



Email attachment

IN THE MATTER OF

: APP. # 201503186-KB

**SOUTHFIELD PROPERTY, LLC
(DAVENPORT LANDING, STAMFORD)**

: NOVEMBER 20, 2015

PROPOSED FINAL DECISION

**I
SUMMARY**

Southfield Property, LLC (applicant) has applied to the Department of Energy and Environmental Protection (DEEP/departement) for a permit to conduct work in the waters of the state waterward of the coastal jurisdiction line to support the construction of a full-service commercial boatyard to be known as Davenport Landing at 28 Southfield Avenue in Stamford. This application seeks a structures, dredging and fill permit under the provisions of General Statutes §§ 22a-359 through 22a-363f and in accordance with the Coastal Management Act, §§ 22a-90 through 22a-112.

The activity to be regulated includes the removal of derelict structures on the site, the installation of a bulkhead for flood and erosion control, dredging, and the building of docks and associated structures. An upland public access walkway will also be constructed, which will include a boardwalk along the bulkhead at the south side of the site that will connect to the boardwalk at the adjacent Stamford Landing site.¹

On July 30, 2015, the DEEP Office of Long Island Sound Programs (OLISP) issued a Notice of Tentative Determination (NTD) to approve this application and issue this permit. A draft permit has been prepared and is attached to this decision as Appendix 1.

The applicant requested a hearing prior to the issuance of the NTD and notice of a public hearing was published as part of the NTD. The public hearing was held in Stamford on September 8, 2015; an evidentiary hearing was held at the DEEP in Hartford on September 23, 2015. The applicant and DEEP Staff are the parties to this proceeding.

The parties presented evidence including details of the work associated with the project and the proposed draft permit to demonstrate that the proposed regulated activity complies with the applicable statutory criteria. I issued a Post-Hearing Directive on September 25, 2015. The applicant and DEEP jointly submitted proposed findings of fact and conclusions of law for my consideration on October 23, 2015, which is attached as Appendix 2.

¹ An offsite boat storage facility planned by the applicant is not within the scope of the work to be regulated by the proposed permit. (Ex. DEEP-15.)

I have reviewed the evidentiary record, which includes oral testimony and documentary evidence, and oral and written public comment placed in the administrative record. The proposed findings of fact and conclusions of law submitted by the applicant and the department are fully supported by the hearing record and provide factual findings and legal conclusions necessary to support my decision. I adopt these findings and conclusions as part of this decision.

Following my review of the record and my consideration of all relevant issues in this matter, I conclude that the activity proposed by the applicant, if conducted in accordance with the proposed draft permit, complies with the criteria set out in General Statutes §§ 22a-359 through 22a-363f and is in accord with the provisions of the Coastal Management Act, §§ 22a-90 through 22a-112.

II
DECISION
A
FINDINGS OF FACT

This proposed final decision incorporates the proposed findings of fact jointly submitted by the parties. These proposed facts are fully supported by the documentary evidence noted in the submission and by the witness testimony provided at the evidentiary hearing. In sworn testimony, two expert witnesses for the applicant described the site design and construction and explained the work to be performed, including the installation of shoreline and in-water structures, and the planned dredging to provide adequate depth for vessel hauling and berthing. One of these witnesses outlined construction methods, erosion and sediment controls, and stormwater management to be employed during construction. (Ex. APP-21.) The other provided an assessment of the application's compliance with the relevant provisions of General Statutes §§ 22a-359 through 22a-363f and the legislative goals and policies of the Coastal Management Act. (Ex. APP-22A.) OLISP Staff testimony outlined its technical review, which included consideration of wildlife in the area, shellfish, fisheries, and any impacts to water quality or navigation. (Ex. DEEP-22.) This testimony supports the parties' proposed findings of fact and is incorporated in any references to the record herein.²

In addition to the parties' proposed findings of fact, I find the following additional facts. Where necessary to support these findings of fact and the proposed findings of fact submitted by the parties, references to evidence in the record are provided.³

1. Site Improvement. The proposed project will remediate, repair and revitalize the site. The project site has a history of industrial use and soil and groundwater

² The witnesses' oral testimony, which supplements their pre-filed written testimony, was recorded at the evidentiary session on September 23, 2015, and is incorporated into these findings of fact. No written transcript has been prepared; the audio recording of the evidentiary hearing is on file with the Office of Adjudications.

³ The parties' proposed findings of fact regarding hearing procedures and procedural history are supported by documents in the docket file, which is also part of the administrative record of this proceeding.

contamination has been remediated in conjunction with a Remedial Action Plan (RAP).⁴ (Ex. DEEP-22.)

2. Water Dependent Use and Public Access. The site currently does not support any water dependent uses or provide public access to the West Branch of Stamford Harbor where the site is located. The proposed boatyard will provide a water dependent use of the site. The project will provide for boat maintenance and repair service and will provide 28 in-water slips for public, private and transient usage and will therefore enhance recreational boating opportunities. The proposed upland boardwalk will provide additional public access to the water. (Exs. APP-11, DEEP-22.)
3. Impacts to On-site Resources and Potential Coastal Impacts. As there are no existing populations of federal or state endangered, threatened or special concern species in the area, the proposed project will not have any adverse impacts on wildlife. The Connecticut Department of Agriculture Bureau of Aquaculture requested a restriction on work between July 15 and August 30 to protect spawning shellfish; Special Term and Condition #9 incorporates this restriction. Pursuant to the recommendation of the DEEP Fisheries Division, Special Term and Condition #10 was included in the draft permit to establish a seasonal restriction on work between April 1 and June 30 to protect anadromous fish migration. (Exs. DEEP-15, 22.)
4. Impacts to Water Quality. The project will cause only temporary and minimal impacts to water quality due to pile removal and installation, derelict structure removal, and installation of the travel lift. An erosion control plan and the General Permit for the Discharge of Construction Stormwater Dewatering Wastewaters Associated with Construction Activities will specify the measures that will be taken during construction to reduce erosion and manage sedimentation from disturbed surfaces. Best Management Practices will also be employed during the project duration. (Exs. APP-21, DEEP-15, 22.)
5. Dredging impacts. Dredging will be conducted to provide adequate water depth for vessel hauling and berthing. The dredging footprint has been designed with two different depths to minimize the quantity of sediment while still providing adequate depths for the planned use by the boatyard. Any dredging material that is placed upland will be done in accordance with the RAP for the site. (Ex. DEEP-15, Special Terms and Conditions #s 1, 2, 8 and 18-20.)

B

CONCLUSIONS OF LAW

The activity proposed in this application as conditioned by the proposed draft permit is regulated by General Statutes §§ 22a-359 through 22a-363f and the Coastal Management Act, General Statutes §§ 22a-90 through 112. In addition to adopting the conclusions of law jointly submitted by the parties, I find that the proposed project meets the requirements of the applicable statutes, and complies with all relevant statutory and regulatory policies, standards

⁴ The RAP is under the direct supervision of a licensed environmental professional; therefore, DEEP does not approve or disapprove the RAP. All work done at the site will be in conformance with the RAP. (Ex. DEEP-15, Special Term and Condition #4.)

and criteria and factors for consideration, including the legislative goals and priorities set out in the Coastal Management Act. The proposed use of the site is consistent with the land use of the surrounding area of the West Branch of Stamford Harbor and the proposed activities will not pose a navigational hazard or conflict with any existing navigational use in the vicinity of the project. The proposed activity will create a water dependent use, support recreational boating, and provide additional public access to the waters of Long Island Sound while minimizing impacts to coastal resources.

III PUBLIC COMMENT

Public comments were supportive of this project, but also raised several issues of concern. The Stamford Harbor Management Commission recommended that DEEP review this application as part of the larger development plan for Stamford Harbor. Other comments included: 1) the adequacy of the proposed boatyard as a replacement for the former Yacht Haven Boatyard; 2) the suitability of the new boatyard for certain boats and services; 3) the viability of the new boatyard and the applicant's plan to provide offsite boat storage; 4) the status of the boatyard as a water dependent use; and 5) the speed at which the application was reviewed and whether this proposed decision should be delayed until pending lawsuits and associated matters are resolved. These comments will be addressed seriatim.

DEEP cannot review this application as part of any larger development plan for Stamford Harbor; its review is limited to the application before it. The department cannot base its decision on speculative or potential activities on other sites or on a local perspective of an application.⁵ Its review is based on whether the application complies with applicable state statutes and regulations.

This application is for work that will support the construction of a boatyard for recreational boating at 28 Southfield Avenue. Whether this boatyard is intended as a replacement for the former Yacht Haven Boatyard and, if so, whether it is an adequate replacement, is not a subject of this adjudication. DEEP does not consider issues or activities that are not related to the application before it for review.

The viability of the boatyard is also not a subject of this adjudication. The permit regulates work to support the construction of the boatyard, not to guarantee the nature of the boatyard's services or to assure its success. Construction of a facility for offsite boat storage is not part of the coastal improvements that are in the scope of work in this permit; any issues associated with approvals for that facility are not within the scope of this adjudication.

DEEP made a determination that the proposed boatyard will be a water dependent use based on statutory standards and in light of the policies of the Coastal Management Act. Laws and standards that apply to local decision-makers regarding this issue are not within the purview of DEEP's review of an application. It should also be noted that this decision does


⁵ See *Proposed Final Decision In the Matter of Waterfront Magee*, Dept. of Energy and Environmental Protection, #201207377-KB, September 30, 2013 (jurisdiction of department and local approvals); affirmed, *Final Decision In the Matter of Waterfront Magee*, October 18, 2013 (department's jurisdiction and local approvals).

not supersede the decision-making authority of towns or other local authorities, including local land use authorities. A DEEP permit does not relieve an applicant of its obligations to obtain other permits required by applicable law, including local approvals.⁶

Finally, when the DEEP receives an application, it proceeds with its review and continues until it reaches its decision. The length of the review of an application varies and depends on numerous factors, including the resources that can be assigned to any specific application at any particular time. The application review process and the hearing process cannot be delayed or suspended for reasons that are unrelated to the scope of the department's review and jurisdiction.

IV *RECOMMENDATION*

The proposed activity for which the permit is sought complies with all relevant statutory and regulatory criteria and factors for consideration. The applicant has demonstrated that if the proposed activity that will be regulated under the permit is conducted in compliance with the terms and conditions of the draft permit, that activity will comply with applicable law. I therefore recommend that the draft permit be issued to the applicant Southfield Property, LLC.



Janice B. Deshais, Hearing Officer

⁶ General Terms and Conditions #17 in the draft permit provides that “[t]he issuance of this permit does not relieve the Permittee of their obligation to obtain any other approvals required by applicable federal, state and local law.” (Ex. DEEP-15.)



APPENDIX 1

79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

DRAFT PERMIT

Permit No: 201503186-KB

Municipality: Stamford

Work Area: West Branch of Stamford Harbor off property located at
28 Southfield Avenue

Permittee: Southfield Property, LLC
2200 Atlantic Street
Suite 600
Stamford, CT 06902

Pursuant to sections 22a-359 through 22a-363g and sections 22a-28 through 22a-35 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 remove derelict structures; install boatyard facilities including new docking structures, a travel lift well, sanitary pumpout and fuel dispensers; conduct new dredging; and install a bulkhead for flood and erosion control and for recreational boating and marine commercial 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 #201503186-KB, including 17 sheets of plans attached hereto as follows: Sheets 1-5 and 7-12, and 14-17 dated May 1, 2015 and Sheet 6 and Sheet 13 dated May 1, 2015 and revised June 30,

submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. install sedimentation and erosion controls;
2. remove derelict in-water docking structures including docks, and piles;
3. remove a derelict stormwater outfall pipe;
4. remove assorted abandoned pipes and debris along the shoreline;
5. install 600 linear feet of bulkhead with cap and railing;
6. construct two, 24" HDPE stormwater outfall in steel sleeves in the new bulkhead;
7. excavate approximately 2,350 cy of rip rap and soil from above mean low water (area within the travel lift well) and re-use on the upland portion of the site;
8. construct an approximately 65' x 22' travel lift well using steel sheetpile, concrete cap and steel channels for the travel lift, including a ladder;
9. install and remove a temporary cofferdam for the installation of the travel lift well;
10. install approximately 60, 8" diameter timber fender piles within the travel lift well;
11. construct two, 4' x 6' gangway landings affixed to the bulkhead;
12. install two, 4' x 80' gangways;
13. construct an approximately 10' x 38' pier with up to 12 concrete or steel piles;
14. relocate approximately 50 cy of rip rap to support an existing stone seawall;
15. install 305 linear feet of 10 wide floating dock;
16. install 350 linear feet of 6' wide floating dock;
17. install 30 linear feet of 8' wide floating gas dock;
18. install 330 linear feet of 4' wide floating finger docks;
19. install 5 linear feet of 2' wide floating dock;
20. install approximately 50 steel or timber piles to secure the docks;
21. install 21 dock pedestals with lighting, electric, water and fire and safety equipment;
22. install two fuel dispensers and one sanitary pumpout system at the gas dock;
23. establish of a perimeter permit for 6,700 square feet of dock;
24. dredge approximately 7,500 cy of material over a 20,930 square foot area to -12' MLW plus a one foot allowable overdredge and 3:1 sideslopes (Area 1);
25. dredge approximately 4,500 cy of material over a 19,000 square foot area to -8' MLW plus a one foot allowable overdredge and 3:1 sideslopes (Area 2);
26. dispose of approximately 2,350 cy of material authorized for removal in paragraph 7., above and approximately 9,400 cy of material represented by samples 1-6 and authorized for removal in paragraphs 24 and 25., above, at the Central Long Island Sound Disposal Site with approximately 35,000 cy of cap material or at an approved upland disposal location;
and

27. dispose of approximately 2,600 cy of sediments represented by Sample 7 in Dredge Area 1 as authorized in paragraph 24. of the SCOPE OF AUTHORIZATION, above, at an approved upland disposal location;
28. remove the sedimentation and erosion controls installed pursuant to paragraph 1., above.

