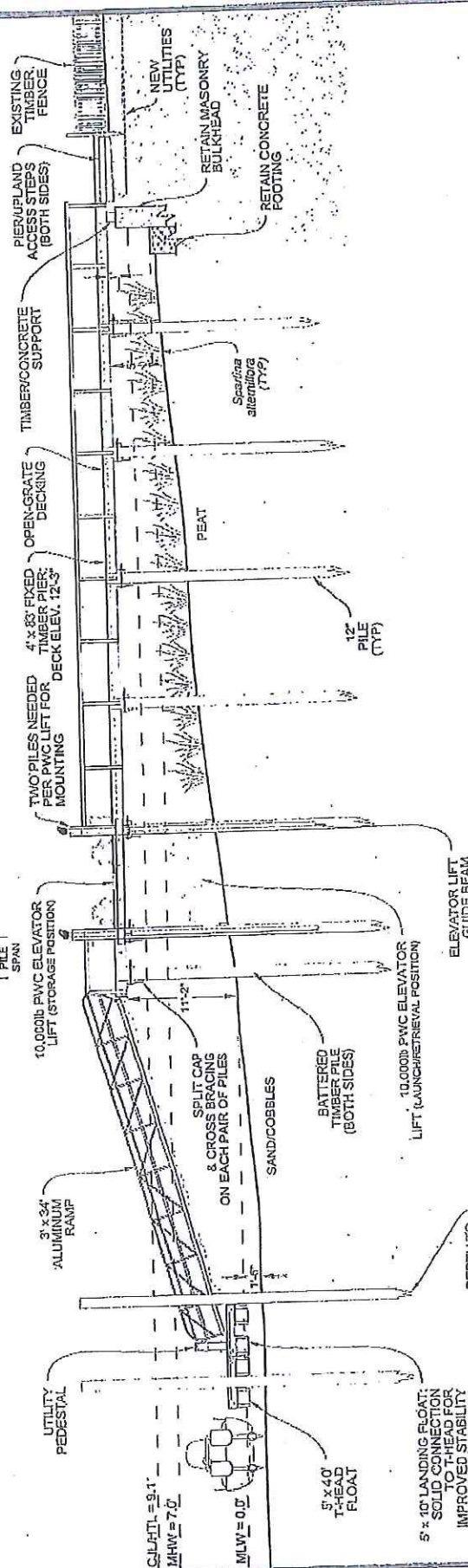
83' FIXED PIER
(73' WATERWARD OF CJUHTL)

40'
WATERWARD OF MLW

10'
PILE SPAN W/
PWC ELEVATOR LIFT

4'
PILE SPAN

12' PILE SPAN
(TYP)



CJUHTL = 9.4'
MHW = 7.0'
MLW = 0.0'

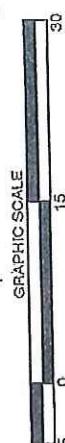
PROPOSED ELEVATION VIEW C - C'

Coastline Consulting & Development
57-B Industrial Road, Branford, CT 06405
(203) 453-4486

