

Office of Adjudications

***IN THE MATTER OF*** : ***APPLICATION NO.***  
***201005747-KB***

***CHARLES KING AND***  
***CATHLEEN WOODS-KING*** : ***JUNE 21, 2012***

***PROPOSED FINAL DECISION***

***I***

***INTRODUCTION***

Charles King and Cathleen Woods-King (collectively, the applicant) have applied to the Department of Energy and Environmental Protection (DEEP/the department) for a permit to conduct activities waterward of the high-tide line. These activities include: repair and retention of an existing concrete seawall, repair and retention of an existing concrete boat ramp, installation of scour protection in front of the existing boat ramp and seawall, replacement of stone riprap to the east of the existing boat ramp, and installation of a steel pile-supported pier, t-head, and boat lift for recreational boating access to Long Island Sound. The department issued its Notice of Tentative Determination (NTD) to permit the proposed activity on December 19, 2011 with the indication that the director of the Bureau of Aquaculture in the Department of Agriculture found that the proposed activity would significantly impact a shellfish area. A petition for hearing signed by more than twenty-five members of the public was submitted and a hearing was held on the application and proposed draft permit.

The scope of the hearing requires an examination of whether the proposed activity as authorized and controlled by the terms and conditions of the proposed permit complies with the applicable conditions of Connecticut's Structures, Dredging and Fill Statutes (General Statutes §§ 22a-359 through 363f) and its Coastal Management Act (§§ 22a-90 through 112).

After the conclusion of the hearing and pursuant to the post-hearing directive, the applicant and DEEP staff jointly submitted proposed findings of fact and conclusions of law for my consideration (the joint filing/Attachment A). Based on the substantial evidence presented by the parties, including the documentary evidence<sup>1</sup> and witness testimony, I find that the activity as proposed in the final application and as controlled by the proposed draft permit complies with the applicable requirements of Connecticut's Structures, Dredging and Fill Statutes and its Coastal Management Act. I recommend that the proposed draft permit (Attachment B) be issued with the minor modifications discussed at the conclusion of this decision.

## ***II***

### ***DECISION***

#### ***A***

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

I adopt the findings of fact numbered one through thirty-five in Section III and the findings of fact within section IV<sup>2</sup> of the joint filing. These findings are supported by the evidence in the hearing record. Although the findings in Section III are labeled "Procedural History," many of the findings provide substantive support for the conclusions reached regarding the proposed activity's compliance with the applicable statutes. In addition to the citations to the record referenced in those findings, I also base my overall adoption of those findings on the following: Exhibits DEEP-29, 30, APP-20; test. 4/4/12<sup>3</sup>, A. Sleicher, C. King, M. Ludwig, K. Bellantuono. All documents pertaining to the procedural history of this proceeding that do not have an exhibit number are contained in the docket file maintained by the Office of

---

<sup>1</sup> DEEP staff and the applicants presented three additional exhibits with their joint findings of fact and conclusions of law and requested their admission into the record. DEEP-29 (the revised draft permit), DEEP-30 (OLISP Fact Sheet re: visual impacts), and APP-20 (Google Earth image with sightlines from properties to the east) are all admitted into the record as full exhibits.

<sup>2</sup> Section IV also contains conclusions of law that are adopted separately later in this decision.

<sup>3</sup> The testimony and proceedings in this matter were recorded. No written transcript has been prepared. The audio recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding.

Adjudications and are part of the administrative record in this matter. General Statutes §4-177(d).

In addition, I make the following findings:

1. The physical structure of the pier, t-head, and boat lift will require a regular pattern of inspection and maintenance by qualified coastal engineers and marine contractors and additional inspection and maintenance after significant coastal storms. The riprap and scour protection will likewise require occasional inspection and maintenance. Stones can be replaced as necessary. Ocean and Coastal Consultants, Inc. (OCC) can perform these services for the applicant to ensure the structure's continued integrity. The applicant is committed to retaining the services of OCC for any necessary inspections and maintenance. (Ex. APP-5; test. A. Sleicher, C. King.)

2. Armor stone to be utilized at the site to protect the concrete seawall and re-establish the riprap to the east of the concrete ramp will all be sized appropriately to withstand wave action at the site. The size of the stone was increased based on the size of stones that withstood wave action from tropical storm Irene on August 28, 2011 to consist of armor stones with a median size of three feet and toe stones with a median size of four feet. (Exs. DEEP-6, APP-5; test. A. Sleicher.)

3. The wave load on the pier structure was calculated conservatively because it was calculated as if the entire force of the wave was on a single sixteen-inch pile. The force of the wave will be spread out among all the piles and other structural elements of the pier and dissipate as it travels inward along the structure and flows through the open steel decking. (Exs. DEEP-6, APP-5; test. A. Sleicher.)

4. The applicant will move and reuse large stones scattered on the beach east of the concrete boat ramp as part of the riprap and scour protection constructed along that portion of the beach. The movement and reuse of those stones for riprap and scour protection will make that portion of the beach more accessible to pedestrians. (Exs. DEEP-6, APP-5; test. A. Sleicher.)

5. The pier structure is designed to minimize intrusion into the public trust zone waterward of the high-tide line. There will be clearance under the pier ranging from approximately 7.5 to 9.5 feet to allow pedestrians to walk under the dock. The dock cannot have any cross bracing under the decking in the area waterward of the high tide line. The pier will also utilize single-pile construction to minimize intrusion in the intertidal zone. The pier's maximum waterward reach, including the t-head and boat lift will extend to a point at or just below mean low water and will not interfere with navigation. (Exs. DEEP-6, 29, APP-5; test. A. Sleicher.)

6. The existing concrete seawall has broken down in several areas and is separating from the upland. The remains of the wall to the east of the concrete ramp are almost entirely covered by riprap. The portion of the wall that remains standing has shifted seaward and is in danger of collapse. The wall is graffiti covered. Pieces of broken concrete from the waterward portion of the boat ramp are mixed with riprap stone at the end of the boat ramp. The planned riprap and scour protection will cover much of the existing seawall. (Exs. DEEP-1, 2, 3, and 6, APP-6, 17.)

7. The proposed project will fill in and stabilize areas of the shoreline currently subject to scouring and erosion. The proposed riprap and scour protection will reduce sediment transport from this location and absorb some wave energy rather than deflect all of it seaward or to neighboring property. The proposed project cannot resolve erosion and scouring issues on neighboring property that currently exist but it will not worsen the existing erosion and scouring on neighboring property. The applicant will attempt to work cooperatively with neighboring property owners and the department on a collective resolution to scouring west of the seawall on the property immediately west of the applicant's property. The riprap slope will absorb wave energy better than the existing vertical seawall and will deflect less wave energy to neighboring properties and lessen scouring on the applicant's property. (Exs. DEEP-6, 29, APP-5, 7, 16, 17; test. A. Sleicher, M. Ludwig, C. King, K. Bellantuono.)

8. The proposed draft permit contains the necessary terms and conditions to protect coastal resources during the construction of the riprap and scour protection and the pier, t-head and boat lift. The construction sequencing and methods support the minimization of any impact. The

applicant is responsible for the activities of any contractors performing work under this permit. (Exs. DEEP-28, 29, APP-6, 17; test. K. Bellantuono, A. Sleicher).

9. The applicant recognizes that under certain weather conditions, the boat cannot be kept in the proposed boat lift. The applicant will complete, with OCC's assistance, a storm contingency plan to ensure the boat is removed from the lift during storm activity that exceeds the five-year storm criteria. The applicant's contingency plan could include moving the boat to a safer harbor or mooring or taking it out of the water completely. The boat may only be stored on the lift from April 1 to November 15 in any calendar year. (Exs. DEEP-29, APP-16; test. A. Sleicher, C. King.)

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

I concur with the conclusions of law within section IV of the joint filing. Those conclusions are supported by the facts in evidence and the findings within this decision. I adopt the conclusions of law as part of my proposed final decision.

***C***  
***PUBLIC COMMENT***

During the public hearing process, there were numerous comments opposed to the construction of the pile-supported pier structure, t-head, and boat lift. As indicated in the joint filing from the parties, the proposed structure was the result of earlier opposition by DEEP and the U.S. Army Corps of Engineers (USACE) to any extension of the existing concrete boat ramp in a manner that would block lateral access across the beach. The applicant did not initiate their application for the pile-supported structure until DEEP and USACE clarified they would require a pile-supported structure with sufficient height to allow members of the public to walk unimpeded at the point of mean high water. The proposed pier accomplishes this while still providing reasonable boating access to the applicants.

The proposed activity as authorized by the draft permit represents an attempt to balance the applicant's littoral right<sup>4</sup> to access Long Island Sound from their upland with the state's duty to maintain public access to areas waterward of the high tide line. The single-pile construction, the pier's elevation, and the lack of cross bracing in areas of public access all work to allow the public essentially unimpeded access to the intertidal area. Further, the movement of stone for use in the riprap and scour protection along the area east of the boat ramp will make that area more accessible to members of the public walking on that portion of the beach.

Other comments focused on alleged impact to the views of Long Island Sound and the impact on the character of the Lordship neighborhood. This comment is puzzling because the current status of the beach property is in severe disrepair and blighted by graffiti. Crumbling, jagged concrete, exposed steel re-bar, and washed-out areas make this area of the beach dangerous to cross. I do not think these comments intended to portray a belief that the existing deteriorated conditions fit within the character of the neighborhood. I can only assume that the "character" of the neighborhood referenced is that no one has personal boating access from private property in this area of Stratford. This interest in the neighborhood's character cannot outweigh the applicant's right to reasonable boating access. The current conditions do not provide the applicant with this access while the proposed pier does without interfering with the public's right to access the beach in this location. Therefore, the applicant's littoral rights cannot be restricted solely because the applicants are the first property owners willing to incur the time and expense associated with designing and constructing a dock suitable for this location that will meet regulatory requirements and improve access to this area for the upland owners and for the general public.

The comments that allege impacts to views also do not consider the height of the existing bluff that will block a significant portion of the structure from the view of immediate abutters. Other abutting property owners to the west are a significant distance from the structure or are blocked at least partially from viewing this area by trees. Abutting owners to the east are

---

<sup>4</sup> "Littoral" rights pertain to properties that abut an ocean, sea, or lake and is the proper term to describe the rights that shoreline owners possess to make use of the land lying seaward of the mean high water line by wharfing out and erecting piers over such land. *Lane et al. v. Commissioner of Environmental Protection*, 136 Conn.App. 135, 157 (2012).

likewise blocked by the height of the bluff or otherwise at a significant distance. Any view of the pier structure would encompass a small portion of the overall view enjoyed by these private properties. Visitors to the beach itself will see an improvement in landscape from the currently deteriorated seawall and rubble-strewn beachfront.

Finally, other comments focused on the ability of the structure to withstand the forces of nature at work in this exposed location and the storage of a vessel on that structure. Concerns included wave energy, wind, and currents. The evidence on the record supports the conclusion that the proposed structure is adequately designed for the natural forces at this location. However, the structure must also be maintained to continue its ability to withstand the elements. The applicant's consultant agreed that the structure should be regularly maintained and inspected, including after major storm events. The draft permit requires the permittee to maintain the structures in good condition. It also requires the permittee to submit additional information, including as-built plans to the Commissioner.

The proposed location of this activity presents unique challenges as identified by DEEP staff, OCC, and the comments on the application, including significant wave energy, winds, and currents. Because of the unique location and the exposure of the proposed structure, I recommend that the permit be modified to require the permittee to keep DEEP notified of any regularly scheduled or storm related inspections of the pier. The applicants shall also provide to DEEP copies of any inspection reports it receives from its consultants. These requirements will place an ongoing affirmative duty on the permittee to keep DEEP staff informed about the ongoing status of the pier structure without interfering with DEEP's ongoing right to inspect the structure to ensure compliance with the permit terms and conditions. If the applicant has its consultant draft a plan for inspection and maintenance of the improvements authorized by the permit, then it shall provide a copy of that plan to the department.

The storage of the vessel will be limited during the calendar year and a storm contingency plan provided by the applicant's consultant will ensure that the boat is removed from its lift during significant weather events. In order to keep the department informed of the applicant's vigilance in this regard, I also recommend that the permit be modified to require the

applicant to submit to the department the storm contingency plan it develops for movement of the boat from the proposed lift during significant storm events and an annual summary of the operation of that plan. Again, this requirement is intended to keep DEEP staff informed about the ongoing use of the boat lift and provide assurance that the permittee is honoring their commitment to keep the boat off the lift during significant weather events.

*D*

*AGENCY COMMENT*

In addition to the comment from the general public, the applicant also received advisory input from local and state agencies with an interest in or some form of jurisdiction over the proposed activity. The Stratford Shellfish Commission was consulted and did not provide a final opinion on the project because it could not confirm where the pier would end up in case of a catastrophic failure. At the same time, the Stratford Shellfish Commission also confirmed there were no active shellfish resources in the immediate vicinity of the project. The pier is conservatively designed to withstand the 100-year storm and to the extent any recreational shellfishing opportunities exist in the vicinity of the pier, it will be posted that recreational shellfishing by members of the public is permitted near the pier structure. These two facts address any concern expressed by the Stratford Shellfish Commission

The Stratford Conservation Commission also provided comment and expressed concern about the precedent that may result from the approval of the proposed pier structure. This concern does not alter the fact that DEEP staff reviewed the proposed activity and determined that the applicant had minimized impact to coastal resources. The applicant's littoral right to utilize the intertidal area for gaining access must be balanced against public trust concerns. The proposed project appropriately addresses the need for balance. Any other proposal in this area must be able to pass similar scrutiny. The current lack of boating access from residential properties in this area by itself is not a reason to deny an application for a reasonably sized pier structure that provides reasonable boating access to which the applicant is entitled while meeting the department's guidelines and without compromising public access.



The Bureau of Aquaculture (BOA) reviewed the project throughout the application process. Comments from BOA centered on the pier's ability to withstand the wave energy at the site. Again, the concern was that catastrophic failure of the pier could impact shellfish resources on the bottom. BOA's concerns also focused on the riprap and scour protection and the associated risk of sediment transport to nearby shellfish resources. The site currently has an existing problem with scouring and erosion. The proposed activity intends to stabilize the area, reduce the amount of sediment transported off-site, and prevent the catastrophic failure of the concrete wall and the release of the unknown fill behind it. BOA maintains its concern without expressing more precisely the location of the shellfish resource on which its concern is focused or without any specific description of how the proposed work will cause more sediment to affect these resources. BOA's determination of significant shellfish impact triggers a potential hearing on this type of permit. The hearing is only required when a petition with more than twenty-five signatures requests a hearing as was done here. General Statutes § 22a-361(b). It is the hearing where specific evidence and data can be submitted for the record and my consideration, including specific detail about actual impact to shellfish. Without more specific evidence than the expressions of concern echoed throughout these proceedings, BOA's comments carry little weight when balanced against the specific evidence presented by the applicant in its application materials, its responses to comments, and as pre-filed testimony in this hearing.

