

Docko, Inc. *Serving the waterfront community since 1987*

P.O. Box 421, Mystic, CT 06355 (860) 572-8939 Fax: (860) 572-7569, email: office@docko.com

July 10, 2020

Mr. William Mulholland, Zoning Official
Town of East Lyme
108 Pennsylvania Avenue
Niantic, CT 06357

Re: Vincent Dowling
295 Old Black Point Rd
Coastal Site Plan

Dear Mr. Mulholland:

We are pleased to transmit herewith application documents for a modified Coastal Site Plan for New Platform, Stairs and Landing at the property of Mr. Vincent Dowling at 295 Old Black Point Rd in Niantic, Town of East Lyme.

Attached are 6 sets of the application with the following documents included:

- Application for Coastal Site Plan Review
- Application Narrative
- Reference & Resource Maps
- Check in the amount of \$260 payable to the Town of East Lyme
- Photographs

I trust that you will find this application complete and acceptable. We look forward to making our presentation to the Planning & Zoning Commission at their next regularly scheduled meeting. If you get a chance, please forward a copy of the agenda so that we can plan our presentation accordingly.

Yours truly,
DOCKO, INC.

Keith B. Neilson, P.E.

KBN: cl
Enclosures
CC: Mr. Vincent Dowling
File: 18-08-2969DOWLING

Town of East Lyme

P.O. BOX 519
Niantic, CT 06357
(860) 691-4114
Fax: (860) 691-0351

Zoning Permit#

Date Entered into ZP Log

ZONING PERMIT

Date: May 18, 2020 Assessor's Map/Lot/Unit#: 02/04/12

Affected Property Address: 295 Old Black Point Rd, Niantic, CT 06357

Type of Project {Description Work}: New Stairs, Platform and Landing

Property Owner's Name: Vincent Dowling Phone #: (860) 676-8605

Property Owner's Address: 54 Ledyard Road, West Hartford, CT 06117

Applicant's Name: Vincent Dowling Phone #: 860-676-8605

Applicant's Address: 54 Ledyard Road, West Hartford, CT 06117

PLEASE COMPLETE THE BACK OF THE FORM NOW, THEN, SIGN BELOW!!!

Site plan/Plot Plan attached?

YES NO

CERTIFICATION:

I HEREBY CERTIFY THAT:

X I AM THE OWNER OF RECORD OF THE NAMED PROPERTY OR
THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD
AND/OR I

HAVE BEEN AUTHORIZED TO MAKE THIS APPLICATION AS AN AUTHORIZED AGENT,
AND

WE AGREE TO CONFORM TO ALL APPLICABLE LAWS, REGULATIONS AND
ORDINANCES.

ALL INFORMATION CONTAINED WITHIN IS TRUE AND ACCURATE TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

Owner's Signature: *Vincent Dowling*

Applicant's Signature: *Karl B. Wilson*

Permit Fee: \$200.00

State Fee: \$60.00

Total: \$ \$260.00

ZONING PERMIT Page 2

Approval is based on documentation provided by the applicant. Applicant is responsible to provide accurate and true documentation on plot plan/site plan.

Zone R40 Use Residential Lot Coverage _____
Height N/A Front Yard _____ Side Yard 25FT Rear Yard 25 FT MLW

Primary Aquifer? YES _____ NO x_____

Secondary Aquifer? YES _____ NO x_____

CAM-within boundary? YES x NO _____

Review Required _____ Exemption _____

Flood HAZARD-FIRM Community Map Panel No. 487J FIRM Zone VE
Site Plan Review Req. {CA-CB-CM} by Zoning Commission _____ ZEO _____ N/A _____

D.O.T. Traffic Generator Certification Required? YES _____ NO x_____

Soil Erosion and Sediment Control:

**

Application is: APPROVED DENIED

Comments/Conditions:

East Lyme Zoning Enforcement Officer

Date: _____

Town of East Lyme

Application Form Municipal Coastal Site Plan Review

For Projects Located Fully or Partially Within the Coastal Boundary

Please complete this form in accordance with the attached instructions (CSPR-INST-11/99) and submit it with the appropriate plans to the appropriate Town of East Lyme agency.

Section I: Application Identification

Applicant: <u>Vincent Dowling</u> Date: <u>May 18, 2020</u>	
Address: <u>54 Ledyard Rd, West Hartford, CT 06117</u> Phone: <u>(860) 676-8605</u>	
Project Address or Location: <u>295 Old Black Point Rd, Niantic</u>	
Interest in Property: <input checked="" type="checkbox"/> fee simple <input type="checkbox"/> option <input type="checkbox"/> Lessee <input type="checkbox"/> easement <input type="checkbox"/> other (specify) _____	
List primary contact for correspondence if other than applicant:	
Name: <u>Keith B. Neilson, P.E., Docko, Incorporated</u>	
Address: <u>P.O. Box 421</u>	
City/Town: <u>Mystic</u> State: <u>CT</u> Zip Code: <u>06355</u>	
Business Phone: <u>860-572-8939</u>	
e-mail: <u>office@docko.com</u>	

Section II: Project Site Plans

<p>Please provide project site plans that clearly and accurately depict the following information, and check The appropriate boxes to indicate that the plans are included in this application:</p> <ul style="list-style-type: none"><input checked="" type="checkbox"/> Project location<input checked="" type="checkbox"/> Existing and proposed conditions, including buildings and grading<input checked="" type="checkbox"/> Coastal resources on and contiguous to the site<input checked="" type="checkbox"/> High tide line [as defined in CGS Section 22a-359(c)] and mean high water mark elevation contours (for parcels abutting coastal waters and/or tidal wetlands only)<input checked="" type="checkbox"/> Soil erosion and sediment controls<input checked="" type="checkbox"/> Storm water treatment practices<input checked="" type="checkbox"/> Ownership and type of use on adjacent properties<input checked="" type="checkbox"/> Reference datum (i.e. National Geodetic Vertical Datum, Mean Sea Level, etc.)