SPECIAL TERMS AND CONDITIONS

1. Prior to the commencement of work authorized herein, the Permittee shall submit to the Commissioner for his review, and shall receive written approval of a plan for the disposal of the dredged sediments identified in paragraphs 7, and 24 through 27. of the SCOPE OF AUTHORIZATION, above. The project must be completed with any conditions required by the Commissioner. The Permittee shall obtain all required federal, state and local authorizations before commencing work under this condition.
2. Sediments represented by Sample 7 within Dredge Area 1 are not suitable for open water disposal and shall be properly disposed of at an approved upland disposal location, unless specifically authorized in writing by the Commissioner.
3. Prior to the commencement of work authorized in paragraphs 6 through 27 of the SCOPE OF AUTHORIZATION, above, the Permittee shall removal all derelict structures and shall properly dispose of such at an approved upland facility.
4. The Permittee shall conduct all work authorized herein in conformance with the Remedial Action Plans ("RAP") submitted to CT Department of Energy & Environmental Protection Remediation Division and prepared by a Licensed Environmental Professional delegated the authority for such activities at 20 Southfield Avenue-Davenport Landing, DEEP Remediation No. 11760, or as otherwise approved in accordance with section 22a-133k-2(h) of the Regulations of Connecticut State Agencies "The Remediation Standard Regulation provision for Use of Polluted Soil and Reuse of Treated Soil").
5. Prior to the commencement of work authorized herein, the Permittee shall coordinate with utility personnel in an effort to accurately locate the existing Yankee Gas Main via subsurface profiling or similar technology to avoid adverse impacts to the existing gas main shown on Sheets 4 through 6 of the project plans attached hereto. During construction, the Permittee shall maintain inspection logs. Prior to construction, the Permittee shall provide the Commissioner with a report of the coordination with Yankee Gas.
6. Prior to the commencement of work authorized herein, the Permittee shall field locate and mark with buoys the existing gas line. Such marker locations shall remain in place until construction on-site has been completed.
7. Prior to the commencement of the placement of the temporary cofferdam and dredging authorized herein, the Permittee shall obtain any required permit or authorization for dewatering pursuant to CGS 22a-430 or 22a-6k unless specifically authorized in writing by the Commissioner.
8. Prior to the commencement of dredging authorized in paragraphs 7., and 24 through 27 of the

SCOPE OF AUTHORIZATION, above, herein, the Permittee shall install a silt curtain from the water surface to the substrate and oil boom as shown on Sheet 9 of the project plans attached hereto, unless specifically authorized in writing by the Commissioner. Such controls shall be maintained in optimal operating condition until dredging is complete.

9. In-water excavation, dredging, filling or removal of debris or other material shall not be conducted between July 15th and August 30th inclusive, of any calendar year, to protect spawning shellfish unless specifically authorized in writing by the Commissioner.
10. In-water excavation, dredging, filling or removal of debris or other material shall not be conducted between April 1st and June 30th inclusive, of any calendar year, to protect anadromous fish migration.
11. The Permittee shall provide restroom facilities on-site for all recreational marina slip renters between April 15 and October 15 of each year the boatyard is open.
12. At all times, the Permittee shall allow for a minimum of 50% of the slips authorized herein to remain available to the general public and transients on a first-come, first served basis.
13. The Permittee shall not allow berthing by any transient vessel in any of the slips authorized herein for longer than 7 days.
14. Not later than thirty (30) days subsequent to boatyard and marina occupancy, the Permittee shall post and maintain signage notifying the public of the availability of transient berthing along the docks authorized herein as well as signage that indicates that there is public access on-site.
15. The Permittee shall post and maintain signage prohibiting fueling, exterior painting, cleaning or other boat repair or maintenance activities which could produce discharges to the harbor from boats berthed at the docks authorized herein.
16. The Permittee may, within the perimeter boundary authorized pursuant to paragraph 23., of the SCOPE OF AUTHORIZATION, above, and shown on Sheets 6 and 8 of the project plans attached hereto; replace, remove or relocate ramps, floats, fingers, piles, etc., subject to the restrictions specified in paragraph 16., of the SPECIAL TERMS AND CONDITIONS, below.
17. The reconfiguration activities authorized pursuant to paragraph 15. of the SPECIAL TERMS AND CONDITIONS section, above, are subject to the following restrictions:
 - a. Such reconfiguration does not increase the number of berthing slips at the facility beyond 28;
 - b. Such reconfiguration is conducted in a manner such that no structures are located outside the established perimeter boundary;
 - c. Such reconfiguration shall not include the construction, installation or relocation of any wave attenuation structures; any walled or roofed structures such as an attendant shed, marina office or other building; any structure not used for boating access or support including, but not limited to, residences, restaurants,

- vending/concessions, gazebos, viewing platforms, patios, or storage facilities; and any docks, floats or ramps wider than previously authorized;
- d. Any such reconfiguration does not create a hazard to or interfere with existing navigations uses in any waterway;
 - e. The reconfiguration is valid for a period of 20 years from the date of permit issuance; and
 - f. The Permittee shall provide the Commissioner with written notification two weeks prior to commencement of reconfiguration.
18. Sediment dredged pursuant to this authorization shall not be sold nor shall any fee for its use be charged without the express written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the State of Connecticut Department of Energy & Environmental Protection, pursuant to section 22a-361(e) of the General Statutes.
 19. During construction, the Permittee shall implement best management practices to minimize the potential for releasing any material into the West Branch of Stamford Harbor. 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 in CGS section 22a-423.
 20. Any barge used to conduct the work authorized herein must move to deeper waters during periods of low water such that the barge does not rest on the bottom. It shall not be a defense to this provision for the Permittee to assert that it has no control over the operation of the barge.
 21. The Permittee shall provide a sanitary pumpout and gas dock as authorized in paragraph 22., of the SCOPE OF AUTHORIZATION, above, and shall maintain such in optimal operating condition for the life of the boatyard. Such pumpout shall be made available to the boatyard patrons and the general public between April 15th and October 15th of any year the facility is in operation, unless specifically authorized in writing by the Commissioner.
 22. 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.
 23. 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.
 24. 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.

25. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
26. For work conducted landward of the tidal wetlands, the Permittee shall establish a minimum of a 10 foot setback from any adjacent wetlands or watercourses. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
27. 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, or within any delineated setback area, nor shall any wetland, watercourse or delineated setback area be used as a staging area or access way other than as provided herein.
28. 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.
29. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans and an "as-dredged" survey of the work area showing contours, bathymetries, tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans or survey shall be the originals 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 coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
4. The 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 the Permittee becomes aware that they did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the 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 their obligations to obtain any other approvals required by applicable federal, state and local law.
18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2015

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Michael Sullivan
Deputy Commissioner

Permit #201503186-KB, Stamford

Southfield Property, LLC

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: Southfield Property, LLC
2200 Atlantic Street
Suite 600
Stamford, CT 06902

Permit No: 201503186-KB, Stamford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)



OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX B

NOTICE OF PERMIT ISSUANCE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

To: City Clerk of Stamford

Signature and

Date:

Subject: Southfield Property LLC, Stamford, CT
Coastal Permit #201503186-KB

Pursuant to Section 22a-363g, Section 22a-32 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 Southfield Property, LLC 2200 Atlantic Street Suite 600 Stamford, CT 06902 to:

remove derelict structures; install a boatyard with new docking structures; install a travel lift well, sanitary pumpout, gas dock and conduct new dredging for recreational boating use and marine commercial use; and install a bulkhead for flood and erosion control

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



PERMIT NOTICE

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

Has been issued to: Southfield Avenue, LLC

At this location: 28 Southfield Avenue, Stamford, CT

To conduct the following: remove derelict structures; install a boatyard with new docking structures; install a travel lift well, sanitary pumpout, gas dock and conduct new dredging for recreational boating use and marine commercial use; and install a bulkhead for flood and erosion control

Permit #: 201503186-KB

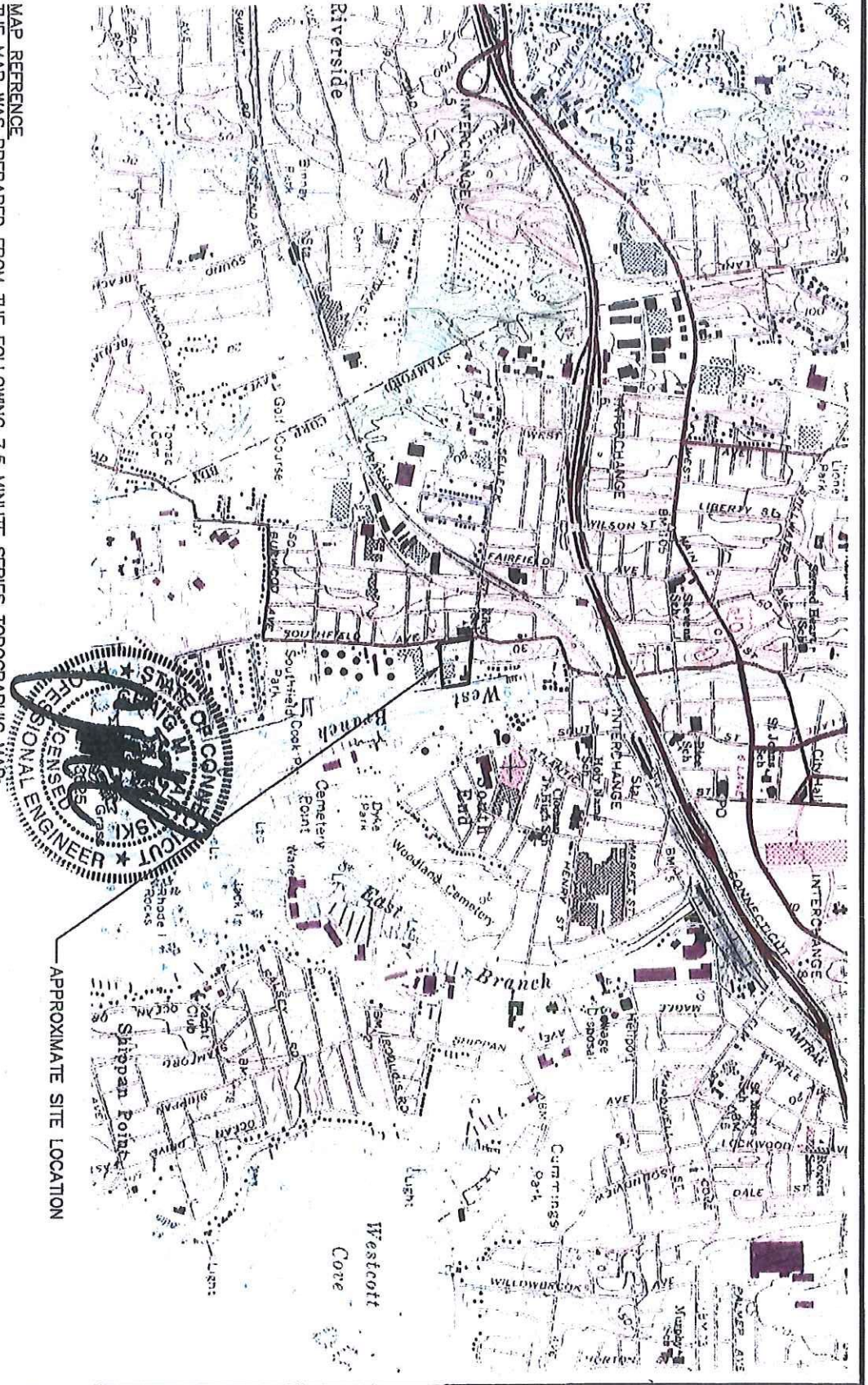
Issued on:

This Authorization expires on:

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

MAP REFERENCE
 THE MAP WAS PREPARED FROM THE FOLLOWING 7.5 MINUTE SERIES TOPOGRAPHIC MAP:
 STAMFORD QUADRANGLE, CONNECTICUT-FAIRFIELD CO., 1960 REVISED 1984.
 MAP # 41073-AS-1T-024



SCALE:	HORIZ.: 1" = 200'
VERT.:	1" = 20'
DATE:	
HORIZ.:	
VERT.:	
GRAPHIC SCALE	



FUSS & O'NEILL

124 HARTFORD ROAD
 114 WHESTER, CONNECTICUT 06440
 860.466.3400
 www.fussandoneill.com

STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)

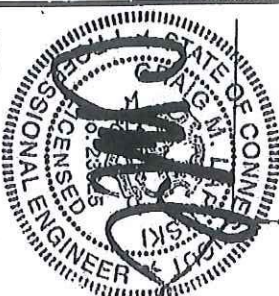
SITE LOCATION MAP

STRUCTURES, DREDGE AND FILL PERMIT APPLICATION

CONNECTICUT

SHEET 1

PROJ. No.: 2014-03581S12
 DATE: 05/07/2015



NOTES:
 1. PARCEL LINES DEPICTED ON THIS PLAN OBTAINED FROM CT DEEP GIS MAPPING.

