

Office of Adjudications

IN THE MATTER OF : ***APPLICATION NO.***
201207377-KB

WATERFRONT MAGEE LLC : ***SEPTEMBER 30, 2013***

PROPOSED FINAL DECISION

I

INTRODUCTION

Waterfront Magee LLC (applicant) has applied to the Department of Energy and Environmental Protection (DEEP/department) for a permit to conduct activities waterward of the coastal jurisdiction line and within tidal wetlands that support the construction of a commercial marina and boatyard proposed to provide recreational boating access to Stamford Harbor and Long Island Sound and access to associated marina services for the boating public. In general, the activities consist of dredging and filling to support the construction of a travel-lift well and installation of piers, gangways, floating docks, a pump-out station, and a four-pile dolphin. The department's Office of Long Island Sound Programs issued a Notice of Tentative Determination (NTD) to approve the application on January 6, 2013. The applicant submitted a request for a public hearing and the notice of hearing was provided at the time the NTD was released. A public hearing for the collection of public comment was held in Stamford on February 6, 2013 and evidentiary hearing sessions were held in Hartford on February 20 and March 4.

The parties presented evidence on the application and its review, including the details of the final project plans and the proposed draft permit as assurance that the proposed activity complies with the applicable statutes and regulations, namely the Tidal Wetlands Act, (General Statutes §§ 22a-28 through 22a-35), its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363); and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through 22a-112). In response to comments received as part of the public hearing process, the applicant filed adjustments to the plans originally submitted as part of the application to address the proximity of proposed structures to the federal navigational channel. These plans represented minor adjustments and were accepted into evidence along with a revised draft permit. After the

conclusion of the hearing, the applicant and DEEP jointly submitted proposed findings of fact and conclusions of law for my consideration as part of this decision (the “joint submission”) in response to the post-hearing directive issued on April 23, 2013. The joint submission is attached to this decision and labeled as Attachment 1.

I have reviewed the record in this matter, including the documentary evidence, oral testimony, and the public comment. Following this review, I conclude that the applicant, through the presentation of substantial evidence, has demonstrated that the proposed activity, if conducted in accordance with the proposed draft permit, complies with the relevant statutory and regulatory requirements.

The joint submission provided by DEEP and the applicant is fully supported by the hearing record and provides the necessary factual findings and conclusions of law to support my conclusion. I adopt the proposed findings of fact and conclusions of law in Attachment 1 as part of this decision. The applicant has demonstrated that the proposed boatyard and marina, if constructed in compliance with the proposed permit terms and conditions, would comply with the applicable statutes and regulations. I therefore recommend issuance of the proposed draft permit (Attachment 2) with the modification recommended later in this decision which is intended to clarify that continued public access is a required component of the project.

II

DECISION

A

FINDINGS OF FACT

This Proposed Final Decision incorporates the proposed factual findings provided in the joint submission. The documentary evidence referenced in the joint submission supports the proposed findings. The proposed findings are supported by the documentary evidence referenced in the joint submission. As noted in the joint submission, the applicant also presented witness testimony at the evidentiary sessions on February 20 and March 4 that supports the proposed factual findings. In his sworn testimony, Mr. Lipinski provided an accurate description of the proposed project, including the changes to the northern floating docks submitted in response to public comments. Mr. Heiple presented sworn testimony regarding the coastal resources impacted by the project, including tidal wetlands, navigation, shellfish, and intertidal resources. Rather than edit each of the findings to include references to this testimony, I note that the testimony provided supports these findings and should be considered incorporated into any reference to the record.¹

¹ In addition, findings regarding the hearing procedure are also supported by documents within the docket file that is maintained in this office and comprises part of the administrative record in this matter.

In addition to the factual findings that are part of the joint submission the following facts are found:

1. The water depths immediately west of the proposed northern floating docks are sufficient for vessel traffic using the federal channel. The applicant's original proposal for a twenty-foot setback provided sufficient space for continued navigation in this channel. Based on concerns raised during the public comment portion of the hearing, the applicant coordinated with DEEP staff and the U.S. Army Corps of Engineers to provide an additional buffer between the floating docks, the vessels berthed at these docks and the federal channel. In addition, and primarily as an aid to navigation, the applicant proposed placement of a four-pile dolphin. The angling of the northern dock further from the federal channel provides an additional buffer between vessels navigating the channel and the floating docks and any transient vessels berthed at those docks as part of the boatyard's operation. This is further aided by the placement of the four-pile dolphin outside of the federal channel and in the vicinity of the northern end of the floating docks as it provides a reference point for navigation and additional protection to those vessels berthed at the floating docks. This single, four-pile dolphin will be located to serve as a navigational aid while ensuring ease of access to the marina and its facilities. The dolphin will be marked with any regulatory markings required by DEEP's boating safety office or the U.S. Coast Guard. The operation of the boatyard will allow boats temporarily berthed at the northern dock to be placed on the eastern side of the docks to avoid placement immediately adjacent to the channel if necessary. The additional dredge footprint necessary to accommodate the angling of the northern dock and any impact associated with the four-pile dolphin are mitigated by the improvements to navigation and are reasonable impacts given the related benefit to commercial and recreational boating traffic in this area of the channel. (Exs. HO-1, 2, APP-8, 19, 20, DEEP-16, -26; test. C. Lapinski, W. Heiple, and K. Bellantuono, 2/20/13, C. Laspinski, W. Heiple, and K. Bellantuono, 3/4/13.)²

2. There is a boardwalk that extends from the city-owned property to the south of the project site onto the applicant's property and terminates in an area known as Access Easement for Parcel B, over which the city holds an easement for public access related to the boardwalk. Although the boardwalk does not direct the public onto the city-owned waterfront parcel, the public can pass and re-pass across the city-owned waterfront property along the water in front of the applicant's property at lower ends of the tidal range. The proposed activity will alter the ability of the public to access the city-owned waterfront parcel due to the construction of the travel lift well and associated pier proposed to extend from the waterward terminus of the applicant's property and onto the city's waterfront parcel. The applicant's proposed plans allow

² 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.

the public to maintain access to the Access Easement for Parcel B and connect the boardwalk to a pedestrian walkway that will proceed to the north across the applicant's property and to a pedestrian walkway that will extend from the boardwalk to the east and out to Magee Avenue. The access provided across the property is consistent with the access currently available. The applicant's plans to connect the boardwalk via a pedestrian walkway to Magee Avenue represents an improvement as public access between Magee Avenue and the boardwalk does not currently exist on the applicant's property. There are no permit conditions that require the continued maintenance of pedestrian access in the areas designated as such on the plan. (Exs. HO-1, HO-2, DEEP-16, APP-19; test. K. Bellantuono, 3/4/13.)

3. Sediments from proposed dredging activity will be disposed of at appropriate upland disposal areas due to the potential contamination of sediments determined as part of the sediment analysis conducted by the applicant as part of its site investigation. Dewatering of dredged sediments will be done in accordance with the necessary water discharge permit from DEEP. Any permit required for the discharge of dewatering wastewaters will be secured prior to the start of construction activity. Dredging will be conducted within a confined area utilizing a sufficiently weighted silt-curtain to avoid dispersal of sediments during dredging and construction activities. To further minimize impacts for disturbed sediments, dredging will only be undertaken during in-coming tides and is prohibited between July 15 and September 15 to avoid impacts to spawning shellfish. To mitigate for any impact from sediment disturbance, the applicant will fund pre- and post-construction shellfish studies to be undertaken by the Department of Agriculture, Bureau of Aquaculture. (Exs. HO-1, 2, DEEP-7, 8, 9; test. K. Bellantuono, W. Heiple, 2/20/13.)

4. The construction of the travel lift well may include disturbance of soils previously part of remedial activity conducted at or adjacent to the site. The applicant will conduct its construction activities in accordance with any applicable Environmental Land Use Restriction (ELUR) from the previous remediation of the site on record. If there is no applicable ELUR on record the applicant will develop a remedial action plan (RAP) with the assistance of a Licensed Environmental Professional to ensure site conditions are restored in a manner consistent with the Remedial Action Completion Report dated May 24, 2007 and previously approved by the department. (Exs. HO-1, 2; test. W. Heiple.)

B

CONCLUSIONS OF LAW

The activity proposed in the application as conditioned by the proposed draft permit is regulated by the Tidal Wetlands Act, (General Statutes §§ 22a-28 through 22a-35), its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363); and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through 22a-112). The

overall regulatory framework requires a balancing of interests and requires applicants to minimize impacts to coastal resources. This proposed final decision incorporates the conclusions of law within the joint submission (Attachment 1). Overall, the project meets the requirements of the referenced statutes and regulations. The proposed activity will foster the implementation of a water dependent use by merging two underutilized properties in a manner that supports a stated need for additional recreational boating access and associated services while minimizing impacts to coastal resources. Those unavoidable impacts to coastal resources will be properly mitigated by permit conditions requiring the applicant to submit for a review and approval a tidal wetland restoration project on the neighboring city-owned property.

Overall, the project as detailed in the final application documents, project plans, and the final proposed draft permit achieves the necessary balance to issue the proposed draft permit to the applicant. However, as stated in Finding of Fact # 2 of this decision, the proposed project does have an impact on public access to the water by virtue of the construction of the travel lift well. This impact is mitigated by the proposed access across the property to the east of the proposed travel lift and to Magee Avenue along the southern portion of the property. Although this access is shown on the project plans, the permit itself should clarify that the applicant, except during construction, must clearly identify these access points as public access to be maintained and available to provide suitable access to and from the city-owned boardwalk that terminates on the applicant's property in the area known as Access Easement for Parcel B. The access areas must also be clearly designated on the as-built plans provided to the department upon completion of construction in accordance with special term and condition # 24.

C

PUBLIC COMMENT

There were numerous public comments submitted regarding the proposed application, including comments from the Stamford Harbor Management Commission.³ Although this proposed decision will not address each comment received, it will review the comments based on the various topics that were commonly raised throughout the hearing process.

1

Navigation

Several members of the public, including neighboring businesses, raised concerns with the potential for the proposed marina and its associated activities to impede navigation to points further up the channel. The floating docks themselves did not appear to cause any interference. However, with the potential for small vessels to be tied up to the transient docks at various times, there was some potential for vessel conflicts.

³ The public comment deadline was extended from February 13, 2013 to February 21, 2013 to accommodate the request of the Stamford Harbor Management Commission.

In order to address the potential conflict identified primarily by commercial users of the channel, the applicant worked with DEEP staff to propose a solution to provide an additional buffer between the marina and the channel by angling the docks away from the channel and agreeing to install a four-pile dolphin as a navigational aid. This additional mitigation coupled with the evidence of actual water depths identified by the applicant's consultant address any concerns raised regarding continued navigation in the channel. Commercial vessel traffic coexists with the other marinas that currently line the channel and it will do so with the proposed marina and boatyard. In addition to the physical relocation of the structures, the applicant also identified certain aspects of the marina's operation that will be employed to keep boats temporarily parked on the east side of the docks when feasible to further reduce the potential for vessel conflict.

2

Access to City Property

The public comments also raised doubts about the applicant's legal right to access the waterfront portion of the property owned by the City of Stamford. The applicant provided as part of the application process a letter indicating that the City of Stamford had agreed to enter into negotiations with the applicant to grant the appropriate legal right for the construction and operation of the proposed marina. Although the actual interest in the property had not been secured by the applicant, DEEP staff processed the application yet clarified in the proposed draft permit that the applicant must provide the actual approval from the City of Stamford providing the necessary legal interest to enter the property for the purposes of constructing and operating the proposed marina prior to commencing construction.

The Structures, Dredging, and Fill Act does not specifically require an applicant to own or hold a specific interest in the property that is the subject of the application. In the tidal wetlands regulations, "Applicant" is defined as a person who files an application for a permit issued by the department pursuant to section 22a-32 of the General Statutes and who is either the owner of the land on which the proposed regulated activity will be located, a contract vendee of such owner, a lessee of such owner, *or the person who will actually control and direct the undertaking of the proposed activity.*" Emphasis added, Regs., Conn. State Agencies § 22a-30-2(c). The same regulations also require an applicant to provide written information regarding the applicant's legal interest in the property if the applicant is not the owner. Waterfront Magee LLC filed a complete application, provided the required application fee, and has clearly demonstrated through its project plan and detailed analysis of the site that it is the party that will undertake the proposed activity. Waterfront Magee meets the definition of Applicant in the tidal wetlands regulations and it provided information about the owner of the waterfront parcel, including the letter of intent from the city that clarified the status of the applicant's legal interest in the property during the department's processing and review of the application.

There is a significant body of case law regarding an applicant's standing to file a zoning application and how it relates to their interest in the property that is the subject of the application. Although it is unclear whether these cases would control the application process for a tidal wetlands or structures and dredging permit before the department, it is clear that under those circumstances standing of a non-owner to file a zoning application is less stringent than the test of standing for aggrievement purposes. "[T]he standard for determining whether a party has standing to apply in a zoning matter is less stringent [than that for aggrievement]. A party need have only a sufficient interest in the property to have standing to apply in zoning matters." *Lorenz v. Old Saybrook Planning Comm'n*, 2013 Conn. Super. LEXIS 265, 5-6 (Jan. 31, 2013). In essence, no specific legal interest has been determined to be the deciding factor in deciding whether an applicant has standing. Instead courts have consistently held that:

it is not possible to extract a precise comprehensive principle which adequately defines the necessary interest which a nonowner must possess in order to have standing to apply for a special permit or a variance. The decisions have not been based primarily on whether a particular applicant could properly be characterized as an optionee or a lessee, but, rather, on whether the applicant was in fact a real party in interest with respect to the subject property. Whether the applicant is in control of the property, whether he is in possession or has a present or future right to possession, whether the use applied for is consistent with the applicant's interest in the property, and the extent of the interest of other persons in the same property, are all relevant considerations in making that determination . . . (Citations omitted.)
Id. at 6-7.

As part of the application process, the department requires information on the ownership of the property and the applicant's legal interest in the property if the applicant is not the owner. Regs., Conn. State Agencies §§ 22a-30-6(4) and (5). The applicant clearly identified the City of Stamford as the owner of the waterfront portion of the property and included the letter of intent upon request. This letter provides evidence of the city's intent to negotiate with the applicant and convey the appropriate interest in the property for the construction of the proposed boatyard and marina if the negotiations are successful. It is clear on its face that the letter does not grant the applicant any interest in the property. As a result, the proposed permit's special term and conditions require the applicant to obtain specific property rights from the City of Stamford prior to construction and provide the Department with a copy of the agreement memorializing the grant of those rights. This is an appropriate means for the department to secure assurance that the applicant will have the access necessary to complete the project as proposed.

However, in general, permits from the department do not provide an applicant with any legal interest in property that is proposed as a project site. The specific special term and

condition in the proposed draft permit clarifies that final approval of the applicant's use of the proposed city-owned parcel will be decided locally by the proper officials, boards, or commissions within the city's municipal government as the owner of the waterfront parcel.

Further, the fact that this information is required as part of the application process does not necessarily qualify it as part of the criteria for permit issuance. Those criteria are more specifically enumerated in the Tidal Wetlands Act, (General Statutes §§ 22a-28 through 22a-35), its implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; the Structures Dredging and Fill Act (General Statutes §§ 22a-359 through 22a-363; and the applicable portions of the Coastal Management Act (General Statutes § 22a-90 through 22a-112). However, it is reasonable for the department to inquire about property ownership and receive confirmation of a permittee's rights to access the property as part of the authorization provided by the permit.