Section III: Written Project Information

Please check the appropriate box to identify the plan or application that has resulted in this Coastal Site Plan Review:

- Site Plan for Zoning Compliance
- Subdivision or Resubdivision
- Special Permit or Special Exception
- Variance
- Municipal Project (CGS Section 8-24)

Part I: Site Information

1. Street Address or Geographical Description: 295 Old Black Point Road

City or Town: Niantic, CT 06357

2. Is project or activity proposed at a waterfront site? (includes tidal wetlands frontage) YES NO

3. Name of on-site adjacent or downstream coastal, tidal or navigable waters, if applicable:

Long Island Sound

4. Identify and describe the existing land use on and adjacent to the site. Include any existing structures, municipal zoning classification, significant features of the project site:

The site is in the Old Black Point residential zone and is surrounded by properties of a residential nature. Virtually all structures within the Black Point zone are residential and most are single family residential lots. There are some properties that have, proportionally, a significant amount of open space and others that are wooded or undeveloped, and there are some passive recreation facilities owned and operated by the Association including beach access points and tennis courts. The most significant coastal feature is the shoreline which is a highly modified escarpment, almost a developed shorefront facing nearshore waters of Long Island Sound. The beachfront property where work is proposed would be more accurately classified as an escarpment and stone armor rocky shorefront protecting a recently restored pre-1995 home homesite. The most significant features are the rocky beach and views of the Long Island Sound from the higher terrain. This is a single-family home lot in a residential neighborhood in Black Point. The steel dock was completed in spring of 2014 and is the only shorefront dock or access structure on the property. All site work in including landscaping and the new dock is complete. The dock is used for boating access for vessels including a motorboat and several kayaks. The water is only 4 FT deep at the end of the existing pier and the boat is kept on a lift so it will not bottom out on rocky bottom sediments during wavy conditions at tides close to Mean Low Water. The house and amenities (pool, gardens, etc.) have been occupied for ten years by Mr. Dowling.

5. Indicate the area of the project site: 2 acres _____ acres or square feet (circle one)

6. Check the appropriate box below to indicate whether the project or activity will disturb 5 acres or more total acres of land area (please also see Part II.B. regarding proposed stormwater best management practices):

- Project or activity will disturb 5 or more total acres of land area on the site and may be eligible for registration for the Department of Environmental Protection's (DEP) General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities
- Project or activity will not disturb 5 or more total acres of land area

Part II.A. Description of Proposed Project or Activity

Describe the proposed project or activity including its purpose and related activities such as site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover over existing conditions resulting from the project; phasing, timing and method of proposed construction; and new uses and changes from existing uses (attach additional pages if necessary):

This proposed project is to construct a steel pile and concrete pedestal supported platform with rails and low voltage downcast deck lighting, construct 4-FT wide platform access stairs with rails and an associated 8-FT wide x 12(+/-)LF stair landing with rails on a stone revetment at the southern tip of Black Point, adjacent to Long Island Sound and landward of the High Tide and CT Coastal Jurisdiction lines. This project is for the specific purpose of passive waterfront enjoyment. There will be no excavation and ground disturbance will be minimal and consist of rearranging stone on an existing stone covered escarpment. The stone escarpment hosts no vegetation and there are no wildlife resources. The only animals seen on the escarpment are rodents and birds; access to the rock beach would be treacherous for larger animals. No adverse impacts are foreseen with this development. No mitigative measures appear to be required.

Part II.B.: Description of Proposed Stormwater Best Management Practices

Describe the stormwater best management practices that will be utilized to ensure that the volume of runoff generated by the first inch of rainfall is retained on-site, especially if the site or stormwater discharge is adjacent to tidal wetlands. If runoff cannot be retained on site, describe the site limitations that prevent such retention and identify how stormwater will be treated before it is discharged from the site.

Also demonstrate that the loading of total suspended solids from the site will be reduced by 80 percent on an average annual basis, and that post-development stormwater runoff rates and volumes will not exceed pre-development runoff rates and volumes (attach additional pages if necessary):

There is no aspect of this project which might affect or induce any changes to existing drainage patterns or storm water management. The deck system will not change the existing free fall pattern of rainfall on the armored escarpment and the stable shoreline armor stone will not be destabilized by the proposed scope of work. Any rainfall which is currently absorbed by the escarpment ground and the remainder of the property will continue to be absorbed. There is no requirement to retain or detain rainfall runoff due to this project and there will be no changes to runoff patterns as a result of the deck or stair support system. No drainage improvements for this project are required.

Part III: Identification of Applicable Coastal Resources and Coastal Resource Policies

Identify the coastal resources and associated policies that apply to the project by placing a check mark in the appropriate box(es) in the following table.