The Stratford Waterfront and Harbor Management Commission (SWHMC) also provided multiple comments on the proposed project. The SWHMC discussed the proposal at several of its meetings and found the project consistent with Stratford's Harbor Management Plan (HMP). The SWHMC's final review of the project after the public hearing session echoed the numerous comments from the public. However, it never altered its finding that the proposed project is consistent with the HMP. The SWHMC asked about the potential for a proposal that would satisfy the applicant's littoral right to access Long Island Sound while addressing the public's concern about the lack of any similar access in the Lordship area, the stability of the structure, and impact on views. Again, the applicant addressed these issues sufficiently through specific evidence like engineering calculations and expert testimony. The department and the applicant

confirmed that there was no other means to provide reasonable boating access without a significant impact on public trust and coastal resources.

### ***III***

#### ***RECOMMENDATION***

The applicants and DEEP staff provided substantial evidence to support the conclusion that the proposed activity as controlled by the draft permit complies with the statutory requirements by improving the existing erosion problem, preventing the collapse of the seawall, and providing the applicants with reasonable access to the waters of Long Island Sound. The applicant and DEEP staff have also sufficiently addressed the comments from members of the public with additional evidence and testimony they provided during the course of the hearing.

I recommend that the permit be issued but with minor modifications intended to address the concerns about the impact of wave energy from Long Island Sound on the pier structure and the risks associated with the storage of a boat in this area. The permit shall be modified by adding the following or substantially similar Special Conditions:

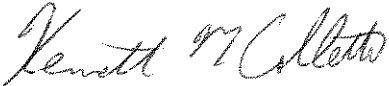
24. The Permittee shall provide to the department a copy of any inspection and maintenance (I&M) plan completed by the Permittee's consultant within thirty (30) days of its completion. The Permittee shall also submit any amended version of the I&M plan within thirty (30) days of a substantive amendment to the plan. This provision does not obligate the Permittee or its consultant to create an I&M plan.

25. The Permittee shall notify the department of any scheduled inspection of the improvements authorized by this permit at least fifteen (15) days prior to the established date for the inspection. If the inspection is related to a storm event, then the Permittee shall provide 48-hours notice to the department if practicable. The Permittee shall provide copies of any inspection report generated as a result of these inspections to the department. Nothing in this provision is

intended to impact the department's own inspection authority or obligates the department to attend these inspections.

26. The Permittee shall provide a copy of the storm contingency plan to the department within thirty (30) days of its completion. The Permittee shall, on an annual basis, summarize the operation of the storm contingency plan and identify any dates where the boat had to be removed from the boat lift due to a significant storm event.

These modifications are intended to ensure the permittee keeps the department informed about the ongoing use and status of the proposed pier and boat lift in recognition of the unique location of these structures. After the incorporation of these additional conditions into the proposed draft permit, the final permit may be submitted to the Commissioner or his designee for signature.



---

Kenneth M. Collette, Hearing Officer

**SERVICE LIST**

In re Charles King and Cathleen Woods-King  
Application No. 201005747-KB

**PARTY**

Charles King and  
Cathleen Woods-King  
295 Bayview Boulevard  
Stratford, CT 06615

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

Non-party petitioner  
Susan Hendrick Wilson  
245 Bayview Boulevard  
Stratford, CT 06615  
[sdhwilson@sbcglobal.net](mailto:sdhwilson@sbcglobal.net)

**REPRESENTED BY**

Gregory A. Sharp, Esq.  
Diane C. Bellantoni, Esq.  
Murtha Cullina LLP  
City Place I, 29<sup>th</sup> floor  
Hartford, CT 06103  
[gsharp@murthlaw.com](mailto:gsharp@murthlaw.com)  
[dbellantoni@murthlaw.com](mailto:dbellantoni@murthlaw.com)

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

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

IN THE MATTER OF : Application No. 201005747-KB  
: :  
CHARLES KING and : :  
CATHLEEN WOODS-KING : May 31, 2012

**JOINT SUBMISSION BY APPLICANT AND THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION, OFFICE OF LONG ISLAND SOUND PROGRAMS, OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**I. INTRODUCTION**

Pursuant to § 22a-3a-6(x) of the Rules of Practice of the Connecticut Department of Energy and Environmental Protection ("DEEP") and in accordance with the Office of Adjudication's Post Hearing Directive (April 25, 2012), the Applicant, Charles King and Cathleen Woods-King ("Applicant"), together with DEEP Office of Long Island Sound Programs' ("OLISP") staff, hereby respectfully submit this Proposed Findings of Fact and Conclusions of Law regarding the above-captioned matter. OLISP staff has made some minor changes to the proposed draft permit that was submitted as part of DEEP-13 to incorporate technical comments received from Applicant's consultant, Ocean and Coastal Consultants, Inc. ("OCC") (DEEP-17). The revised proposed draft permit, submitted by the DEEP OLISP staff for the record as proposed exhibit DEEP-29, is acceptable to Applicant and DEEP and is attached hereto.

The issues for adjudication in this matter were limited in scope to a determination of whether the activities proposed in the application and as authorized by the proposed draft permit comply with the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112).

**II. SUMMARY**

Applicant is the owner of residential property located at 295 Bayview Boulevard, Stratford, Connecticut (APP-1). The shoreline portion of the property borders Long Island Sound and currently consists of a precast concrete seawall on the west end, the remains of a concrete boat ramp, and a riprap slope on the east end, all of which are in need of repair. The bottom of the boat ramp is more than six feet above the mean high water elevation and there is a large quantity of scattered stone and concrete debris at the base of the boat ramp. The ramp is not suitable for pedestrian or boating access to Long Island Sound due to its condition and its elevation above the surface of the beach.

Applicant is seeking a permit to install rip-rap scour protection to repair the existing seawall and remains of the boat ramp and to install a pier, pierhead and a boatlift to provide residential boating access to Long Island Sound. The permit application seeks a permit to undertake these regulated activities under the provisions of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and in accordance with the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112).

The pre-application and application process for this permit began in September 2008. Applicant submitted a permit application to DEEP on September 20, 2010 (DEEP-3) with revisions provided on September 27, 2011 following Storm Irene on August 28, 2011. DEEP reviewed the application and deemed it complete and consistent with its standards and policies. DEEP issued a notice of tentative determination to approve the application on December 19, 2011 (DEEP-13) with a statement that the Director of the CT Bureau of Aquaculture/Department of Agriculture ("BOA/DOA") had commented that the proposed activity would significantly impact a shellfish area (DEEP-11, DEEP-13). DEEP received a request for a hearing and a petition with at least 25 signatures on January 18 and 19, 2012 (DEEP-24). Pursuant to Conn. Gen. Stat. § 22a-361(b), DEEP issued a Notice of Public Hearing on February 27, 2012 indicating that a public hearing would be held on the application on March 29, 2012 in Stratford, Connecticut (DEEP-25). A site walk at approximately low tide was held at Applicant's property on March 27, 2012. A site walk, at approximately high tide at Applicant's property, and a public hearing at Stratford Town Hall to receive public comments on the proposed permit, were held on March 29, 2012. An evidentiary hearing was held on April 3, 2012 at DEEP to present legal arguments and offer evidence in support of the parties' position.

The Stratford Waterfront and Harbor Management Commission ("SWHMC"), which had previously determined, on July 14, 2010 and May 11, 2011, that the proposed activity was consistent with the Stratford Harbor Management Plan ("HMP") (APP-13, DEEP-6), requested additional time in which to provide comments on the proposed activity. The Hearing Officer granted the SWHMC until April 12, 2012 to provide comments. SWHMC submitted comments on April 12, 2012 and, again, found the proposed activity to be consistent with the HMP. At the Hearing Officer's request, DEEP and Applicant responded to the SWHMC's additional comments in letters dated April 18, 2012. Following review of those letters, the Hearing Officer determined that no further hearing dates or testimony were required and stated that the record in the matter was closed on April 19, 2012.

The issue for adjudication in this matter was limited in scope to a determination of whether the activities proposed in the application and as proposed in DEEP's draft permit comply with the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) (DEEP-29).

Applicant has demonstrated that the activities proposed in the application and as authorized by the proposed draft permit comply with the stated goals and requirements

of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112). Non-party petitioners and members of the public did not present any evidence or testimony to demonstrate that the activities proposed in the application and as authorized by the proposed draft permit do not comply with these goals and requirements. Applicant and DEEP support the issuance of the draft permit and are jointly filing this proposed findings of fact and conclusions of law which concludes that the activities authorized by the proposed draft permit meet the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112).

### **III. PROCEDURAL HISTORY**

1. The parties to this proceeding are Applicant and DEEP OLISP staff. The parties have agreed to the admission of all the exhibits listed on the Prehearing Submissions, and subsequent exhibits offered, which include DEEP's exhibits, DEEP-1 through DEEP-30 and Applicant's exhibits, APP-1 through APP-20.

2. Applicant owns property, a private residence, at 295 Bayview Boulevard, Stratford, Connecticut (APP-1) which is located directly on Long Island Sound. This property is located along the southern shoreline of Lordship Point. The shoreline portion of the property borders Long Island Sound and consists of a precast concrete seawall on the west end, a concrete boat ramp, and a riprap slope on the east end, all of which are in need of repair. The bottom of the boat ramp is more than six feet above mean high water elevation and there is a large quantity of scattered stone and concrete debris at the base of the boat ramp. The ramp is not suitable for pedestrian or boating access to Long Island Sound due to its condition and its high elevation.

3. Applicant is seeking a permit to install rip-rap scour protection to repair the existing seawall and remains of the boat ramp, and to install a pier, pierhead and a boatlift to provide boating access to Long Island Sound.

4. The Bridgeport Natural Shellfish Bed extends from Stratford Point westward to the eastern entrance to Black Rock Harbor. The Project is located landward of the eastern portion of the Bridgeport Natural Shellfish Bed. Because of the currents and exposed nature of the area, the portion of the Bridgeport Natural Shellfish Bed in the area of the project site does not and can not support shellfish (APP-7). The Stratford Shellfish Commission confirmed that there are currently no significant shellfish communities in the vicinity of the proposed activity (Attachment D, Shellfish Commission DEEP Permit Consultation Form, DEEP-6).

5. Applicant began informal pre-application discussions with DEEP staff in September 2008 (DEEP-1, DEEP-2, DEEP-28) about submittal of an application to repair the existing seawall and obtain access to Long Island Sound. Applicant's consultant, OCC, conducted a site survey in November 2008 and provided the Applicant with preliminary conceptual designs for both the seawall stabilization and the

boat ramp extension in February 2009. OCC presented numerous conceptual design options to the Applicant as described more fully in APP-5, page 3.

6. More formal pre-application discussions began between DEEP, Applicant, and OCC in May 2009 (DEEP-2, DEEP-28). OCC submitted the pre-application materials to the DEEP on May 18, 2009 (APP-5, APP-8, DEEP-6). The pre-application materials proposed repairing the existing seawall by pumping grout fill in voids under the wall and placing riprap scour protection in front of the wall, as well as an on-grade concrete boat ramp extension to restore boating access from the property to Long Island Sound (APP-5, APP-8). DEEP provided feedback and recommendations regarding the pre-application submittal including a request to minimize the proposed boat ramp and support for the proposed riprap scour protection. OCC responded to DEEP in a letter dated August 17, 2009 which included supporting calculations for the design of the riprap scour protection of the existing seawall as well as a revised proposal for a pile supported concrete boat ramp (APP-5, APP-9, DEEP-6).

7. In October 2009, both DEEP and the United States Army Corps of Engineers ("USACE") stated that they did not favor the pile supported concrete boat ramp extension, mainly because they believed that it would obstruct public access across the beach, waterward of the mean high water line (APP-5). In response to DEEP's and USACE's rejection of the boat ramp extension, OCC sent a revised proposal to DEEP on November 6, 2009 (APP-10) which eliminated the concrete boat ramp extension and proposed a steel pile supported pier with T-head and davits to allow boating access to Long Island Sound.

8. On March 13, 2010, a major coastal storm event caused further damage to the existing seawall located on the west side of the existing boat ramp and the riprap slope located on the east side of the property. On March 24, 2010, OCC reported the damage to DEEP (APP-11) and asked for an expedited review of the project plans in order to approve the seawall repairs. In response, DEEP requested an on-site meeting which was held on April 20, 2010.

9. Following the site meeting and discussion regarding alternatives (as more fully described in APP-5, page 5), OCC resubmitted the pre-application materials to the DEEP on June 24, 2010 (APP-12). The proposal included repairing the existing seawall by pumping grout to fill in voids under the wall and placing riprap scour protection in front of the wall, as well as constructing the steel pile supported pier with T-head and steel pile supported boat lift (APP-5).

10. The SWHMC reviewed the pre-application materials at their meeting on July 14, 2010. The main concern raised by the SWHMC was the structural capacity of the pier and its ability to withstand the forces caused by coastal storms. After some discussion and explanation, the SWHMC was assured that with proper engineering design, the pier could withstand the environmental conditions at the site. The SWHMC issued a letter on July 27, 2010 (Exhibit APP-13), stating that the Project was consistent with the HMP.



11. Applicant submitted a permit application to DEEP on September 20, 2010 (DEEP-3). The application proposed the following scope of work: (1) repair the existing seawall by pumping grout fill beneath the wall to fill voids due to scour and place geotextile fabric and an approximately 6-foot-high by 12-feet-10-inches wide riprap slope in front of the existing seawall and in front of the existing concrete boat ramp. The proposed median stone diameter was 2 feet, based on predicted wave conditions during the 100 year storm return period; (2) repair the existing riprap slope located on the east side of the existing concrete boat ramp by relocating some of the existing large stone remaining on the beach to the riprap slope; and (3) construct a new steel pile supported pier with T-head and steel pile-supported boat lift. The application package included detailed calculations demonstrating that the proposed pier would be capable of withstanding environmental loads induced by the 100 year return period storm. In addition, the application package included a detailed alternatives analysis discussing the various options that were considered for seawall repair and for providing boating access to Long Island Sound (APP-5, DEEP-3).

