

MAYOR
DAVID R. MARTIN



**CITY OF STAMFORD, CONNECTICUT
HARBOR MANAGEMENT COMMISSION**

CHAIRMAN
DR DAMIAN ORTELLI

VICE CHAIRMAN
RAYMOND L. REDNISS

SECRETARY/TREASURER
ROBERT M. KARP

PAUL ADELBERG
JEFFERY SAUNDERS
ROBERT J. STRADA
GRIFFITH H. TROW

STEVEN M. LOEB, ALTERNATE
MICHAEL PENSIERO, ALTERNATE

June 12, 2015

Ms. Kristen Bellantuono
Connecticut Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, Connecticut 06106-5127

Subject: Certificate of Permission application by Maxine Biesenbach concerning work in the Stamford Harbor Management Area

Dear Ms. Bellantuono:

The Stamford Harbor Management Commission (SHMC) has reviewed the Certificate of Permission (COP) application submitted to the Office of Long Island Sound Programs (OLISP) by Maxine Biesenbach (the Applicant), 21 Binney Lane, Old Greenwich, Connecticut. The application concerns proposed work in the Stamford Harbor Management Area (SHMA) at 243 Dolphin Cove Quay, Stamford, Connecticut.

In accordance with Connecticut Department of Energy and Environmental Protection (DEEP) Notice of Non-Compliance No. LIS-2015-3694-V, the Applicant seeks to retain and maintain 150 feet of seawall and 300 feet of revetment structures; remove an existing boat ramp consisting of stone pavers; and conduct other work. All work will be conducted from land. The application also calls for an increase of the height of the seawall by one foot. The boat ramp was built by a previous property owner without a certificate or permit from the DEEP in violation of the Connecticut General Statutes.

In accordance with OLISP requirements, it is the responsibility of the Applicant to provide a copy of the COP application to the SHMC. It is the responsibility of the SHMC, set forth in the Stamford Harbor Management Plan and Stamford Code, to review the application for consistency with the Plan and provide recommendations to the OLISP.

During its meeting on May 19, 2015, the SHMC approved a motion to find the proposal consistent with the Harbor Management Plan provided the Applicant: a) demonstrates, to the satisfaction of the OLISP, that a one-foot increase in the structure's height will cause no significant adverse impacts on other properties; b) employs appropriate best management practices to avoid any significant adverse impact on environmental quality, including water quality, in the SHMA during construction; and c) obtains all necessary local approvals. In addition, the SHMC moved to transmit the following comments to the OLISP and Applicant.

Comments:

1. It is a policy of the Harbor Management Plan that any unpermitted work waterward of the high tide line in the SHMA shall be considered an unauthorized encroachment to be eliminated or otherwise corrected in accordance with city, state, and federal laws, regulations, and ordinances. The Harbor Management Plan discourages after-the-fact authorizations for encroachments determined to have occurred after the March 20, 2009 effective date of the Plan unless there are compelling, clearly demonstrated reasons for doing so. The SHMC understands that the Applicant's seawall and revetment structures were constructed prior to 1995. The unauthorized boat ramp was constructed by a previous property owner; no date of construction is provided.
2. Although no penalties have been assessed for the Applicant's unauthorized work, the SHMC wishes to inform the OLISP that it is a policy of the Harbor Management Plan that penalties assessed by the DEEP for unauthorized work in the SHMA should be used to fund beneficial projects in the area, including "Supplemental Environmental Projects" for environmental enhancement and other improvements for the public.
3. The SHMC was not notified by the DEEP of the violation of state environmental law identified by the DEEP on the Applicant's property. The SHMC requests that in the future, copies of all notices of violations concerning unpermitted work affecting properties on, in, or contiguous to the SHMA be provided to the SHMC by the DEEP.
4. The SHMC requests that in the future, when the DEEP may consider opportunities for Supplemental Environmental Projects funded with penalties assessed for unpermitted work in the SHMA, consideration should be given to recommendations provided by the SHMC.
5. The SHMC reserves its right to review the Applicant's proposal and provide additional comments at such time as it may be modified, additional information is provided, or the proposal is the subject of a public notice or hearing.

If you have any questions or require any additional information, please contact me at (315) 651-0070 or dortelli@stamfordct.gov.

Sincerely,



Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Mr. Norman Cole, Land-Use Bureau Chief
Mr. Frank Fedeli, Stamford Office of Operations
Ms. Jill Pietropaolo, Roberge Associates Coastal Engineers
Ms. Diane Ray, U.S. Army Corps of Engineers
Mr. Griffith Trow, Chairman, SHMC Application Review Committee
Mr. Kevin Zawoy, CT DEEP OLISP