Coastal resources	On-site	Adjacent	Off-site but within the influence of project	Not Applicable
General coastal resources* - Definition: CGS Section 22a-93(7); Policy: CGS Section 22a-92(a)(2)	X	X		
Beaches & Dunes – Definition: CGS Section 22a-93(7)(C); Policy: CGS Sections 22a-92(b)(2)(C) and 22a-92(c)(1)(K)	X	X		
Bluffs & Escarpments – Definition: CGS Section 22a-93(7)(A); Policy: CGS Section 22a-92(b)(2)(A)	X	X		
Coastal Hazard Area – Definition: CGS Section 22a-93(7)(H); Policy: CGS Sections 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), and 22a-92(c)(2)(B)	X	X		
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters – Definition: CGS Sections 22a-93(5), 22a-93(7)(G), and 22a-93(7)(K), and 22a-93(7)(L) respectively; Policies: CGS Sections 22a-92(a)(2) and 22a-92(c)(2)(A)	X	X		
Developed Shorefront – Definition: CGS Section 22a-93(7)(I); Policy: 22a-92(b)(2)(G)				X
Freshwater Wetlands and Watercourses – Definition: CGS Section 22a-93(7)(F); Policy: CGS Section 22a-92(a)(2)				X
Intertidal Flats – Definition: CGS Section 22a-93(7)(D); Policies: 22a-92(b)(2)(D) and 22a-92(c)(1)(K)				X
Islands – Definition: CGS Section 22a-93(7)(J); Policy: CGS Section 22a-92(b)(2)(H)				X
Rocky Shorefront – Definition: CGS Section 22a-93(7)(B); Policy: CGS Section 22a-92(b)(2)(B)	X	X		
Shellfish Concentration Areas – Definition: Section 22a-93(7)(N); Policy: CGS Section 22a-92(c)(1)(I)		X	X	
Shorelands – Definition: CGS Section 22a-93(7)(M); Policy: CGS Section 22a-92(b)(2)(I)				X
Tidal Wetlands – Definition: CGS Section 22a-93(7)(E); Policies: CGD Sections 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)				X

* General Coastal Resource policy is applicable to all proposed activities

Part IV: Consistency with Applicable Coastal Resource Policies and Standards

Describe the location and condition of the coastal resources identified in Part III above and explain how the proposed project or activity is consistent with all of the applicable coastal resource policies and standards; also see adverse impacts assessment in Part VII.A below (attach additional pages if necessary):

The Coastal Resources identified in Part III above including General Resources, Beaches and Dunes, Coastal Hazard Area, Coastal Waters (Nearshore Waters), and Developed Shorefront. The shoreline sediments at the base of the escarpment are a rock covered beach with boulders over gravel, sand and stone. This is a highly stressed environment. There has been no observed tidal wetland or dune vegetation along the shoreline. The addition of new pile supported deck and stair will not change the character of the shore nor will it change the nature of the shoreline or habitat or coastal waters as it has existed for 80 years. There will be no pollution, dilution of salinity or change of water temperature and no adverse environmental impacts to the Public Trust Lands or Waters of the State as a result of this project; the project is entirely upland of Public Trust Land of the State, on private property of the applicant.

Identify all coastal policies and standards in or referenced by CGS Section 22a-92 applicable to the proposed project or activity:

- General Development* - CGS Sections 22a-92(a)(1), 22a-92(a)(2), and 22a-92(a)(9)
- Water-Dependent Uses** - CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A);
Definition CGS Section 22a-93(16)
- Ports and Harbors – CGS Section 22a-92(b)(1)(C)
Coastal Structures and Filling – CGS Section 22a-92(b)(1)(D)
- Dredging and Navigation – CGS Sections 22a-92(c)(1)(C) and 22a-92(c)(1)(D)
- Boating – CGS Section 22a-92(b)(1)(G)
- Fisheries – CGS Section 22a-92(c)(1)(I)
- Coastal Recreation and Access – CGS Sections 22a-92(a)(6), 22a-92(c)(1)(J) and 22a-92(c)(1)(K)
- Sewer and Water Lines – CGS Section 22a-92(b)(1)(B)
- Fuel, Chemicals and Hazardous Materials – CGS Sections 22a-92(b)(1)(C), 22a-92(b)(1)(E), and 22a-92(c)(1)(A)
- Transportation – CGS Sections 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
- Solid Waste – CGS Section 22a-92(a)(2)
- Dams, Dikes and reservoirs – CGS Section 22a-92(a)(2)
- Cultural Resources – CGS Section 22a-92(b)(1)(J)
- Open Space and Agricultural Lands – CGS Section 22a-92(a)(2)

Part VI: Consistency with Applicable Coastal Use Policies and Standards

Explain how the proposed activity or use is consistent with all of the applicable coastal use and activity policies and standards identified in Part V. **For projects proposed at waterfront sites (including those with tidal wetlands frontage)**, particular emphasis should be placed on the evaluation of the project's consistency with the water-dependent use policies and standards contained in CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A) – also see adverse impacts assessment in Part VII.B below (attach additional pages if necessary): **This project is consistent with coastal use policies. The land use is residential, as dictated by the Black Point Zoning. The armored shoreline has existed at this site since after of Hurricane of 1938, before 1980, before CAM related zoning was adopted by the Town, and just the project site lies landward of the DEEP statutory jurisdiction in the project area. This passive recreation and enjoyment structure will be visible from the two adjacent shorefront homes and from the water and will not adversely affect any onsite or nearby resources or water quality.**