12. From September 2010 through October 2010, the DEEP received formal comments on the application from the following: David Carey of the BOA/DOA, Timothy Barber of the Stratford Shellfish Commission, and Brian Carey of the Stratford Conservation Commission. These comments were conveyed to Applicant as well as OCC (DEEP 6, DEEP-8, DEEP-11). Among the comments were concerns that the proposed location of the dock would cause technical challenges to the construction and long-term maintenance of the dock structure because of the open coastal area and the high velocity wave action.

13. The Stratford Shellfish Commission confirmed that there are currently no significant shellfish communities in the vicinity of the proposed pier (Attachment D, Shellfish Commission DEEP Permit Consultation Form, DEEP-6). Brian Carey of the Stratford Conservation Commission commented that there are no other docks or fixed pier structures in this area and that the approval of this permit "would set precedence and would lead to numerous other permit applications for docks in the adjacent areas." (Brian Carey September 28, 2010 letter, DEEP 8).

David Carey of the BOA/DOA commented that there would be a significant risk to adjacent state owned shellfish beds because of additional scouring and erosion that would occur adjacent to the proposed construction area and that storms would pull the back-filled materials from the cracks through the proposed stone into shellfish areas (October 18, 2010 email from David Carey, December 8, 2011 letter from David Carey, DEEP-11). David Carey also expressed concerns that the structure, as engineered, would not withstand the conditions of the area and that a loss of a portion of structure could result in damage to shellfish beds as the structure could be driven across the shellfish beds before settling out. (December 8, 2011 letter from David Carey, DEEP-11). David Carey did not provide locations of productive shellfish beds.

14. On October 20, 2010, DEEP issued a Notice of Insufficiency Letter to OCC requesting additional information required to complete the application including information on the 100 year return period storm and existing erosion and sedimentation

patterns to address the questions raised by the other state and local agencies with which DEEP conferred. (DEEP-4).

15. On November 17, 2010, OCC sent two letters to DEEP: one in response to the concerns of the various commissions, and one in response to the DEEP's request for additional information (APP-16 and 17). The letters addressed such concerns as the structural capacity of the proposed pier and its ability to withstand loads induced by the 100 year return period coastal storm. Revised pier calculations were attached to the letters and included revised wave loading with a check of the structural capacity based on the revised loading; however, the pier design did not change since the original submission. Included in the November 17, 2010 letter to DEEP was a definition of the 100 year return period storm and corresponding design criteria.

16. The November 17, 2010 letters also included a Shellfish Habitat Assessment ("SHA") prepared by OCC demonstrating that the natural characteristics of the project site make it unable to sustain shellfish populations, and explaining why the proposed project will not have an adverse impact on shellfish resources (APP-7, APP-16). Mr. Michael Ludwig of OCC testified that there are no shellfish located in the vicinity of the proposed activity (APP-7). As was reported in the SHA, the project site does not, nor can it in the future, support shellfish because the currents and exposed nature of the area preclude the establishment and continued presence of shellfish communities (APP-7, APP-16).

17. On May 11, 2011, SWHMC had a meeting during which the application was reviewed. On June 6, 2011, SWHMC issued a letter stating that the proposed activity was consistent with the HMP (DEEP-6).

18. On August 28, 2011, Storm Irene caused further damage to the existing waterfront structures at the Project site. OCC sent a letter to DEEP on September 27, 2011 (APP-18) describing the recent damage and proposing post-storm revisions to the scope of work, including revision of the seawall toe protection design to include 3-foot median diameter stone and repairing the boat ramp. The letter included calculations to justify the proposed increased stone size, based on data from the recent storm as well as observations of stone sizes remaining at the site after the storm.

19. On December 8, 2011, David Carey of BOA/DOA provided written comments to the DEEP regarding the Project (DEEP-11). The letter stated that BOA/DOA had determined that the project would result in significant additional impact to oyster habitat and oysters through continuing and accelerating the shoreline erosion in front of the project and on adjacent properties. BOA/DOA was further concerned that the structure, as engineered, would not withstand the conditions of the area and that a loss of a portion of the structure could result in damage to shellfish beds as the structure could be driven across the shellfish beds before settling out. BOA/DOA did not provide the location of oyster or shellfish beds referenced in the letter.

20. DEEP reviewed the application and deemed it complete and consistent with its standards and policies. DEEP issued a notice of tentative determination to approve the application on December 19, 2011 with a statement that the Director of the BOA/DOA had commented that the proposed activity would significantly impact a shellfish area (DEEP-13).

21. DEEP received a request for a hearing and a petition with at least 25 signatures on January 18 and 19, 2012. (DEEP-24).

22. Instead of commenting in response to the initial notice of tentative determination, SWHMC, in a January 16, 2012 letter to Kristen Bellantuono of the DEEP, requested a 30 day extension of the public comment period. SWHMC stated the delay was necessary to allow a site visit by the SWHMC and to allow SWHMC to evaluate the comments expressed by the public at its January 11, 2012 meeting (DEEP-22). DEEP denied the request to extend the comment period because it received a petition requesting a hearing on January 18 and 19, 2012 and therefore, a hearing was to be scheduled (DEEP-22, DEEP-24). It does not appear that the SWHMC ever held the special meeting at the site, although Applicant has been advised that individual commission members had visited the site on their own.

23. Pursuant to Conn. Gen. Stat. §§ 22a-361(b), DEEP issued a Notice of Public Hearing on February 27, 2012 indicating that a public hearing would be held on the application on March 29, 2012 in Stratford, Connecticut (DEEP-25).

24. In an email dated March 23, 2012, the Hearing Officer informed David Carey of BOA/DOA of the hearing schedule for this matter. In that email, the Hearing Officer stated, "I am providing you with this schedule for your information in case you would like to take advantage of the opportunity to present your comments to me for the hearing record. If you choose to attend the session in Stratford, I would make every effort to accommodate you in the speaking order as a public official. I would also allow you to speak at the opening of the session in Hartford if that worked better for your schedule. You may also submit written comment for the record." Mr. Carey did not appear at any of the hearing sessions and did not submit written comments for the record.

25. A site walk at approximately low tide was held on March 27, 2012. A site walk at approximately high tide and a public hearing was held in Stratford on March 29, 2012 to receive public comments on the proposed permit. An evidentiary hearing was held on April 3, 2012 at DEEP to present legal arguments and offer evidence in support of the parties' position.

26. Applicant offered the testimony of Mr. Charles King, the owner of the property, to testify on the need for the seawall repair and the construction of the fixed pier, pierhead and boat lift at the property (APP-3).

27. Applicant offered the testimony of Azure Dee Sleicher of OCC to support the claim that the application meets all the standards and requirements of the

applicable statutes. Ms. Sleicher is a Coastal Engineer at OCC who has been the Project Manager for this Project (Statement of Credentials, APP-4). Ms. Sleicher has been responsible for the design and permitting of the seawall, fixed pier, pierhead and boat lift. She testified on the design and engineering of the project including the options and alternatives that were considered before the final design was chosen (APP-5).

28. Applicant offered the testimony of Mr. Michael Ludwig to support the claim that the proposed project would not pose a threat to public resources and would not cause any significant adverse impacts to the coastline and shellfish habitats (APP-7). Mr. Ludwig testified that the project site does not, nor can it in the future, support shellfish because the currents and exposed nature of the area preclude the establishment and continued presence of shellfish communities (APP-7, APP-16). He further testified that the net transport of sediment is to the west and the closest shellfish beds to the west are about ½ mile away. Further, the proposed project will result in less sediment loss from the project site and will not increase erosion from neighboring properties. Therefore, any potential impacts to shellfish beds from sediment transport from this area will be less after project completion. Mr. Ludwig is a Senior Biologist at OCC who has been responsible for the analysis of the Project's potential impact on shellfish habitats (Statement of Credentials, APP-6).

29. DEEP offered the testimony of Kristen Bellantuono, Environmental Analyst II of OLISP, on the application review process, and the recommendation that the application be approved because it meets all the standards and requirements of the applicable statutes (DEEP-28, Kristen Bellantuono CV).

30. At the public hearing on March 29, 2012, non-party petitioners and members of the public commented on the proposed activity. Public comments were heard on March 29, 2012 and written comments were received prior to the close of the general comment period on April 5, 2012. Comments received include concerns regarding: a) potential impacts to shellfish resources, b) setting a precedent along the Lordship waterfront for the construction of piers; c) the ability of the dock to withstand the wave action and energy at this site; d) public access along the shoreline; e) existing shoreline scenic character; f) shoreline erosion, including erosion of properties adjoining the applicants' property; and g) public safety, including the safety of persons using the proposed dock structure.

31. SWHMC did not submit any substantive comments on the proposed project at the public hearing. Instead, SWHMC submitted a letter requesting that 1) it be allowed to consider the testimony from the March 29, 2012 hearing at its April 11, 2012 meeting and 2) that a decision not be made on the application by DEEP until SWHMC could submit its findings in writing following that meeting.

32. The Hearing Officer granted the request and gave SWHMC until April 12, 2012 to provide comments (K. Collette emails of April 3, 2012). SWHMC submitted comments on April 12, 2012 and confirmed its previous findings that the proposed activity was consistent with the HMP. SWHMC provided comments about the proposed activity including that there could be erosion as a result of direct exposure to Long

Island Sound, that wave activity could result in damage to the seawall structure similar to that seen with the current structure and that there is an existing and historical lack of piers in the area, because the area is not well-suited for piers. Further, SWHMC expressed concern that the proposed activity would change the existing and traditional character of the Town's Long Island Sound shoreline, that the approval of a pier in this area would set a precedent for other similar structures in the area, and the safety and practical utility of the proposed structure.

33. In an April 16, 2012 email, the Hearing Officer requested that the parties address the comments from the SWHMC regarding the cited language from the town's HMP, the revisiting of the original proposal to provide boating access by extending the concrete boat ramp, and the request that the Hearing Officer facilitate or mediate a solution that addresses the concerns of the general public and the parties.

34. At the Hearing Officer's request, DEEP and Applicant responded to the SWHMC's additional comments in letters dated April 17 and 18, 2012, respectively. DEEP and Applicant responded that the cited language from the HMP is advisory only, it is broad and of general applicability and is not the basis for evaluation of the application. Further, Applicant has reviewed many alternatives to the current project with DEEP and is not aware of any other alternatives that would provide Applicant with reasonable access that would be acceptable to DEEP and ACOE. Applicant and DEEP further agreed that there were no feasible, practicable, approvable alternatives at this time that would resolve the concerns of the public opposed to the current design. Finally, the Applicant and DEEP agreed that mediation was not necessary here because the parties, DEEP and Applicant, were in agreement on the project and had been working cooperatively throughout.

35. The Hearing Officer determined that no further hearing dates or testimony were required and the record in the matter was closed on April 19, 2012 (Post-Hearing Directive, April 25, 2012).

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The issue for adjudication in this matter was limited in scope to a determination of whether the activities proposed in the application and as authorized by the proposed draft permit comply with the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112). There are no tidal wetlands located in this area; therefore, the Tidal Wetlands Act, Conn. Gen. Stat. 22a-28, et seq., and regulations do not apply to these activities.

Applicant has demonstrated that the application complies with the requirements of the Structures, Dredging and Fill Statute (Conn. Gen. Stat. §§ 22a-359 through 363 f) and the Coastal Management Act (Conn. Gen. Stat. § 22a-90-112).

A. Structures, Dredging and Fill Statute

Pursuant to the Structures, Dredging and Fill statute, the Commissioner of DEEP regulates the dredging and erection of structures and placement of fill, and work incidental, in the tidal, coastal or navigable waters of the state waterward of the high tide line. Any decision made by the Commissioner pursuant to the Structures, Dredging and Fill statute must consider: 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.

OLISP staff considered each of these factors when it reviewed Applicant's application. Further, to the extent that the Commissioner's decision in the matter of Paul J. Ganim (Final Decision, October 6, 2005) and DEEP's permit processing policies require that OLISP staff confer with state and local agencies prior to issuing a Notice of Tentative Determination, OLISP staff, in this case, solicited, received and considered questions and comments from several agencies, including BOA/DOA, the Stratford Conservation Commission, and the Stratford Shellfish Commission before making its determination. OLISP staff had extensive communication with these agencies and Applicant responded, in detail, to their questions and comments before OLISP staff made a decision regarding the application (APP-16 and 17). Based on the information presented, and with consideration of all comments and questions, OLISP staff found that the proposed activities were consistent with all the applicable standards, goals and policies and published the Notice of Tentative Determination to approve the application on December 19, 2011 (DEEP-13).

The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with these policies. The public comments proffered make it clear that there is no coherent position among those who oppose the application. Some have focused on the lack of other piers in the area and the potential impact on views, others have had concerns about public access and the claimed increase in sediment transport from erosion. However, none of the public commenters presented any evidence to support these claims. Further, no one opposing the application has advanced an alternative that would be acceptable to DEEP that would enable a boat to be launched during a reasonable portion of the tidal cycle and would minimize impacts to the substrate and allow for public access.

1. Indigenous Aquatic Life, Fish and Wildlife

The proposed activity will have minimal impact on indigenous aquatic life, fish and wildlife. Applicant performed a review of the Connecticut Natural Diversity Data Base (CT NDDB) for potential impacts to habitat for endangered, threatened, or special concern species. The CT NDDB includes information

regarding critical biological resources that may be impacted by a project (DEEP-6). A letter dated September 10, 2010 was received from DEEP's Wildlife Division indicating that there are no known endangered, threatened or special concern species in the area (DEEP-6, DEEP-12, DEEP-28).

The Stratford Shellfish Commission did not express a final opinion on whether the proposed activity would impact shellfish resources (DEEP-6). In the Shellfish Commission DEEP Permit Consultation Form, the Commission commented "we cannot sign-off on this proposal because we do not know where on the natural beds the pier, T-head and the boat would end-up after a significant storm, and although there is not a significant shellfish population in this area at the moment, this proposal would deny access to harvest any shellfish from this area in the future." Therefore, the Commission confirmed that there are currently no significant shellfish communities in the area of the proposed activity. While the Commission stated that the pier may deny access to shellfish harvesting from the area in the future, it provided no basis or support for this assertion (DEEP-6), and the draft permit includes a condition requiring that the Permittee work with BOA/DOA to design signage that indicates that public recreational shellfishing is allowable in the area of the pier.