3

Adequate as Replacement for Brewer's Yacht Haven Boat Yard

A series of comments focused on whether the proposed marina should be considered as an adequate replacement for a boatyard formerly maintained nearby. The review of the application under this hearing process must focus on the proposal before the agency. In this case, the proposal includes the construction of certain features within the department's jurisdiction that will support the overall development of the project site into a working boatyard for recreational boating access. Whether the final product is deemed adequate as a replacement for a different boatyard at a different location will not be determined as part of this process.

III

RECOMMENDATION FOR PERMIT MODIFICATION

The proposed activity as conditioned by the proposed draft permit complies with the applicable statutes and regulations governing construction of water-dependent uses waterward of the coastal jurisdiction line and in tidal wetlands. In response to the impact on public access, the applicant has delineated areas for public access areas on project plans. However, these areas must be clearly referenced in the permit terms and conditions to clarify that these areas are to be maintained for public pedestrian access. In order to provide this clarification, I offer the following Special Terms and Condition that shall be incorporated in substantially similar fashion into the final permit to be issued in accordance with this decision:

25. Upon completion of construction of the improvements identified within this permit, the public shall be allowed non-exclusive pedestrian access through the applicant's property in two areas designated for such access on Figure 5 of the project plans attached to and incorporated into this permit. These areas are shown

on Figure 5 as: (1) "Future Pedestrian Access" which extends from the boardwalk terminus to the north across the Permittee's property and (2) "Pedestrian Walkway" which extends from the boardwalk's terminus to the east along the souther boundary of the Permittee's property to Magee Avenue. The Permittee shall identify these areas in the field with appropriate signage and pavement markings, developed in consultation with the City of Stamford. The access areas shown on Figure 5 shall be similarly delineated on the as-built plans and the final wording and locations of any signage or pavement markings shall be provided to the Commissioner at the time the Permittee submits its as-built drawings in accordance with Special Term and Condition #24 of this permit.

IV

CONCLUSION

For the reasons stated above I recommend issuance of the proposed draft permit as modified by the insertion of the additional Special Term and Condition as identified in Section III of this decision.



Kenneth M. Collette
Hearing Officer

SERVICE LIST

In re Waterfront Magee LLC
Application No. 201207377-KB

PARTY

Waterfront Magee LLC

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

Courtesy copies to:

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Attachment 1

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

IN THE MATTER OF
WATERFRONT MAGEE LLC
STAMFORD, CT

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APPLICATION NO. 201207377-KB

MAY 23, 2013

**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 24, 2013), the Applicant, Waterfront Magee, LLC ("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 modifications to the proposed draft permit that was publicly noticed as part of DEEP hearing process to incorporate comments received from the public (HO-1). The revised proposed permit, submitted by the DEEP OLISP staff for the record Exhibit HO-1, is acceptable to Applicant and DEEP.

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 363g), the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) and the Tidal Wetlands Act (Conn. Gen. Stat. §§ 22a-28 through 22a-35) and the State's Water Quality Standards .

II. SUMMARY

Applicant is the owner of industrial property located at 205 Magee Ave. Stamford, Connecticut (APP-1).

The property is located on the East Branch of the Stamford Harbor. The property has local zoning approval for development of a 75,000 square foot office building. The applicant has worked with the City of Stamford to gain access rights to the East Branch of Stamford Harbor in order to convert the property to a water dependent use. Pursuant to a Letter of Intent, Applicant will be granted access rights to the harbor by the City of Stamford (the "City")(APP-13).

Applicant is seeking a permit to:

1. Construct an approximately 40' x 38' earthen-filled pier consisting of steel sheetpile sides and a concrete cap, of which approximately 75 linear feet of the sheetpile and approximately 700 square feet of the pier is waterward of the coastal jurisdiction line;
2. Place approximately 130 cy of clean fill in areas waterward of the coastal jurisdiction line within the proposed pier authorized in paragraph 1., above,

3. Construct a 64' x 20' travel lift well consisting of two 64' x 10' pile supported piers with steel sheetpile walls and ladders;
4. Install an approximately 210' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
5. Install an approximately 100' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
6. Within the travel lift well, install two approximately 74' x 2' floating docks with outrigger pontoons for stability;
7. Dredge by clamshell bucket approximately 4,800 cubic yards of sediment over an approximately 27,500 square foot area, including sideslopes, in three dredge footprints as follows:
 - a. Northern Dock Area- dredge approximately 1,900 cubic yards of sediment to a depth of -10.8' NGVD plus a two foot overdredge with a footprint of approximately 15,120 square feet including sideslopes;
 - b. Southern Dock Area-dredge approximately 600 cubic yards of sediment to a depth of -7.8' NGVD plus a two foot overdredge with a footprint of approximately 5,958 square feet including sideslopes;
 - c. Travel liftwell-dredge approximately 2,300 cubic yards of sediment to a depth of -14.8' NGVD plus a two foot overdredge with a footprint of approximately 6,715 square feet including sideslopes;
8. Install approximately 15 piles to support the floating docks and approximately 66 piles to support the travel lift piers;
9. Install a boat sanitary pumpout system and electric and water utilities on the pier and docks; and,
10. Install one 4-pile dolphin along the northerly floating dock as shown on Sheets 5, 6, 8, 15 and 16 of the plans.

The 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 363g), and in accordance with the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112), and the Tidal Wetlands Act (Conn. Gen. Stat. 22a-28 through 22a-35) and the State's Water Quality Standards.

The pre-application and application process for this permit began in November 2012. Applicant submitted a permit application to DEEP on November 30, 2012 (APP. 1). DEEP reviewed the application and deemed it incomplete and issued a Notice of Insufficiency dated December 13, 2012 (DEEP-5). Applicant responded to the Notice on December 19, 2012 (APP- 2). DEEP issued a Notice of Tentative Determination to approve the application on January 6, 2013 (DEEP-18) with consultation forms as follows: Stamford Shellfish Commission (APP-3), Stamford Harbor Management Commission (APP-4), Connecticut Department of Agriculture/Bureau of Aquaculture (APP-5), US Army Corps of Engineers (APP-6). DEEP received a request for a hearing on January 2, 2013 (DEEP- 22). Pursuant to Conn. Gen. Stat. § 22a-361(b), DEEP published a Notice of Public Hearing on January 6, 2013 indicating that a public hearing would be held on the application on February 6, 2013 in Stamford, Connecticut (DEEP- 21). A site walk was also held on the Applicants' property on February 6, 2013. Evidentiary hearings were held

on February 20 and March 4, 2013 at DEEP to present legal arguments and offer evidence in support of the parties' position.

The Stamford Harbor Management Commission ("SHMC") submitted a letter dated December 20, 2012 concluding that the proposed activity was not consistent with the Stamford Harbor Management Plan ("HMP") because dredging was being proposed in intertidal areas that had not been previously dredged (APP-4 and Hearing Record). On February 21, 2013, the SHMC issued a letter finding the application to be inconsistent with the HMP, based primarily on navigation and safety concerns (Hearing Record). In response to the HMC's first comment, DEEP determined that there were no intertidal flats affected by the proposed work and that most of the area had been previously dredged and that the proposed dredging and removal of the dredged material would be a benefit to the environment. (DEEP-17). In response to the second comment, the U.S. Army Corps of Engineers responded by e-mail dated February 27, 2013 stating that the proposed improvements "will not negatively impact navigation" (APP- 20).

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 363g), the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) and the Tidal Wetlands Act (22a-28 through 22a-35) and the State's Water Quality Standards.

Applicant has demonstrated that the activities proposed in the application and as authorized by the proposed permit comply with the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363g), the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) and the Tidal Wetlands Act (22a-28 through 22a-35) and the State's Water Quality Standards.

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 permit do not comply with these goals and requirements. Applicant and DEEP support the issuance of the permit and are jointly filing this proposed Findings of Fact and Conclusions of Law which concludes that the activities authorized by the proposed permit meet the stated goals and requirements of the Structures, Dredging and Fill statutes (Conn. Gen. Stat. §§ 22a-359 through 363g), the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) and the Tidal Wetlands Act (22a-28 through 22a-35) and the State's Water Quality Standards.

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-26 and Applicant's exhibits, APP-1 through APP-22 and Hearing Officer Exhibits HO-1 through HO-2.
2. Applicant owns property at 205 Magee Avenue Stamford, Connecticut (APP-1 and APP-2) which is located along the East Branch of the Stamford Harbor. Applicant has entered into a Letter of Intent with the City to obtain access rights to the East Branch of the Stamford Harbor (APP-13).

3. Applicant is seeking a permit to install, docks, piers, and pilings in connection with the construction of a new boat yard. The exact scope of work is described in the proposed Draft Permit (HO-1).
4. Applicant began informal pre-application discussions with DEEP staff in November 2012 (DEEP-17) about submittal of the application. Applicant's consultants, Triton Environmental, Inc. and Fuss & O'Neill, prepared the Application and provided the Applicant with preliminary conceptual designs to construct all of the improvements requested to be permitted, including docks, piers, and pilings in connection with the construction of a boatyard (APP-15 and APP-16).
5. Applicant submitted a permit application to DEEP on November 30, 2012 (APP-1). The DEEP issued a Notice of Insufficiency on December 13, 2012 (DEEP- 5). Applicant responded to the Notice on December 19, 2012 (DEEP-6). The application proposes the following scope of work (work scope is set forth in the revised draft permit HO-1):
 - (a) Construct an approximately 40' x 38' earthen-filled pier consisting of steel sheetpile sides and a concrete cap, of which approximately 75 linear feet of the sheetpile and approximately 700 square feet of the pier is waterward of the coastal jurisdiction line;
 - (b) Place approximately 130 cy of clean fill in areas waterward of the coastal jurisdiction line within the proposed pier authorized in paragraph 1., above,
 - (c) Construct a 64' x 20' travel lift well consisting of two 64' x 10' pile supported piers with steel sheetpile walls and ladders;
 - (d) Install an approximately 210' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
 - (e) Install an approximately 100' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
 - (f) Within the travel lift well install two approximately 74' x 2' floating docks with outrigger pontoons for stability;
 - (g) Dredge by clamshell bucket approximately 4,800 cubic yards of sediment over an approximately 27,500 square foot area, including side slopes, in three dredge footprints as follows:
 - (i) Northern Dock Area- dredge approximately 1,900 cubic yards of sediment to a depth of -10.8' NGVD plus a two foot overdredge with a footprint of approximately 15, 120 square feet including side slopes;
 - (ii) Southern Dock Area-dredge approximately 600 cubic yards of sediment to a depth of -7.8' NGVD plus a two foot overdredge with a footprint of approximately 5,958 square feet including sideslopes;
 - (iii) Travel lift well-dredge approximately 2,300 cubic yards of sediment to a depth of -14.8' NGVD plus a two foot overdredge with a footprint of approximately 6,715 square feet including side slopes.
 - (h) Install approximately 15 piles to support the floating docks and approximately 66 piles to support the travel lift piers;
 - (i) Install a boat sanitary pumpout system and electric and water utilities on the pier and docks;

and,

- (j) Install one 4-pile dolphin along the northerly floating dock as shown on Sheets 5, 6, 8,15 and 16 of the plans attached hereto.
- 6. The DEEP received various comment letters in response to the Waterfront Magee LLC Public Notice (DEEP-18) as well as formal consultation form comments on the application from the following:
 - a. Shellfish Commission, dated November 20, 2012 concluding no adverse impact. (App. 3)
 - b. The Stamford Harbor Management Commission ("SHMC") reviewed the pre-application materials at their meeting on December 18, 2012. The SHMC issued a letter on December 20, 2012 (APP-4, DEEP10), stating that the project was not consistent with the HMP because it involved the dredging of intertidal areas not previously dredged. DEEP responded to this comment in its findings stated in the Public Notice Summary Sheet (DEEP11, DEEP-17).
 - c. Department of Agriculture/ Bureau of Agriculture dated November 20, 2012 concluding the application will not have significant impact on shellfish areas, with comments. (App. 5, DEEP-9)
 - d. U.S. Army Corps of Engineers, dated December 3, 2012 concluding the project will have no negative impact on navigation or the Federal Navigation Channel. (App. 6)
 - e. DEEP Marine Fisheries Division provided comments to DEEP-OLISP on November 26, 2012, November 30, 2012 and December 21, 2012 concluding that there should be no negative effects on fish habitat (DEEP-8, DEEP-17)
- 7. DEEP received a request for a hearing on January 2, 2013. (DEEP-22).
- 8. 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 January 6, 2013 (DEEP-18).
- 9. Pursuant to Conn. Gen. Stat. §§ 22a-361(b), DEEP issued a Notice of Public Hearing on January 6, 2012 indicating that a public hearing would be held on the application on February 6, 2013 in Stamford, Connecticut (DEEP-21). A site walk was also held on February 6, 2013.
- 10. Evidentiary hearings were held on February 20 and March 4, 2013 at DEEP to present legal arguments and offer evidence in support of the parties' position.
- 11. Applicant offered the testimony of William Heiple, PE, LEP and Senior Project Manager at Triton Environmental, Inc. and Craig Lapinski, PE, LEED AP, Associate, Project Director, Fuss & O'Neill, to support the claim that the application meets all the standards and requirements of the applicable statutes.
- 12. Applicant offered the testimony of Mr. Heiple and Mr. Lapinski to support the claim that the application meets all the standards and requirements of the applicable statutes. Mr. Heiple has been the Project Manager for this Project (Statement of Credentials, APP-16). Mr. Heiple and Mr. Lapinski were responsible for the design and permitting of the proposed work. They testified on the

design and engineering of the project including the options and alternatives that were considered before the final design was chosen (APP-19).

13. 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, Kristen Bellantuono CV).
14. At the public hearing on February 6, 2013, members of the public commented on the proposed activity. Public comments were heard on February 6, 2013 and written comments were received prior to the close of the general comment period on February 21, 2013. Comments received generally include concerns regarding: boat yard operations and services, navigational concerns, environmental concerns and property ownership issues.(DEEP-23 and Hearing Record)
15. At the evidentiary hearing on March 4, 2013, Applicant submitted revised plans in response to public comment (APP-21, APP-22).
16. On March 28, 2013, the DEEP issued a revised Draft Permit (HO-1). The Draft Permit was revised to incorporate changes in response to public comments which were reflected in the Applicant's submittal on March 4, 2013 (APP-21 and APP-22). In summary the proposed docks were moved to increase the setback to the Federal Channel Line and a 4 pile dolphin was added as a navigational aid. All changes were reviewed and coordinated with DEEP departments including DEEP's Boating and Navigation Safety Unit and the US Army Corps of Engineers (HO-2, APP-20, APP-21, APP-22).
17. The Hearing Officer determined that no further hearing was necessary and the record in the matter was closed on April 23, 2013. A Post Hearing Directive was issued on April 24, 2013. This Proposed Findings of Fact and Conclusions of Law is submitted in response to the Post Hearing Directive.

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 363g) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112) and the Tidal Wetlands Act, (Conn. Gen. Stat. 22a28through 22a-35) and the State's Water Quality Standards.