Part VII.A.: Identification of Potential Adverse Impacts on Coastal Resources

Please complete this section for all projects. Identify the adverse impact categories below that apply to the proposed project or activity. The “applicable” column **must** be checked if the proposed activity has the **potential** to generate any adverse impacts as defined in CGS Section 22a-93(15). If an adverse impact may result from the proposed project or activity, please use Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Coastal Resources	Applicable	Not Applicable
Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or functions – CGS Section 22a-93(15)(H)		X
Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones – CGS Section 22a-93(15)(E)		X
Degrading existing circulation patterns of coastal water through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours – CGS Section 22a-93(15)(B)		X
Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff – CGS Section 22a-93(15)(D)		X
Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction – CGS Section 22a-93(15)(C)		X
Degrading visual quality through significant alteration of the natural features of vistas and view points – CGS Section 22a-93(15)(F)		X
Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity – CGD Section 22a-93(15)(A)		X
Degrading or destroying essential wildlife, finfish, or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alterations of the natural components of the habitat – CGS Section 22a-93(15)(G)		X

Part VII.B.: Identification of Potential Adverse Impacts on Water-dependent Uses

Please complete the following two sections **only if the project or activity is proposed at a waterfront site**:

1. Identify the adverse impact categories below that apply to the proposed project or activity. The applicable column **must** be checked if the proposed activity has the **potential** to generate any adverse impacts as defined in CGS Section 22a-93(17). If an adverse impact may result from the proposed project or activity, use Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Future Water-dependent Development Opportunities and Activities	Applicable	Not Applicable
Locating a non-water-dependent use at a site physically suited for or planned for location of a water-dependent use – CGS Section 22a-93(17)		X
Replacing an existing water-dependent use with a non-water-dependent use – CGS Section 22a-93(17)		X
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters – CGS Section 22a-93(17)		X

Describe the features or characteristics of the proposed activity or project that qualify as water-dependent uses as defined in CGS Section 22a-93(16). If general public access to coastal waters is provided, please identify the legal mechanisms used to ensure public access in perpetuity, and describe any provisions for parking or other access to the site and proposed amenities associated with the access (e.g., boardwalk, benches, trash receptacles, interpretative signage, etc.):

The DEEP does not regard residential properties as a “water dependent use” per se, however, this part of Black Point is zoned for residential use and the site is, in fact, residential property; zoning is thus satisfied. Land use planning is a priority of the Coastal Management Act and Old Black Point is zoned residential. This is a residential site and the pre-1980 house was compliant with zoning, as is the current restored home, and thus the CMA requirements of complying with land use planning are also met. Zoning would not be easily changed in the Old Black Point area and any effort to do so would certainly be met with substantial local resistance. The project is consistent with the Coastal Management Act. Public access will not be affected at all by this project. This project is to be built on private property, clear of Public Trust Land of the State, and it will not adversely affect public use of Public Trust Lands or Waters of the State. There are public access right of ways along Black Point and this project will not impact any of them in anyway. There is no for need public parking, signage or public access accessories. If a legitimate, higher priority water dependent use of this property were to arise, the proposed deck facility would not create a significant impediment to such development.

Part VIII: Mitigation of Potential Impacts

Explain how all potential adverse impacts on coastal resources and/or future water-dependent development opportunities and activities identified in Part VII have been avoided, eliminated, or minimized (attach additional pages if necessary)

There are no known or foreseeable adverse environmental impact associated with this project. There are no tidal wetlands or submerged aquatic vegetation or State listed species in the project area, in fact there is no vegetation on the armored escarpment. Zoning has determined that this area is to be residential and any change to zoning would, no doubt, meet with substantial resistance if the end result was to create a high priority water dependent use. Nonetheless, it if a higher priority use for the land and waterfront were to require this site, the proposed deck would not constitute a hinderance to such use or uses The DEEP's NDDDB staff has review the project area and determined, in NDDDB No. 201900416 dated January 21, 2019, that there are no rare, threatened or endangered State listed species of plants or animals which might be adversely affected by this project.

Part IX: Remaining Adverse Impacts

Explain why any remaining impacts resulting from the proposed activity or use have not been mitigated and why the project as proposed is consistent with the Connecticut Coastal Management Act (attach additional pages if necessary):

There are no adverse impacts associated with this project. The project is small, it will not be unsightly, it will make excellent passive recreational use and enjoyment use of private project and will be barely visible from only two adjacent properties other than from the waters of Long Island Sound. In the case of passing boats 500 feet offshore (or more) this small deck will barely be noticeable especially by comparison with the vista of the homes along the coast. This deck proposal is an allowable accessory use in the residential development, consistent with zoning and has no adverse impact which require mitigation. This project is consistent with land and use requirements for zoning and thus is consistent with provisions and requirements of the Coastal Management Act.

**PROJECT NARRATIVE & SUPPLEMENTAL INFORMATION
VINCENT DOWLING
295 OLD BLACK POINT ROAD, NIANTIC, TOWN OF EAST LYME
NEW PLATFORM, STIARS AND LANDING
COASTAL SITE PLAN**

JULY 2020

GENERAL – SITE CHARACTERISTICS

The Dowling property is located at 295 Old Black Point Rd. The lot is on the southeasterly side of Black Point and is comprised of almost 2 acres with a single-family residential dwelling landscaped including lawn and various small trees and shrubbery along the west property street line.