David Carey of BOA/DOA provided written comments to the DEEP regarding the Project in a December 8, 2011 letter to DEEP in which he stated that BOA/DOA had determined that the project would result in significant additional impact to unidentified oyster habitat and oysters through continuing and accelerating the shoreline erosion in front of the project and on adjacent properties (DEEP-11). He further stated that BOA/DOA was concerned that the structure, as engineered, would not withstand the conditions of the area and that a loss of a portion of the structure could result in damage to unidentified shellfish beds as the structure could be driven across the shellfish beds before settling out. Despite the Hearing Officer's March 23, 2012 email invitation to attend the Hearing sessions and provide written comment for the record, Mr. Carey did not appear at any of the sessions and provided no further written comments or information on his credentials to support this position.

Applicant provided the un rebutted, expert testimony of Mr. Michael Ludwig that the proposed project would not pose a threat to public resources and would not cause any significant adverse impacts to the coastline or shellfish habitats (APP-7). Mr. Ludwig performed a shellfish habitat assessment at the proposed project site and found that there are no shellfish located in the vicinity of the proposed activity (APP-7, APP-16). As was reported in the SHA, and as Mr. Ludwig testified, the project site does not, nor can it in the future, support shellfish because the currents and exposed nature of the area preclude the establishment and continued presence of shellfish communities (APP-7, APP-16). Neither BOA/DOA nor the Shellfish Commission offered evidence to refute Mr. Ludwig's testimony that the area does not currently support shellfish and does not appear capable of doing so in the future.

Other potential, secondary effects from the proposed activity that were raised in the email correspondence and letters provided by BOA/DOA during application review include concern regarding the potential for sediment transport from the project site onto shellfish beds outside the vicinity of the proposed project and concern that the pier would not be able to withstand wave action or storms in the area and could be transported across shellfish beds (DEEP-11). However, again, Applicant provided unrebutted, expert testimony that demonstrates that these concerns are unfounded (APP-7, Testimony of Mr. Ludwig, April 3, 2012).

As Mr. Ludwig testified, Applicant is proposing to repair an existing seawall which will result in a reduction in the current and potential loss of sediment and will not cause any noticeable alteration in the soil losses at adjacent properties (APP-7). The properties located to the east of Applicant's property are armored and will not be affected by the proposed activity. However, as was evident during the March 27 and 29, 2012 site walks, the properties to the west are currently subject to scouring and erosion. Erosion will continue to occur from the properties to the west whether or not a permit is granted for the proposed activity. The proposed riprap shore protection activities at the project site will reduce the net increase of sediment loads to the Sound. The addition of riprap at the toe of the seawall on the western side of the project site will reduce erosion from Applicant's property. Therefore, the proposed activity should ensure that there is less sediment transport from this area which will result in reduced adverse impacts to the natural shellfish beds (APP-7).

Further, Applicant provided evidence that the proposed structure was designed to withstand the conditions in the area, and it is very unlikely that there will be any loss of the structure (APP-5, testimony of Ms. Sleicher, April 3, 2012; APP-7, testimony of Mr. Ludwig, April 3, 2012). The pier would be built with a steel grating deck which allows water to flow through it; therefore, it would be very difficult for the structure to be extracted and even more difficult for it to be lifted and transported offsite, even if it were extracted. As Mr. Ludwig testified, it is "extremely implausible" that the structure could be extracted and then transported from the site and impact shellfish beds (testimony of Mr. Ludwig, April 3, 2012).

None of the public commenters presented any evidence or commented to the contrary on these issues.

## 2. Prevention or Alleviation of Shore Erosion and Coastal Flooding

One of the stated purposes of the proposed activity is to repair and stabilize the seawall and riprap that currently exists at the property. Because of the wave action in this area, the sand and stone in front of the seawall has eroded over time, washing much of the undersized stone away, thus subjecting the wall to undermining due to scour. The proposed activity will include installation of riprap shore protection designed to withstand the 100 year storm to



serve as scour protection to prevent loss of additional material and to prevent the wall from collapse (DEEP-3, DEEP-6, DEEP-29)

The proposed activity will have no impact on coastal flooding and will not cause or aggravate shore erosion.

3. Use and Development of Adjoining Uplands

The adjoining uplands in this area is a residential lot owned by Applicant on which a private house is located (APP-1). The proposed activity will stabilize the existing seawall and provide Applicant with the reasonable access to navigable water which allows Applicant to exercise their common-law property right of riparian access. In the matter of Arthur & Judith Schaller, Final Decision, June 26, 2003. Under this right, upland property owners have a proprietary interest in reasonable access to navigable water or the "right to wharf out." Rochester v. Barney, 117 Conn. 462, 468 (1933).

None of the public commenters presented evidence to the contrary on this issue.

4. Improvement of Coastal and Inland Navigation for All Vessels, Including Small Craft for Recreational Purposes

The proposed activity meets the generally acceptable criteria for a fixed pier out to mean low water. The proposed project will not affect any federal navigational channel and will not affect any adjacent or nearby navigational uses (DEEP-3, DEEP-6, DEEP-12, DEEP-28). The proposed activity will restore boating access for the Applicant for recreational purposes.

None of the public commenters presented evidence to the contrary on this issue.

5. Use and Development of Adjacent Lands and Properties

The proposed seawall stabilization and pier project will have no adverse impact on the use and development of adjacent lands, which are primarily residential (DEEP-6). The SWHMC has determined that the proposed seawall stabilization and pier project is consistent with the HMP; one of the objectives of the HMP is to ensure that the current and future uses and development of the Harbor Management Area do not adversely affect the character of shorefront residential neighborhoods (APP-13, DEEP-6, SWHMC to Hearing Officer, April 12, 2012).

Public comments included concern that there are no other docks or piers along this shoreline and that approval of this activity will set a precedent for the area. (See, e.g., Coyne comments, April 1, 2012, Hendrick-Wilson comments, March 29, 2012). However, DEEP reviews each application for in-water work or structures on its own merits. DEEP-OLISP must balance the riparian property

owner's rights to access the water with environmental, navigational and public trust concerns. In this case, Applicant minimized the overall encroachment of the structure to the greatest extent practicable and the DEEP process mitigates any remaining impacts through the inclusion of conditions in the permit. In addition, DEEP staff determined that the structure had no significant adverse environmental impacts. Any future applications in this area for docks will be reviewed based on the same criteria and the DEEP will ensure that any such proposals are consistent with the requirements set forth in the State's Coastal Management Act and with the Harbor Management Plan (DEEP-12, DEEP-28).

The public further commented that the proposed activity will interfere with the views of Long Island Sound (see, e.g., Lauricella comments, April 2, 2012, Hendrick-Wilson comments, March 29, 2012). Applicant has made every effort to minimize the visual impact of the proposed pier. Placement of docks in public trust waters is limited to minimum encroachment which provides "reasonable" access to the water. In most cases this is achievable with a four-foot wide fixed pier extending to the mean low water ("MLW") line, followed by either a ramp and float or a boatlift. Applicant has proposed a four-foot wide pier that follows these guidelines, extending out to the MLW line and terminating in a boat lift rather than a float. Further, Applicant had originally requested a more low-profile boat ramp but DEEP found it unacceptable because, DEEP asserted, it would interfere with the public's ability to walk along the beach. The DEEP favored the pier concept because it is high enough to allow the public to pass under it. (APP-5).

In addition, the top of the pier deck elevation will be at +11.7 feet NGVD29, approximately 10 feet below the top of bluff elevation of +22 feet NGVD29. Therefore, the pier will be considerably lower than the elevation of neighboring properties to the west and will not obstruct the view from any of the neighbors' yards or houses located west of Applicant's property. Figure 1 attached to APP-5 shows that the sight lines from the adjacent houses to the end of the pier measure approximately 300 to 450 feet, at oblique angles. Likewise, Figure 2 to APP-5 shows that the sight line from the O'Connor's property at 26 Cove Place to the end of the Kings' proposed pier is approximately 791 feet. Since there are several trees within the line of sight from the O'Connor's property, and since the upland elevation is considerably higher than the top of pier elevation, the proposed pier will not be a significant component of the O'Connor's view, nor of other neighbor's views from the upland properties west of the Applicant's property (APP-5). At the January 11, 2012 SWHMC meeting that several neighbors also attended, Mr. Ludwig of OCC discussed the lack of a visual impact from the proposed pier (APP-5).

For neighbors to the east of Applicant's property, the proposed pier may be visible but will not obstruct any views of Long Island Sound and will make up an insignificant portion of the total viewshed. Applicant is providing, as proposed exhibit APP-20, which is acceptable to both Applicant and DEEP, an aerial view showing Applicant's property and the approximate length of the dock and the

distances from the houses to the east to the end of the pier. The closest house is approximately 500 feet away with a view of the pier only when looking west. The viewshed from properties to the east of Applicant's property would be primarily due south toward Long Island Sound. Neighbors to the east would only see the dock when looking west.

Visual impact is very difficult to demonstrate and the impact of a particular structure is a matter of opinion. OLISP's Fact Sheet for Landscape Protection and Visual Impacts (submitted by the DEEP OLISP staff for the record as proposed DEEP-30 which is acceptable to Applicant and DEEP and is attached hereto) states that the factors that DEEP considers include the extent of potential visibility, the views and viewers affected, the quality of views and the magnitude of the visual impact. Further, according to this Fact Sheet, DEEP's policy is intended to protect views generally accessible to the public, but not private individual views. In this case, OLISP staff considered these factors and determined that the proposed activity was consistent with OLISP's policies and that visual impacts were minimized (DEEP-12, DEEP-28, DEEP-30).

Further, as Ms. Sleicher testified, DEEP's Residential Dock Guidelines state that coastal property owners have the right to access navigable waters from their property and typically may exercise that right by constructing a dock from their upland area to the State's public trust waters (APP-5). The pier proposed for residential boating use is designed to be of a length, height and overall scale that it will not be a dominant visual element in the viewshed for houses to the east and will have a minimal impact on visual quality in the area.

6. 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

DEEP reviewed the permit application considering the interests of the state including protecting the public trust by minimizing private encroachments into public lands and waters (DEEP-6, DEEP-12, DEEP-28). DEEP determined that the proposed pier design is consistent with DEEP policies and is designed to obtain reasonable access while minimizing impacts to existing coastal resources (DEEP-6, DEEP-12, DEEP-28). In addition, there are no longshore public access impacts from the proposed activity because the proposed elevation of the fixed pier will be sufficient to allow pedestrians to access the area at mean high water. Further, several special conditions will be included in the permit to ensure that impacts are minimized including that the pier is sufficiently elevated; only seasonal berthing is allowed; signage on pier to alert persons that passage is allowable and that no support beams can be installed at the location of mean high water to impeded public access; and signage be installed to let the public know that recreational shellfishing is allowable in the area of the pier (See Special Terms and Conditions section of proposed attached draft permit, DEEP-29).

## B. Coastal Management Act

The proposed dock is consistent with the Coastal Management Act which requires that the project minimize adverse impacts to water quality, existing circulation patterns of coastal waters, natural erosion patterns, natural or existing drainage patterns, coastal flooding, visual quality, essential wildlife, finfish or shellfish habitat and tidal wetlands, beaches and dunes, rocky shorefronts and bluffs and escarpments. Conn. Gen. Stat. § 22a-93(15).

### 1. Water Quality

The proposed project will not have any long-term adverse impact on water quality (DEEP-6, DEEP-12, DEEP-28). All proposed sand excavation, riprap scour protection, filling of voids in the concrete ramp and wall will take place during low water conditions to minimize impacts during construction. Riprap will be placed in 50 foot sections to minimize land loss to erosion. Fencing and hay bales will also be used in the area to further minimize erosion and sedimentation. Much of the pier construction will be done by barge or work boat. This work is expected to take place during high water because there will be minimal water depths during low tide. Short term impacts are expected during the rock socketing into bedrock or glacial till for installation of the steel piles. However, any impacts during installation of the steel piles are expected to be short-term (DEEP-28, DEEP-29).

None of the public commenters presented evidence to the contrary on this issue.

### 2. Existing Circulation Patterns of Coastal Waters

The seawall repair and proposed pier will have no adverse impact on water circulation patterns (DEEP-6). The design of the dock allows water to flow freely under the dock and will not impact the current water circulation patterns (DEEP-6).

None of the public commenters presented evidence to the contrary on this issue.

### 3. Natural Erosion Patterns

As further discussed in Section A.1., the seawall repair and proposed pier will have no adverse impact on the natural erosion patterns (DEEP-6, DEEP-12, DEEP-28). The shoreline where the proposed activity will take place is subject to erosion now primarily from wave action and storm impacts (DEEP-6, DEEP-12, DEEP-28). The proposed riprap scour protection of the existing seawall will reduce erosion of Applicant's property; further it will not increase the erosion at neighboring properties (APP-5).

None of the public commenters presented evidence to the contrary on these issues.

4. Natural or Existing Drainage Patterns

The proposed project will have no effect on natural or existing drainage patterns because this project will not significantly alter groundwater flow or recharge and volume of runoff (DEEP-6).

None of the public commenters presented evidence to the contrary on this issue.

5. Coastal Flooding

The proposed project will not increase the hazard of coastal flooding because it will not alter the shoreline configuration or bathymetry (DEEP-28).

None of the public commenters presented evidence to the contrary on this issue.

6. Visual Quality

As more fully discussed in Section A., 5, above, evidence shows that the seawall repair and proposed pier will not degrade visual quality because it will not significantly alter the natural features of vistas and view points and it does not obstruct or interfere with the views of the neighbors located to the west of Applicant's property and will have a minimal impact on visual quality in the area for the neighbors located to the east (DEEP-6, DEEP-12, DEEP-28, DEEP-30, APP-5, APP-20).

7. Essential Wildlife, Finfish or Shellfish Habitat

As more fully discussed in Section A.1, the proposed activity will have no impact on indigenous aquatic life, fish and wildlife.

None of the public commenters presented evidence to the contrary on this issue.

8. Tidal Wetlands, Beaches and Dunes, Rocky Shorefronts and Bluffs and Escarpments

The seawall repair and proposed pier will not impact tidal wetlands because there are no tidal wetlands in the immediate vicinity of the proposed project (DEEP-6, DEEP-12). Further, impacts on the beach and the bluff have been minimized (DEEP-6, DEEP-12, DEEP-28).

None of the public commenters presented evidence to the contrary on this issue.

