

**Ginsberg, Jeremy**

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**From:** Ginsberg, Jeremy  
**Sent:** Friday, February 21, 2020 12:02 PM  
**To:** john hiltz (mrhiltz@erols.com)  
**Cc:** Doneit, Fred (fdoneit@darienct.gov)  
**Subject:** FW: ACOE Permit NAE-2019-02089, DEEP License #20190799&-LISP, Stephens, 14 Raymond Street, Darien, CT  
**Attachments:** Connecticut\_General\_Permits-August\_2016 self verification.pdf; Pereira survey 20Raymond.pdf

**Categories:** P&Z Commission application

fyi

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**From:** Wilder Gleason [<mailto:wilder.gleason@gleasonllc.com>]  
**Sent:** Thursday, February 20, 2020 11:39 AM  
**To:** 'Kevin R. Kotelly P.E.'  
**Cc:** 'Susan Jacobson'; 'David Pereira'; 'Azure Sleicher'; Ginsberg, Jeremy; 'mmarion@marionlawllc.com'  
**Subject:** ACOE Permit NAE-2019-02089, DEEP License #20190799&-LISP, Stephens, 14 Raymond Street, Darien, CT

Dear Mr. Kotelly:

This firm represents David Pereira, the owner of 20 Raymond Street, Darien, CT (see Pereira Survey attached) which abuts the north/upriver side of the Stephens property which is the site of the referenced approvals. It is my understanding the Stephens dock/pier and float application for a new pier, ramp and float was submitted and approved under the ACOE's self-verification program which, pursuant to the G4 sheet attached, requires that "No new structure be located within 25' of a riparian property line extension." The approved plan clearly shows that the entire new structure (pier, ramp and float) will be less than 25' from my client's property line which extends into the Five Mile River according the attached survey. Accordingly, the original ACOE approval should not have been issued.

My client may decide to seek approvals to install a dock, pier and float from his property. The placement of the proposed Stephens float (3') from the property line/riparian rights line, will cause any vessel docking on the north side of the Stephens float to interfere with my client's littoral rights.

I understand that as of February 10, 2020, you have requested that the applicant demonstrate compliance with the requirement that the proposed structures do not extend beyond 25% of the waterway width at mean low tide. We ask that you also require that the applicant also demonstrate compliance with the 25' setback from a riparian property line.

Mr. Pereira advises that he may have signed a letter of no objection concerning the Stephen's proposal, but he was never shown the plans for same or advised that the proposed structures would be located within 3' of his property line/riparian property line extension and directly in his views of the Five Mile River. Had he been shown the plans or advised of the location of the structures, he would not have signed such letter. He has instructed me to advise all regulators (DEEP, ACOE and Darien PZC) that any indication of his "non objection" to the proposed dock, pier and float, is revoked and was obtained without complete information. I am advised that none of the other abutting neighbors, Susan Brownlee or Matthew Hessian, signed letters of no-objection. Accordingly the requirements of the G4 sheet that abutting neighbors indicate no objection have not been satisfied.

In light of the above, we ask that you suspend or revoke the current permit and require the applicant to relocate the dock, pier and float at least 25' from the common property line and/or riparian property line extension in accordance with the ACOE requirements for self-verification approvals.

Many thanks for your anticipated cooperation,

Wilder Gleason

cc: Susan Jacobson DEEP w/enc.  
Jeremy Ginsberg Darien PZC w/enc.

Matthew Marion, Five Mile River Commission w/enc.  
Dr. David Pereira w/enc.

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