Applicant has demonstrated that the application complies with the requirements of the Structures, Dredging and Fill Statute (Conn. Gen. Stat. §§ 22a-359 through 363g) and the Coastal Management Act (Conn. Gen. Stat. § 22a-90 through112), and the Tidal Wetlands Act (Conn. Gen. Stat. §22a-28 through 22a-35) and the State's Water Quality Standards (APP-19 and DEEP-17)

A. Structures, Dredging and Fill Statute

Pursuant to the Structures, Dredging and Fill Statute (Conn. Gen. Stat. §§ 22a-359 through 363g) , 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 coastal jurisdiction 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, OLISP staff, in this case, solicited, received and considered questions and comments from several agencies, including US ACOE, the SHMC, and the Stamford 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. 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 January 6, 2013 (DEEP-21)

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.

a. 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 NDDDB) for potential impacts to habitat for endangered, threatened, or special concern species. The CT NDDDB includes information regarding critical biological resources that may be impacted by a project (APP-1 and DEEP-17). The project is not within an NDDDB area per review of a June 2012 Natural Diversity Data Base map (DEEP 17).

The Stamford Shellfish Commission stated that the proposed activity would not impact shellfish resources (APP-3, DEEP-17).

DEEP Marine Fisheries concluded that there is not likely to be any negative effects on fish habitat as a result of the project. (DEEP-8, DEEP-17)

b. Prevention or Alleviation of Shore Erosion and Coastal Flooding

The proposed project will prevent shoreline erosion and coastal flooding by installation of the proposed bulkhead. Portions of the bulkhead are located landward of the coastal jurisdiction line to minimize impacts to coastal resources.

- c. Use and Development of Adjoining Uplands
The adjoining uplands in this area is a industrial lot owned by Applicant on which a 75,000 square foot building has been approved (APP-1). The proposed activity is in connection with the development of a boatyard on the property. The City has agreed it will grant the Applicant the right to access the harbor over city property and to construct improvements in connection with the development of a boatyard (APP-13). Public comments raised on this issue were addressed through the submittal of a Letter of Intent signed by the Mayor of the City of Stamford and incorporation of a special condition in the Draft Permit (APP-13 and APP-18). The DEEP proposed permit includes a special condition regarding access over city property (HO-1).

- d. Improvement of Coastal and Inland Navigation for All Vessels, Including Small Craft for Recreational Purposes
The proposed activity meets the generally acceptable criteria. The proposed project will not affect any federal navigational channel and will not affect any adjacent or nearby navigational uses (DEEP-17, APP-20). The proposed activity will enhance recreational boating access.

- e. Use and Development of Adjacent Lands and Properties
The proposed project will have no adverse impact on the use and development of adjacent lands, which are primarily industrial (APP-1).

Public comments included concern that the proposal would interfere with navigation. However, DEEP reviews each application for in-water work or structures on its own merits. 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 proposed structures had no significant adverse impacts on navigation.

- f. 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-17). DEEP determined that the proposed improvements, including the travel lift, docks, piles and piers are consistent with DEEP policies and are designed to obtain reasonable access while minimizing impacts to existing coastal resources (DEEP-18, HO-1 and HO-2). Special conditions will be included in the permit to ensure that impacts are minimized (See Special Terms and Conditions section of proposed attached draft permit, HO-1).

B. Coastal Management Act

The proposed project 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-90 through 22a-112.

a. Water Quality

The proposed project will not have any long-term adverse impact on water quality (DEEP-17). All proposed dredging and construction will be undertaken in compliance with DEEP Special Conditions that minimize or eliminate any adverse impacts.

b. Existing Circulation Patterns of Coastal Waters

The project will have no adverse impact on water circulation patterns (DEEP-17). The design of the project allows water to flow freely under the dock and will not impact the current water circulation patterns (DEEP-17).

c. Natural Erosion Patterns

The project will have no adverse impact on the natural erosion patterns (DEEP-17)

d. 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-17).

e. Coastal Flooding

The proposed project will not increase the hazard of coastal flooding because it will not alter the shoreline configuration (DEEP-17).

f. Visual Quality

The proposed project will not adversely impact visual quality. The proposed use of this formerly industrial site is consistent with land use for the surrounding area and therefore will not adversely impact visual quality. (DEEP- 17).

g. Essential Wildlife, Finfish or Shellfish Habitat

The proposed activity will have no impact on indigenous aquatic life, fish and wildlife. (DEEP 8, DEEP-9, DEEP-17)

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

The proposed project will impact 500 square feet of tidal wetlands. The DEEP Special Permit Conditions require mitigation that will result in an overall benefit to the Tidal Wetlands (APP-1, DEEP-17, HO-1)

i. Environmental Impact of the Proposed Action

The proposed project would provide Applicant and recreational boaters with access to public trust waters for boating, thus promoting, and giving high priority to, water-dependent uses. The

record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and mitigated and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:

- 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;
- 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;
- 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.

C. Tidal Wetlands Act

The proposed project is consistent with Tidal Wetlands Act criteria, specifically:

- a. There is no alternative for accomplishing the applicant's objectives which is technically feasible and would further minimize adverse impacts;
- b. Any structure or fill will be no greater in length, width and height than necessary to accomplish its intended function;
- c. Pile supported construction will be used to the fullest extent practicable; and,
- d. All reasonable measures which would minimize the adverse impacts of the proposed activity on the wetlands of the state and adjoining coastal and tidal resources are incorporated as limitations on or conditions to the permit.

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 363g) and the Coastal Management Act (Conn. Gen. Stat. §§ 22a-90 through 112), and Tidal Wetlands Act (Conn Gen. Stat. 22a-28 through 22a-35) and the State's Water Quality Standards.

Therefore, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the proposed Draft Permit (HO-1).

APPLICANT

WATERFRONT MAGEE, LLC

By:  DATE: 5/23/13

John Freeman

DEEP OJSP

By:  DATE: 5/23/13

Brian P. Thompson
Director
Department of Energy and Environmental Protection
Office of Long Island Sound Programs

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 23rd day of May, 2013, 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

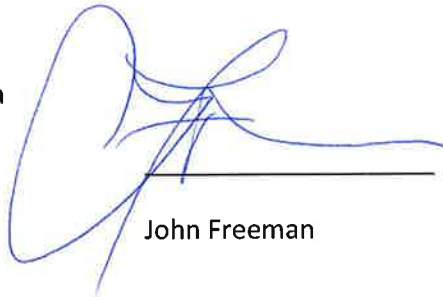
Kristen Bellantuono, Staff
Department of Energy and Environmental Protection
Office of Long Island Sound Programs
79 Elm Street Hartford, CT 06106
Kristen bellantuono@ct.gov

With Courtesy Copies sent via email to:

Dr. Damian Ortelli - drortelli@hotmail.com

Mr. John Josel – jjosel@hotmail.com

Ms. Maureen Boylan – saveourboatyard@gmail.com



John Freeman

PERMIT

Permit No: 201207377-KB

Municipality: Stamford

Work Area: East Branch of Stamford Harbor off property located at
205 Magee Avenue

Permittee: Waterfront Magee, LLC
100 Washington Blvd.
Suite 200
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 install a fork lift pier; two pile supported travel lift piers; floating docks; a dolphin pile; a sanitary pump out and conduct dredging for marine commercial use and boating access as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

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

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201207377-KB, including 17 sheets of plans attached hereto as follows: Figure 1, Site Location Map, undated; Figure 2, Tax Assessor Map, undated; Figure 3, Existing Conditions Plan dated November 28, 2012; Figure 4, Coastal Resources Plan dated November 28, 2012,

Figure 5, Proposed Site Conditions Plan dated November 28, 2012, and revised February 21, 2013 and March 13, 2012; Figure 6, Proposed Coastal Conditions Plan dated November 28, 2012 and revised February 21, 2013, March 5, 2013 and March 13, 2013; Figure 6A, Proposed Coastal Conditions Plan dated November 28, 2012, revised February 21, 2013, March 5, 2013 and March 13, 2013; Figure 7, Proposed Grading Plan dated November 28, 2012 and revised December 14, 2012 and March 5, 2013; Figure 8, Structure Details and Cross Section Locations dated November 28, 2012 and revised December 14, 2012, February 21, 2013, March 5, 2013 and March 13, 2013; Figure 9, Cross Section A-A dated November 28, 2012 and revised December 14, 2012; Figure 10, Cross Section B-B dated November 28, 2012, revised December 14, 2012, February 21, 2013 and March 5, 2013; Figure 11, Cross Section C-C dated November 28, 2012 and revised December 14, 2012; Figure 12, Cross Section D-D dated November 28, 2012, revised December 14, 2012 and March 5, 2013; Figure 13, Cross Section E-E dated November 28, 2012 and revised December 14, 2012; Figure 14, Cross Section F-F dated November 28, 2012 and revised December 14, 2012; Figure 15, Proposed Conditions Aerial dated November 28, 2012, revised December 14, 2012, March 5, 2013, and March 13, 2013; and Figure 16, Dolphin Details dated February 21, 2013 submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. construct an approximately 40' x 38' earthen-filled pier consisting of steel sheetpile sides and a concrete cap, of which approximately 75 linear feet of the sheetpile and approximately 700 square feet of the pier is waterward of the coastal jurisdiction line;
2. place approximately 130 cy of clean fill in areas waterward of the coastal jurisdiction line within the proposed pier authorized in paragraph 1., above,
3. construct a 64' x 20' travel lift well consisting of two 64' x 10' pile supported piers with steel sheetpile walls and ladders;
4. install an approximately 210' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
5. install an approximately 100' x 8' floating dock with an approximately 8' x 10' landing and an approximately 40' x 4' gangway;
6. within the travel lift well install two approximately 74' x 2' floating docks with outrigger pontoons for stability;
7. dredge by clamshell bucket approximately 4,800 cubic yards of sediment over an approximately 27,500 square foot area, including sideslopes, in three dredge footprints as follows:
 - a) Northern Dock Area-dredge approximately 1,900 cubic yards of sediment to a depth of -10.8' NGVD plus a two foot overdredge with a footprint of approximately 15,120 square feet including sideslopes;
 - b) Southern Dock Area-dredge approximately 600 cubic yards of sediment to a depth of -7.8' NGVD plus a two foot overdredge with a footprint of approximately 5,958 square feet including sideslopes;
 - c) Travel lift well-dredge approximately 2,300 cubic yards of sediment to a depth of -14.8' NGVD plus a two foot overdredge with a footprint of approximately 6,715 square feet including sideslopes;

8. install approximately 15 piles to support the floating docks and approximately 66 piles to support the travel lift piers; and
9. install a boat sanitary pumpout system and electric and water utilities on the pier and docks;
10. install one 4-pile dolphin along the northerly floating dock as shown on Sheets 5, 6, 8, 15 and 16 of the plans attached hereto.

SPECIAL TERMS AND CONDITIONS

1. Prior to the commencement of work authorized herein, the Permittee shall submit to the Commissioner for his review, and receive written approval of, a plan for a tidal wetlands restoration project on the parcel of land owned by the City of Stamford, identified on the City of Stamford's Assessor's Map as parcel 8, Map 13887 located directly south of the project site. The tidal wetlands restoration plan must provide for a minimum of 3,000 square feet of tidal wetlands restoration/enhancement and 5 years of monitoring. The project must be completed with any conditions required by the Commissioner. If for any reason, the Permittee cannot complete the tidal wetlands restoration project as described above, the Permittee shall provide to the Commissioner for review and approval, an alternative tidal wetlands restoration plan which will provide for equivalent tidal wetlands restoration/enhancement at a mutually agreed upon site. The Permittee shall obtain all required federal, state and local authorizations before commencing work under this condition.
2. Prior to the commencement of work authorized herein, the Permittee shall obtain from the City of Stamford specific property rights to construct and operate the facilities authorized herein, in accordance with a Letter of Intent dated December 13, 2012 signed by the City and the Permittee. At such time as such property rights are conveyed from the City of Stamford to the Permittee, pursuant to a superseding agreement as referenced in the December 13, 2012 Letter of Intent, a copy of such shall be provided to the Commissioner.
3. Prior to the commencement of work authorized herein, the Permittee shall coordinate with Connecticut Light & Power to identify the exact location of the submarine cables located at the site to ensure the cables are not impacted by the work authorized herein. Prior to construction, the Permittee shall provide the Commissioner with a report of the coordination with Connecticut Light & Power.
4. Prior to the commencement of work authorized herein, the Permittee shall field locate and mark with buoys the existing submarine cables. Such marker locations shall remain marked until construction on-site has been completed.
5. If an Environmental Land Use Restriction ("ELUR") has been recorded for the property on the land records of the City of Stamford, the Permittee shall comply with said ELUR. If an Environmental Land Use Restriction (ELUR) has not been recorded for the property on the

land records of the City of Stamford, the Permittee, prior to commencing any work authorized by this permit shall have a remedial action plan ("RAP") prepared by a Licensed Environmental Professional delegated the authority for such activities at 205 Magee Avenue (formerly Cyanamid Facility, Collins Magee, LLC). The RAP shall include proposed actions which shall restore site conditions in a manner consistent with site conditions as described in the report "Remedial Action Completion Report, Former American Cyanamid Site, 205 Magee Avenue, Stamford, Connecticut," dated May 24, 2007 and prepared by Woodard & Curran, and approved by the Department of July 19, 2007. The Permittee shall submit the remedial action plan to the department no less than 30 days prior to the commencement of any work proposed in the RAP.

6. Prior to the commencement of 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.
7. Prior to the commencement of dredging authorized herein, the Permittee shall fund a pre- and post-dredging shellfish sampling program to be undertaken by the Connecticut Department of Agriculture, Bureau of Aquaculture. The Permittee shall provide the Commissioner with confirmation of such program.
8. Prior to the commencement of dredging authorized in paragraph 7., of the SCOPE OF AUTHORIZATION, above, herein, the Permittee shall install a silt curtain from the surface to the substrate and oil boom as shown on Sheets 9 and 12 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 only be undertaken during in-coming tides and shall not be conducted between July 15th and September 15th inclusive, of any calendar year, to protect spawning shellfish unless specifically authorized in writing by the Commissioner.
10. The Permittee shall dispose of the sediments authorized to be dredged pursuant to paragraph 7., of the SCOPE OF AUTHORIZATION, above, at an out-of-state upland disposal location, unless specifically authorized in writing by the Commissioner.
11. 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.
12. The floating docks authorized herein shall not be used for berthing in excess of 48 hours. Such floating docks shall only be used as staging floats for boats to be hauled or for those boats removed from the upland boat storage racks, launched and staged until departure.
13. 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.

14. 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.
15. The Permittee shall provide a sanitary pumpout as authorized in paragraph 9., 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 for 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.
16. The Permittee shall install one 4-pile dolphin authorized herein prior to the initial use of the in-water docking structures at the edge of the channel, just outside of the federal channel, to assist with commercial and recreational navigation. Such dolphin shall be maintained in optimal condition for the life of the boatyard unless specifically authorized in writing by the Commissioner.
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 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.
19. 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.
20. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
21. 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.

