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April 8, 2015

Mr. Norman Cole
Land Use Bureau Chief
Stamford Government Center
888 Washington Blvd.
Stamford, CT 06901

Subject: CSPR 968 by Carl and Mary Ann Shanahan for work adjoining the Stamford Harbor Management Area

Dear Mr. Cole:

The Stamford Harbor Management Commission (SHMC) has reviewed the application for Coastal Site Plan Review submitted to the Land Use Bureau by Carl and Mary Shanahan (the Applicants). In accordance with Connecticut Department of Energy and Environmental Protection (DEEP) Consent Order No. LIS-2006-060-V, the Applicants seek to retain and modify an existing stone retaining wall at 280 Ocean Drive East. The wall was built and maintained by the Applicants without a certificate or permit from the DEEP in violation of the Connecticut General Statutes.

Pursuant to the Consent Order, the Applicants were required to pay to the DEEP a civil penalty in the amount of \$2,500 for the identified violation. In addition, the Applicants are to fund a "Supplemental Environmental Project" by the Mill River Collaborative in the amount of \$25,000 to be used to control invasive vegetation along the shoreline of the Mill River.

As the Applicants' proposal affects property on, in, or contiguous to the Stamford Harbor Management Area, it is subject to review by the SHMC to determine its consistency with the Stamford Harbor Management Plan. The requirements of this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 6-62 of the Stamford Code of Ordinances, and the Harbor Management Plan. Pursuant to the General Statutes, City Code, and Harbor Management Plan, a 2/3 vote of all members of the Zoning Board is needed to approve a proposal that has not received a favorable recommendation from the SHMC.

During its meeting on March 17, 2015, the SHMC approved a motion to: a) find the proposal consistent with the Harbor Management Plan provided the Applicants are required to employ all appropriate best management practices during construction to avoid any significant adverse impacts on environmental quality, including water quality, in the Harbor Management Area; and b) transmit the following comments to the Zoning Board and Applicants.

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. While 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, the SHMC understands that the Applicants' wall was constructed on or before July 11, 2006.
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 or Land Use Bureau of the violation of state environmental law identified by the DEEP on the Applicants' 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 and Land Use Bureau.
4. The SHMC requests that in the future, when the DEEP and Land Use Bureau 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 Applicants' 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 hearing

If you have any questions or require any additional information at this time, 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 long horizontal flourish extending to the right.

Dr. Damian Ortelli
Chairman, Stamford Harbor Management Commission

cc:

Mr. Frank Fedeli, Stamford Office of Operations

Ms. Kristal Kallenberg, CT DEEP, Office of Long Island Sound Programs

Mr. Carl Shanahan, Applicant

Mr. Griffith Trow, Chairman, SHMC Application Review Committee