The shoreline face of the property is a coastal escarpment facing south-easterly onto Long Island Sound which was modified with a stone revetment prior to 1939 and enhanced thereafter. The section of the shore to the south is armored already by seawalls of various sizes and configurations. Much of the stone in the armor revetment is and must be greater than 3-FT nominal diameter to remain stable in this exposure. There are no unprotected properties along this stretch of shoreline. Sections of stone armor had to be enhanced with new revetment facing as a result of “Sandy”. It is the intention of this project to install a pile supported deck for passive recreational enjoyment of the shore in the midst of the shoreline protection stonework. Drawings have been prepared to delineate the areas of the project and depict the nature of the property and resources.

This narrative is provided to describe the scope of the work and address issues raised in the Municipal Coastal Site Plan Review form required for the Coastal Site Plan. In summary, there are no significant adverse environmental impacts created by the proposed deck improvements and no mitigative measures are considered necessary to lessen any possible adverse environmental impacts.

COASTAL RESOURCE IMPACTS SUMMARY

The characteristics of the soil, Canton and Charlton according to the New London County Soil Survey, are described as gently sloping, well-drained soil. Permeability of the soil is moderately rapid in the surface layer and subsoil and rapid in the substratum. The available water absorption capacity is moderate. Runoff is medium generally, however, with the lush, flat lawn characteristics of the site, runoff would seem to be negligible. This soil warms up and dries out rapidly in the spring. Most areas of this soil type are cleared and used for home related lawn landscaping or they are idle. Other areas are used for community infrastructure or exist as woodlands or beaches. This soil is well suited to cultivated crops and landscaping. The hazard of erosion is moderate except along the shore where it is severe and, in that cove, there is complete ground cover. Minimum tillage and the use of cover vegetation helps to control erosion of the ground’s constitution the level top surface of the escarpment.

The site of this project is an armored slope, an eroding coastal escarpment which has been covered with large stone to reduce its susceptibility to erosion during coastal storms. There is no vegetation or wildlife habitat on the slope. The proposed deck represent an accessory for a residential dwelling, as shoreline improvement which will not have significant or longterm adverse impact on any coastal

resources. This project will involve driving two steel support piles at the toe of the revetment slope and casting concrete support pedestals or beams on select armor stone for deck support. Neither the deck support points or any anchorage points will change the character or nature of the shorefront nor will it usurp or impede resource quality or the quantity of habitat along the shorefront including wildlife habitat. This project is clear of the intertidal zone and will not adversely affect the benthic community or wildlife habitat along the shoreline of Black Point. The armored nature of the shore is consistent with the existing features of Black Point in this area. The armored shoreline has been previously authorized to repair damage caused by Hurricane Sandy, and so the character of the shoreline will not change.

IDENTIFICATION OF POTENTIAL ADVERSE IMPACTS ON COASTAL RESOURCES.

In view of the resources and use issues addressed in the Coastal Site Plan application, the following general information is offered:

The proposed project will not de-grade or adversely impact tidal wetlands, beaches or rocky shorefront characteristics along Black Point at this site or as they may exist nearby. The proposed shoreline access improvements will not increase coastal flooding characteristics of Niantic Bay or Long Island Sound. The flooding nature of the Bay and Sound is generated by storm-induced characteristics such as low pressure and adverse southeasterly winds which tend to inhibit the ebbing tide cycle through "the Race" or Fishers Island Sound or accelerate the flooding cycle when coastal storms pass south of Montauk Point. The flood levels in Niantic Bay and Long Island Sound build without regard of the coastal shoreline features of this site and this project will not in any way change the characteristics of flooding in Niantic Bay or Long island Sound.

Neither the existing armored shore or proposed deck will adversely affect water flow and circulation patterns since the patterns of tidal exchange are seaward of the project. The project involves no grade change work on the upland and the drainage patterns will also not change. The lawn will still pitch toward the water so there will be no alteration to the ground water flow and recharge characteristics of Black Point.

This project will be built into existing shoreline armoring and will not change natural erosion patterns or adversely affect littoral transport of sediments on this site and there will be reflection of waves toward adjacent properties. It should be noted that the waters in front of this site become relatively deep and littoral sediment transport occurs in higher energy surf zone predominately close to shore except that the exposure is so energetic that most of the sand has been washed out to sea leaving the beach of rocks. Because of the rocky nature of the shoreline sediments and significant wave action, the primary support must be with piles, and steel piles at that; this project will not change this rocky shoreline characteristic. In view of the rocky nature of the beach, with significant stone at the sediment surface in the immediate area, longshore littoral sediment transport in this area is well offshore except in high energy storms.

Several options have been considered during the design development of this project. The armored stone is the least intrusive, most compatible process of protection restoration considering the length and height of adjacent seawall structures and the distance to nearby shoreline protection structures. The proposed deck will not diminish the armored shoreline characteristics or any natural habitat or feature. There is no other suitable, less environmentally impacting approach known that could be implemented in this case in view of the proximity of the house and elevation difference between the yard and the shoreline. This project meets the criteria stipulated in the Coastal Management Act.

There will be little change to the visual quality of Black Point as a result of this project. Natural views from shore and vistas will not be adversely affected because this site is right at the southeast corner of the point and barely visible to either neighbor; The dock and rail are at and below the level of the lawn. The predominant vistas are from shoreline looking out onto waters of Long Island Sound, Niantic Bay and Fishers Island beyond to the east. The proposed shoreline improvements will only really be visible from the water and the neighbor's properties and it is not likely that the new deck will be distinguishable to a significant extent from the existing long-standing stone and adjacent concrete seawalls along this stretch of the shoreline because of the proximity of the houses and extent of street-side landscaping.