22. 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.
23. 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.
24. 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 _____, 2013

STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

Macky McCleary
Deputy Commissioner

Permit #201207377-KB, Stamford

Waterfront

Magee,

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: Waterfront Magee, LLC
100 Washington Blvd.
Suite 200
Stamford, CT 06902

Permit No: 201207377-KB, Stamford

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

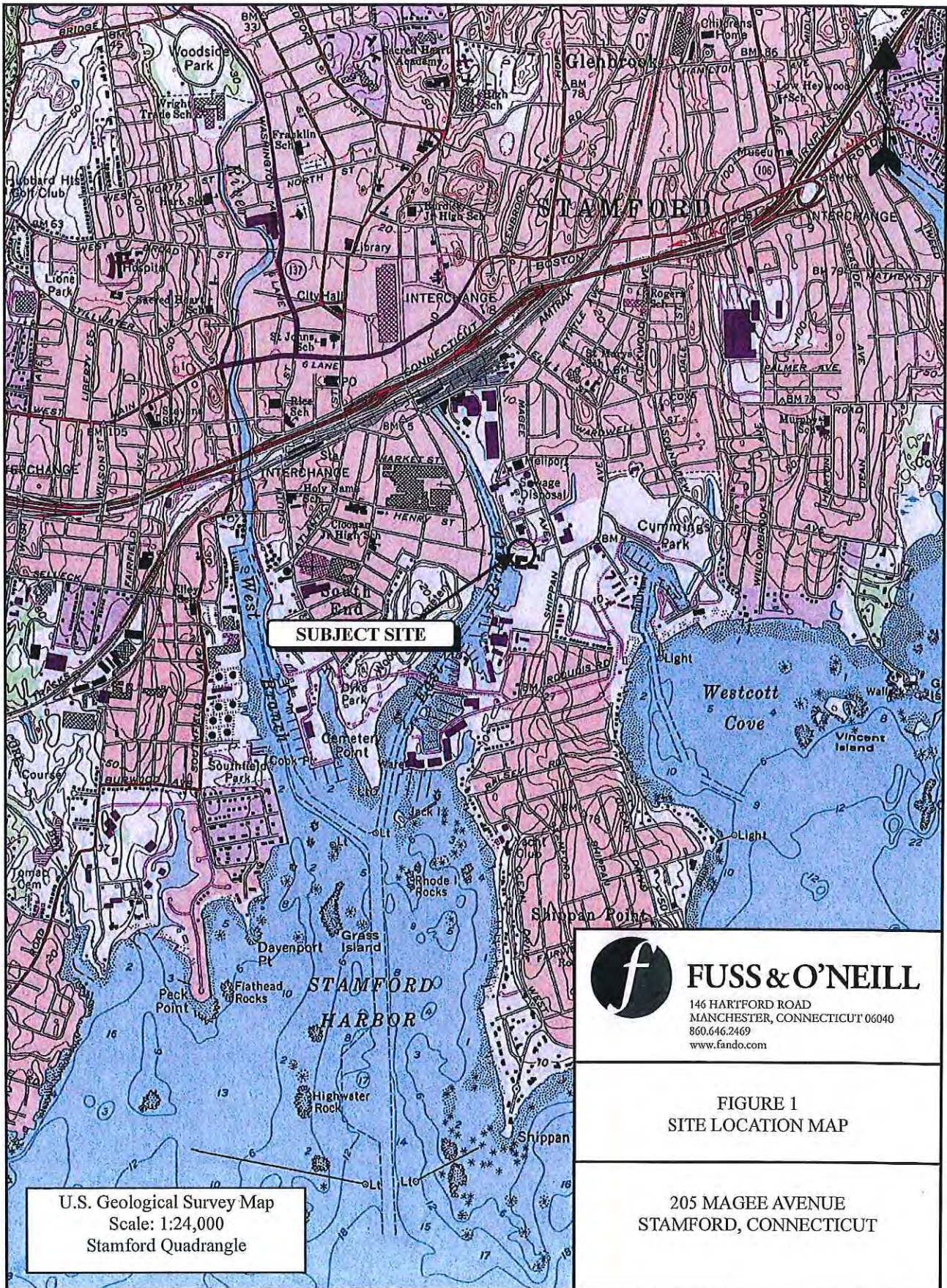
Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____
(signature) (date)



SUBJECT SITE



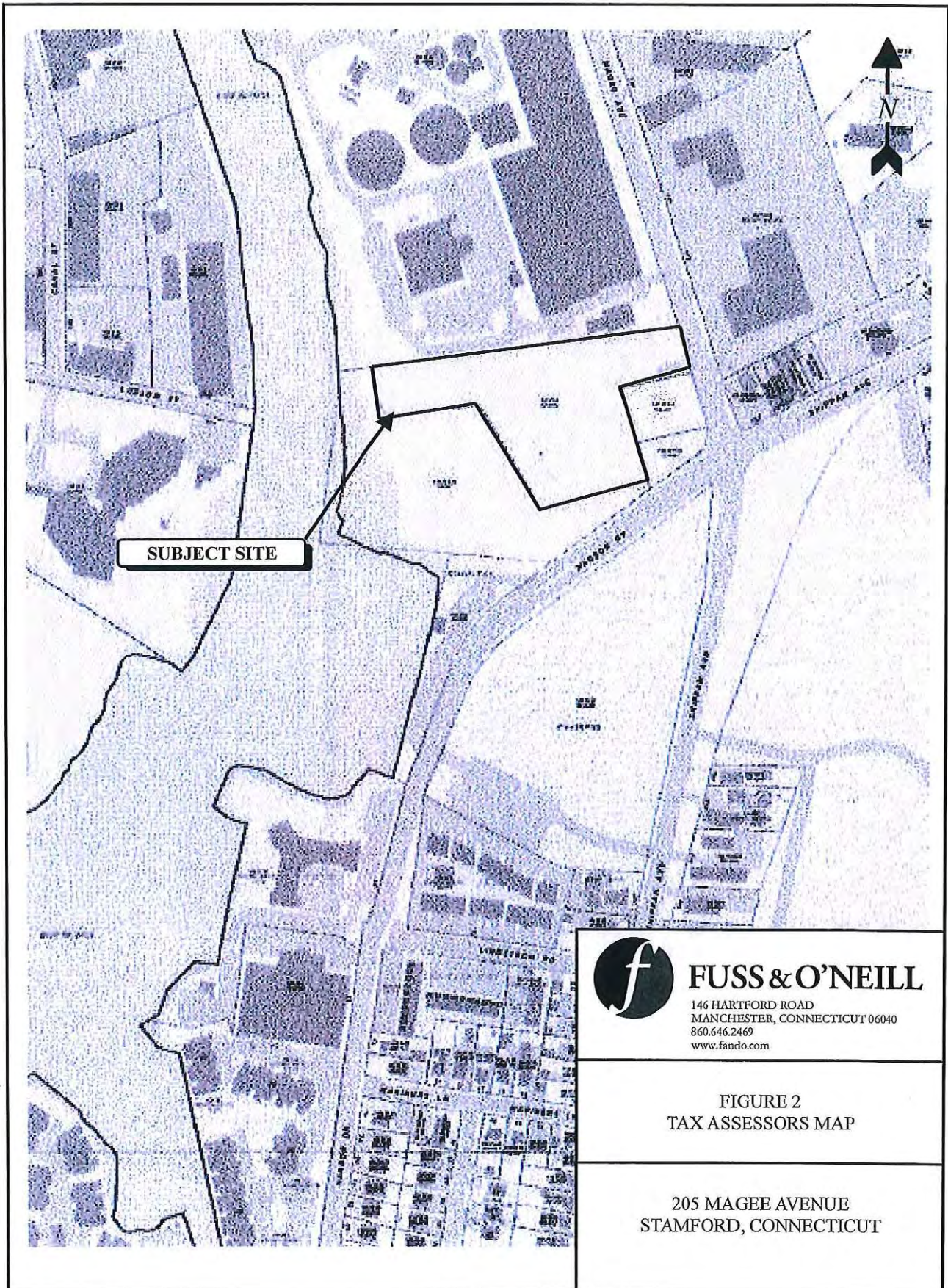
FUSS & O'NEILL

146 HARTFORD ROAD
 MANCHESTER, CONNECTICUT 06040
 860.646.2469
 www.fando.com

**FIGURE 1
 SITE LOCATION MAP**

**205 MAGEE AVENUE
 STAMFORD, CONNECTICUT**

U.S. Geological Survey Map
 Scale: 1:24,000
 Stamford Quadrangle



SUBJECT SITE

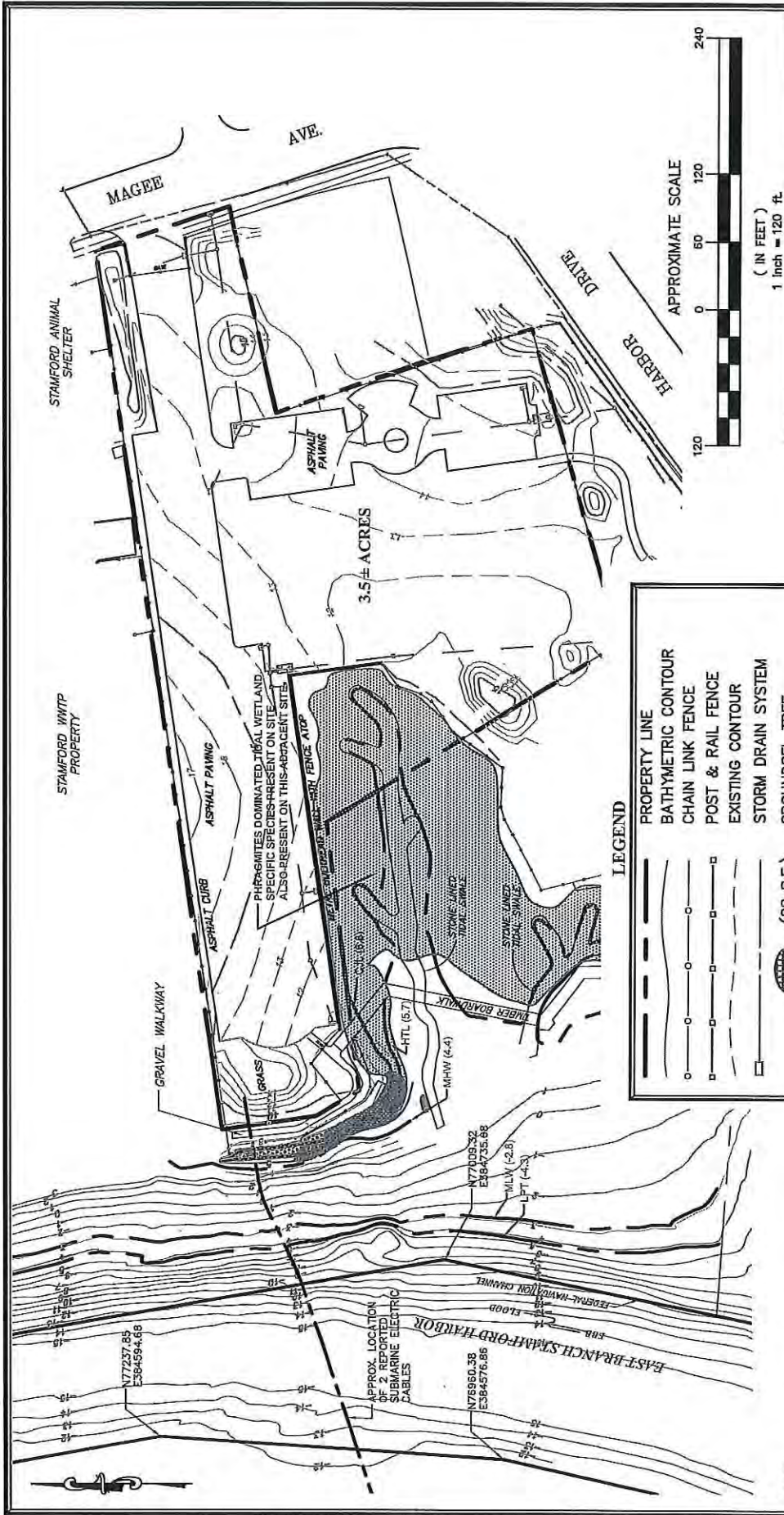


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146 HARTFORD ROAD
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 860.646.2469
 www.fando.com

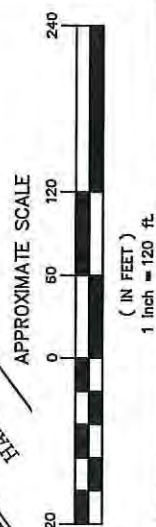
FIGURE 2
 TAX ASSESSORS MAP

205 MAGEE AVENUE
 STAMFORD, CONNECTICUT



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 146 HARTFORD ROAD
 MANCHESTER, CONNECTICUT 06040
 860.646.2469
 www.fuso.com

FIGURE 3
 EXISTING CONDITIONS PLAN
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 MAGEE AVENUE
 STAMFORD, CONNECTICUT
 DRAWN BY: RGM APPROVED BY: WCH
 DATE: 11/28/12 SCALE: 1" = 120' FILE No.: 103819SDFOPT1R6



LEGEND

	PROPERTY LINE
	BATHYMETRIC CONTOUR
	CHAIN LINK FENCE
	POST & RAIL FENCE
	EXISTING CONTOUR
	STORM DRAIN SYSTEM
	GROUNDSEL TREE (28 S.F.)
	WATERHEMP & MARSH ELDER & SEASIDE GOLDENROD (667 S.F.)
	COMMON REED & WATERHEMP & MARSH ELDER (1,257 S.F.)
	SMOOTH CORDGRASS (127 S.F.)
	MARSH ELDER (219 S.F.)

