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April 29, 2015

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

Subject: Certificate of Permission application by Richard Kohlberger concerning work in the Stamford Harbor Management Area

Dear Ms. Bellantuono:

The Stamford Harbor Management Commission (SHMC) has reviewed the Certificate of Permission (COP) application submitted to the Office of Long Island Sound Programs (OLISP) by Richard Kohlberger (the Applicant), 134 Davenport Drive, Stamford, Connecticut, for work at the same address.

In accordance with Connecticut Department of Energy and Environmental Protection (DEEP) Consent Order No. LIS-2014-3614-V, the Applicant seeks to retain and maintain a two-foot high addition to an existing stone and concrete seawall. The addition was built by the Applicant without a certificate or permit from the DEEP in violation of the Connecticut General Statutes.

Pursuant to the Consent Order, the Applicant has agreed to pay to the DEEP a civil penalty in the amount of \$1,500 for the identified violation. That amount is to fund a "Supplemental Environmental Project" to be determined by the DEEP.

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

During its meeting on April 21, 2015, the SHMC approved a motion to: a) find the proposal consistent with the Harbor Management Plan provided the Applicant demonstrates, to the

satisfaction of the OLISP, that the two-foot increase in the structure's height has no significant adverse impacts on other properties; and b) transmit the following comments to the OLISP and Applicant.

Comments:

1. It is a policy of the Harbor Management Plan that any unpermitted work waterward of the high tide line in the Stamford Harbor Management Area shall be considered an unauthorized encroachment to be eliminated or otherwise corrected in accordance with city, state, and federal laws, regulations, and ordinances. The Harbor Management Plan discourages after-the-fact authorizations for encroachments determined to have occurred after the March 20, 2009 effective date of the Plan unless there are compelling, clearly demonstrated reasons for doing so. The SHMC understands that the Applicant's unauthorized construction occurred after Hurricane Sandy damaged the structure in 2012.
2. It is a policy of the Harbor Management Plan that penalties assessed by the DEEP for unauthorized work in the Stamford Harbor Management Area should be used to fund beneficial projects in the area, including "Supplemental Environmental Projects" for environmental enhancement and other improvements for the public.
3. The SHMC was not notified by the DEEP of the violation of state environmental law identified by the DEEP on the Applicant's property. The SHMC requests that in the future copies of all notices of violations concerning unpermitted work affecting properties on, in, or contiguous to the Stamford Harbor Management Area be provided to the SHMC by the DEEP.
4. The SHMC requests that in the future, when the DEEP may consider opportunities for Supplemental Environmental Projects funded with penalties assessed for unpermitted work in the Stamford Harbor Management Area, consideration should be given to recommendations provided by the SHMC.
5. The SHMC reserves its right to review the Applicant's proposal and provide additional comments at such time as it may be modified, be included in an application to the DEEP, additional information is provided, or the proposal is the subject of a public notice or hearing.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Ortelli', with a stylized flourish at the end.

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Mr. Norman Cole, Land-Use Bureau Chief

Mr. Frank Fedeli, Stamford Office of Operations

Mr. Teodoro Milone, Redniss and Mead, Agent for Applicant

Mr. Griffith Trow, Chairman, SHMC Application Review Committee

Mr. Kevin Zawoy, CT DEEP OLISP