Water quality will not be in any way affected by this project.

This project will not damage or significantly alter nearshore essential wildlife habitat or finfish and shellfish habitat in the shallow subtidal and nearshore waters of the State. There are no State-listed rare or endangered species at this site as referenced in State DEEP Determination No. 201900416 issued on January 21, 2019 by the Natural Diversity Data Base. The composition of the shoreline is not of high habitat value according to the New London County Soil Survey and it is not being changed. The shoreline is currently rocky and will remain so after the project is complete. There are no special breeding habitats or natural species population characteristics in this area and alterations to the shoreline are not significant and will not change the general, natural characteristics of the shoreline habitat. This project has been designed specifically to be compliant with requirements of the zoning regulations to preserve conserve soil and vegetation and afford citizens the ability to preserve and enjoy their property and will do so without adversely affecting the environment on usurping the public's rights of access to and enjoyment of the resources of Niantic Bay and Long Island Sound. The project is an open, pile supported deck consistent with FEMA's "no obstruction" criteria and was designed specifically with that intent.

Respectfully submitted,
DOCKO, INC.

A handwritten signature in black ink, appearing to read "Keith B. Neilson". The signature is written in a cursive, flowing style.

Keith B. Neilson, P.E.

MR. VINCENT DOWLING
295 OLD BLACK POINT RD, NIANTIC, TOWN OF EAST LYME
COASTAL SITE PLAN, COASTAL EROSION PERMIT/ZONING PERMIT
JULY 2020

ATTACHMENTS

FEMA FIRM PANEL NO. 09011C0487J

CT DEEP LOCATION MAP

CT DEEP COASTAL RESOURCE MAP

CT DEEP SHELLFISH CONCENTRATION MAP

NEW LONDON SOIL SURVEY

NDDB DETERMINATION NO. 201900416

SITE PHOTOGRAPHS

National Flood Hazard Layer FIRMette



FEMA

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, AH, S
- With BFE or Depth
- Regulatory Floodway Zone AE, AO, AH, VE, A
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with draining areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS OF FLOOD HAZARD

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
 - 20.2
 - 17.5
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The base map shown complies with FEMA's base map accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/26/2018 at 8:52:15 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: base map imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