RELEVANT TIDAL ELEVATIONS

LOWEST PREDICTED TIDE	LPT	-4.3' NGVD = -2.5' MLW
MEAN LOW WATER	MLW	-2.8' NGVD = 0.0' MLW
MEAN HIGH WATER	MHW	4.4' NGVD = 7.2' MLW
HIGH TIDE LINE	HTL	5.7' NGVD = 8.5' MLW
COASTAL JURISDICTION LINE	CJL	6.6' NGVD = 9.4' MLW

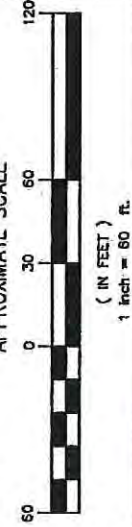
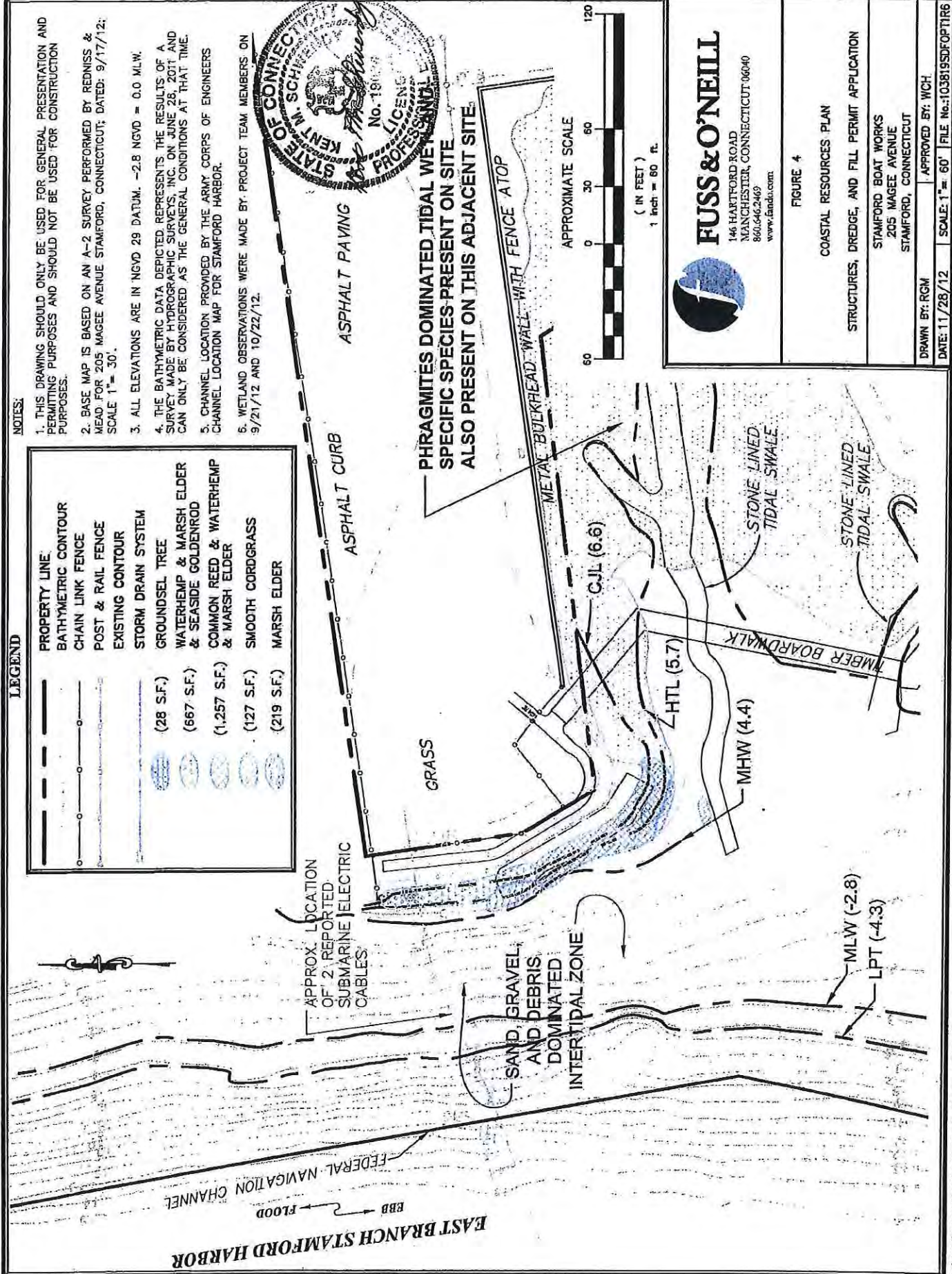
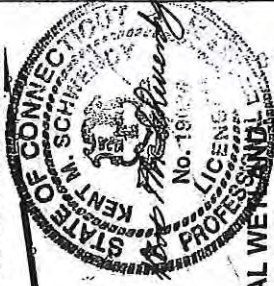
- NOTES:**
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. BASE MAP IS BASED ON AN A-2 SURVEY PERFORMED BY REDNISS & MEAD FOR 205 MAGEE AVENUE STAMFORD, CONNECTICUT, DATED: 9/17/2012; SCALE 1" = 30' (SEE APPENDIX M).
 3. ALL ELEVATIONS ARE IN NGVD 29 DATUM. -2.8 NGVD = 0.0 MLW.
 4. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 5. CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.

NOTES:

1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
2. BASE MAP IS BASED ON AN A-2 SURVEY PERFORMED BY REDNISS & MEAD FOR 205 MAGEE AVENUE STAMFORD, CONNECTICUT; DATED: 9/17/12; SCALE 1" = 30'.
3. ALL ELEVATIONS ARE IN NGVD 29 DATUM. -2.8 NGVD = 0.0 M.L.W.
4. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 26, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
5. CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.
6. WETLAND OBSERVATIONS WERE MADE BY PROJECT TEAM MEMBERS ON 9/21/12 AND 10/22/12.

LEGEND

	PROPERTY LINE
	BATHYMETRIC CONTOUR
	CHAIN LINK FENCE
	POST & RAIL FENCE
	EXISTING CONTOUR
	STORM DRAIN SYSTEM
	GROUNDSEL TREE (28 S.F.)
	WATERHEMP & MARSH ELDER (667 S.F.)
	COMMON REED & WATERHEMP & MARSH ELDER (1,257 S.F.)
	SMOOTH CORDGRASS (127 S.F.)
	MARSH ELDER (219 S.F.)



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860.642.469
www.fandob.com

FIGURE 4

COASTAL RESOURCES PLAN

STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION

STAMFORD BOAT WORKS
205 MAGEE AVENUE
STAMFORD, CONNECTICUT

DRAWN BY: RGM APPROVED BY: WCH

DATE: 11/28/12 SCALE: 1" = 60' FILE No.: 103819SDFOTIR6

NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMITTING	10/1/13
2	ISSUE FOR PERMITTING	10/1/13
3	ISSUE FOR PERMITTING	10/1/13
4	ISSUE FOR PERMITTING	10/1/13

LEGEND	
	PROPERTY LINE
	CHAIN LINK FENCE
	POST & RAIL FENCE
	EXISTING CONTOUR
	STORM DRAIN SYSTEM
	GROUNDSEL TREE
	WATERSHIP & MARSH ELDER (28 SF)
	WATERSHIP & MARSH ELDER (697 SF)
	SMOOTH CORDGRASS (127 SF)
	MARSH ELDER (219 SF)

STAMFORD ANIMAL SHELTER

STAMFORD WHIPP PROPERTY

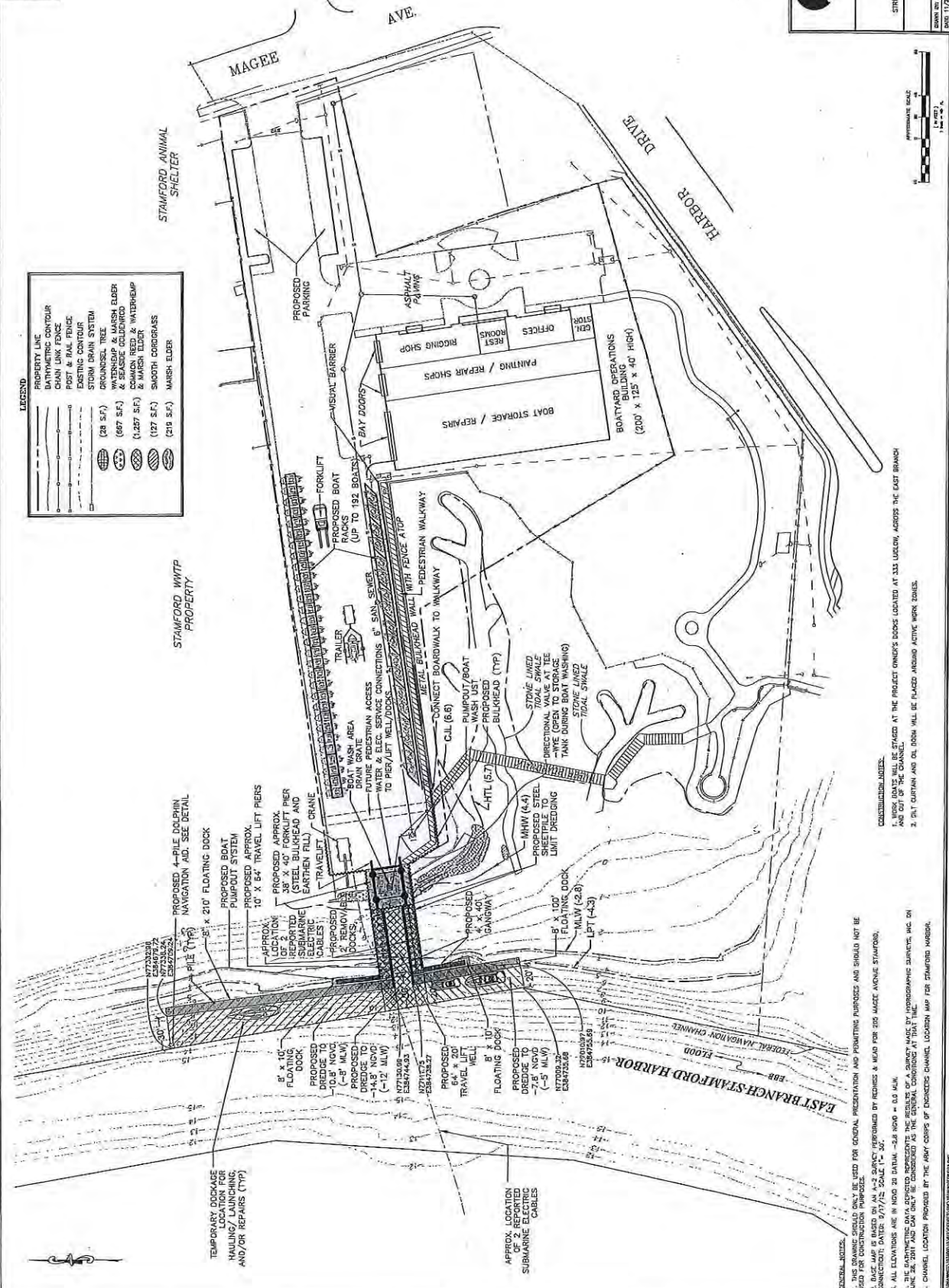
MAGEE AVE.

HARBOR DRIVE



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 14 HARTFORD ROAD
 STAMFORD, CONNECTICUT 06907
 www.fussandoneill.com

FIGURE 8A
 PROPOSED GENERAL CONDITIONS PLAN
 STRUCTURES, REMEDIATION AND FILL PERMIT APPLICATION
 STAMFORD BOAT YARD
 STAMFORD, CONNECTICUT
 DRAWN BY: BOB
 DATE: 11/28/13
 SCALE: 1" = 40'
 FILE NO: 103100101013

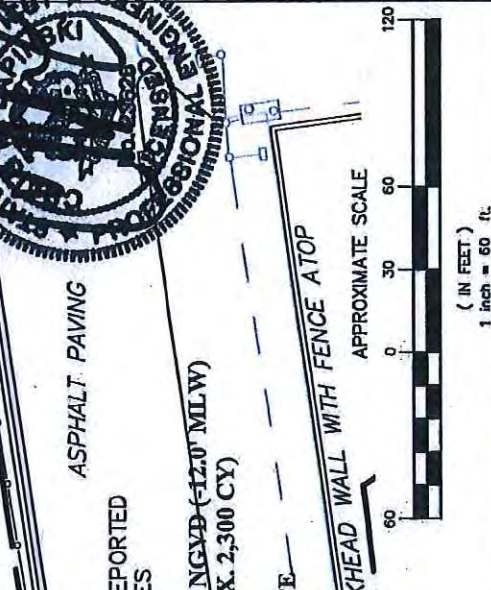


- CONSTRUCTION NOTES:
2. DIRT CURTAIN AND DOLDRIN WILL BE PLACED AROUND ACTIVE WORK STAKES.

- GENERAL NOTES:
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL INFORMATION AND PROMISING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. THIS MAP IS MADE BY AN A-2 SURVEY (PERFORMED BY REMEDIES & HEAD FOR 200 MAGEE AVENUE, STAMFORD, CONNECTICUT; DATE: 9/17/12; SCALE: 1" = 30').
 3. ALL ELEVATIONS ARE IN HIGHER DATUM. -3.8 HIGHER = 0.0 M.L.W.
 4. ALL ELEVATIONS ARE IN HIGHER DATUM. -3.8 HIGHER = 0.0 M.L.W.
 5. CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.

REV	DESCRIPTION	DATE
1	CONSTRUCTION	12/14/12
1	GENERAL NOTES	12/14/12
1	WATERWAY DREDGE FOOTPRINT	3/27/13

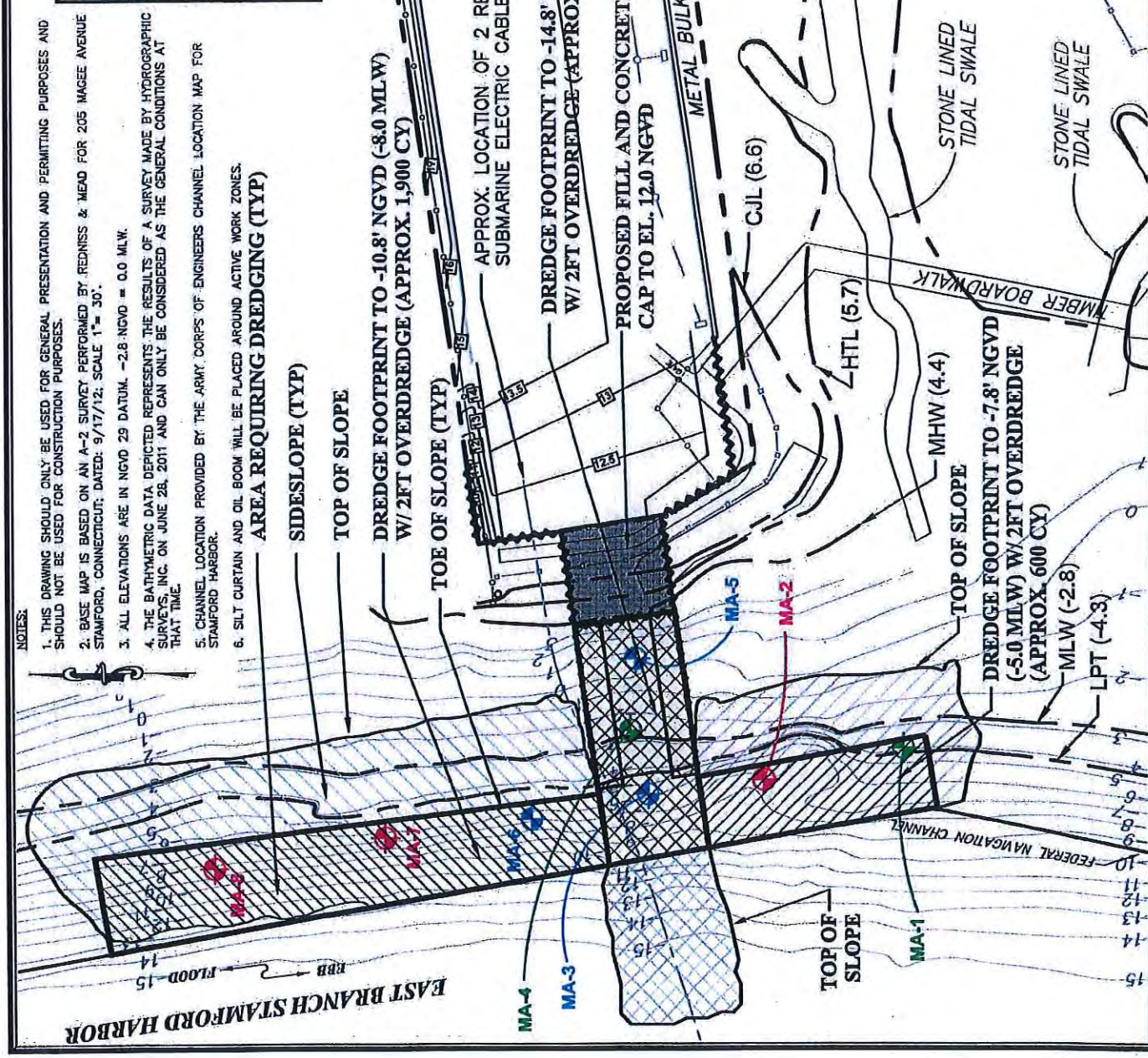
LEGEND	
	PROPERTY LINE
	BATHYMETRIC CONTOUR
	CHAIN LINK FENCE
	POST & RAIL FENCE
	EXISTING CONTOUR
	STORM DRAIN SYSTEM
	PROPOSED CONTOUR
	"COMP A" SEDIMENT SAMPLE
	"COMP B" SEDIMENT SAMPLE
	"COMP C" SEDIMENT SAMPLE