SCALE:

HORZ: 1" = 150'
VERT: 1" = 150'
DATUM:
HORZ: NAVD 83/NA 11W
VERT: NAVD 83/NA 11W
GRAPHIC SCALE



FUSS & O'NEILL
 146 HARTFORD ROAD
 HARTFORD, CONNECTICUT 06104
 www.fussandoneill.com

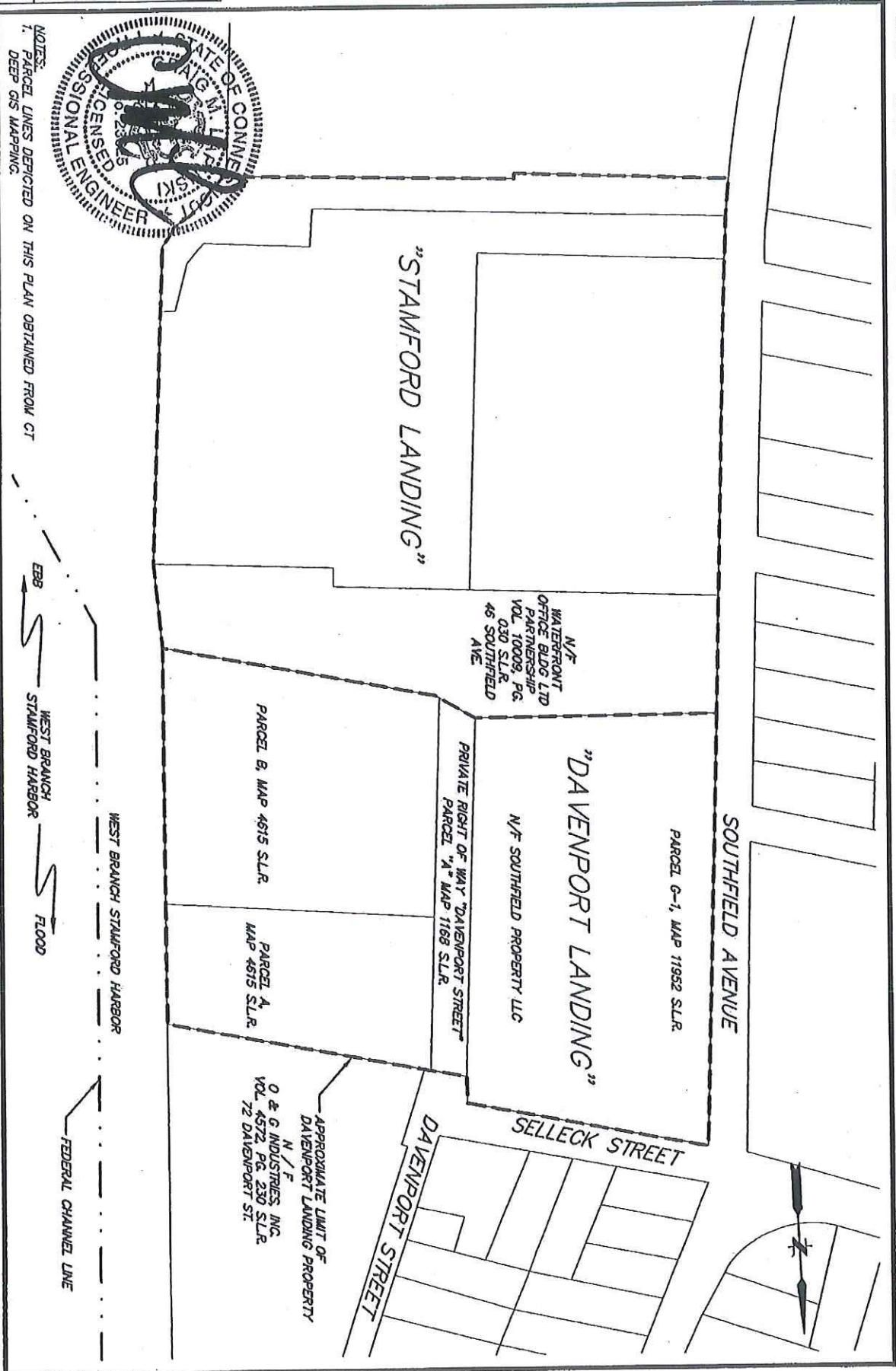
STAMFORD

DAVENPORT LANDING (SOUTHELD PROPERTY, LLC)
 TAX ASSESSORS MAP
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

CONNECTICUT

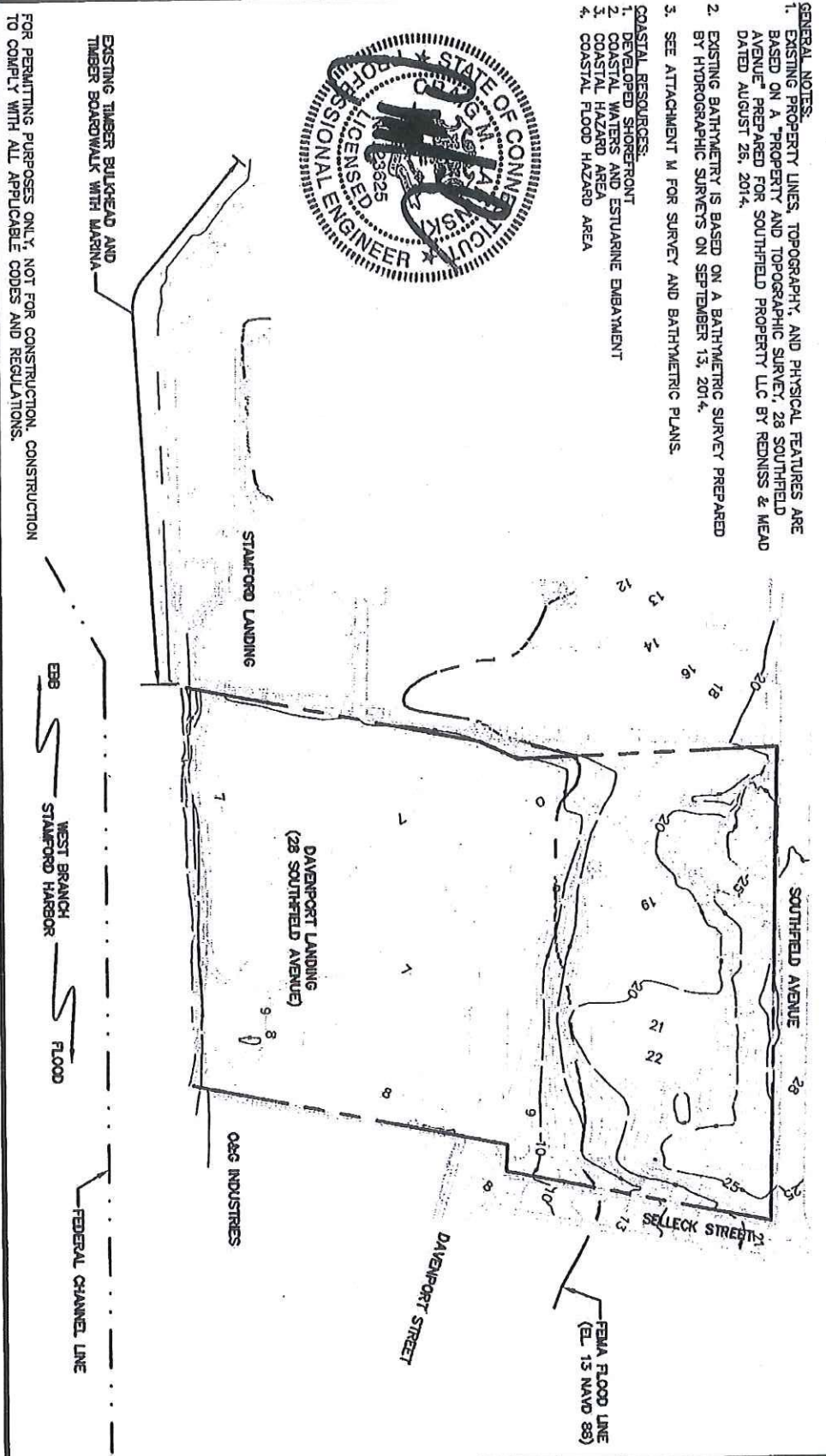
PROJ. No.: 2014 0356 S12
 DATE: 05/01/2015

SHEET 2



- LEGEND**
- — — — — PROPERTY LINE
 - 10 — — — — — EXISTING MAJOR CONTOUR (NAVD 88)
 - 7 — — — — — EXISTING MINOR CONTOUR (NAVD 88)

- GENERAL NOTES:**
1. EXISTING PROPERTY LINES, TOPOGRAPHY, AND PHYSICAL FEATURES ARE BASED ON A "PROPERTY AND TOPOGRAPHIC SURVEY, 28 SOUTHFIELD AVENUE" PREPARED FOR SOUTHFIELD PROPERTY LLC BY REDNISS & MEAD DATED AUGUST 26, 2014.
 2. EXISTING BATHYMETRY IS BASED ON A BATHYMETRIC SURVEY PREPARED BY HYDROGRAPHIC SURVEYS ON SEPTEMBER 13, 2014.
 3. SEE ATTACHMENT M FOR SURVEY AND BATHYMETRIC PLANS.
- COASTAL RESOURCES:**
1. DEVELOPED SHOREFRONT
 2. COASTAL WATERS AND ESTUARINE EMBAYMENT
 3. COASTAL HAZARD AREA
 4. COASTAL FLOOD HAZARD AREA



FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

SCALE:	HORIZ. 1" = 150'
DATUM:	VERT. NAVD 88/NAALW
HORIZ.:	VERT. NAVD 88/NAALW
VERT.:	79
GRAPHIC SCALE	150

FUSS & O'NEILL
 146 HARTFORD ROAD
 NANTUCKET, CONNECTICUT 06490
 508.644.3199
 www.fussandoneill.com

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 EXISTING SITE CONDITIONS PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD
 CONNECTICUT

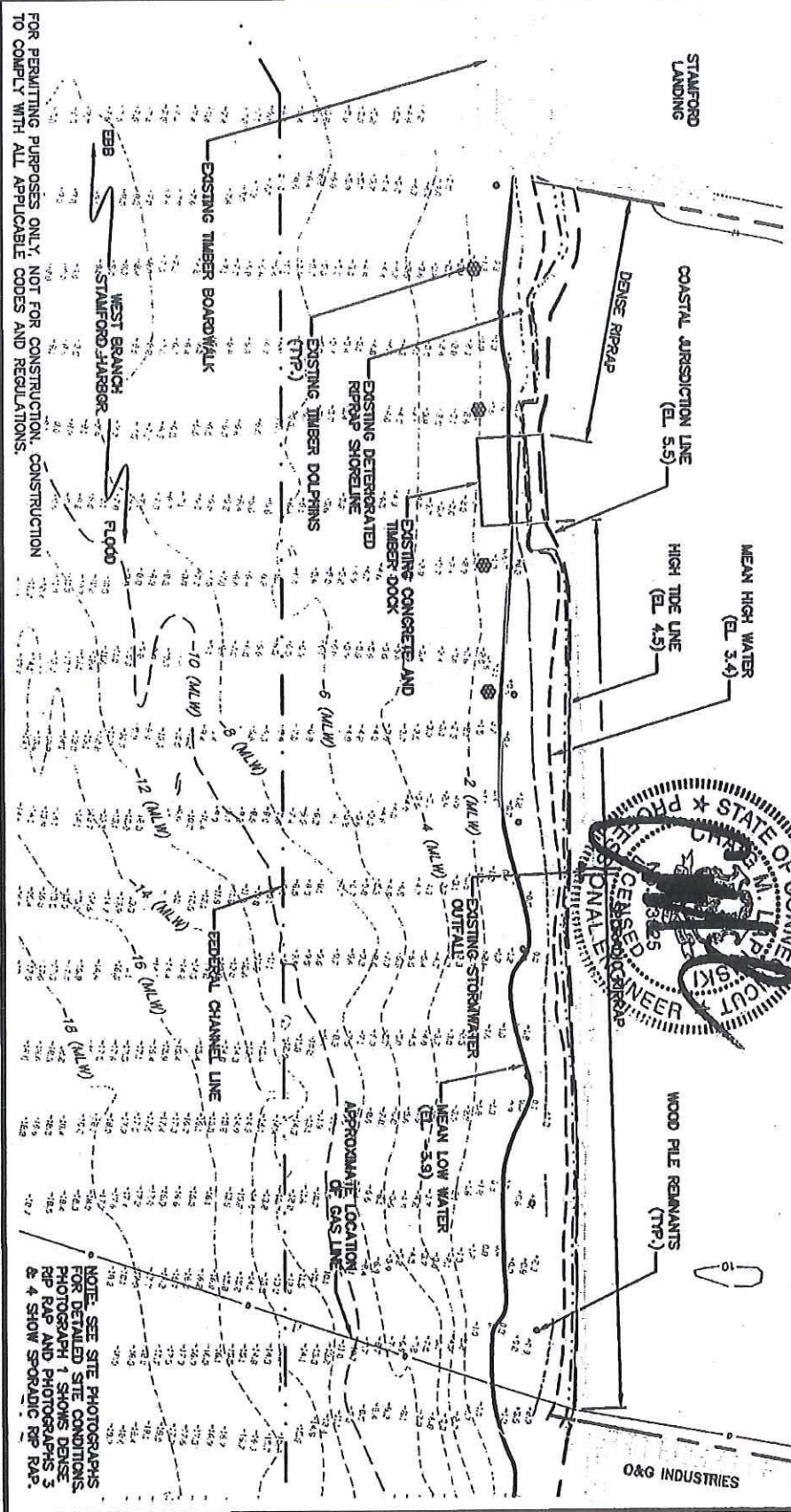
PROJ. No.: 2014-0358_S12
 DATE: 05/01/2015
SHEET 3

LEGEND

- PROPERTY LINE
- 10 — EXISTING MAJOR CONTOUR (NAVD 89)
- — EXISTING MINOR CONTOUR (NAVD 89)
- 10 (MLW) — EXISTING MAJOR CONTOUR (MLW)
- 8 (MLW) — EXISTING MINOR CONTOUR (MLW)

TIDAL ELEVATION SUMMARY

TIDAL ELEVATION	NAVD 89 ELEVATION	MLW ELEVATION
COASTAL JURISDICTION LINE (C.L.)	5.50	9.40
HIGH TIDE LINE (HTL)	4.50	8.40
MEAN HIGH WATER (MHW)	3.40	7.30
MEAN LOW WATER (MLW)	-3.90	0



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

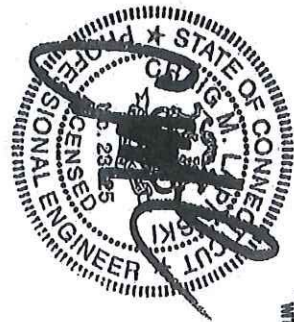
NOTE: SEE SITE PHOTOGRAPHS FOR DETAILED SITE CONDITIONS. PHOTOGRAPH 1 SHOWS DENSE RIP RAP AND PHOTOGRAPHS 3 & 4 SHOW SPADIC RIP RAP.