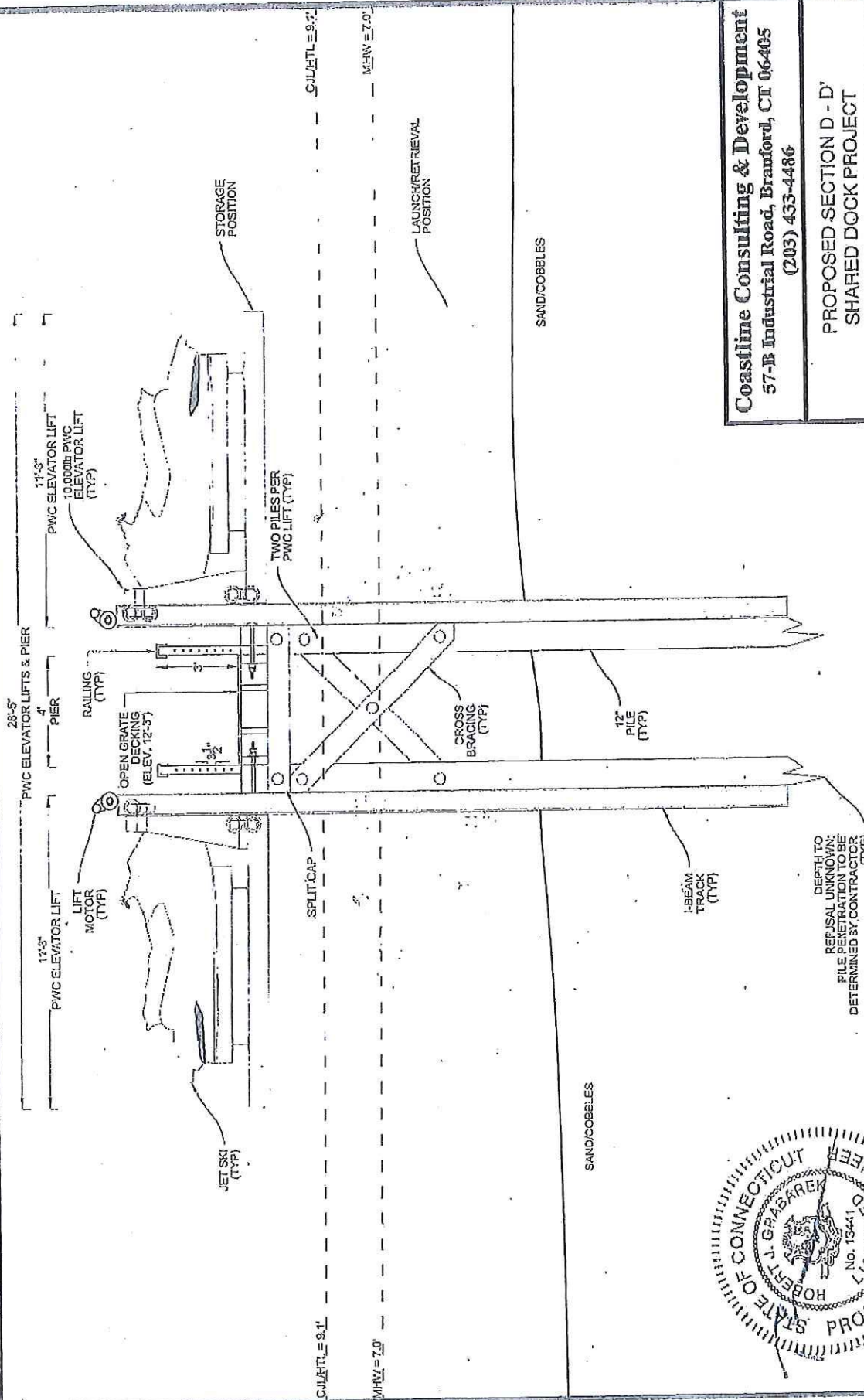
PROPOSED ELEVATION VIEW C - C'
SHARED DOCK PROJECT

SAPORITO & D'ARIANO PROPERTIES
1 & 3 GREGORY COURT
NORWALK, CONNECTICUT

9-28-2015 SCALE: 1" = 15' SHEET 6 OF 8



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.



Coastline Consulting & Development
 57-B Industrial Road, Branford, CT 06405
 (203) 453-4486

PROPOSED SECTION D - D'
 SHARED DOCK PROJECT

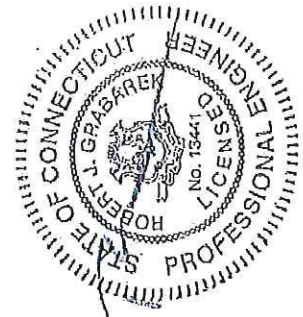
SAPORITO & D'ARIANO PROPERTIES
 1 & 3 GREGORY COURT
 NORWALK, CONNECTICUT

9-28-2015 SCALE: 1" = 5' SHEET 7 OF 8

PROPOSED SECTION D - D'



NOTE: REFER TO NOTES FOR THIS SHEET IN APPLICATION DRAWING NOTES ON SHEET 8 OF 8.



DEPTH TO REFUSAL UNKNOWN:
 PILE PENETRATION TO BE DETERMINED BY CONTRACTOR (TYP)

SAND/COBBLES

SAND/COBBLES

I-BEAM TRACK (TYP)

12" PILE (TYP)

CROSS BRACING (TYP)

SPLIT CAP

JET SKI (TYP)

OPEN GRATE DECKING (ELEV. 12'-3")

RAILING (TYP)

11'-3" PWC ELEVATOR LIFT (TYP)

4" PIER

28'-5"

CULVERT = 9.1'

MANHOLE = 7.0'

STORAGE POSITION

LAUNCH/RETRIEVAL POSITION

CULVERT = 9.1'

MANHOLE = 7.0'

APPLICATION DRAWING NOTES

SHEET 1 OF 8 SITE LOCATION MAP

1. MAP TAKEN FROM TOPO. INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE NORWALK SOUTH, CONNECTICUT. QUADRANGLE, 1960 (PHOTO INSPECTED 1976. PHOTO REVISED 1984).

SHEET 2 OF 8 GEOGRAPHICAL INFORMATION SYSTEM MAP

1. THE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON NORWALK GIS MAPPING, TAKEN FROM <http://ags2.edm.com/norwalkct/> ON DECEMBER 8, 2015.