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FIGURE 7
PROPOSED GRADING PLAN
STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
STAMFORD BOAT WORKS
205 MAGEE AVENUE
STAMFORD, CONNECTICUT

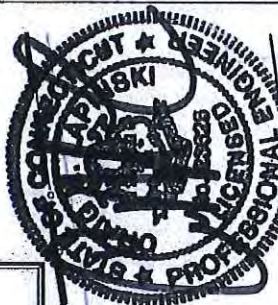
DRAWN BY: RCM
DATE: 11/28/12
SCALE: 1" = 60'
APPROVED BY: WCH
FILE No.: 103819SDFOPT1R8D



- NOTES:**
- THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 - BASE MAP IS BASED ON AN A-2 SURVEY PERFORMED BY REDNISS & MEO FOR 205 MAGEE AVENUE STAMFORD, CONNECTICUT; DATED: 9/17/12; SCALE 1" = 30'.
 - ALL ELEVATIONS ARE IN NGVD 29 DATUM. -2.8 NGVD = 0.0 MLW.
 - THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 - CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.
 - SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

NO.	DESCRIPTION	APPROVED BY	DATE
1	GENERAL NOTES	WCH	12/14/12
2	ASPHALT DRIVE, FILL	WCH	3/21/13
3	ROCK TIEBACK WALL AND	WCH	3/21/13
4	REMOVED 3' DOORPIES	WCH	3/21/13
5	CONCRETE DOCK TO	WCH	3/21/13
6	REMOVED FILL	WCH	3/21/13
7	DOCK	WCH	3/21/13

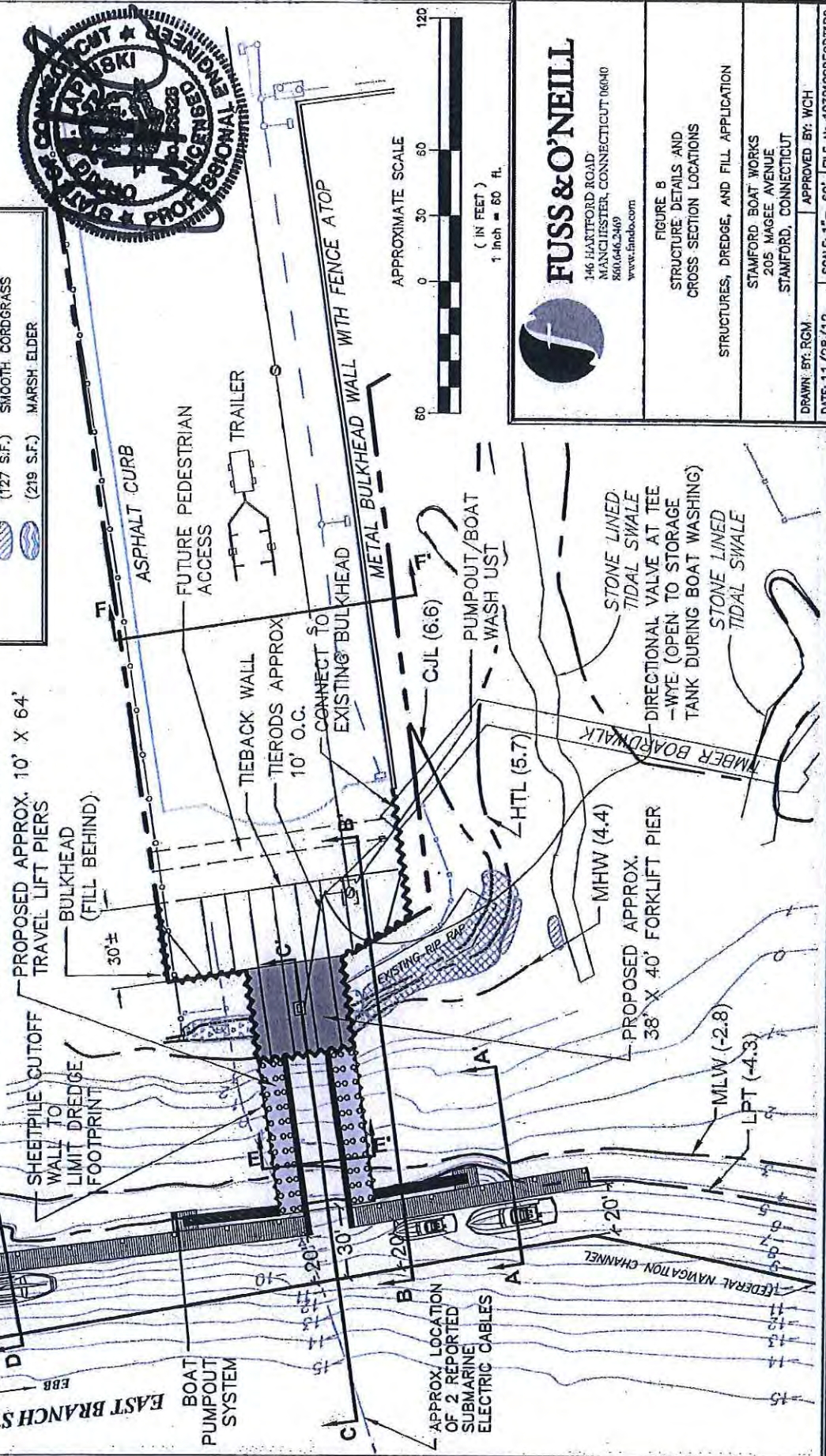
LEGEND	
	PROPERTY LINE
	BATHYMETRIC CONTOUR
	CHAIN LINK FENCE
	POST & RAIL FENCE
	EXISTING CONTOUR
	STORM DRAIN SYSTEM
	GROUNDSEL TREE
	WATERHEMP & MARSH ELDER
	COMMON REED & WATERHEMP
	SMOOTH CORDGRASS
	MARSH ELDER



PROPOSED 4-PILE DOLPHIN NAVIGATION AID. SEE DETAIL

NOTES:

1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
2. BASE MAP IS BASED ON AN A-2 SURVEY PERFORMED BY REDMOND & HEAD FOR 205 WAGE AVENUE STAMFORD, CONNECTICUT, DATED: 9/17/12; SCALE 1" = 30'.
3. ALL ELEVATIONS ARE IN NGVD 29 DATUM. -2.8 NGVD = 0.0 MLW.
4. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY STAMFORD CONSULTING ENGINEERS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
5. CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.
6. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.



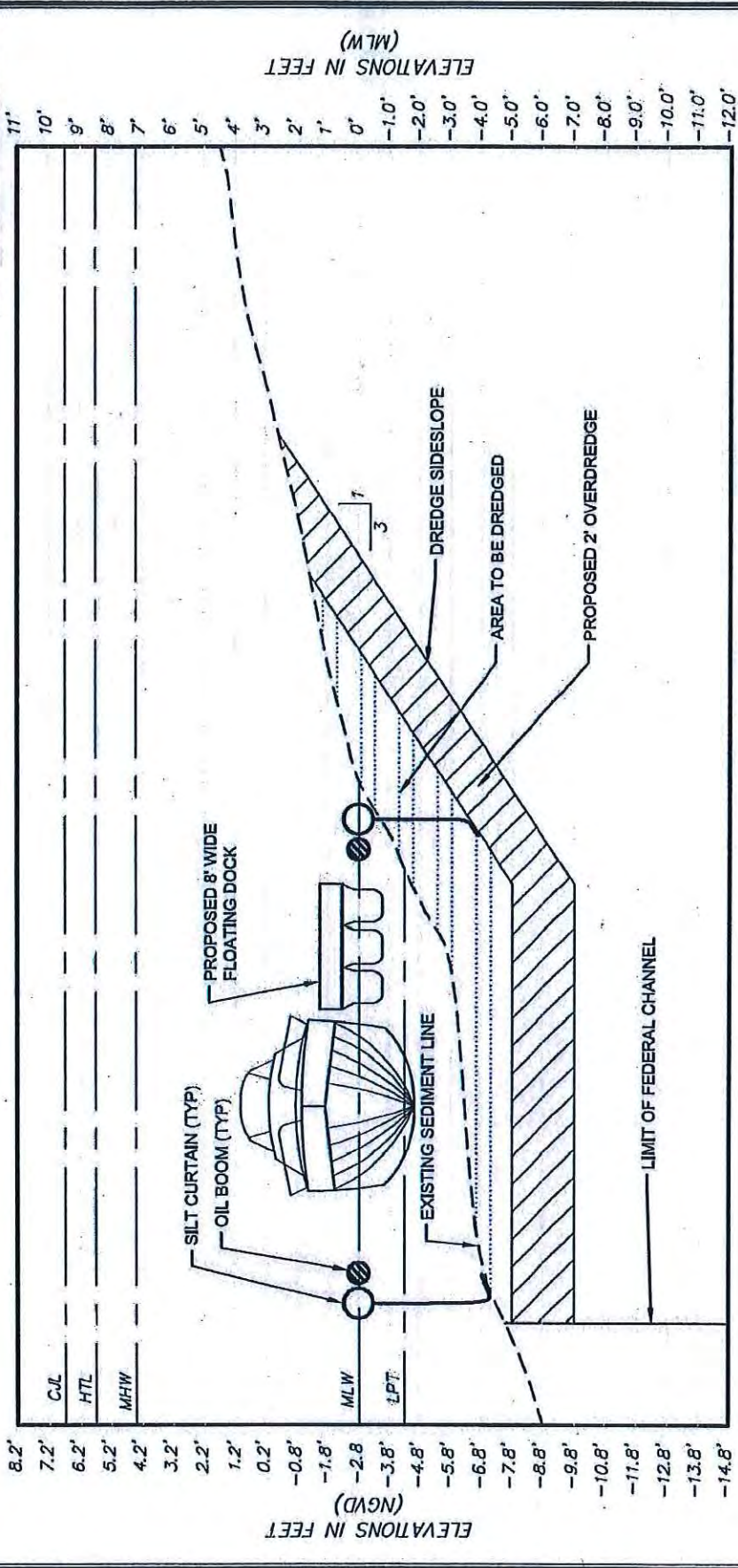
FUSS & O'NEILL
 146 HARTFORD ROAD
 MANCHESTER, CONNECTICUT 06040
 860.646.3489
 www.fuso.com

FIGURE 8
 STRUCTURE DETAILS AND
 CROSS SECTION LOCATIONS

STRUCTURES, DREDGE, AND FILL APPLICATION
 STAMFORD BOAT WORKS
 205 WAGE AVENUE
 STAMFORD, CONNECTICUT

DRAWN BY: RGM
 DATE: 11/28/12
 SCALE: 1" = 60'
 FILE NO: 103819SDFOP1TR9
 APPROVED BY: WCH

REV.	DESCRIPTION	DATE
1	ORIGINAL, NOTES & DIM. MODIFIED	12/14/12



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 860.940.3469
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FIGURE 9
 CROSS SECTION A-A'
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 WAGEE AVENUE
 STAMFORD, CONNECTICUT
 DRAWN BY: RGM APPROVED BY: WCH
 DATE: 11/28/12 SCALE: AS SHOWN FILE NO.: 103819SDF0PT1R7

VERTICAL SCALE: 1" = 5'
 HORIZONTAL SCALE: 1" = 10'



- NOTES:**
- THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 - 2.8 NGVD = 0.0 MLW.
 - THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 - SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

REV.	DESCRIPTION	APP'D	DATE
1	GENERAL NOTES	WCH	12/14/12
2	ADDED DOLPHINS	WCH	2/23/13
3	TIEBACK WALL AND REMOVED 3 DOLPHINS	WCH	3/5/13



VERTICAL SCALE: 1"=5'
 HORIZONTAL SCALE: 1"=30'

NOTES:

1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
2. -2.8 NGVD = 0.0 MLW.
3. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011, AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE DEPTH, NUMBER, AND LOCATIONS OF PILES AND CROSS BRACING TO BE DETERMINED BASED ON GEOTECHNICAL NEEDS.
5. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.



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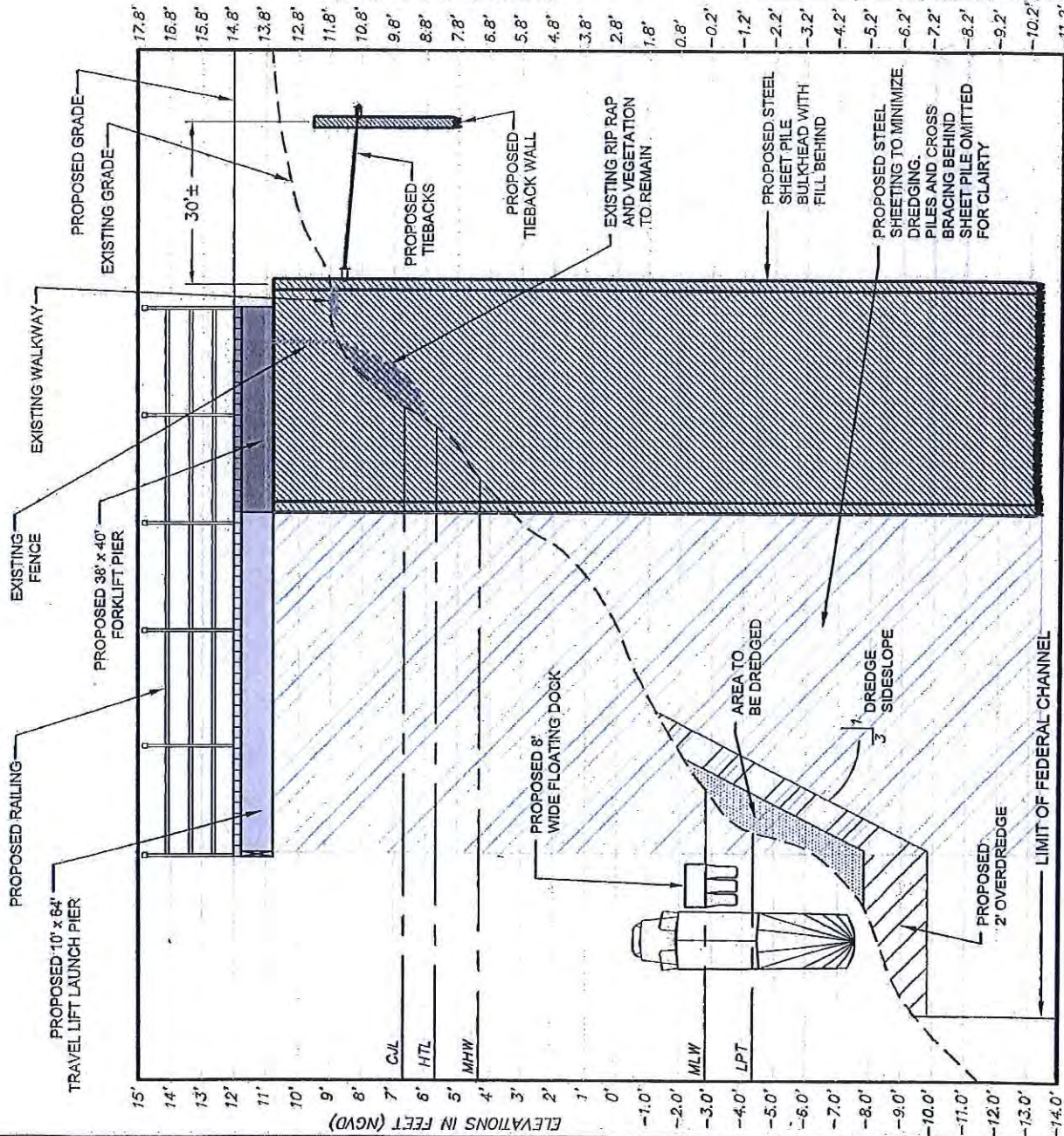
FIGURE 10