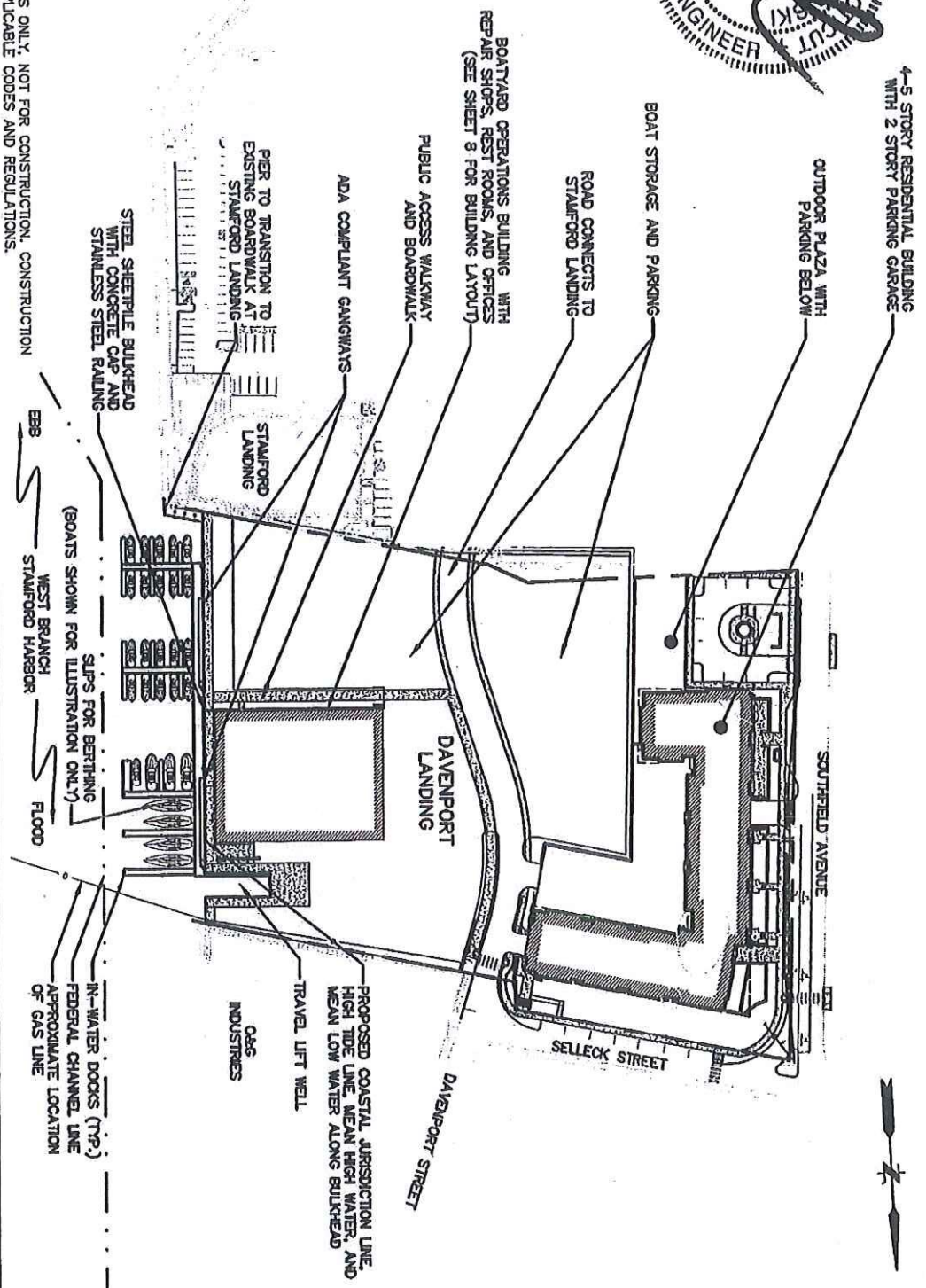
DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 EXISTING COASTAL CONDITIONS PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

SHEET 4

PROJ. NO.: 2014 03512
 DATE: 05/07/2015



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



SCALE:	HORIZ.: 1" = 150'
	VERT.: 1" = 150'
DATUM:	
	HORIZ.: NAVD 83/NAUTY
	VERT.: NAVD 83/NAUTY
GRAPHIC SCALE:	0 75 150



FUSS & O'NEILL
 146 HARTFORD ROAD
 HANOVER, CONNECTICUT 06033
 860-646-2349
 www.fussandoneill.com

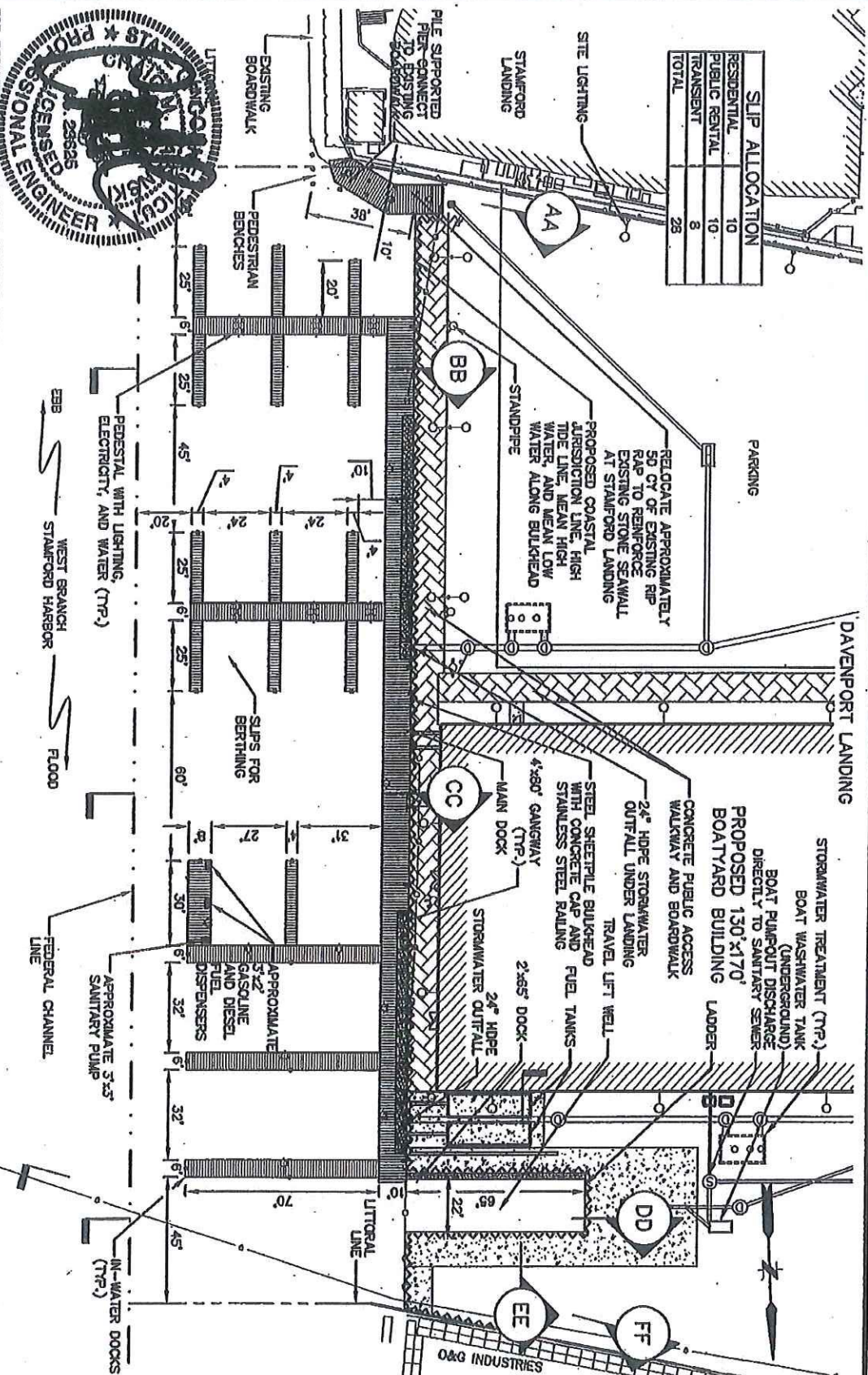
DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 PROPOSED SITE CONDITIONS PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

STAMFORD CONNECTICUT

PROJ. No.: 2014 0355 512
 DATE: 05/07/2015
SHEET 5

SLIP ALLOCATION	
RESIDENTIAL	10
PUBLIC RENTAL	10
TRANSIENT	8
TOTAL	28

FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



SCALE:

HORIZ: 1" = 30'
VERT: 1" = 30'

DATUM:

HORIZ: VERT. NAVD 83/MLW
VERT: NAVD 83/MLW

GRAPHIC SCALE

FUSS & O'NEILL
 146 STAMFORD ROAD
 MANCHESTER, CONNECTICUT 06040
 860.646.2469
 www.fussandoneill.com

STAMFORD

WEST BRANCH STAMFORD HARBOR

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 PROPOSED COASTAL CONDITIONS PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

