

Ginsberg, Jeremy

From: Jacobson, Susan <Susan.Jacobson@ct.gov>
Sent: Tuesday, February 25, 2020 3:40 PM
To: 'John Hiltz'; 'Wilder Gleason'
Cc: 'Kevin R. Kotelly P.E.'; 'mmarion@marionlawllc.com'; Ginsberg, Jeremy; 'matt@heissan.com'; Doneit, Fred
Subject: DEEP comments regarding dock opposition
Attachments: Minor_Structures_gp.pdf; Darien P-Z letter-2-23-20-Stephens.pdf, 2_21_20 email.pdf; DEEP comments 2_25_20.pdf
Importance: Low

Hello Mr. Hiltz, can you please forward the attached to Lawrence Stephens, I do not have his e-mail address. Thank you, Sue

Susan Jacobson, Supervising Environmental Analyst
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Connecticut Department of Energy and Environmental Protection
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February 25, 2020

Lawrence Stephens
14 Raymond Street
Darien, CT 06820

Subject: DEEP License #201907997-LISGP

Dear Mr. Stephens:

I am writing in response to a February 23, 2020 letter from the Five Mile River Commission and a February 21, 2020 e-mail from Attorney Wilder Gleason¹, both to Jeremy Ginsberg at Darien Planning and Zoning. The comments relate to the subject Department of Energy and Environmental Protection (DEEP) license for a residential 4/40 dock in the Five Mile River. The communications assert that the dock, if installed, will have adverse impacts to navigation in the Five Mile River and interfere with riparian access at 20 Raymond Street.

The DEEP license, dated September 19, 2019, was issued by DEEP pursuant to the attached General Permit for Minor Coastal Structures (GP). In accordance with GP Section 5(a)(15) and Section 5(i)(5) and (7), projects that have the potential to create access conflicts with adjacent property owners² and interference with existing navigational uses are not GP eligible. Based on the information provided in Application #201907997, including a letter of no objection from the property owner of 20 Raymond Street, staff did not identify the potential for these issues during the review. At this time, we are requesting additional information be provided so that we can reevaluate the authorized dock location. Please provide the following information on a plan view by March 31, 2020:

- bathymetry within the river along the 14 Raymond Street shoreline out to a distance of 40' from mean high water;
- location of any local navigation channels and/or fairways;
- the distance from the dock to the eastern shoreline of the river and the southwestern shoreline of the island to the north; and
- approximate riparian/littoral lines extending into the river from both 14 and 20 Raymond Street.

Upon submission of this information, DEEP staff will reassess whether the currently approved dock location interferes with navigation in the Five Mile River and/or the riparian rights of 20 Raymond Street. If the authorized dock location is no longer eligible for coverage under the

¹ Attorney Gleason represents David Pereira, property owner at 20 Raymond Street.

GP, you may be required to relocate it under a modification of License #201907997-LISGP. Please be aware, that DEEP may have to revoke the GP license and require the submittal of an individual structures, dredging & fill application if these issues are not resolved.

Please contact me with any questions at 860-424-3693 or susan.jacobson@ct.gov. Thank you for your attention to this matter.

Sincerely,



Susan Jacobson, Supervising Environmental Analyst
Land and Water Resources Division, Regulatory - Southwest

Attachments – GP

Letter from Five Mile River Commission
E-mail from Attorney Wilder Gleason

cc:

Attorney Wilder Gleason, wilder.gleason@gleasonllc.com
Matthew Marion, Five Mile River Commission, mmarion@marionlawllc.com
Matthew Heissan, matt@heissan.com
John Hilts, mrhilts@erols.com
Kevin Kotelly, USACE, kevin.r.kotelly@usace.army.mil
Fred Doneit, fdoneit@darienct.gov

From: Wilder Gleason
To: "Jeremy Ginsberg"
Cc: "John Hilt"; "David Pereira"; Jacobson, Susan; "Kevin R. Kotelly P.E."
Subject: Pereira, David - Dock opposition 2020
Date: Friday, February 21, 2020 3:11:49 PM

Jeremy:

I have discussed Mr. Hilt's email of 12:38 PM today and enclosures with my client. The enclosures refreshed Dr. Pereira's recollection. He now recalls seeing the plans before signing the letter. However, he had no idea of the impact the proposed dock would have on exercise of his littoral and riparian rights, nor any idea of the impact same would have on use of this portion of the Five Mile River by neighbors.

He obviously objects to the dock and, per my email of 11:39AM on Thursday, 2/ 19/20, wishes the record to reflect that any earlier approval is revoked and withdrawn.

Wilder

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