CROSS SECTION B-B'

STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 MAGEE AVENUE
 STAMFORD, CONNECTICUT

DRAWN BY: RGM APPROVED BY: WCH

DATE: 11/28/12 SCALE: AS SHOWN FILE No.:103819SDFOPT1R61



NO.	DESCRIPTION	DATE
1	ORIGINAL	12/14/12



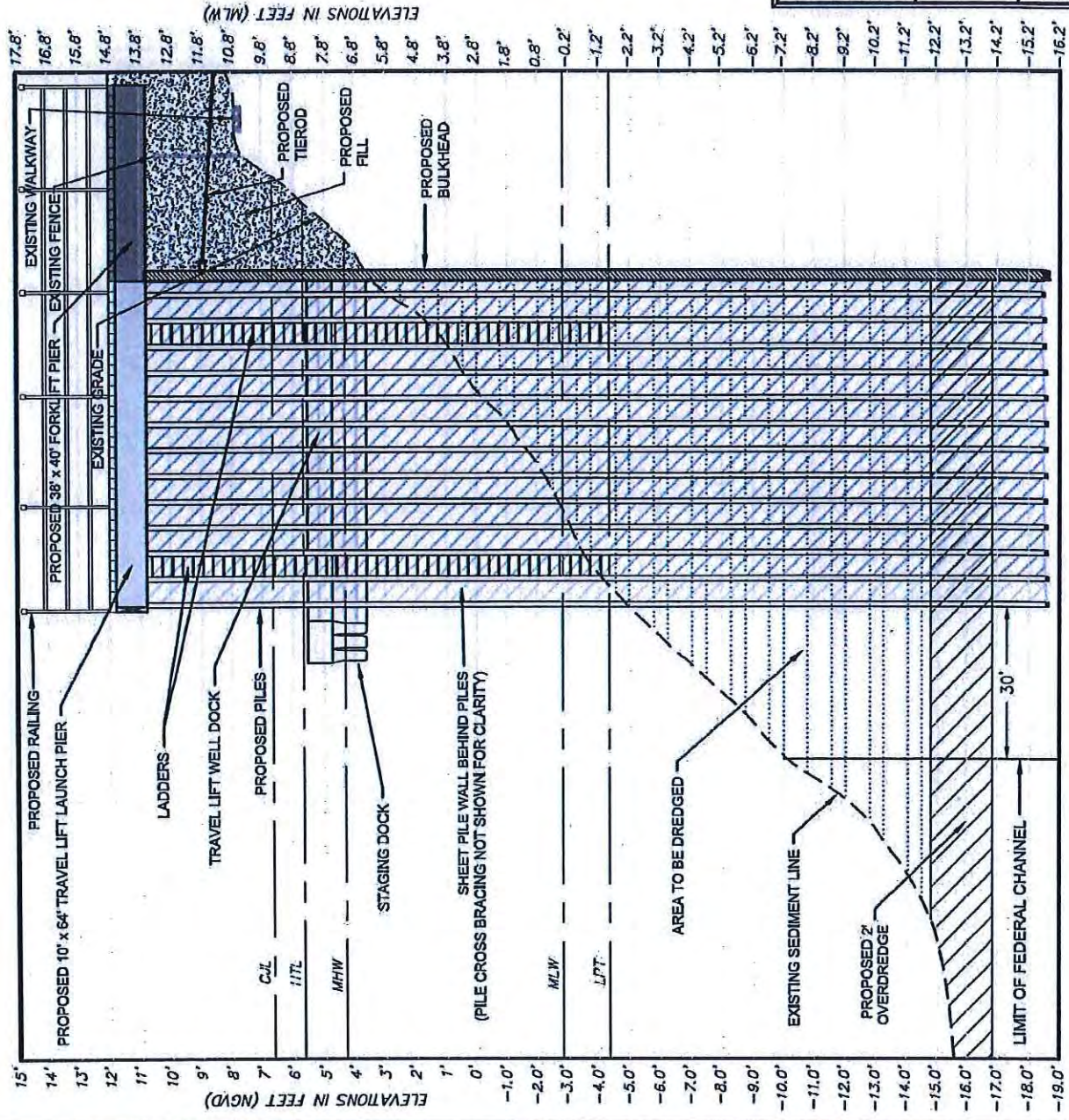
VERTICAL SCALE: 1"=5'
HORIZONTAL SCALE: 1"=30'

NOTES:

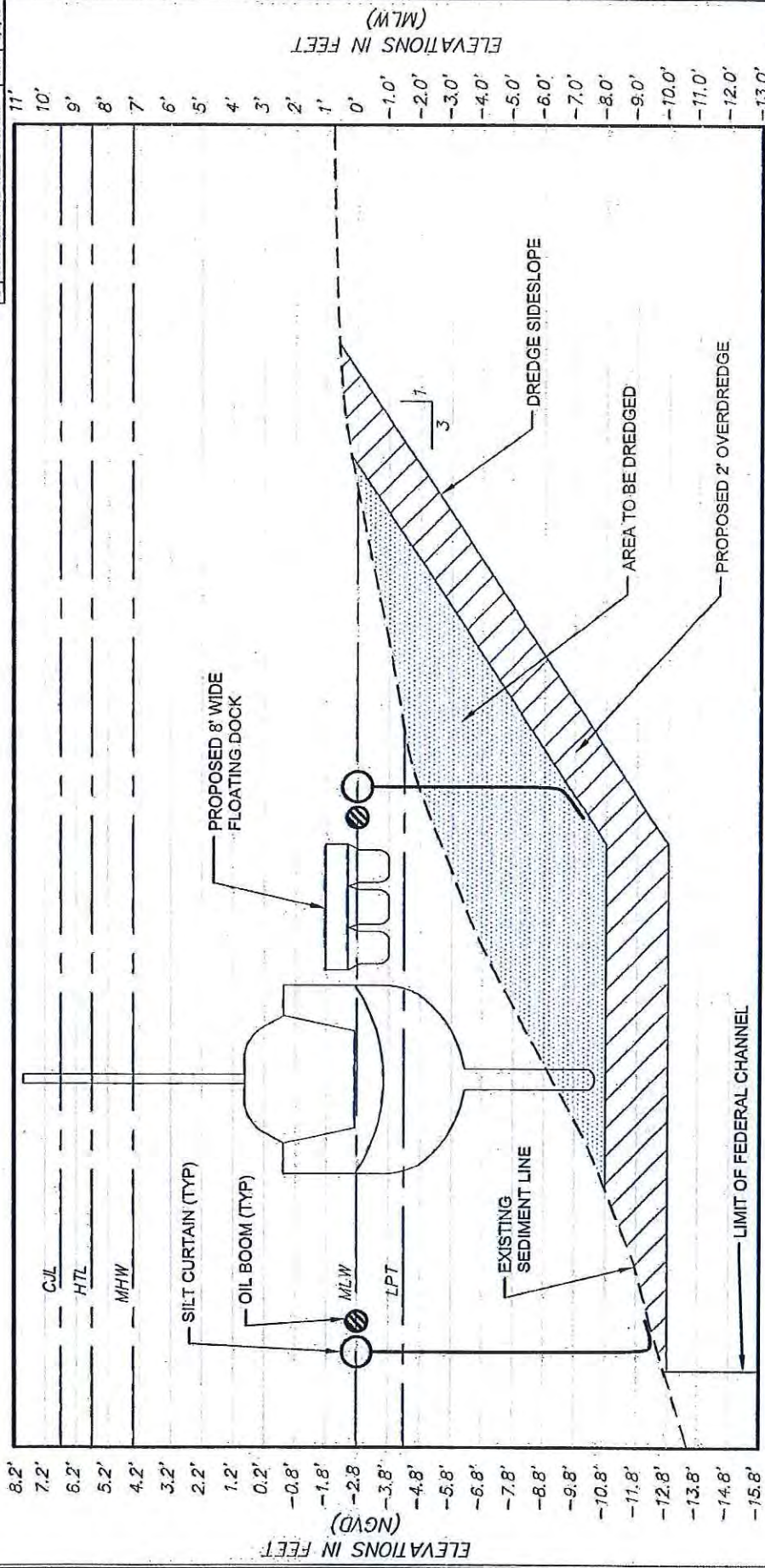
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
2. -2.8 NGVD = 0.0 MLW.
3. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
4. THE DEPTH, NUMBER, AND LOCATIONS OF PILES AND CROSS BRACING TO BE DETERMINED BASED ON GEOTECHNICAL NEEDS.
5. SLT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

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FIGURE 11
CROSS SECTION C-C'
STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
STAMFORD BOAT WORKS
205 WACEE AVENUE
STAMFORD, CONNECTICUT
DRAWN BY: RGM
APPROVED BY: WCH
DATE: 11/28/12 SCALE: AS SHOWN FILE No.: 103519SSDF01R17



REV.	DESCRIPTION	DATE
1	GENERAL NOTES & OIL BOOM/SEIT CURTAIN	12/14/12
2	DOCK LOCATION AND DREDGE FOOTPRINT	3/9/13



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FIGURE 12
 CROSS SECTION D-D'

STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 MAGEE AVENUE
 STAMFORD, CONNECTICUT

DRAWN BY: RGM | APPROVED BY: WCH
 DATE: 11/28/12 | SCALE: AS SHOWN | FILE No.: 103819SDFOPT1R8D



VERTICAL SCALE: 1"=5'
 HORIZONTAL SCALE: 1"=10'

- NOTES:**
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. -2.8 NGVD = 0.0 MLW.
 3. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 4. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.
- P: \CAD\DRAWINGS\103500\103819\FIGURES\SD\103819SDFOPT1R8D.DWG
 Layout: FIG 12 XS D-D'

DATE	12/14/12
APP'D	
DESIGNER	
CHECKED	
NO.	1

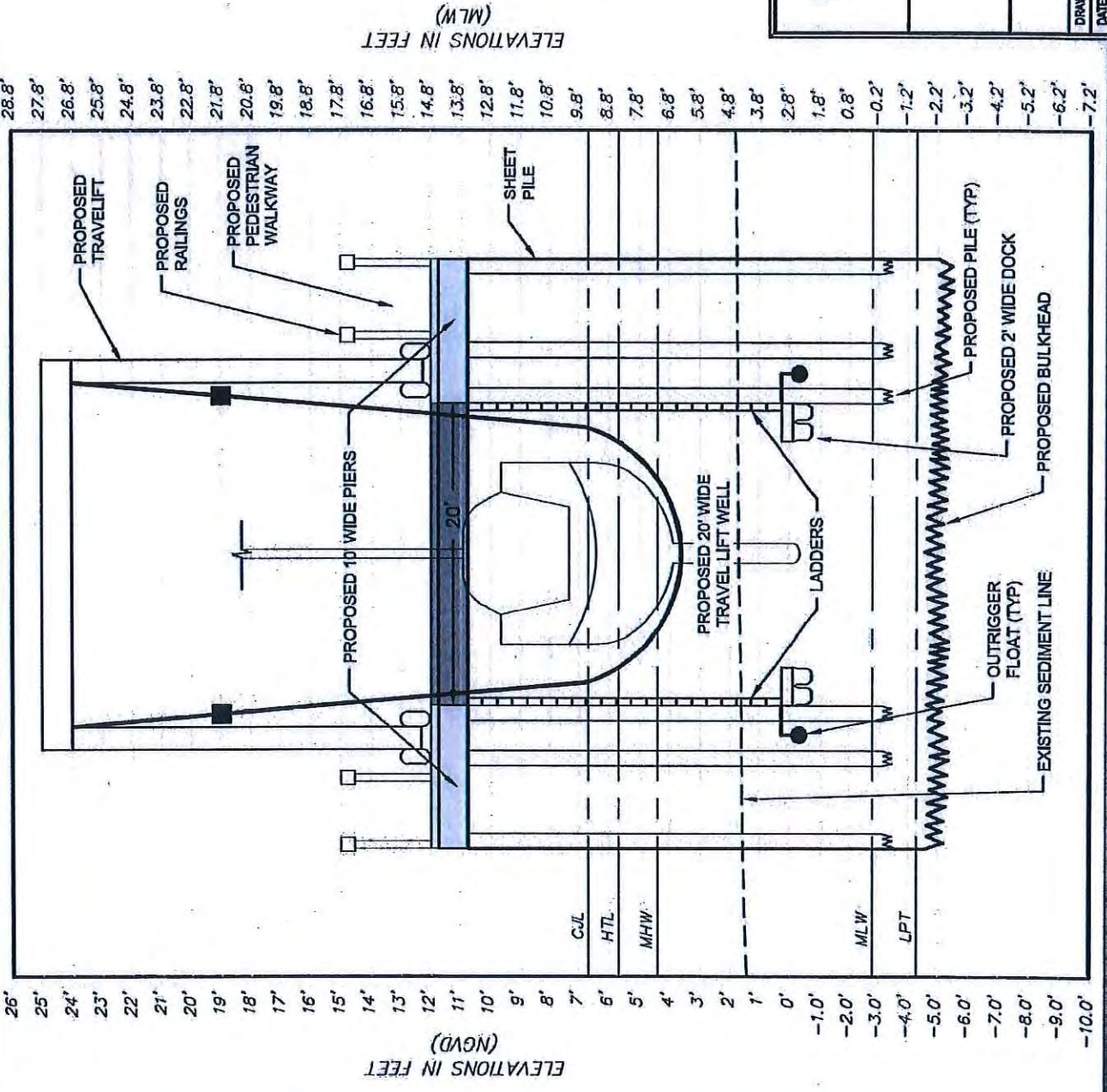


VERTICAL SCALE: 1"=5'
 HORIZONTAL SCALE: 1"=10'