C. Environmental Impact of the Proposed Action

The proposed project would provide Applicant with reasonable access to public trust waters for recreational boating. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:

- a. Section 22a-92(a)(1) of the General Statutes, which requires that the development, preservation or use of the land and water resources of the coastal area proceed in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
- b. Section 22a-92(b)(1)(D) of the General Statutes, which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
- c. Section 22a-92(b)(1)(H) of the General Statutes, which requires, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redeveloped areas, (iii) are located to assure optimal distribution of state owned facilities to the state wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;
- d. Section 22a-92(b)(2)(D) of the General Statutes, which requires the management of intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation;
- e. Section 22a-92(c)(2)(A) of the General Statutes, which requires management of estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational fisheries;

- f. Section 22a-92(b)(2)(E) of the General Statutes, which requires preservation of tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.
- g. Section 22a-92(c)(1)(B) of the General Statutes, which disallows any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable unless it is found that adverse impacts on coastal resources are minimal.

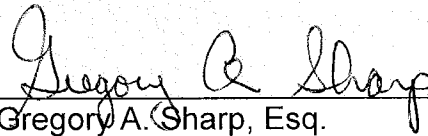
**V. AGREEMENT**

Based on the foregoing, the proposed activity is consistent with applicable standards, goals and policies of stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363f) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112).

Therefore, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the proposed Draft Permit, attached hereto, as DEEP-29.

APPLICANT, CHARLES KING AND  
CATHLEEN WOODS-KING

By:



Gregory A. Sharp, Esq.  
Diane C. Bellantoni, Esq.  
Their Attorneys

Murtha Cullina LLP  
CityPlace I, 29<sup>th</sup> Floor  
185 Asylum Street  
Hartford, CT 06103  
860-240-6000  
[gsharp@murthalaw.com](mailto:gsharp@murthalaw.com)  
[dbellantoni@murthalaw.com](mailto:dbellantoni@murthalaw.com)

OFFICE OF LONG ISLAND SOUND  
PROGRAMS

By: *Cheryl A. Chase*  
Cheryl A. Chase, P.E.  
Supervising Environmental Analyst

Office of Long Island Sound Programs  
Department of Energy and Environmental  
Protection  
79 Elm Street  
Hartford, CT 06106  
860-424-3650




**CERTIFICATION**

A copy of the foregoing Joint Submission by Applicant and the DEEP Office of Long Island Sound Programs of Proposed Findings of Fact and Conclusions of Law was forwarded via email transmission, overnight delivery and/or hand delivered on this 31<sup>st</sup> day of May, 2012, to the parties listed below.

Kenneth M. Collette, Hearing Officer  
Office of Adjudications  
Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, CT 06106  
kenneth.collette@ct.gov

Kristen Bellantuono, Staff  
Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106  
Kristen.bellantuono@ct.gov

Susan Hendrick-Wilson, Non-Party Petitioner  
245 Bayview Blvd.  
Stratford, CT 06615  
sdhwilson@sbcglobal.net

  
\_\_\_\_\_  
Diane C. Bellantoni, Esq.



Draft



**PERMIT**

Permit No: 201005747-KB

Municipality: Stratford

Work Area: Long Island Sound off property located at 295 Bayview Blvd.

Permittee: Charles King and Cathleen Woods-King  
295 Bayview Blvd.  
Stratford, CT 06615

Pursuant to sections 22a-359 through 22a-363g of the Connecticut General Statutes (“CGS”) and in accordance with section 401 of the Federal Clean Water Act, as amended, 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 place rip rap for flood and erosion control and install a fixed pier with pierhead and a boatlift for private recreational 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 Permittee is hereby authorized to conduct the following work as described in application #201005747-KB, including 11 sheets of plans dated July 19, 2010 and revised September 26, 2011, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. retain the following existing structures as shown on the project plans attached hereto as follows:
  - a.) an approximately 10’ 8” wide x 60’ long concrete ramp;

- b.) approximately 80 linear feet of pre-cast concrete wall located to the southwest of the concrete ramp;
  - c.) approximately 124 linear feet of the remains of buried seawall located to the northeast of the concrete ramp;
  - d.) approximately 124 linear feet of rip rap located to the northeast of the concrete ramp;
  - e.) an approximately 12' long x 12' high west side concrete return wall located to the west of concrete ramp; and
  - f.) an approximately 6.5' long x 10' high granite block wall adjacent to the west side concrete return wall located to the west of the concrete ramp;
2. install sedimentation and erosion controls;
  3. pump approximately 36 cubic yards of concrete through port holes into the scour area beneath the existing concrete ramp with concrete;
  4. relocate and reconsolidate existing stone located along the beach and reuse for seawall toe protection as necessary;
  5. install rip rap toe protection to the west of the concrete ramp and in front of the concrete ramp as shown on Sheets 4,5, and 7 of the project plans attached hereto as follows:
    - a.) excavate approximately 154 cubic yards of sand;
    - b.) pump approximately 1.9 cubic yards of concrete grout fill into existing voids beneath the wall;
    - c.) place geotextile fabric; and
    - d.) place approximately 1365 square feet of rip rap toe protection and create a 7.5' high x 15' wide x 91' long rip rap slope.
  6. restore and re-stabilize the rip rap slope located to the east of the concrete ramp by relocating the existing large stones to the rip rap slope as shown on Sheets 4 and 8 of the project plans attached hereto;
  7. repair the area in between the approximately 12' long x 12' high west side concrete return wall and the approximately 6.5' long x 10' high granite block wall as shown on Sheets 4, 9, and 10 of the project plans attached hereto as follows:
    - a.) excavate sand;

- b.) replace the concrete return wall in-place;
  - c.) replace the granite block wall in-kind and in-place;
  - d.) embed epoxy coated steel dowels in the existing concrete seawall; and
  - e.) form and place new concrete to fill the gap between the existing walls.
8. install an approximately 4' x 68' steel pile supported pier with railings composed of steel grating deck, a retractable ladder, an approximately 12' x 14' T-head pierhead with an approximately 14' 8" long x 21" long ladder, and a boatlift as shown on Sheets 4 and 7 of the project plans attached hereto; and
9. remove sedimentation and erosion controls.

### SPECIAL TERMS AND CONDITIONS

1. Prior to the commencement of work authorized herein, the Permittee shall ensure that all local and state authorizations have been received.
2. The Permittee shall not place any rip rap toe protection in the areas of 967 Prospect Drive and 275 Bayview Blvd.
3. The Permittee shall ensure that all work associated with the driving or socketing of piles for construction of the pier, pierhead and boatlift shall be conducted by water-based barge only during periods of high water in the area. Pile driving or rock socketing of piles may also be performed using land-based equipment.
4. The Permittee shall ensure that any work boat or barge utilized in the execution of the work authorized herein shall not rest on, or come in contact with, intertidal flats, tidal wetland vegetation nor shall such work boat or barge be stored in a location that interferes with navigation. In the event any work boat or barge associated with the work authorized herein is grounded, no dragging or prop dredging shall occur to free the barge. Any such work boat or barge must move to deeper waters during periods of low water in the area of the proposed work. It shall not be a defense to this provision for the Permittee to assert that they have no control over the operation of the work boat or barge.
5. The Permittee shall construct the fixed pier authorized herein such that the top of deck elevation is no lower than 11.7' NGVD.
6. The Permittee shall only seasonally berth between April 15<sup>th</sup> and November 15<sup>th</sup>, two small recreational boats such as a canoe, kayak or dinghy atop the pierhead authorized herein.
7. The Permittee shall only berth a boat at the pier and boatlift from April 1<sup>st</sup> to November 15<sup>th</sup> of any calendar year.
8. The Permittee shall install forms at the landward end of the concrete ramp prior to



undertaking the work authorized in paragraph 3., of the SCOPE OF AUTHORIZATION, above to minimize the potential for concrete to enter the waterway.

9. The Permittee shall place the rip rap toe protection authorized herein during low water conditions and in segments no longer than 50' so as to minimize land loss due to erosion.
10. All sand excavated during the work authorized herein, shall be temporarily located landward of the high tide line or on the upland, unless specifically authorized in writing by the Commissioner.
11. Upon completion of the work authorized herein, a portion of the excavated material shall be replaced on the beach to fill in the excavated areas waterward of the toe of the placed rip rap to restore the existing grade.
12. The Permittee shall install signage on top of the fixed pier along the location of mean high water to make the general public aware that they can cross beneath the pier to access the beach area.
13. The Permittee shall work with the CT DA/BA to design signage that indicates that public recreational shellfishing is allowable in the area of the pier. Within 60 days of issuance of this permit, the Permittee shall contact CT DA/BA in order to reach an agreement with regard to language on the sign. No construction shall commence on the pier until such agreement is reached and the Commissioner receives a copy of such agreement. The Permittee shall install such signage on such pier prior to the completion of the pier construction and send photographs showing such signage to the Commissioner within 10 days of installation. Such signage shall be maintained in perpetuity.
14. The Permittee shall not impede the public's ability to pass or repass along the beach area by installing any type of cross-bracing or structure beneath the pier at the location of mean high water.
15. In the event of a coastal storm, the Permittee shall ensure that all preventative measures have been taken to remove any boats located at the structures authorized herein.
16. 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.
17. 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.
18. 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.

19. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
20. 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.
21. 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.
22. The Permittee 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.
23. 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 \_\_\_\_\_, 2012

STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

---

Macky McCleary  
Deputy Commissioner

Permit #201005747-KB, Charles and Cathleen Woods-King  
Stratford

**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:** Charles and Cathleen Woods-King  
295 Bayview Blvd.  
Stratford, CT 06615

**Permit No:** 201005747-KB, Stratford

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

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

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

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

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

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

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

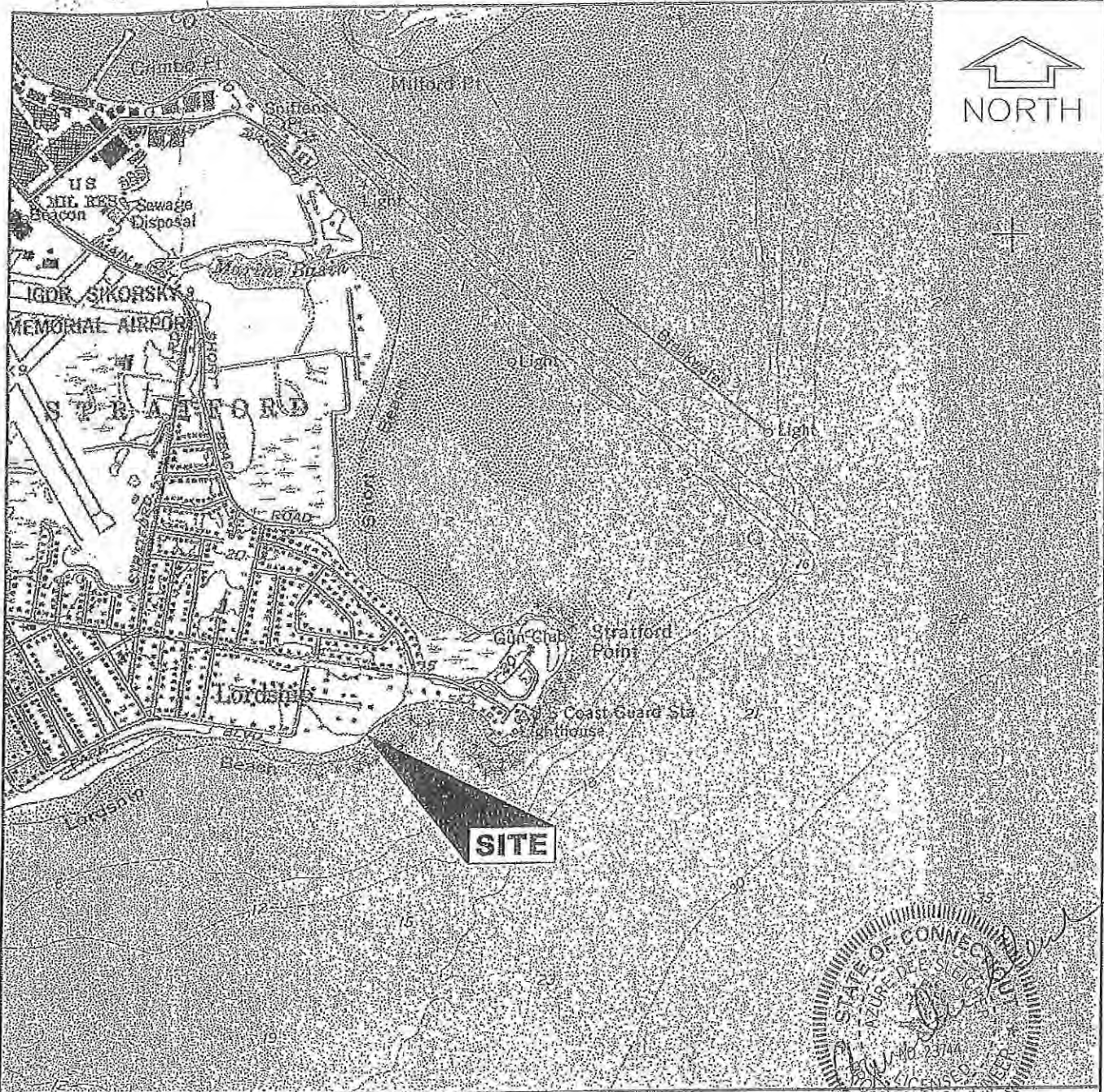
Address: \_\_\_\_\_

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

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

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

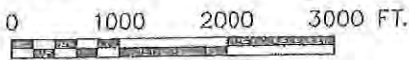
**PERMITTEE:** \_\_\_\_\_  
(signature) (date)



**SITE**



### VICINITY MAP



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 1 11/11/10

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS  
TO LONG ISLAND SOUND  
DATUM: N.G.V.D. 1929  
ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