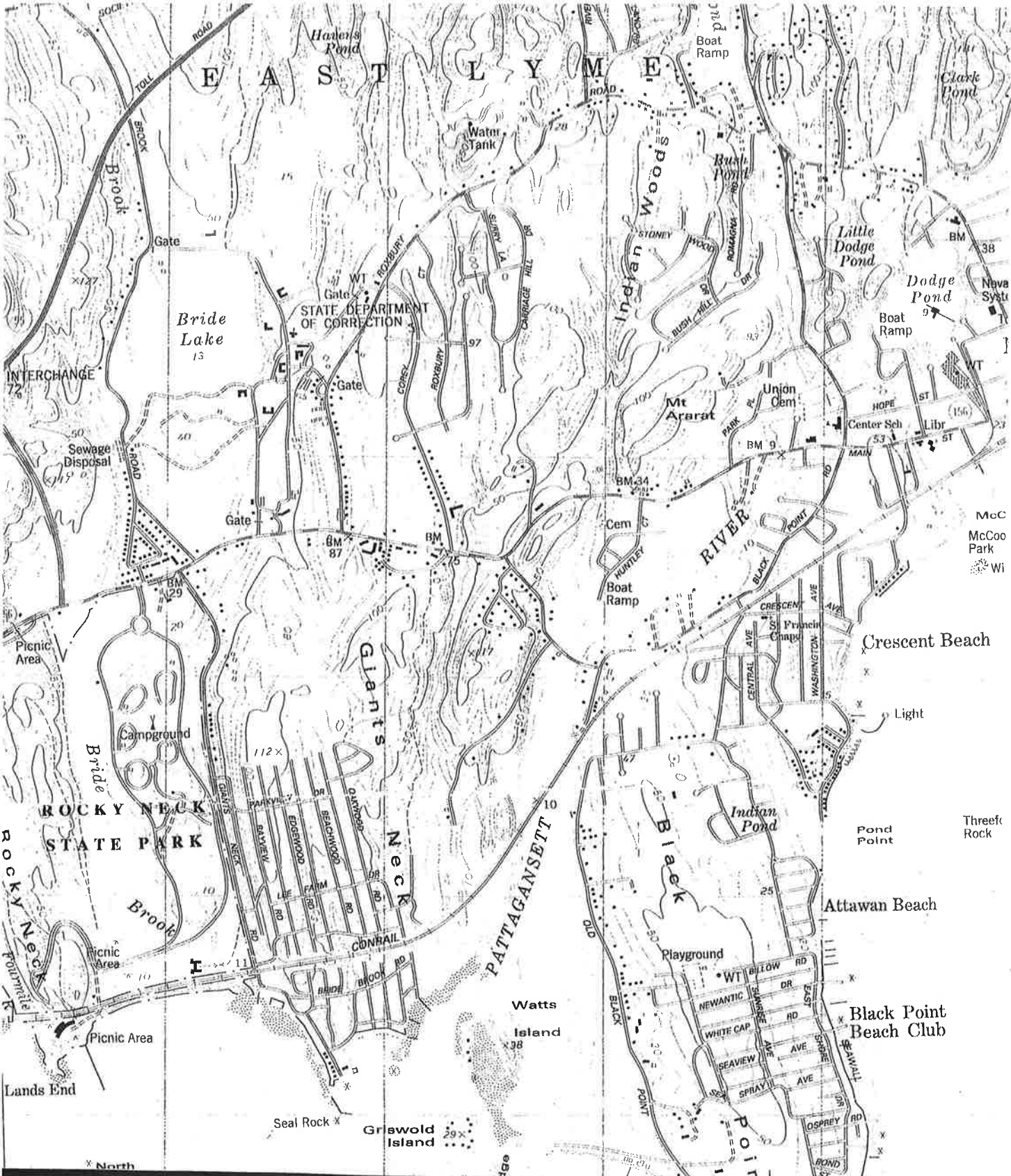


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Feet 0 250 500 1,000 1,500 2,000 1:6,000

72°11'59.04\"/>

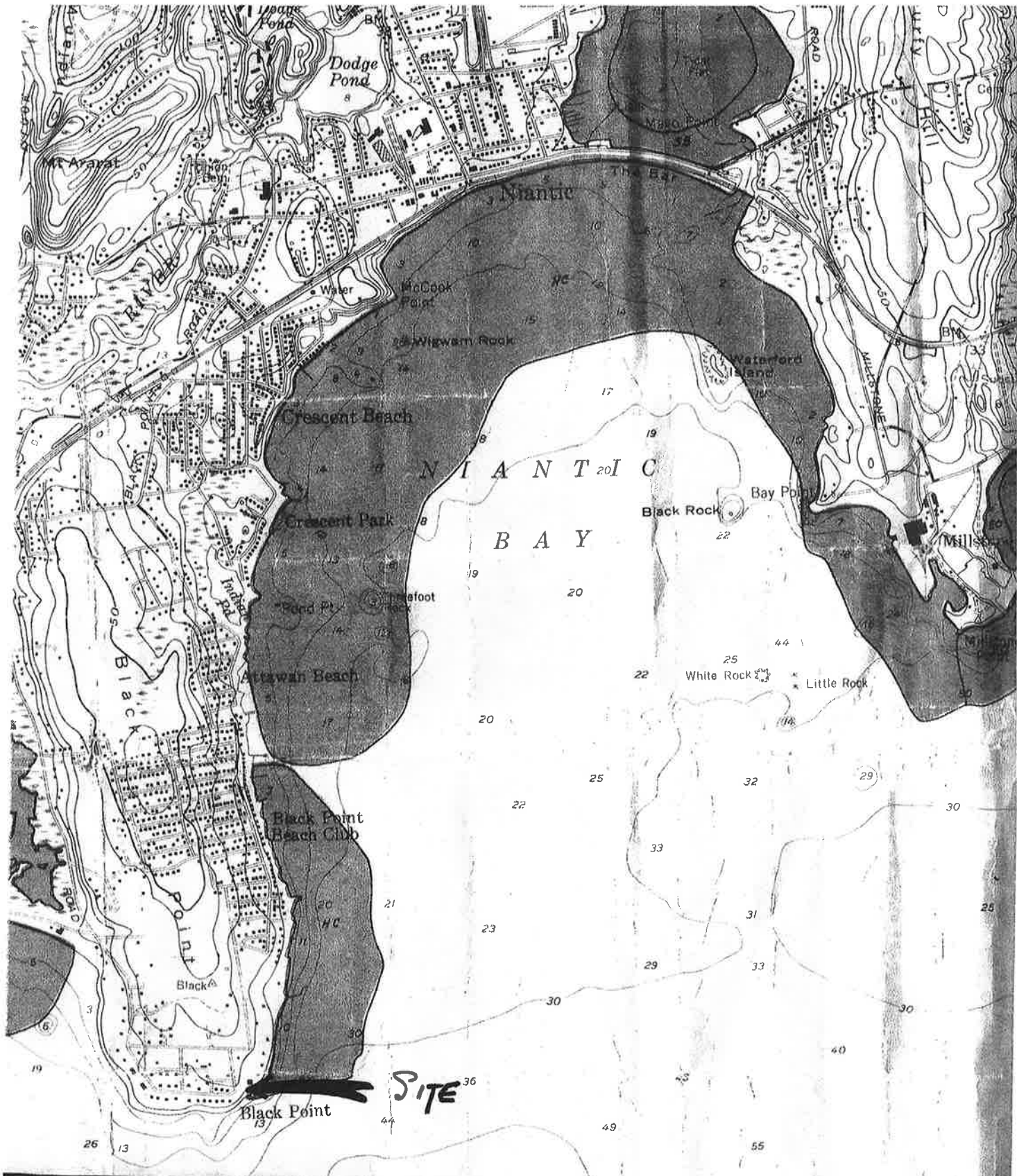
41°17'45.54\"/>



LOCATION MAP

Project: "COASTAL SITE PLAN"
Location: BLACK POINT, TOWN OF EAST LYME
 NEW LONDON COUNTY, CONNECTICUT
Waterway: LONG ISLAND SOUND
Date: MARCH 2, 2020
Applicant: VINCENT DOWLING
Agent: DOCKO, INC.





SHELLFISH CONCENTRATION MAP

Project: "COASTAL SITE PLAN"
Location: BLACK POINT, TOWN OF EAST LYME
 NEW LONDON COUNTY, CONNECTICUT
Waterway: LONG ISLAND SOUND
Date: MARCH 2, 2020
Applicant: VINCENT DOWLING
Agent: DOCKO, INC.