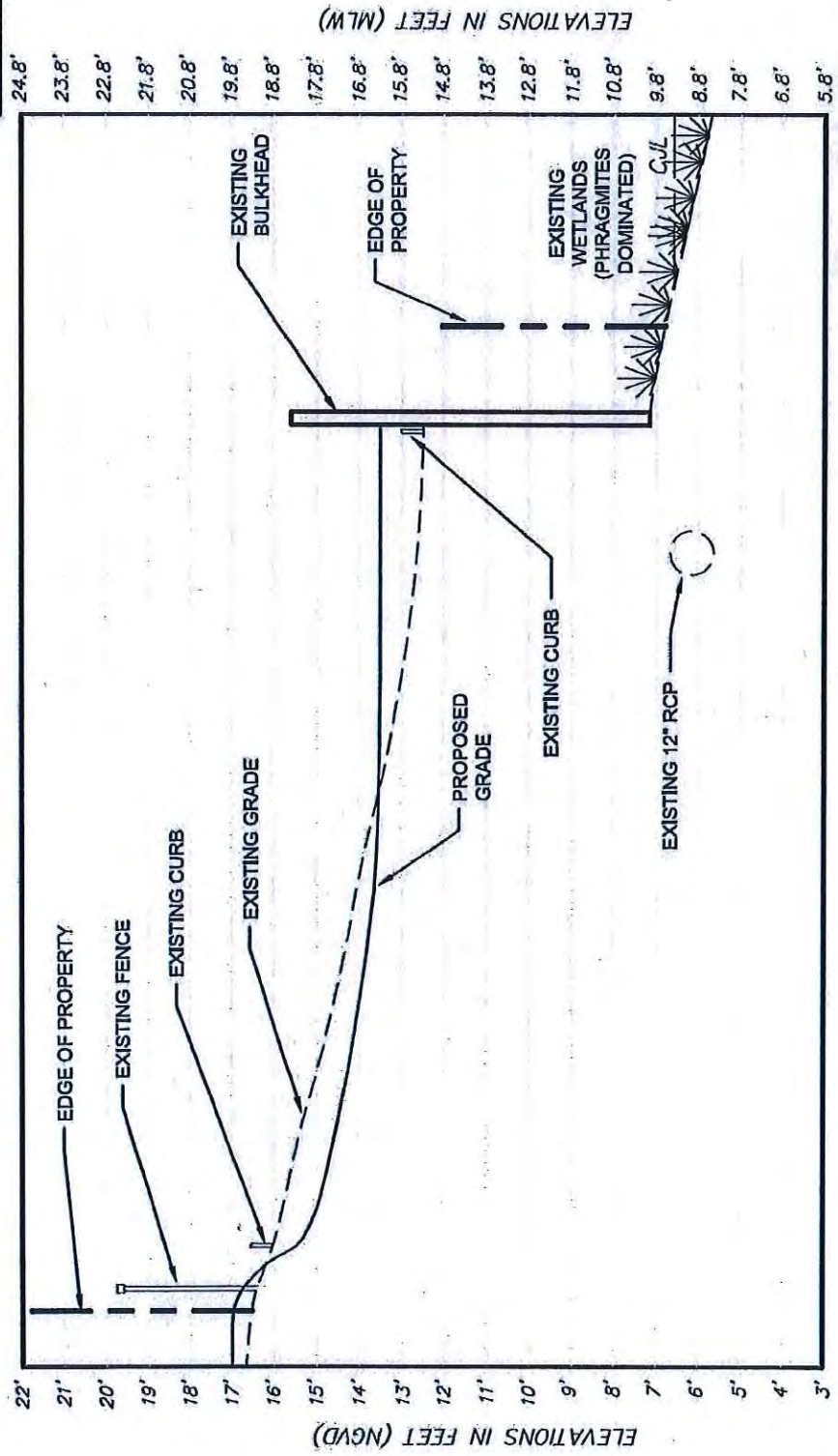
- NOTES:
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. -2.8 NGVD = 0.0 MLW.
 3. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 4. THE DEPTH, NUMBER, AND LOCATIONS OF PILES AND CROSS BRACING TO BE DETERMINED BASED ON GEOTECHNICAL NEEDS.
 5. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

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FIGURE 13
 CROSS SECTION E-E
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 MAGEE AVENUE
 STAMFORD, CONNECTICUT
 DRAWN BY: RGM | APPROVED BY: WCH
 DATE: 11/28/12 | SCALE: AS SHOWN | FILE No.: 103819SDFOPT1R7



NO.	DESCRIPTION	DATE
1	GENERAL NOTES	12/14/12



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FIGURE 14
 CROSS SECTION F-F
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 WAGEE AVENUE
 STAMFORD, CONNECTICUT

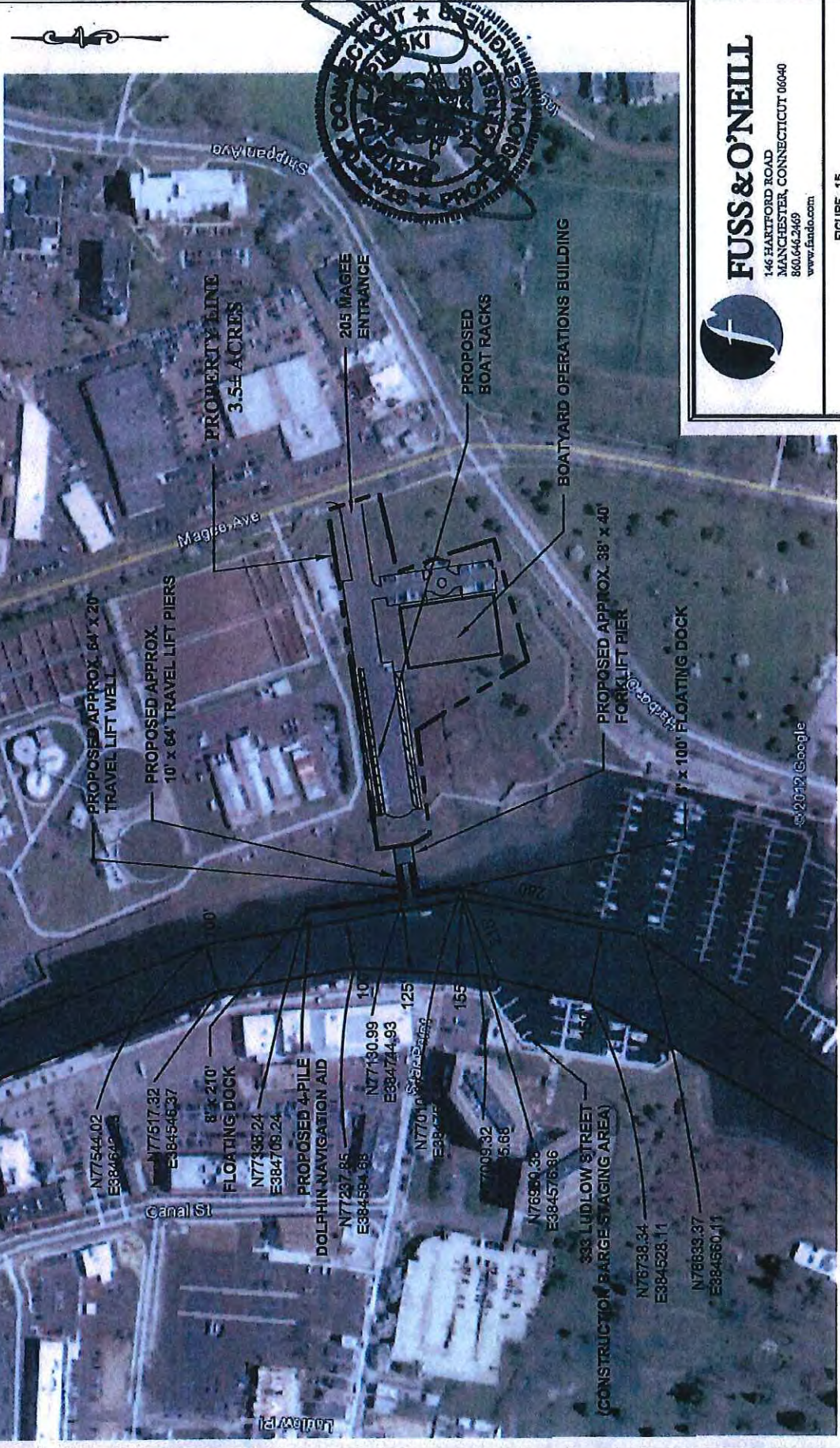
DRAWN BY: RCM APPROVED BY: WCH
 DATE: 11/28/12 SCALE: AS SHOWN | FILE No.: 103819SDFOPT1R7



VERTICAL SCALE: 1" = 10'
 HORIZONTAL SCALE: 1" = 10'

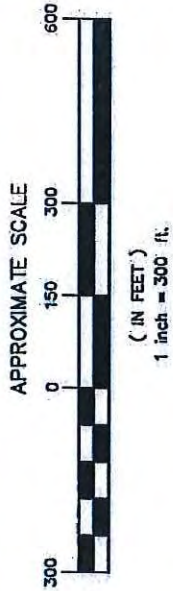
- NOTES:
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. -2.8 NGVD = 0.0 MLW.
 3. THE BATHYMETRIC DATA DEPICTED REPRESENTS THE RESULTS OF A SURVEY MADE BY HYDROGRAPHIC SURVEYS, INC. ON JUNE 28, 2011 AND CAN ONLY BE CONSIDERED AS THE GENERAL CONDITIONS AT THAT TIME.
 4. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

NO.	DESCRIPTION	APPROVED BY	DATE
1	GENERAL NOTES	WCH	12/14/12
2	REVISED NORTH-DOCK DOCK	WCH	3/7/13
3	CANOPY DOCK TO 8'-10"	WCH	3/13/13

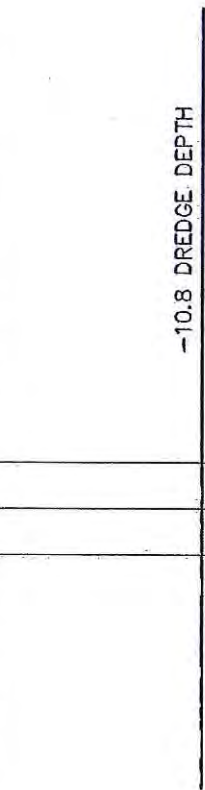
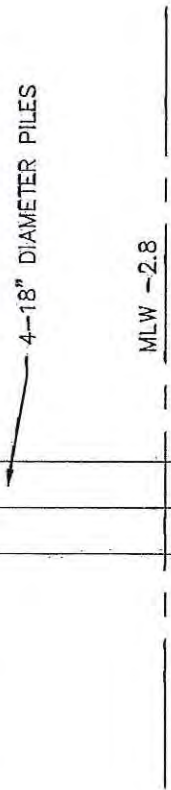
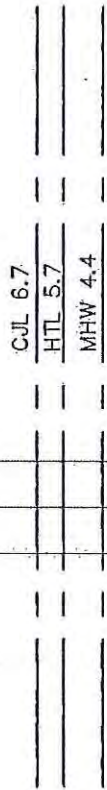
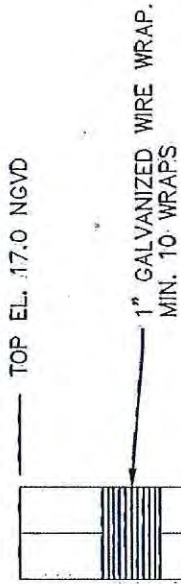


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FIGURE 15
 PROPOSED CONDITIONS AERIAL
 STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION
 STAMFORD BOAT WORKS
 205 MAGEE AVENUE
 STAMFORD, CONNECTICUT
 DRAWN BY: RGM APPROVED BY: WCH
 DATE: 11/28/12 SCALE: 1" = 300' FILE No.: 103819SDFOPT1R9

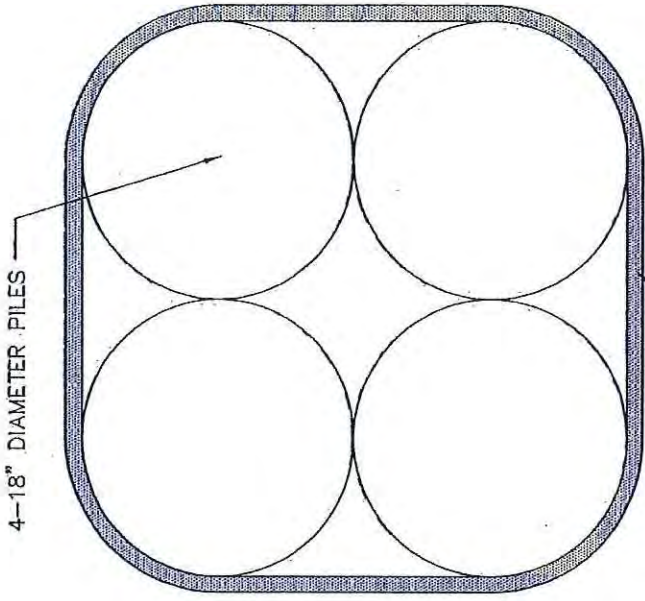


- NOTES:
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. BASE MAP IS TAKEN FROM AN MARCH 30, 2012 GOOGLE EARTH AERIAL IMAGE.
 3. CHANNEL LOCATION PROVIDED BY THE ARMY CORPS OF ENGINEERS CHANNEL LOCATION MAP FOR STAMFORD HARBOR.
 4. SILT CURTAIN AND OIL BOOM WILL BE PLACED AROUND ACTIVE WORK ZONES.

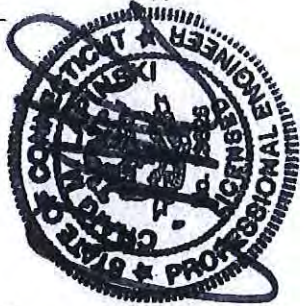


TIP DEPTH TO BE DETERMINED
BASED ON GEOTECHNICAL TESTING

SECTION
SCALE: 1"=6'



PLAN
SCALE: 1"= 1'



- NOTES:**
1. THIS DRAWING SHOULD ONLY BE USED FOR GENERAL PRESENTATION AND PERMITTING PURPOSES AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
 2. ALL ELEVATIONS IN NGVD. -2.8 NGVD = 0.0 MLW.

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FIGURE 16	
DOLPHIN DETAILS	
STRUCTURES, DREDGE, AND FILL PERMIT APPLICATION	
STAMFORD BOAT WORKS 205 MAGEE AVENUE STAMFORD, CONNECTICUT	
DRAWN BY: RGM	APPROVED BY: WCH
DATE: 2/21/13	SCALE: AS SHOWN FILE No.: 103819SDFOPTR8C



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: 205 Magee Avenue, Stamford, CT
Coastal Permit #201207377-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 Waterfront Magee, LLC, 100 Washington Blvd, Suite 200 Stamford, CT 06902 to:

install a working boatyard consisting of a fork lift pier; two pile supported travel lift piers, dolphin piles; floating docks, sanitary pump-out; pile dolphin and to conduct dredging

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: Waterfront Magee, LLC

At this location: 205 Magee Avenue, Stamford, CT

To conduct the following: install a working boatyard consisting of a fork lift pier; two pile supported travel lift piers, floating docks, pile dolphin; sanitary pump-out and to conduct dredging

Permit #: 201207377-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