NO.	DATE	REVISION
1.	6/30/2015	REVISED PER NET COMMENTS

PROJ. NO.: 2014-035812
 DATE: 05/07/2015

SHEET 6

SCALE:	
HORIZ.:	1" = 150'
VERT.:	1" = 150'
DATUM:	
HORIZ.:	
VERT.:	NAVD BSMALW
GRAPHIC SCALE	
0	75
150	



FUSS & O'NEILL

146 HARTFORD ROAD
 HAVENHURST, CONNECTICUT 06440
 860.462.2469
 www.fussandoneill.com

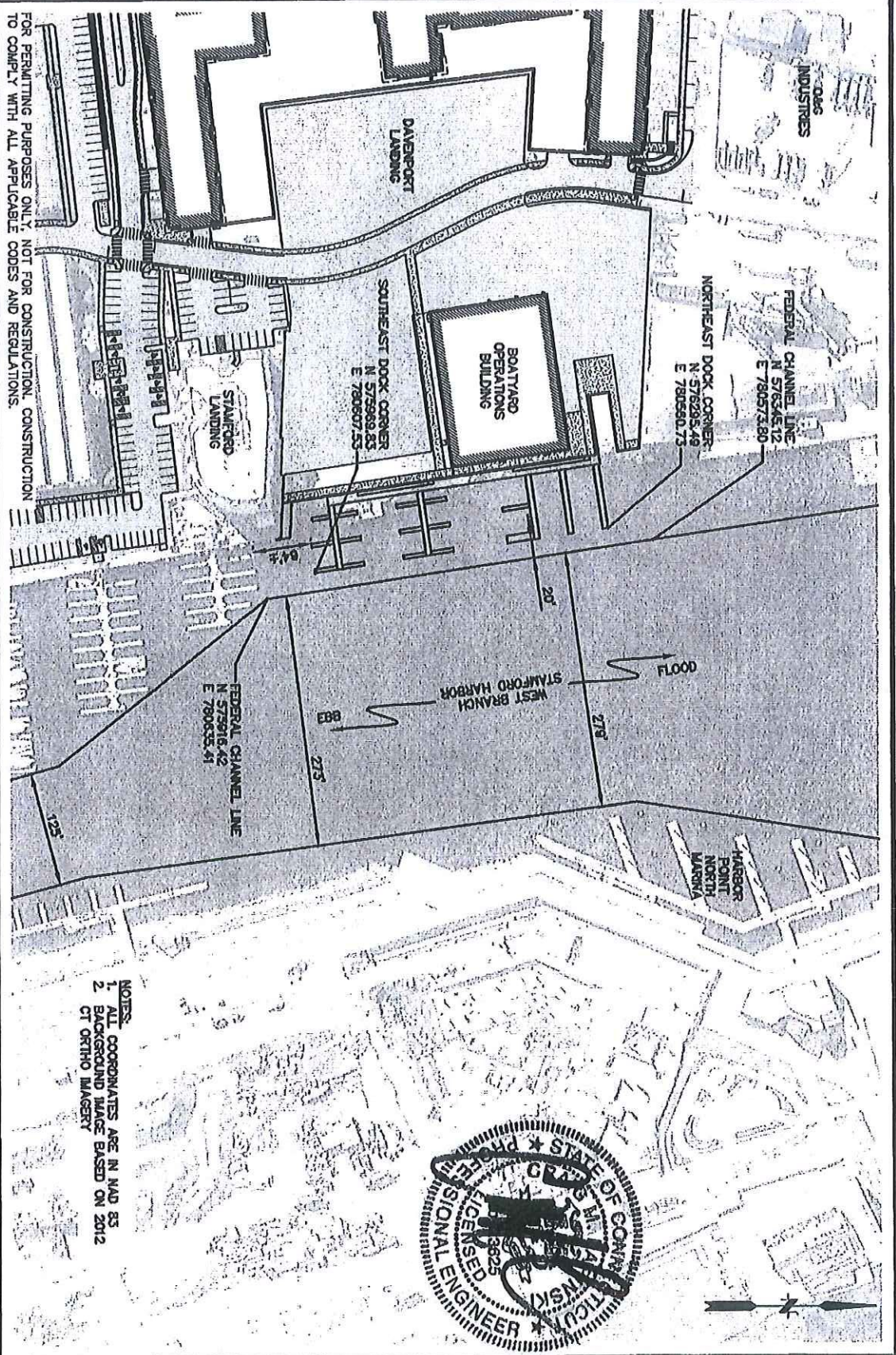
STAMFORD

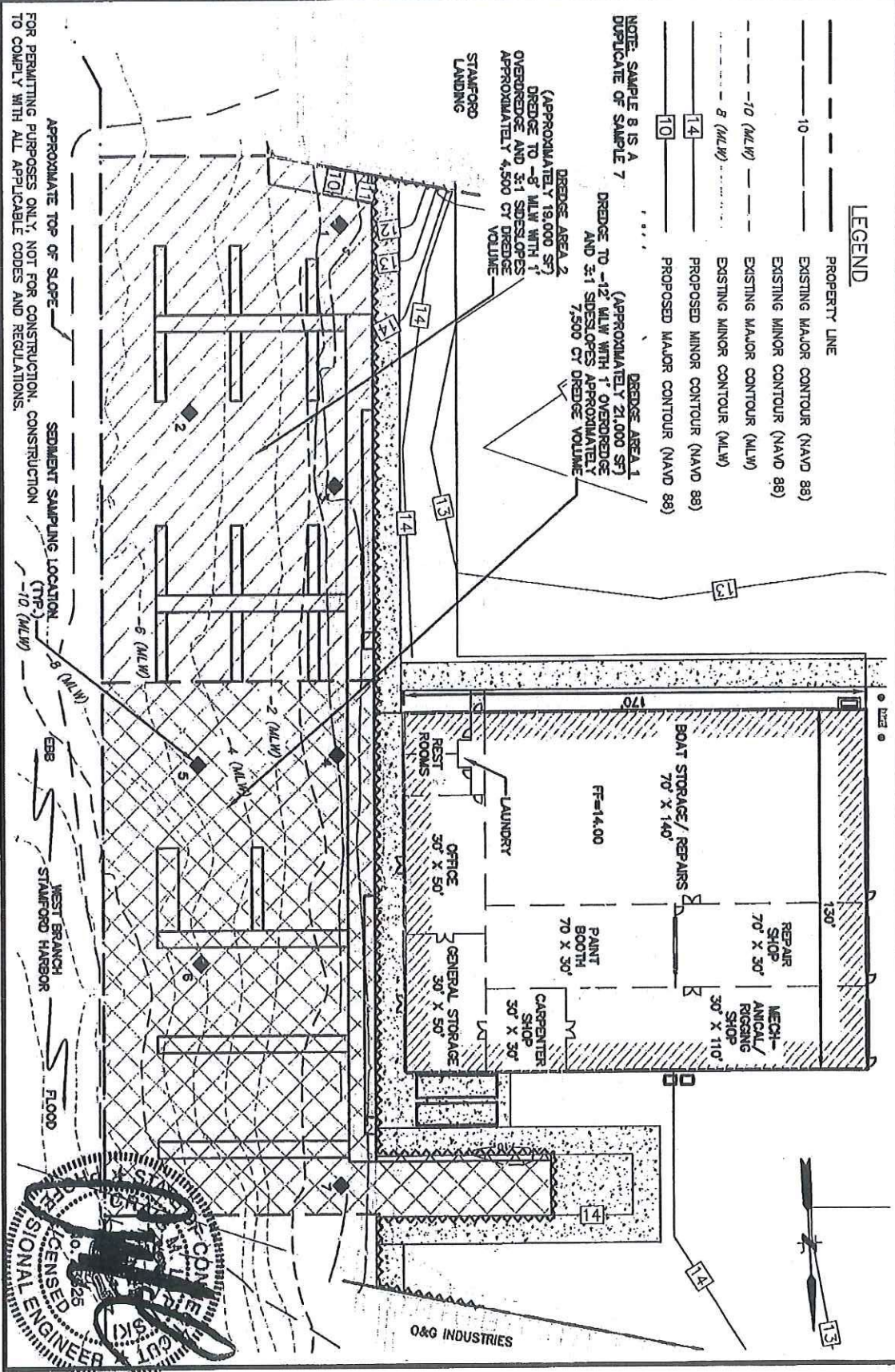
DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 AERIAL VIEW OF HARBOR STRUCTURES
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

CONNECTICUT

PROJ. No.: 2014 0358 ST2
 DATE: 05/01/2015

SHEET 7





LEGEND

- PROPERTY LINE
- EXISTING MAJOR CONTOUR (NAVD 88)
- EXISTING MINOR CONTOUR (NAVD 88)
- - - -10 (MLW) --- EXISTING MAJOR CONTOUR (MLW)
- - - 8 (MLW) --- EXISTING MINOR CONTOUR (MLW)
- 14 --- PROPOSED MINOR CONTOUR (NAVD 88)
- 10 --- PROPOSED MAJOR CONTOUR (NAVD 88)

NOTE: SAMPLE 8 IS A DUPLICATE OF SAMPLE 7

DREDGE AREA 1
 (APPROXIMATELY 21,000 SF)
 DREDGE TO -12' MLW WITH 1' OVERDREDGE
 AND 3:1 SIDESLOPES APPROXIMATELY
 7,500 CY DREDGE VOLUME

DREDGE AREA 2
 (APPROXIMATELY 18,000 SF)
 DREDGE TO -8' MLW WITH 1'
 OVERDREDGE AND 3:1 SIDESLOPES
 APPROXIMATELY 4,500 CY DREDGE
 VOLUME

APPROXIMATE TOP OF SLOPE
 SEDIMENT SAMPLING LOCATION
 (TTP-1)
 -10 (MLW)

SCALE:

HORIZ.:	1" = 50'
VERT.:	
DATE:	
HORIZ.:	
VERT.:	

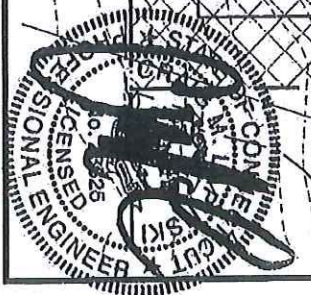
GRAPHIC SCALE

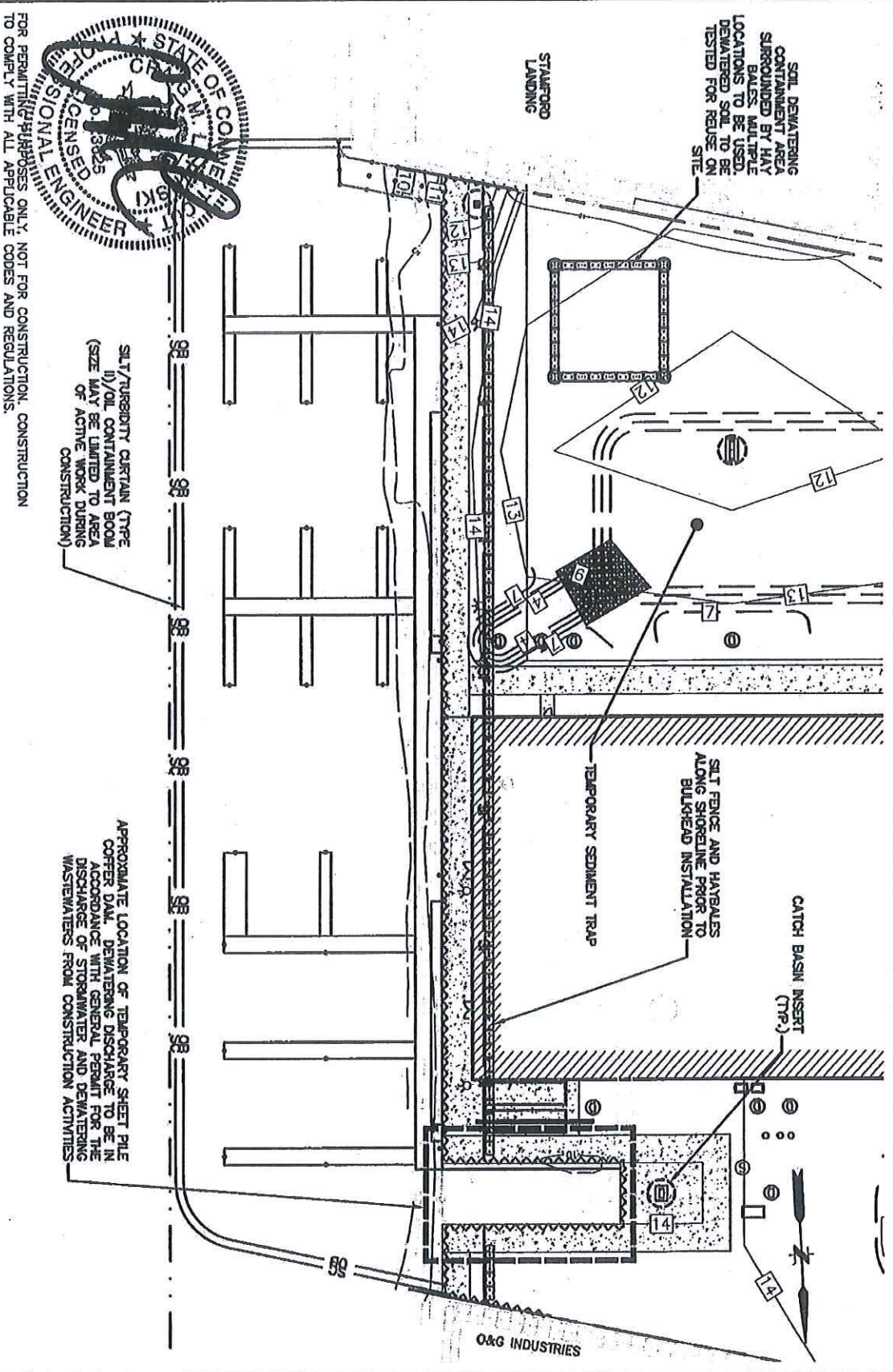
FUSSELL & O'NEILL
 14 HARTFORD ROAD
 MANCHESTER, CONNECTICUT 06440
 www.fussell.com

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 DREDGING AND GRADING PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD
 CONNECTICUT

PROJ. No.: 2014.0358.512
 DATE: 05/01/2015

SHEET 8





SOIL DEWATERING CONTAINMENT AREA SURROUNDED BY HAY BALES. MULTIPLE LOCATIONS TO BE USED. DEWATERED SOIL TO BE TESTED FOR REUSE ON SITE.

SILT/URBIDITY CURTAIN (TYPE 1)/OIL CONTAINMENT BOOM (SIZE MAY BE LIMITED TO AREA OF ACTIVE WORK DURING CONSTRUCTION)

APPROXIMATE LOCATION OF TEMPORARY SHEET PILE COFFER DAM. DEWATERING DISCHARGE TO BE IN ACCORDANCE WITH GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER AND DEWATERING WASTEWATERS FROM CONSTRUCTION ACTIVITIES.

FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



SCALE:

HORIZ.:	1" = 50'
VERT.:	

DATE:

HORIZ.:	
VERT.:	NAVD BATHY

GRAPHIC SCALE



FUSS & O'NEILL

146 HANFORD ROAD
 HANFORD, CONNECTICUT 06111
 860.416.2169
 www.fussandoneill.com

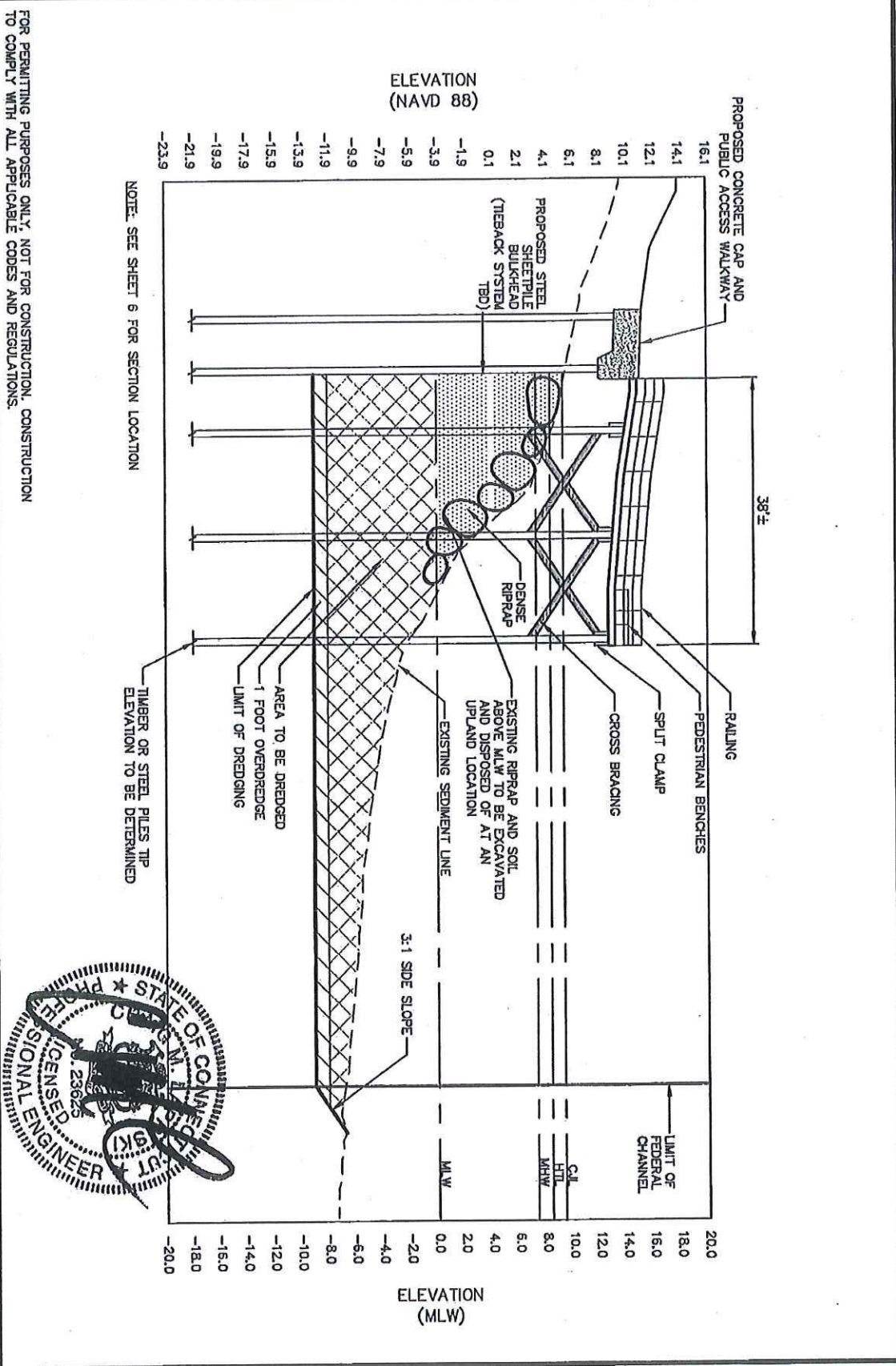
DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CONSTRUCTION PHASE EROSION AND SEDIMENT CONTROL PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