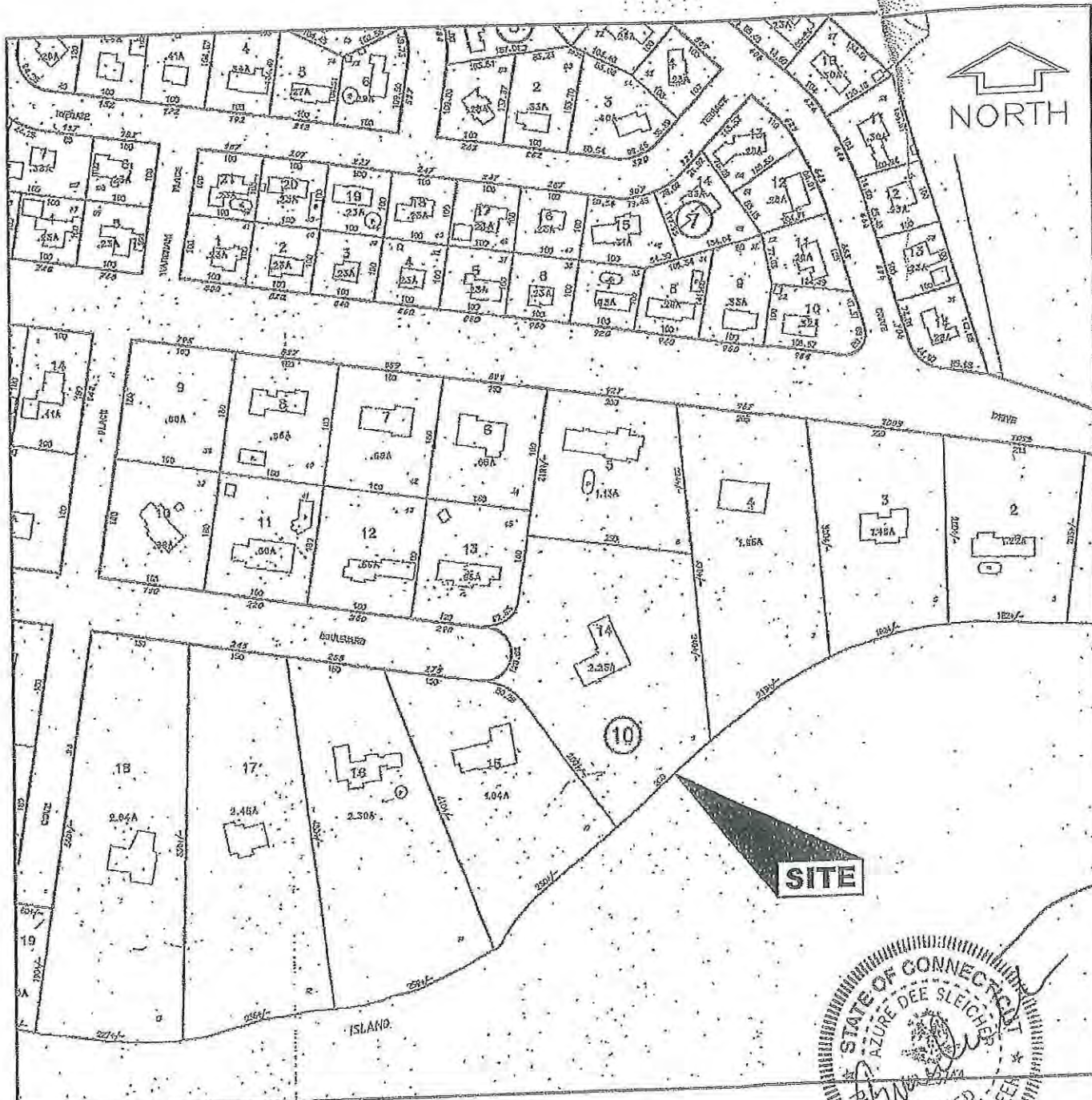
PROPOSED PIER WITH BOAT LIFT AND  
RIPRAP SHORELINE STABILIZATION  
LONG ISLAND SOUND  
TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT  
APPLICATION BY: CHARLES A. KING  
APPLICATION No.: 201005747-KB

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

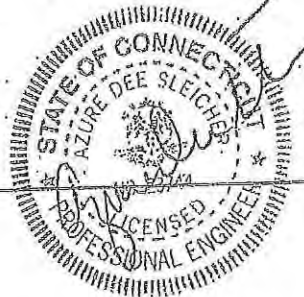
DATE: 07/19/10

SHEET 1 OF 11





**ASSESSOR'S MAP**  
NO SCALE



REV. 1 11/11/10

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

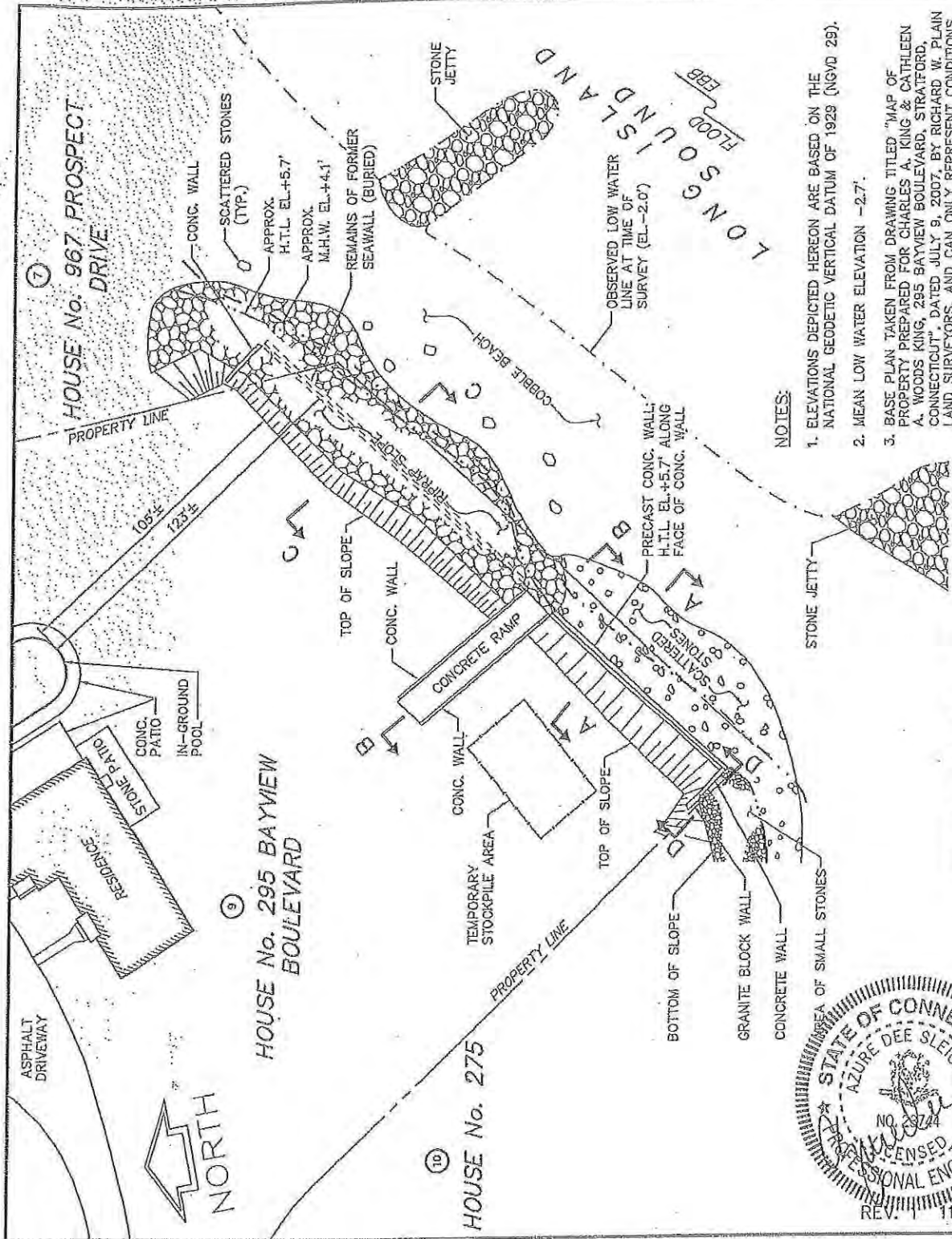
PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS  
TO LONG ISLAND SOUND  
DATUM: N.G.V.D. 1929  
ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

PROPOSED PIER WITH BOAT LIFT AND  
RIPRAP SHORELINE STABILIZATION  
LONG ISLAND SOUND  
TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT  
APPLICATION BY: CHARLES A. KING  
APPLICATION No.: 201005747-KB

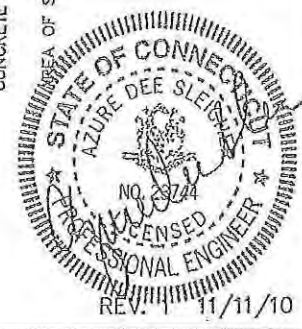
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

DATE: 07/19/10

SHEET 2 OF 11



- NOTES:**
1. ELEVATIONS DEPICTED HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
  2. MEAN LOW WATER ELEVATION -2.7'.
  3. BASE PLAN TAKEN FROM DRAWING TITLED "MAP OF PROPERTY PREPARED FOR CHARLES A. KING & CATHEEN A. WOODS KING, 295 BAYVIEW BOULEVARD, STRATFORD, CONNECTICUT", DATED JULY 9, 2007, BY RICHARD W. PLAIN LAND SURVEYORS, AND CAN ONLY REPRESENT CONDITIONS AT THE TIME OF THE SURVEY.
  4. CONTOUR LINES AND STONE LOCATIONS SHOWN ARE TAKEN FROM A SURVEY CONDUCTED BY OCEAN AND COASTAL CONSULTANTS ON NOVEMBER 18, 2008, AND CAN ONLY REPRESENT CONDITIONS AT THE TIME OF THE SURVEY.



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND

DATUM: N.G.V.D. 1929

ADJACENT PROPERTY OWNERS: SEE ATTACHMENT

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION

LONG ISLAND SOUND

TOWN OF STRATFORD, COUNTY OF FAIRFIELD

STATE OF CONNECTICUT

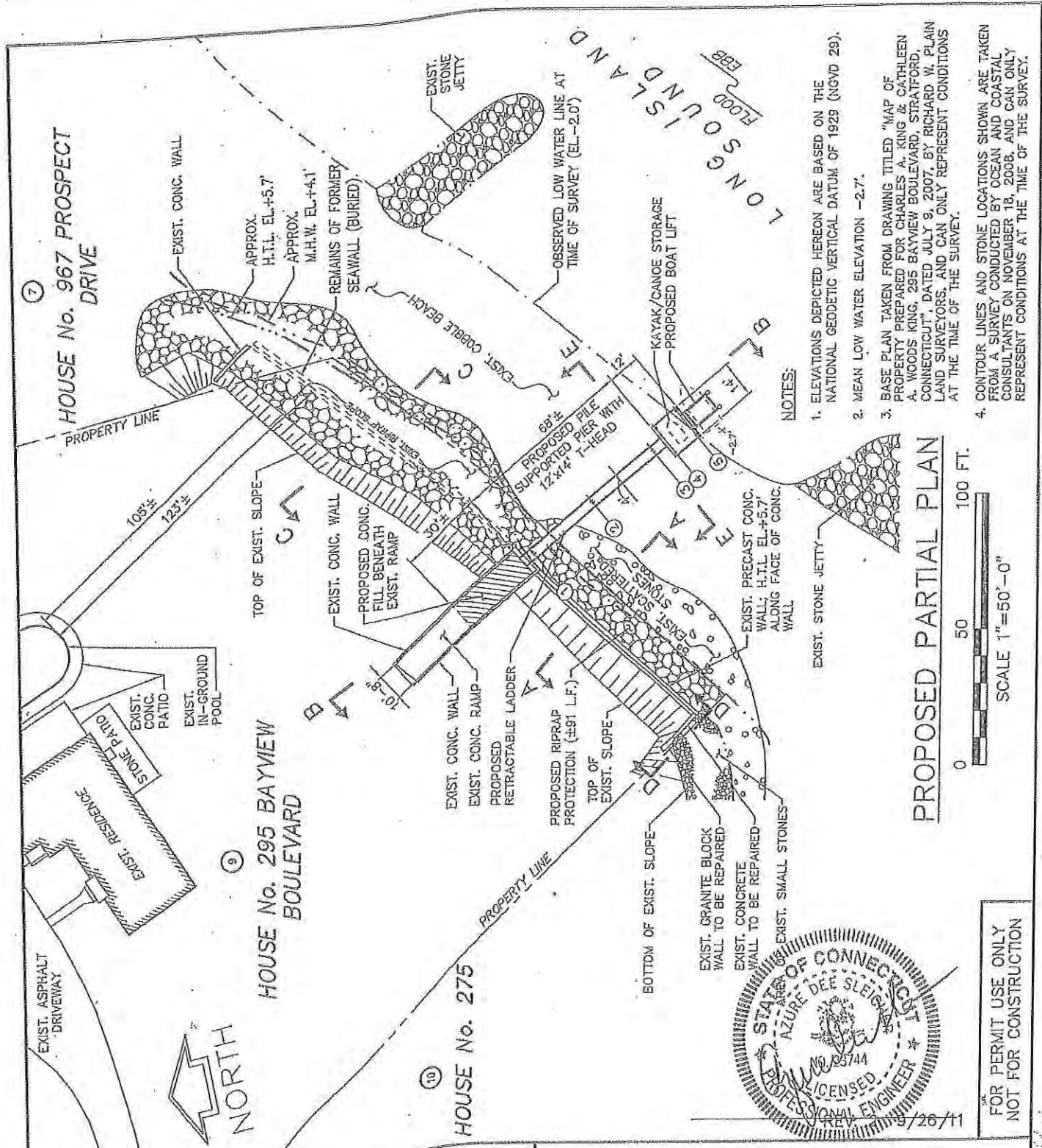
APPLICATION BY: CHARLES A. KING

APPLICATION No.: 201005747-KB

DATE: 07/19/10

SHEET 3 OF 11





- NOTES:**
1. ELEVATIONS DEPICTED HEREON ARE BASED ON THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD 29).
  2. MEAN LOW WATER ELEVATION -2.7'.
  3. BASE PLAN TAKEN FROM DRAWING TITLED "MAP OF PROPERTY PREPARED FOR CHARLES A. KING & CATHLEEN A. WOODS KING, 295 BAYVIEW BOULEVARD, STRATFORD, CONNECTICUT", DATED JULY 9, 2007, BY RICHARD W. PLAIN LAND SURVEYORS, AND CAN ONLY REPRESENT CONDITIONS AT THE TIME OF THE SURVEY.
  4. CONTOUR LINES AND STONE LOCATIONS SHOWN ARE TAKEN FROM A SURVEY CONDUCTED BY OCEAN AND COASTAL CONSULTANTS ON NOVEMBER 18, 2008, AND CAN ONLY REPRESENT CONDITIONS AT THE TIME OF THE SURVEY.