SHEET 3 OF 8 SITE CONDITIONS

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS COLLECTED ON 9/10/13, 12/11/14 & 9/4/15, AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS & DOCUMENTS:
 - A. "TOPOGRAPHIC SURVEY, SAPORITO PROPERTY, 1 GREGORY COURT, NORWALK, CONNECTICUT", TOPOGRAPHIC ACCURACY CLASS T-2, DATED JANUARY 5, 2015, SHEET 1 OF 1, SCALE 1"=30'. CERTIFIED BY JAMES NAGLE, LS CT LIC. NO. 15195.
 - B. "PLOT PLAN OF PROPERTY PREPARED FOR RICHARD C. & MARY JANE CARPENTER, EAST NORWALK, CONNECTICUT", SCALE 1" = 20', DATED MAY 19, 1990. PREPARED BY ARCAMONE LAND SURVEYORS AND CERTIFIED TO CLASS A-2 STANDARDS.
 - C. "SUPPLEMENTARY, THE MAP OF THE DECKER SECTION OF GREGORY PARK, NORWALK, CONN", SCALE 1" = 50', DATED 1911, AND CERTIFIED SUBSTANTIALLY CORRECT BY C.N. WOOD, C.E. SAID MAP ON FILE IN THE NORWALK CITY CLERK'S OFFICE AS MAP No. 286.
 - D. A PROPERTY SURVEY STATUS LETTER FOR 1 GREGORY COURT, DATED 1/8/15, PREPARED AND CERTIFIED BY JAMES NAGLE, LS CT LIC. NO. 15195.
 - E. A PROPERTY SURVEY STATUS LETTER FOR 3 GREGORY COURT, DATED 10/12/13, PREPARED AND CERTIFIED BY JAMES NAGLE, LS CT LIC. NO. 15195.
 - F. NORWALK GIS MAPPING, TAKEN FROM <http://ags2.edm.com/norwalkct/> ON DECEMBER 8, 2014.
3. BENCHMARK, TIDE LINES, SOUNDINGS, AND UPLAND ELEVATIONS ARE IN FEET, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM. TIDE LINES ARE DERIVED FROM NOAA TIDE STATION #8468609 & 8468448 (1983-2001 EPOCH) IN NORWALK, CONNECTICUT. THE CJL (COASTAL JURISDICTION LINE) ELEVATION OF 5.4' NAVD88 (9.1' MLW DATUM) IS THE VALUE FOR NORWALK, CT AS ESTABLISHED BY THE CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION".
4. THIS DRAWING IS FOR PLANNING AND PERMITTING PURPOSES ONLY. ANY PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED, AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING AND DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.

SHEETS 4 - 7 OF 8 PROPOSED CONDITIONS, ELEVATION & CROSS-SECTIONS

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, FIELD OBSERVATIONS, AND OTHER SOURCES.
2. REFERENCE IS MADE TO THE FOLLOWING DRAWINGS:
 - A. "SHEET 3 OF 7, SITE CONDITIONS, SHARED DOCK PROJECT, SAPORITO & D'ARIANO PROPERTIES, 1 & 3 GREGORY COURT, NORWALK, CONNECTICUT", SCALE 1" = 30'.
 - B. "SHEET 4 OF 7, PROPOSED CONDITIONS, SHARED DOCK PROJECT, SAPORITO & D'ARIANO PROPERTIES, 1 & 3 GREGORY COURT, NORWALK, CONNECTICUT", SCALE 1" = 30'.
3. SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88.
4. THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.



Coastline Consulting & Development
57-B East Industrial Road, Branford, CT 06405
(203) 443-4486

SHEET 8 OF 8
APPLICATION DRAWING NOTES
SHARED DOCK PROJECT

SAPORITO & D'ARIANO PROPERTIES
1 & 3 GREGORY COURT
NORWALK, CONNECTICUT

SEPTEMBER 28, 2015

FILE NO.: 14-068

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

PERMITTEES: Nicolina Saporito
1 Gregory Court
Norwalk, CT 06855

Mark D'Ariano
3 Gregory Court
Norwalk, CT 06855

Permit No: 201507829-KB, Norwalk

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 Norwalk

Signature and

Date:

Subject: Norwalk Harbor off properties located at 1 and 3 Gregory Court in Norwalk, CT

Coastal Permit #201411570-KB

Pursuant to Section 22a-363g and 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Nicolina Saporito, 1 Gregory Court, Norwalk, CT 06855 and Mark D'Ariano, 3 Gregory Court, Norwalk, CT to:

1. install a shared fixed pier measuring 4' x 83' (of which 74' will be located waterward of the CJL) with open grate decking and two sets of battered piles; two (2) 11' x 11' jet ski elevator lifts; a 3' x 34' ramp; and a 5' x 40' floating dock with a 5' x 10' ramp landing float secured with (4) four anchor piles;
2. retain the following structures: (a) 1 Gregory Court-approximately 49 linear feet of stone masonry bulkhead with an irregular 2'-4.5' wide concrete and masonry footing and a 4' wide set of stone masonry access steps; and (b) 3 Gregory Court-approximately 43 linear feet of concrete bulkhead with a 2' wide concrete footing and 5' wide set of recessed access steps.

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

Return to:
Office of Long Island Sound Programs
State of Connecticut
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127