STAMFORD

CONNECTICUT

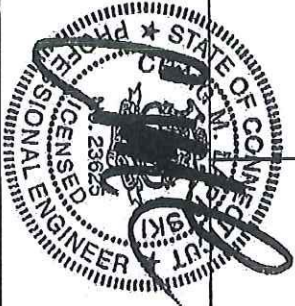
PROJ. No.: 2014_0358_S12
 DATE: 05/01/2015

SHEET 9



FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

NOTE: SEE SHEET 6 FOR SECTION LOCATION



SCALE:

HORIZ.:	1" = 20'
VERT.:	1" = 10'

DATUM:
 HORIZ.: NAVD 88
 VERT.: NAVD 88
 GRAPHIC SCALE



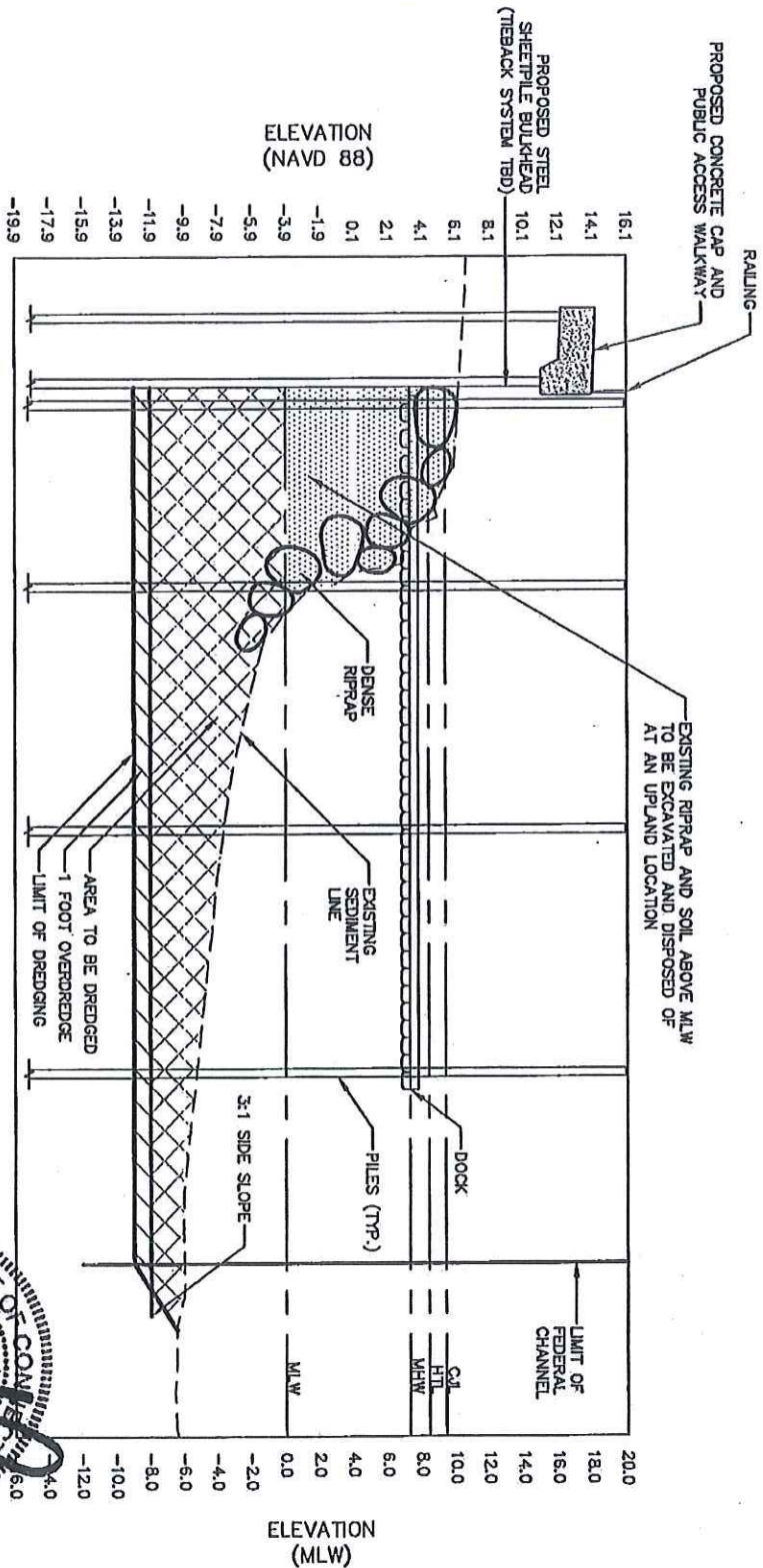
STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CROSS SECTION A-A
 STRUCTURES, DREDGE AND FILL PERMIT APPLICATION

CONNECTICUT

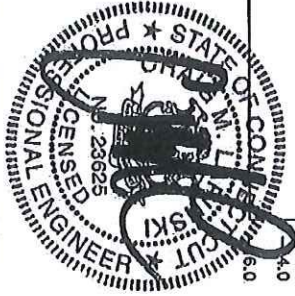
PROJ. No.: 2014 0358_S12
 DATE: 05/07/2015

SHEET 10



NOTE: SEE SHEET 6 FOR SECTION LOCATION

FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



SCALE:	HORIZ.: 1" = 20'
	VERT.: 1" = 10'
DATUM:	HORIZ.: NAVD 88
	VERT.: NAVD 88
GRAPHIC SCALE:	0 10 20



FUSS & O'NEILL
 14 HARTFORD ROAD
 MANSFIELD, CONNECTICUT 06108
 www.fussandoneill.com

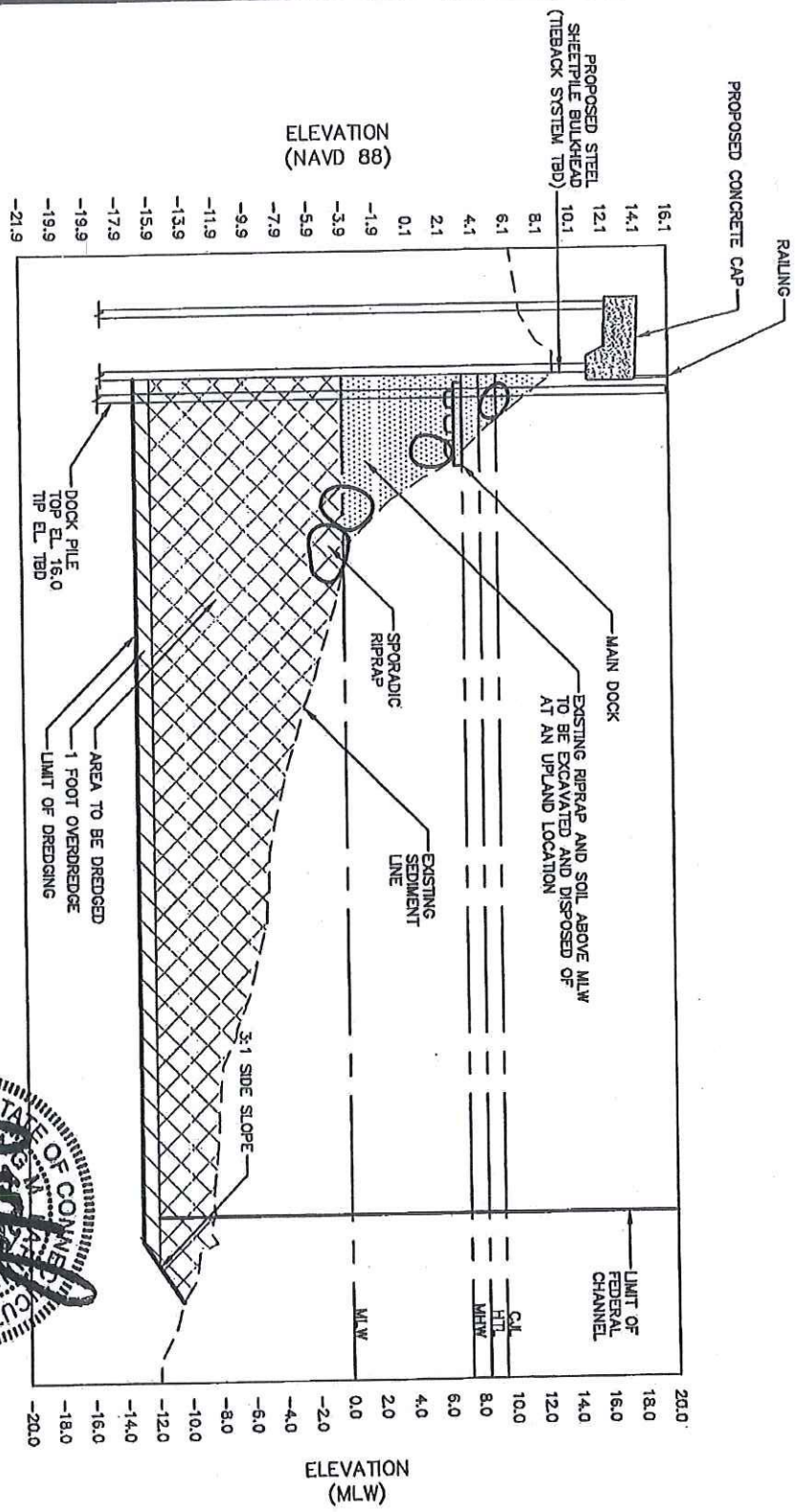
STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CROSS SECTION B-B
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

CONNECTICUT

PROJ. No.: 2014-0358-S12
 DATE: 05/01/2015

SHEET 11



FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

NOTE: SEE SHEET 6 FOR SECTION LOCATION



SCALE:

HORIZ. 1" = 20'
VERT. 1" = 10'

DATUM:

HORIZ. VERT. NAVD 88/MLW

GRAPHIC SCALE

FUSS & O'NEILL
 144 HARTFORD ROAD
 HARTFORD, CT 06111-4644
 860.264.2000
 www.fussandoneill.com

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CROSS SECTION C-C
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD CONNECTICUT

PROJ. No.: 2014 0356 STZ
 DATE: 09/07/2013
SHEET 12

FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

SCALE

HORIZ.: 1" = 30'

VERT.: 1" = 15'

DATUM:

HORIZ.: 1" = 15'

VERT.: NAVD BENCHMARK

GRAPHIC SCALE



FUSS & O'NEILL

146 HARTFORD ROAD
MANCHESTER, CONNECTICUT 06040
www.fussandoneill.com

STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
CROSS SECTION D-D
STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