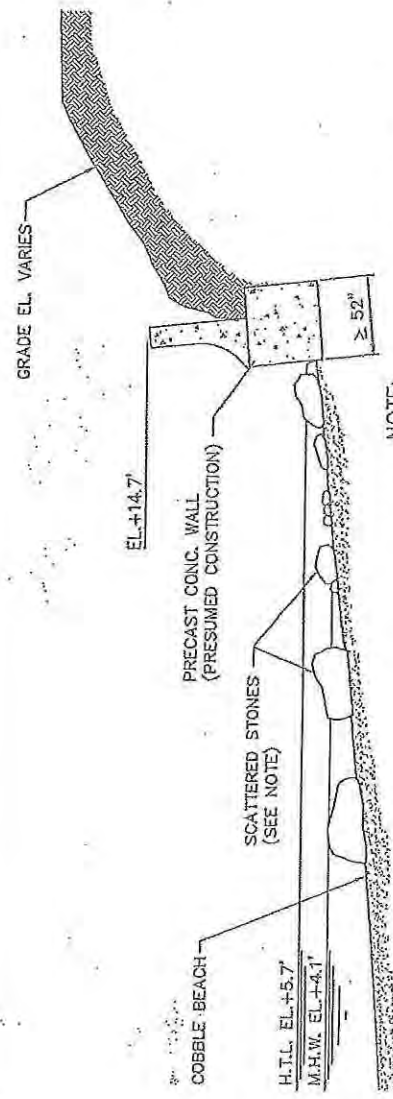
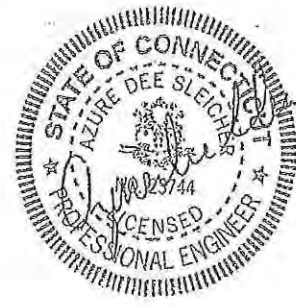


FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND\*\*  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS:  
 SEE ATTACHMENT

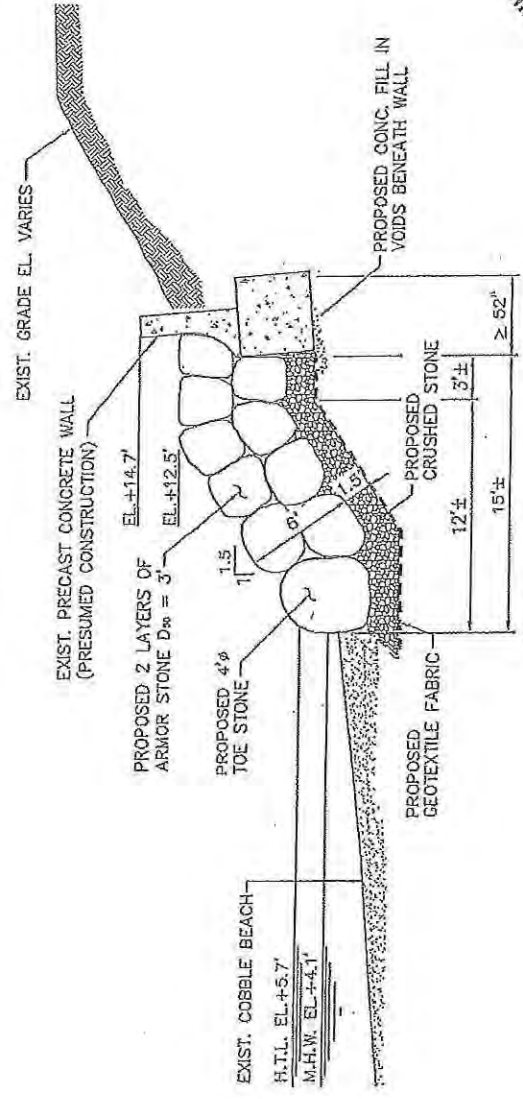
PROPOSED PIER WITH BOAT LIFT AND  
 RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB

AGENT: OCEAN AND COASTAL CONSULTANTS, INC. DATE: 07/19/10 SHEET 4 OF 11

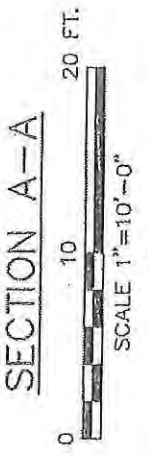


NOTE:  
EXISTING STONES ON BEACH THAT MEET THE SPECIFICATIONS FOR RIPRAP WILL BE RELOCATED AND USED FOR SEAWALL TOE PROTECTION.

**EXISTING**



**PROPOSED**



**SECTION A-A**

REV. 2 9/26/11

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT

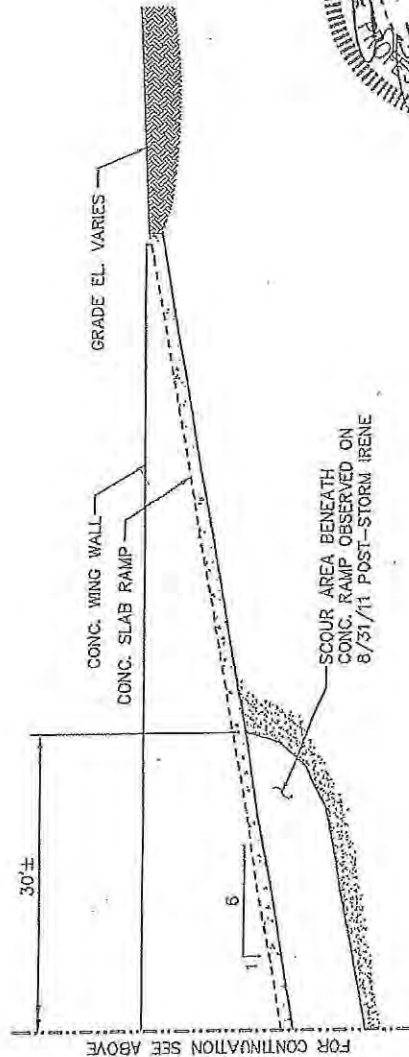
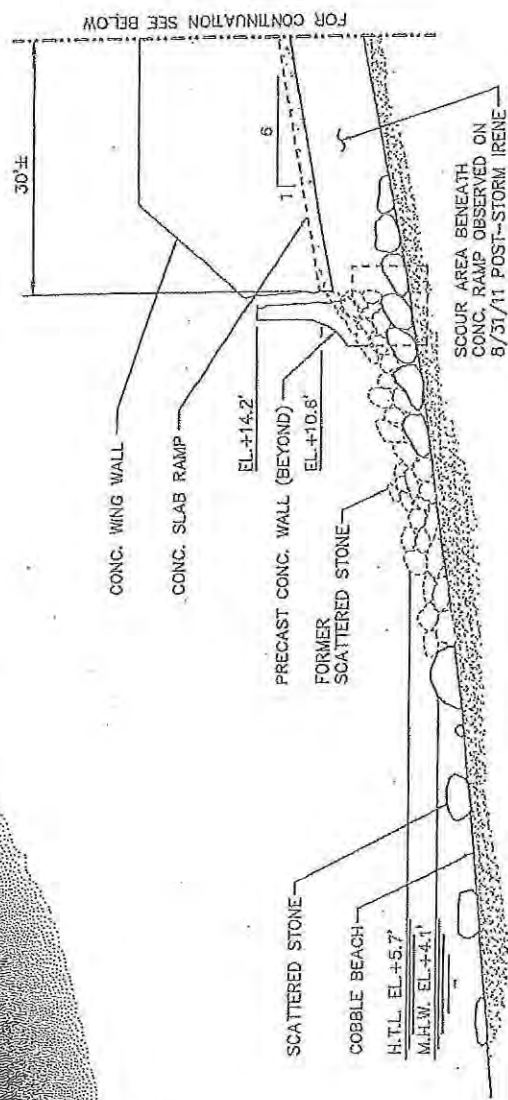
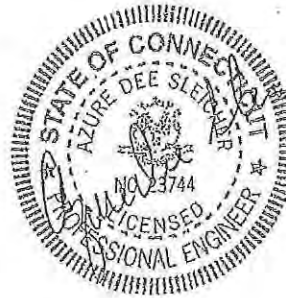
PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

DATE: 07/19/10

SHEET 5 OF 11





**EXISTING SECTION B-B**



REV. 2 9/26/11

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS  
TO LONG ISLAND SOUND

DATUM: N.G.V.D. 1929

ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT

PROPOSED PIER WITH BOAT LIFT AND  
RIPRAP SHORELINE STABILIZATION  
LONG ISLAND SOUND  
TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT

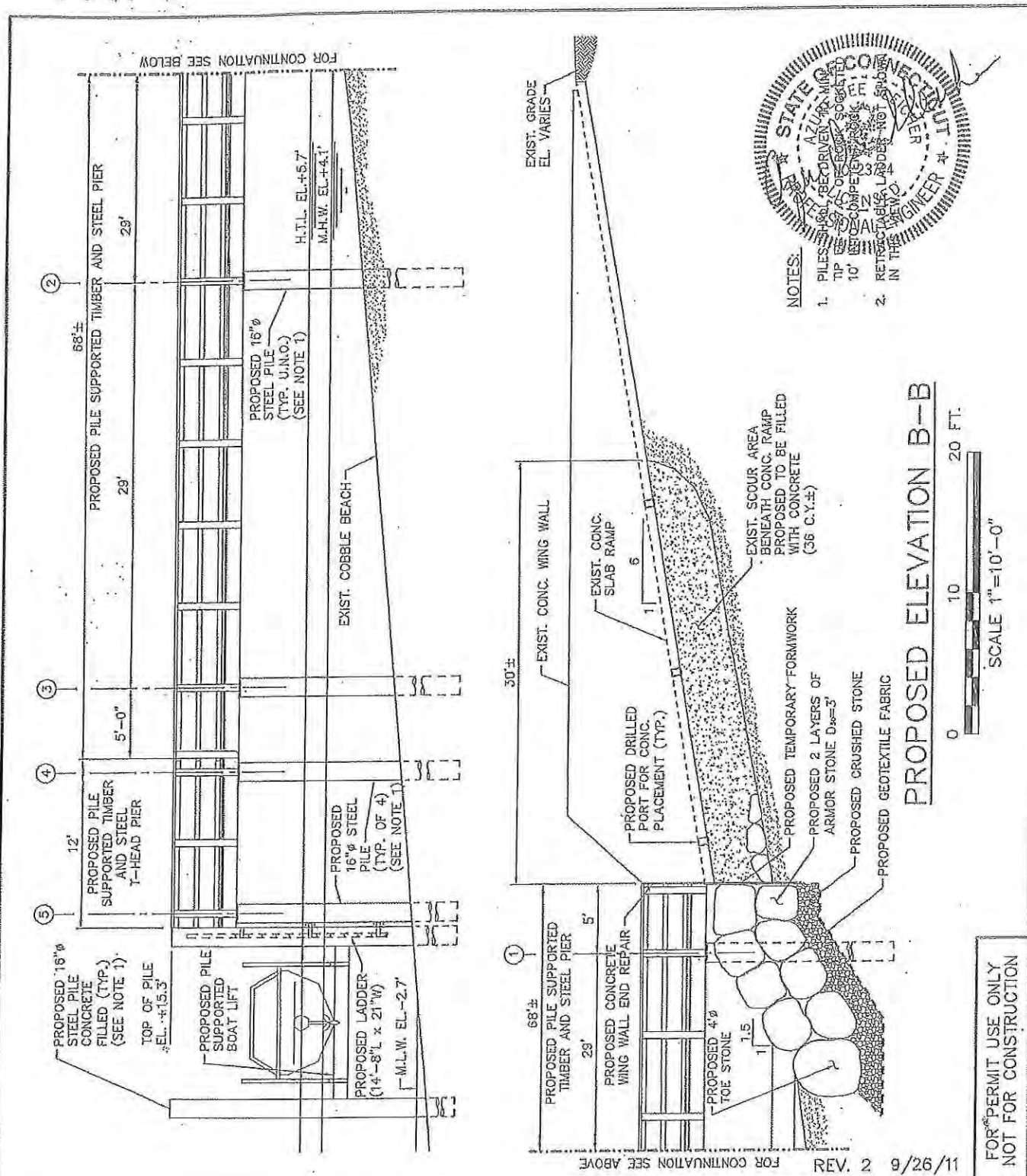
APPLICATION BY: CHARLES A. KING  
APPLICATION No.: 201005747-KB

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

DATE: 07/19/10

SHEET 6 OF 11





- NOTES:
1. PILES TO BE SECURED BETWEEN EXISTING AND PROPOSED PILES. TIP TO BE 10' FROM EXISTING PILE. RETRACTABLE LADDER NOT TO BE IN THE WING WALL.
  2. EXIST. SCOUR AREA BENEATH CONC. RAMP PROPOSED TO BE FILLED WITH CONCRETE (36 C.Y.±)

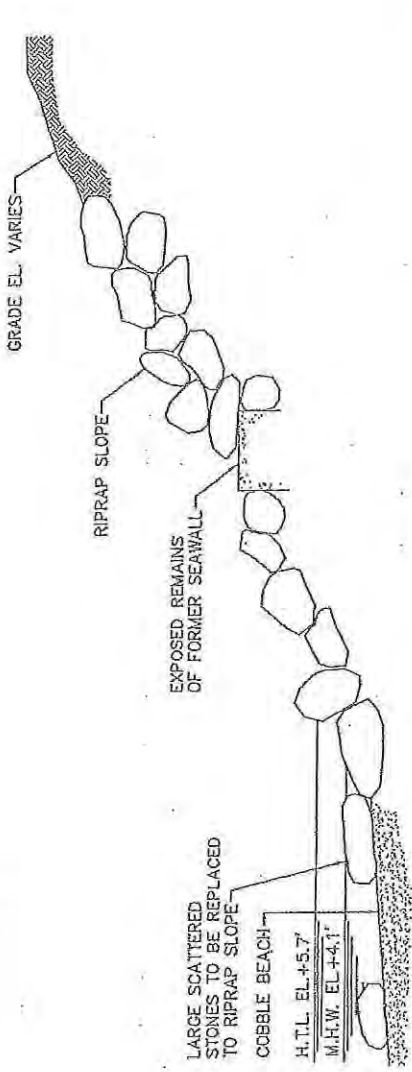
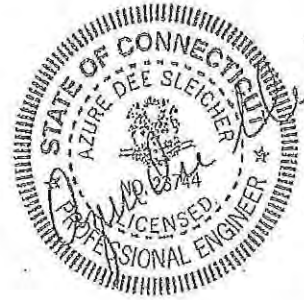


PROPOSED ELEVATION B-B

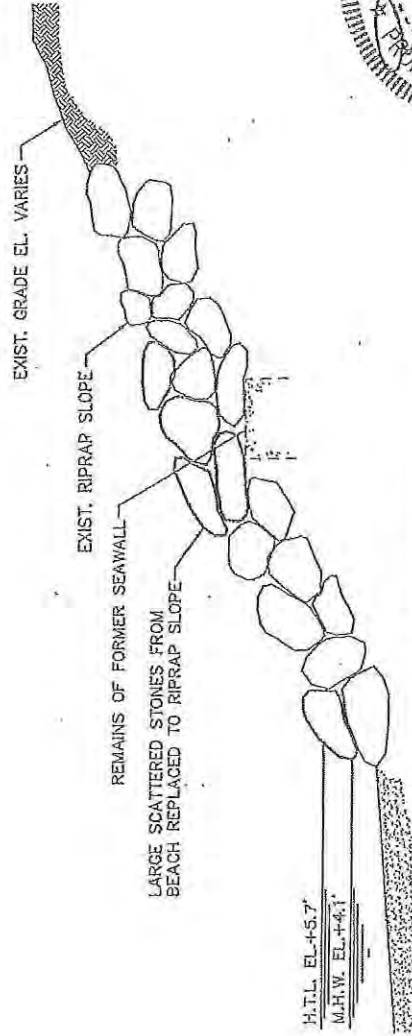
FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT  
 AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB  
 DATE: 07/19/10  
 SHEET 7 OF 11



EXISTING



PROPOSED

SECTION C-C



FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

REV. 1 11/11/10

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT  
 AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB

DATE: 07/19/10

SHEET 8 OF 11





NOTE: WIDTH OF CONCRETE SIDEWALL IS APPROXIMATELY 18 INCHES.