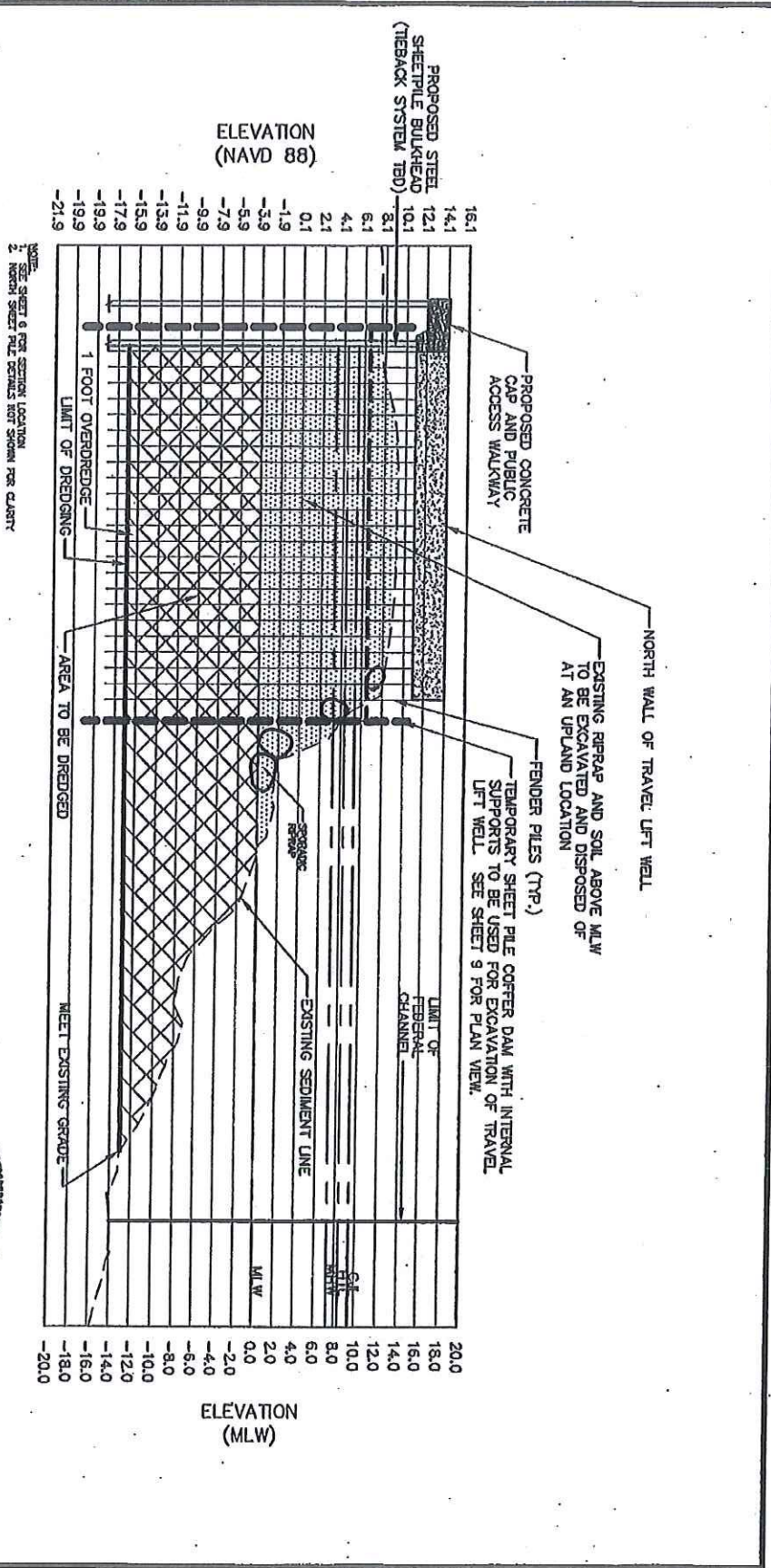
CONNECTICUT



NO.	DATE	REVISIONS
1.	6/30/2016	ISSUED FOR PERMIT

PROJ. NO.: 2014.0355.512
DATE: 05/07/2016

SHEET 13



SCALE:	HORIZ.: 1" = 20'
DATUM:	VERT.: 1" = 10'
HORIZ.:	VERT.: NAVD 88/MLW
GRAPHIC SCALE	



STAMFORD

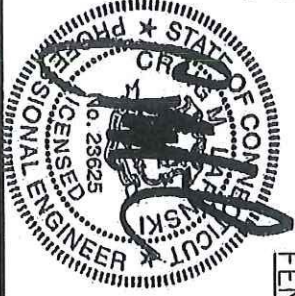
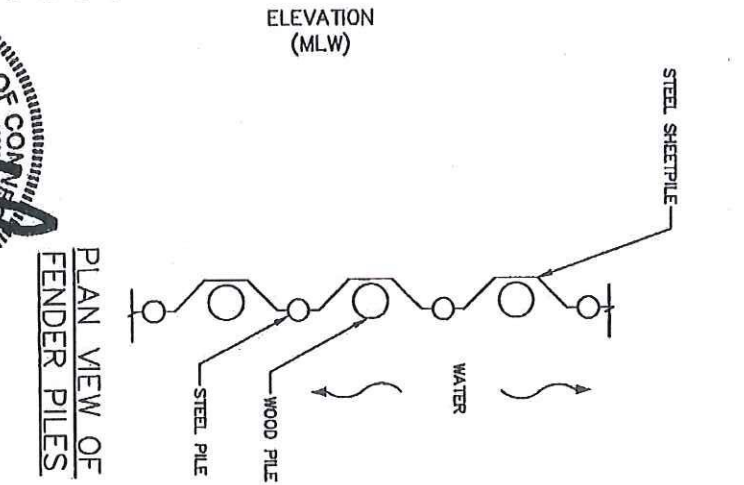
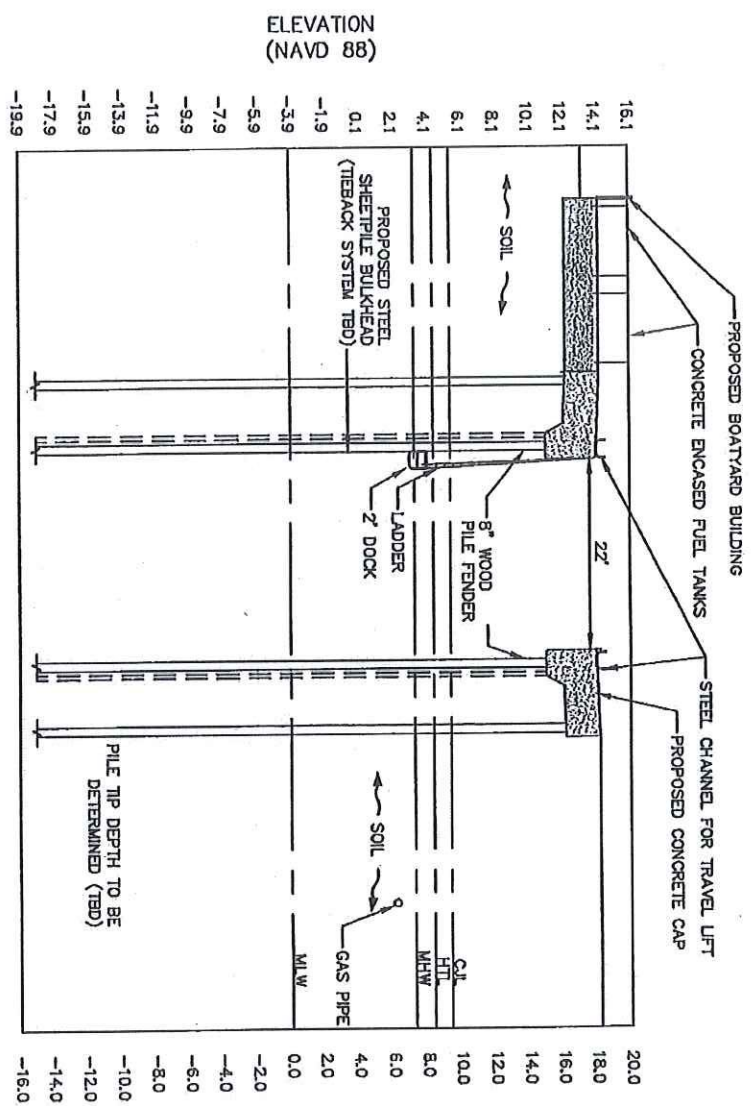
DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CROSS SECTION B-E
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

CONNECTICUT

PROJ. No. 2-2014-0358_S12
 DATE: 05/07/2015
SHEET 14

FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.

NOTE: SEE SHEET 6 FOR SECTION LOCATION




PLAN VIEW OF FENDER PILES

SCALE:
 HORIZ: 1" = 20'
 VERT: 1" = 10'

DATUM:
 HORIZ: NAVD 88/MLW
 VERT: NAVD 88/MLW

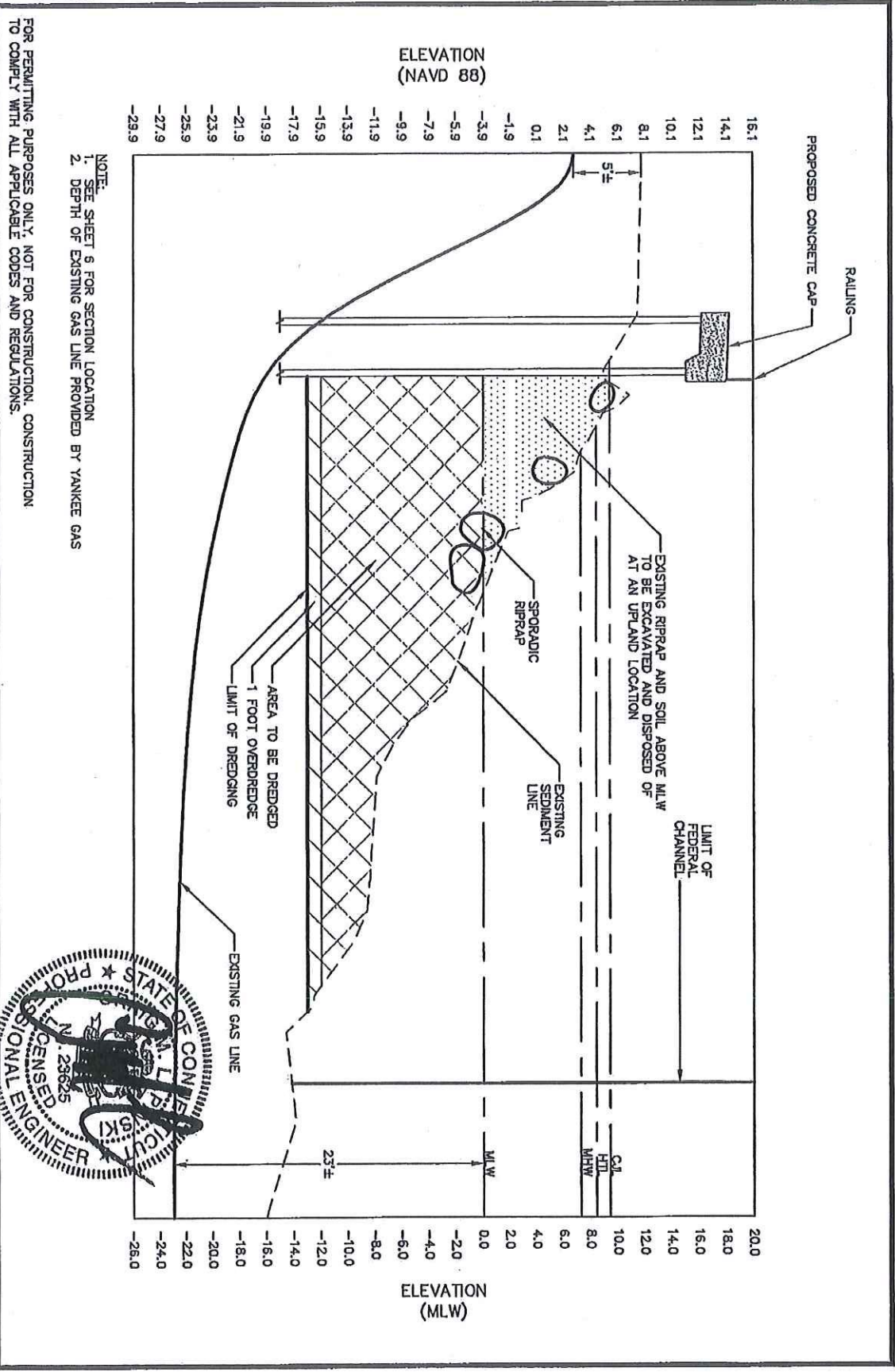
GRAPHIC SCALE



FUSS & O'NEILL
 146 HARTFORD ROAD
 MANCHESTER, CONNECTICUT 06440
 www.fussandoneill.com

STAVFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 CROSS SECTION F-F
 STRUCTURES, DREDGE AND FILL PERMIT APPLICATION
 CONNECTICUT



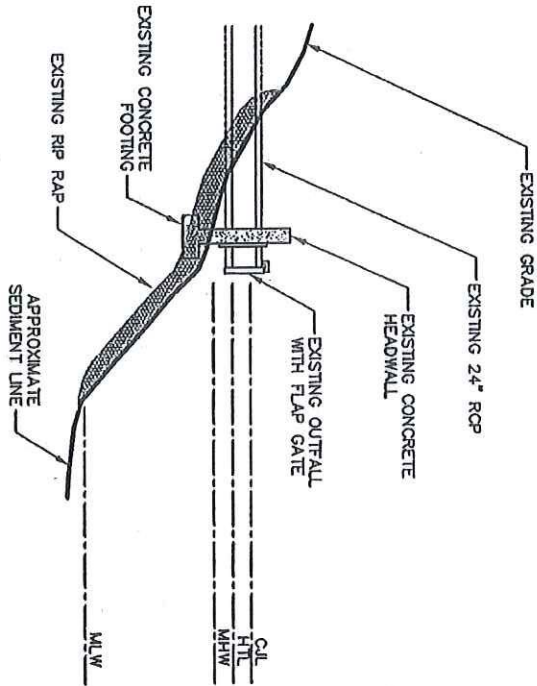
PROJ No.: 2014 0358_S12
 DATE: 05/01/2015

SHEET 15

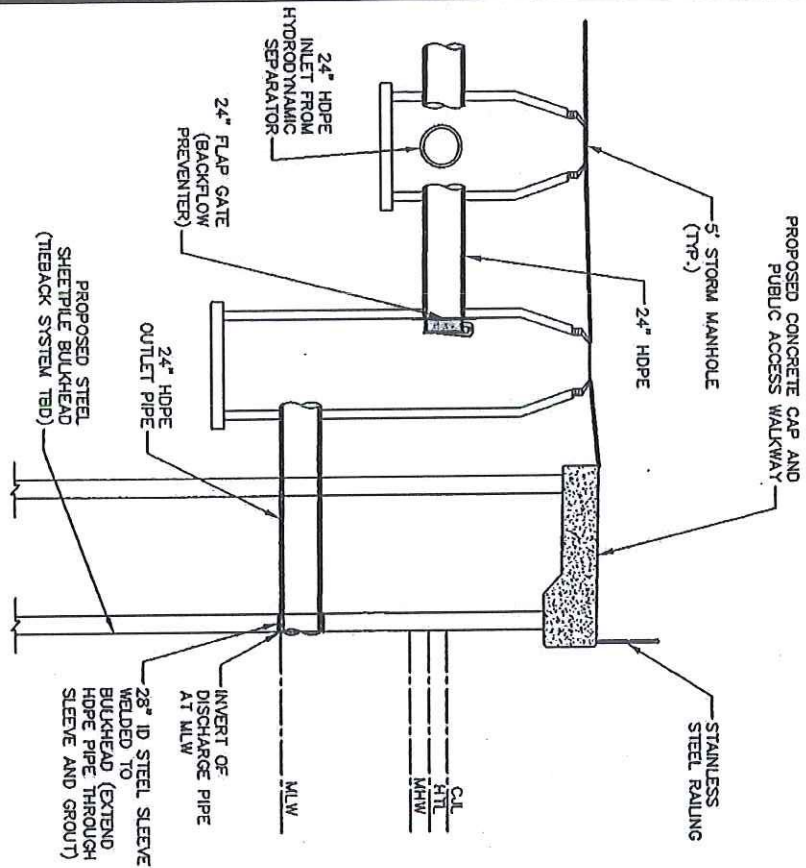
FOR PERMITTING PURPOSES ONLY, NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



EXISTING OUTFALL
N.T.S.