EXISTING ELEVATION D-D



REV. 1 9/26/11

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT

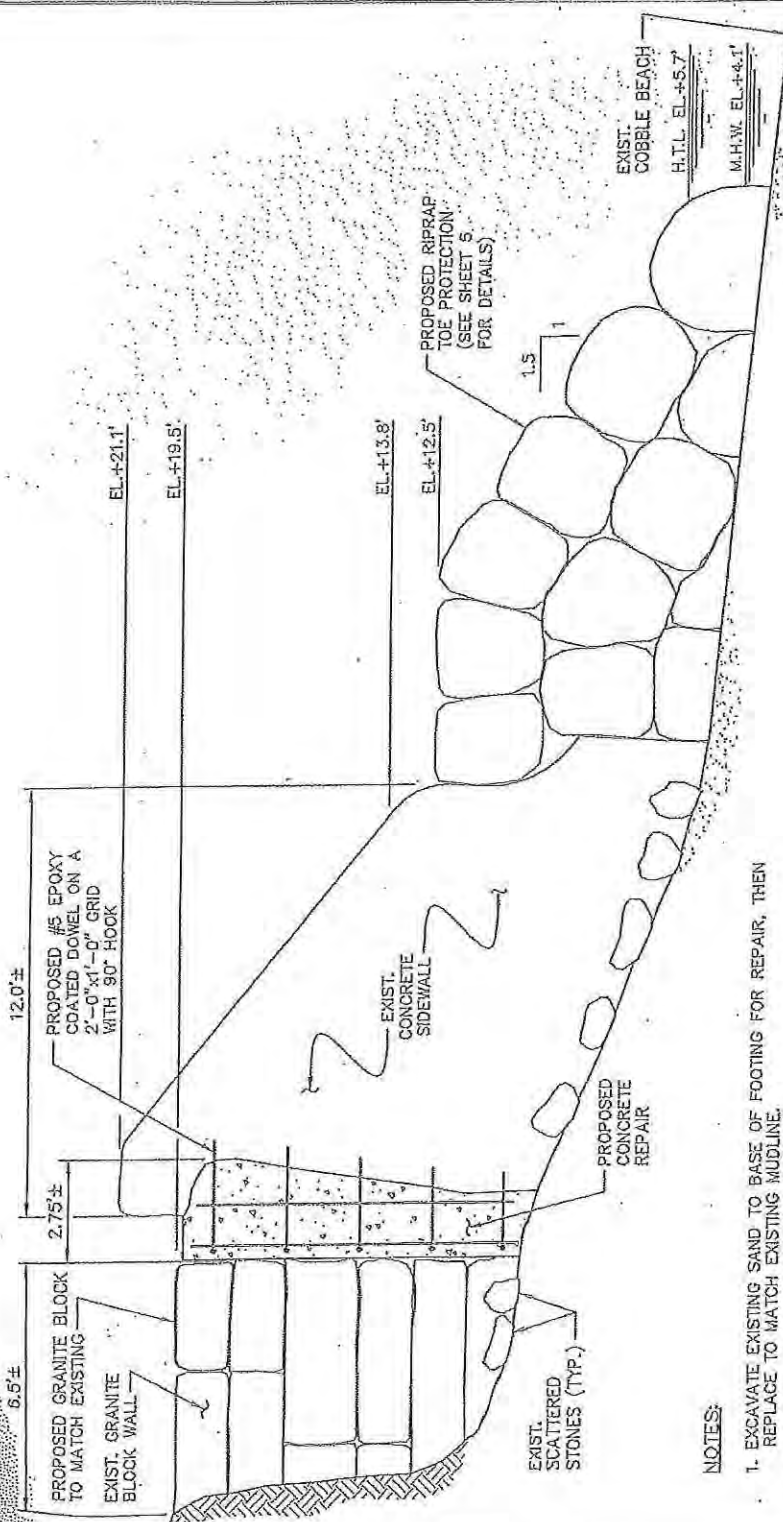
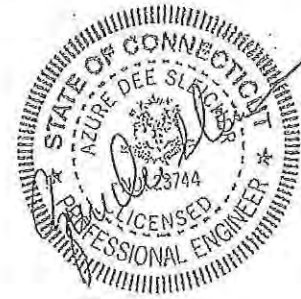
PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB

AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

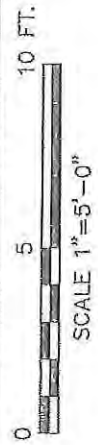
DATE: 11/11/10

SHEET 9 OF 11





PROPOSED ELEVATION D-D



NOTES:

1. EXCAVATE EXISTING SAND TO BASE OF FOOTING FOR REPAIR, THEN REPLACE TO MATCH EXISTING MUDLINE.
2. EMBED DOWELS IN KELIGROUT 101P ADHESIVE, 6 INCHES INTO EXISTING CONCRETE SIDEWALL.
3. FORM AND PLACE PROPOSED CONCRETE TO FILL ±2.75 FOOT GAP BETWEEN EXISTING WALLS. WIDTH OF PROPOSED REPAIR (PROPOSED CONCRETE) TO MATCH WIDTH OF EXISTING CONCRETE SIDEWALL (18 INCHES±).

REV. 1 9/26/11

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

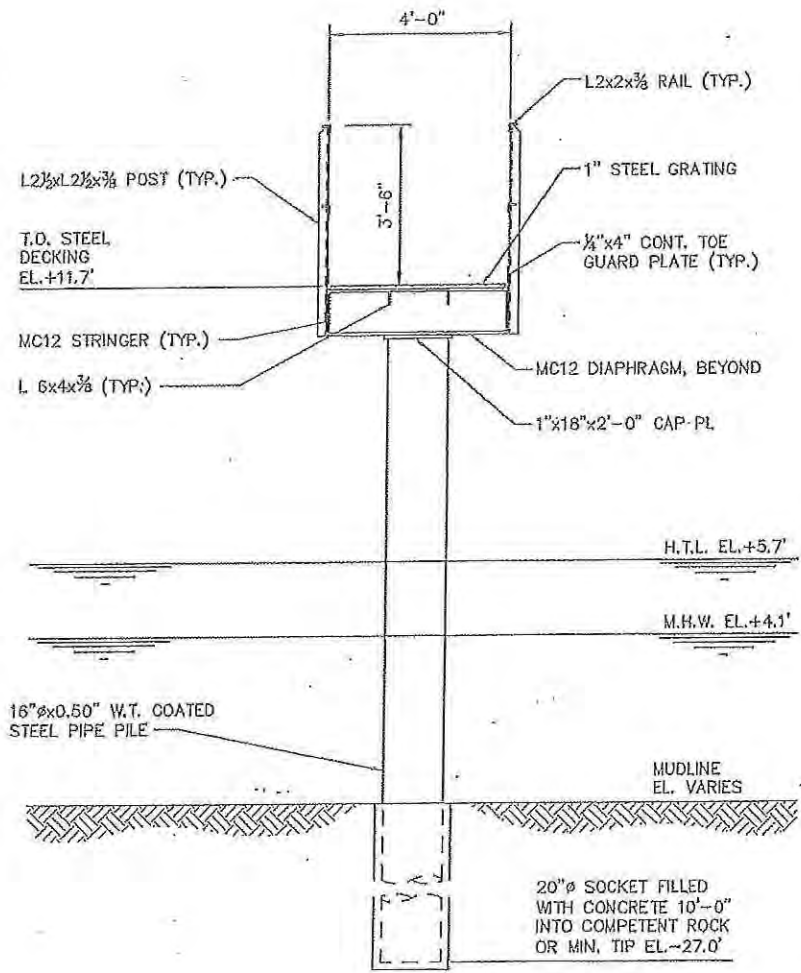
PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS TO LONG ISLAND SOUND  
 DATUM: N.G.V.D. 1929  
 ADJACENT PROPERTY OWNERS: SEE ATTACHMENT

PROPOSED PIER WITH BOAT LIFT AND RIPRAP SHORELINE STABILIZATION  
 LONG ISLAND SOUND  
 TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
 STATE OF CONNECTICUT  
 APPLICATION BY: CHARLES A. KING  
 APPLICATION No.: 201005747-KB

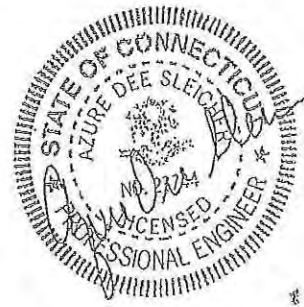
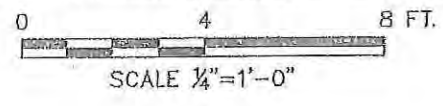
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

DATE: 11/11/10

SHEET 10 OF 11



PROPOSED SECTION E-E



REV. 1 11/11/10

FOR PERMIT USE ONLY  
NOT FOR CONSTRUCTION

PURPOSE: TO PROVIDE RECREATIONAL BOATING ACCESS  
TO LONG ISLAND SOUND  
DATUM: N.G.V.D. 1929  
ADJACENT PROPERTY OWNERS:  
SEE ATTACHMENT  
AGENT: OCEAN AND COASTAL CONSULTANTS, INC.

PROPOSED PIER WITH BOAT LIFT AND  
RIPRAP SHORELINE STABILIZATION  
LONG ISLAND SOUND  
TOWN OF STRATFORD, COUNTY OF FAIRFIELD  
STATE OF CONNECTICUT  
APPLICATION BY: CHARLES A. KING  
APPLICATION No.: 201005747-KB  
DATE: 07/19/10 SHEET 11 OF 11





**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX B**

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

**To:** Town of Stratford Clerk

**Signature and  
Date:**

**Subject:** 295 Bayview Blvd.  
Coastal Permit #201005747-KB, Stratford

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 Charles and Cathleen-Woods King, 295 Bayview Blvd. Stratford, CT to:

Please refer to the attached SCOPE OF AUTHORIZATION.

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

APPENDIX B  
Permit No. 201005747-KB, Charles and Cathleen Woods-King  
295 Bayview Blvd. Stratford, CT  
SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201005747-KB, including 11 sheets of plans dated July 19, 2010 and revised September 26, 2011, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. retain the following existing structures as shown on the project plans attached hereto as follows:
  - a.) an approximately 10' 8" wide x 60' long concrete ramp;
  - b.) approximately 80 linear feet of pre-cast concrete wall located to the southwest of the concrete ramp;
  - c.) approximately 124 linear feet of the remains of buried seawall located to the northeast of the concrete ramp;
  - d.) approximately 124 linear feet of rip rap located to the northeast of the concrete ramp;
  - e.) an approximately 12' long x 12' high west side concrete return wall located to the west of concrete ramp; and
  - f.) an approximately 6.5' long x 10' high granite block wall adjacent to the west side concrete return wall located to the west of the concrete ramp;
  - g.) install sedimentation and erosion controls;
2. install sedimentation and erosion controls;
3. pump approximately 36 cubic yards of concrete through port holes into the scour area beneath the existing concrete ramp with concrete;
4. relocate and reconsolidate existing stone located along the beach and reuse for seawall toe protection as necessary;
5. install rip rap toe protection to the west of the concrete ramp and in front of the concrete ramp as shown on Sheets 4, 5, and 7 of the project plans attached hereto as follows:
  - a.) excavate approximately 154 cubic yards of sand;
  - b.) pump approximately 1.9 cubic yards of concrete grout fill into existing voids beneath the wall;
  - c.) place geotextile fabric; and
  - d.) place approximately 1,365 square feet of rip rap toe protection and create a 7.5' high x 15' wide x 91' long rip rap slope.
6. restore and re-stabilize the rip rap slope located to the east of the concrete ramp by relocating the existing large stones to the rip rap slope as shown on Sheets 4 and 8 of the project plans attached hereto;
7. repair the area in between the approximately 12' long x 12' high west side concrete return wall and the approximately 6.5' long x 10' high granite block wall as shown on Sheets 4, 9, and 10 of the project plans attached hereto as follows:
  - a.) excavate sand;
  - b.) replace the concrete return wall in-place;
  - c.) replace the granite block wall in-kind and in-place;
  - d.) embed epoxy coated steel dowels in the existing concrete seawall; and
  - e.) form and place new concrete to fill the gap between the existing walls.
8. install an approximately 4' x 68' steel pile supported pier with railings composed of steel grating deck, a retractable ladder, an approximately 12' x 14' T-head pierhead with an approximately 14' 8" long x 21" long ladder, and a boatlift as shown on Sheets 4 and 7 of the project plans attached hereto; and
9. remove sedimentation and erosion controls.



# 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: Charles and Cathleen Woods-King

At this location: 295 Bayview Blvd. Stratford, CT

To conduct the following: place rip rap for flood and erosion control and install a fixed pier with pierhead and a boatlift form private recreational boating use

Permit #:201005747-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)