PROPOSED OUTFALL
(TYPICAL OF 2)
N.T.S.



SCALE

HORZ.: NTS
VERT.: NTS

DATUM:

HORZ.: NAVD 83/MLW
VERT.: NAVD 83/MLW

GRAPHIC SCALE



FUSS & O'NEILL
146 HARTFORD ROAD
MIDDLETOWN, CONNECTICUT 06440
www.fandoc.com

STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
EXISTING AND PROPOSED STORMWATER OUTLETS
STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

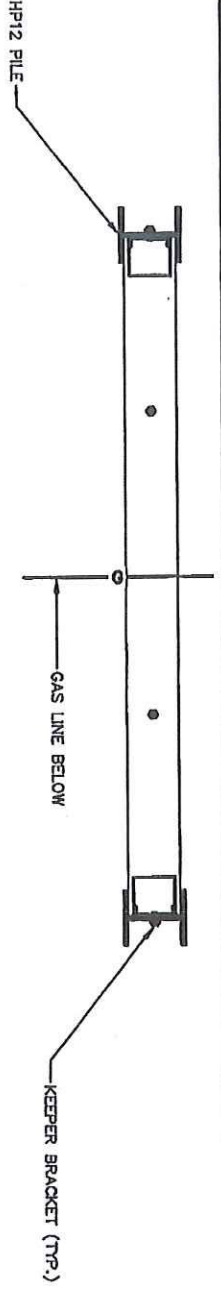
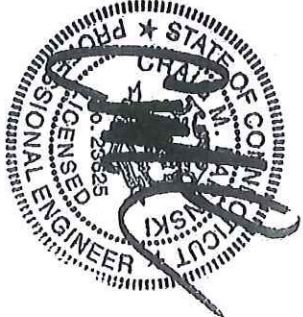
CONNECTICUT

PROJ. No.: 2014_0356_S12
DATE: 05/01/2015

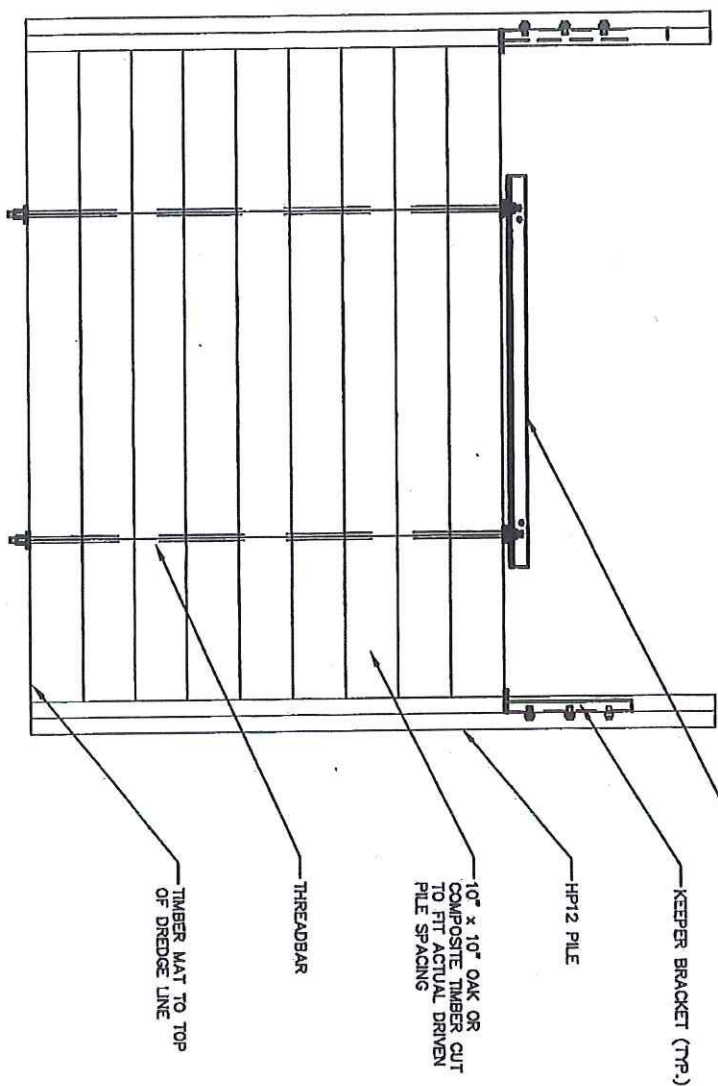
SHEET 16

MS VIEW: LAYER STATE:

FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. CONSTRUCTION TO COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS.



PLAN VIEW



SECTION VIEW

SCALE:	HORIZ: NTS
	VERT: NTS
DATUM:	
HORIZ:	
VERT:	NAVD 88NAWLW
GRAPHIC SCALE:	10 20



FUSS & O'NEILL

146 HARTFORD ROAD
 MANTLESTER, CONNECTICUT 06440
 860.452.4300
 www.fussoneill.com

STAMFORD

DAVENPORT LANDING (SOUTHFIELD PROPERTY, LLC)
 BULKHEAD DETAIL AT GAS MAIN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

CONNECTICUT

PROJ. No.: 2014 0358 12
 DATE: 05/07/2015

SHEET 17

APPENDIX 2

AGREED FINDINGS OF FACT AND CONCLUSIONS OF LAW

SOUTHFIELD PROPERTY, LLC (Davenport Landing) COASTAL PERMIT APPLICATION #201503186-KB CONSTRUCTION OF FULL-SERVICE BOATYARD CITY OF STAMFORD

October 23, 2015

1. Introduction: Southfield Property, LLC (the "Applicant") is proposing to construct a full-service boatyard that will require bulkhead installation, dredging, dock installation, and the creation of a travel lift well excavated and dredged into the upland. This application seeks a permit to undertake said activities under the Structures, Dredging and Fill ("SDF") provisions of the Connecticut General Statutes ("CGS") Sections 22a-359 through 363f and in accordance with the Connecticut Coastal Management Act ("CAM"), Sections 22a-90 through 22a-112 of the CGS.
2. Parties: The parties to the proceeding are: the Applicant and staff from the Office of Long Island Sound Programs ("OLISP") of the Department of Energy & Environmental Protection ("DEEP").

The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions (see Attachment A, as amended at the Evidentiary Hearing on September 23, 2015) comprising staff exhibits DEEP-1 through DEEP-23 and Applicant's exhibits APP-1 through APP-23.

FINDINGS OF FACT

Background

1. Site Location and Character: 28 Southfield Avenue, Stamford, Connecticut. The site was formerly used for industrial purposes including berthing vessels to offload petroleum products to an upland tank farm. All upland structures have been removed and the site is currently vacant, although derelict coastal structures remain. The site is bordered to the north by a concrete plant, to the west by residential and commercial structures, to the south by an office and restaurant complex, and to the east by the West Branch of Stamford Harbor. Coastal resources in the area include developed shorefront, estuarine embayment, coastal hazard area, and coastal flood hazard area. There are no tidal wetlands or intertidal flats at the site or in the vicinity of the site.
2. Application History: The applicant held a pre-application meeting with DEEP on December 4, 2014. A final application was submitted on May 1, 2015 (APP-1). DEEP

issued a Notice of Insufficiency requesting additional information on June 23, 2015 (DEEP-6). The applicant responded with the additional information on June 30, 2015 (DEEP-10, APP-2).

The applicant requested a public hearing on June 12, 2015 (DEEP-4). A Notice of Tentative Determination to Approve the application and Notice of Public Hearing was published in the Stamford Advocate on July 30, 2015 (DEEP-13). A status conference was held on August 20, 2015. The parties submitted their prehearing exchange of information on August 31, 2015 and submitted written testimony on September 11, 2015. A public meeting was held in Stamford on September 8, 2015. At the hearing, the applicant provided evidence and testimony that the project complied with the SDF and CAM statutes, and the public made comments. An evidentiary hearing was held on September 23, 2015 in Hartford at the DEEP Headquarters.

3. Project Description: Remove derelict coastal structures; install boatyard facilities including approximately 6,700 square feet of docks with berths for 28 vessels; a travel lift well; sanitary pumpout and fuel dispensers; conduct new dredging; and install a bulkhead for flood and erosion control. An upland boatyard operations building will also be constructed to provide various workshops and offices.

An upland public access walkway will also be constructed through the site, including a boardwalk along the bulkhead at the south end of the site that will connect to the boardwalk at the adjacent Stamford Landing site.

4. Purpose and Use of Project: The purpose is to create a full service recreational boating facility in Stamford Harbor. The proposed boatyard will provide water dependent use of the site as well as boat repair and maintenance services and improved public access that are desired in the harbor.

5. Compliance and Enforcement History: The DEEP and USACE previously authorized a similarly sized marina (DEEP Permit No. 201106647-KB) (APP-15) that did not include the full service boatyard and thus did not require dredging or a bulkhead (that marina was never constructed). The site has not been the subject of a DEEP enforcement action for unauthorized activities waterward of the coastal jurisdiction line.

6. Tidal Wetlands Vegetation: There are no tidal wetlands at or adjacent to the site.

7. Shellfish: The State of Connecticut Department of Agriculture, Bureau of Aquaculture determined that the proposed work would not significantly impact any shellfish area. They requested a seasonal restriction for dredging of 7/15 – 8/30 for spawning oysters (DEEP-1, DEEP-15).

8. Connecticut Endangered, Threatened and Special Concern Species: Based on a review of the then-current (12/20/14) State and Federal Listed Species and natural

Communities Map, the site is not within an area identified as habitat for endangered, threatened, or special concern species (DEEP-12).

9. Intertidal Mudflats: There are no intertidal mudflats in the project area.
10. Finfish: The proposed project will not adversely impact fisheries resources and habitat in the Stamford Harbor (DEEP-3, DEEP-12)).
11. Navigation Impacts: Given the large area of federal navigation channel and turning basin, no navigation impacts are anticipated. This is confirmed by virtue of the previous USACE and DEEP permits issued for similar activities. In addition, the applicant has received letters from two barge operators stating that they do not have concerns with the project. (DEEP-11) (APP-16 and 17)
12. Environmental Impacts: Environmental impacts associated with the proposed project have been minimized to the greatest extent practicable. In fact, with the installation of the bulkhead that will eliminate the current coastal erosion and the installation of state of the art treatment systems for site stormwater, the project will have beneficial environmental effects.

CONCLUSIONS

The following statutes apply to the proposed project:


- Sections 22a-359 through 22a-363f of the Connecticut General Statutes (CGS) (Structures, Dredging and Fill)
- CGS Sections 22a-90 through 22a-112 (Connecticut Coastal Management Act)

DEEP-OLISP has determined that the proposed activities would not pose a navigational hazard or conflict with any existing navigational use in the vicinity of the project. They have also determined that the environmental impacts associated with the proposed project have been minimized to the greatest extent possible and have been found to be acceptable. The proposed use is consistent with the land use of the surrounding area of the West Branch of Stamford Harbor. Furthermore, this project has been found to comply with all applicable statutory and regulatory policies, standards and criteria and factors for consideration, thereby, allowing the project to meet the needs of the various users of the West Branch of Stamford Harbor.

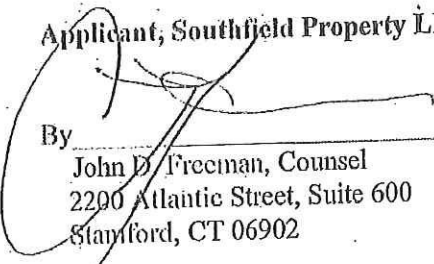
AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the Scope of authorization, Special Terms and Conditions and General Terms and Conditions stated in the Draft Permit (DEEP-15), attached hereto.

**Department of Energy & Environmental
Protection**

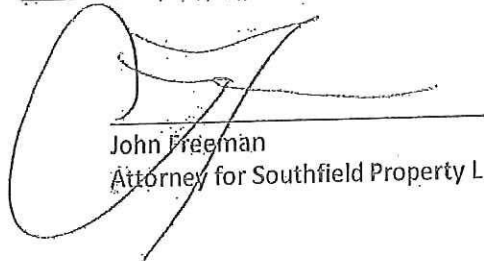
By: 
Brian Thompson, Director
Office of Long Island Sound Programs
Department of Energy & Environmental
Protection
79 Elm Street
Hartford, CT 06106-5127

Applicant, Southfield Property LLC

By: 
John D. Freeman, Counsel
2290 Atlantic Street, Suite 600
Stamford, CT 06902

I, John Freeman, hereby certify that a copy hereof was delivered via electronic mail on October 21, 2015 to the following persons at the following addresses:

1. Janice Deshais, DEEP Hearing Officer at Janice.Deshais@ct.gov
2. Kristen Bellantuono, CT-DEEP-OSLIP, at Kristen.Bellantuono@ct.gov
3. Damian Ortelli, Stamford Harbor Commission, at dortelli@stamfordct.gov
4. Maureen Boylan, Save Our Boatyard, at saveourboatyard@gmail.com



John Freeman
Attorney for Southfield Property LLC

SERVICE LIST

Davenport Landing, 28 Southfield Avenue, Stamford
App. # 201503186-KB

Party

Representative(s)

Applicants

Southfield Property, LLC
2200 Atlantic Street
Suite 600
Stamford, CT 06902

John Freeman
jfreeman@harborpt.com
(203) 644-1585

DEEP

Office of Long Island Sound Programs
Water Protection and Land Reuse
79 Elm Street
Hartford, CT 06106

Kristen Bellantuono
Kristen.bellantuono@ct.gov

Interested Parties (courtesy copies)

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission
dortelli@stamfordct.gov

Maureen Boylan
Save Our Boatyard
saveourboatyard@gmail.com