A N D S O
 78 67 66 63 60 54 55 49 44 36 33 31 29 25 23 21 20 19 17 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1 0

Soil Survey

CT6000

Acres	Percent of AOI
0.8	8.5%
6.0	61.0%
9.8	100.0%

Legend

Scale (ft to scale)



Navigation icons: Home, Back, Forward, Print, Refresh, etc.



January 21, 2019

Keith B. Neilson, P.E.
Docko, Inc.
PO Box 421
Mystic, CT 06355
office@docko.com

Project: Construction of New Pile-Supported Wooden Deck on Existing Stone Revetment Armored B for the Vincent Dowling, Jr. Property Located at 295 Old Black Point Road in Niantic
NDDB Determination No.: 201900416

Dear Keith B. Neilson, P.E.,

I have reviewed Natural Diversity Data Base (NDDB) maps and files regarding the area delineated on the map provided for the proposed Construction of New Pile-Supported Wooden Deck on Existing Stone Revetment Armored B for the Vincent Dowling, Jr. Property Located at 295 Old Black Point Road in Niantic, Connecticut. I do not anticipate negative impacts to State-listed species (RCSA Sec. 26-306) resulting from your proposed activity at the site based upon the information contained within the NDDB. The result of this review does not preclude the possibility that listed species may be encountered on site and that additional action may be necessary to remain in compliance with certain state permits. This determination is good for two years. Please re-submit a new NDDB Request for Review if the scope of work changes or if work has not begun on this project by January 21, 2021.

Natural Diversity Data Base information includes all information regarding critical biological resources available to us at the time of the request. This information is a compilation of data collected over the years by the Department of Energy and Environmental Protection's Natural History Survey and cooperating units of DEEP, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the Data Base should not be substitutes for on-site surveys required for environmental assessments. Current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the Data Base as it becomes available.

Please contact me if you have further questions at (860) 424-3592, or dawn.mckay@ct.gov. Thank you for consulting the Natural Diversity Data Base.

Sincerely,

Dawn M. McKay
Environmental Analyst 3



Connecticut Department of
 Energy & Environmental Protection
 Bureau of Natural Resources
 Wildlife Division

CPPU USE ONLY	
App #:	_____
Doc #:	_____
Check #: No fee required	
Program: Natural Diversity Database Endangered Species	
Hardcopy _____	Electronic _____

Request for Natural Diversity Data Base (NDDB) State Listed Species Review

Please complete this form in accordance with the instructions (DEEP-INST-007) to ensure proper handling of your request.

There are no fees associated with NDDB Reviews.

Part I: Preliminary Screening & Request Type

Before submitting this request, you must review the most current Natural Diversity Data Base "State and Federal Listed Species and Significant Natural Communities Maps" found on the DEEP website. These maps are updated twice a year, usually in June and December.

Does your site, including all affected areas, fall in an NDDB Area according to the map instructions:

Yes No Enter the date of the map reviewed for pre-screening: December 2017

This form is being submitted for a :

- New NDDB request**
- Renewal/Extension of a NDDB Request, *without modifications and within two years of issued NDDB determination* (no attachments required)**

[CPPU Use Only - NDDB-Listed Species Determination # 1736]

- New Safe Harbor Determination** (optional) must be associated with an application for a GP for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

- Renewal/Extension of an existing Safe Harbor Determination**
 - With modifications
 - Without modifications (no attachments required)

[CPPU Use Only - NDDB-Safe Harbor Determination # 1736]

Enter NDDB Determination Number for Renewal/Extension:

Enter Safe Harbor Determination Number for Renewal/Extension:

Part II: Requester Information

*If the requester is a corporation, limited liability company, limited partnership, limited liability partnership, or a statutory trust, it must be registered with the Secretary of State. If applicable, the name shall be stated **exactly** as it is registered with the Secretary of State. Please note, for those entities registered with the Secretary of State, the registered name will be the name used by DEEP. This information can be accessed at the Secretary of the State's database CONCORD. (www.concord-sots.ct.gov/CONCORD/index.jsp)*

If the requester is an individual, provide the legal name (include suffix) in the following format: First Name; Middle Initial; Last Name; Suffix (Jr, Sr., II, III, etc.).

If there are any changes or corrections to your company/facility or individual mailing or billing address or contact information, please complete and submit the Request to Change company/Individual Information to the address indicated on the form.

1. Requester*

Company Name: **Docko, Inc.**

Contact Name: **Keith B. Neilson, P.E.**

Address: **P.O. Box 421**

City/Town: **Mystic**

State: **CT**

Zip Code: **06355**

Business Phone: **860-572-8939**

ext.

E-mail: **office@docko.com

**By providing this email address you are agreeing to receive official correspondence from the department, at this electronic address, concerning this request. Please remember to check your security settings to be sure you can receive emails from "ct.gov" addresses. Also, please notify the department if your e-mail address changes

a) Requester can best be described as:

Individual Federal Agency State agency Municipality Tribal

business entity (if a business entity complete i through iii):

i) Check type corporation limited liability company limited partnership

limited liability partnership statutory trust Other:

ii) Provide Secretary of the State Business ID #: _____ This information can be accessed at the

Secretary of the State's database (CONCORD). (www.concord-sots.ct.gov/CONCORD/index.jsp)

iii) Check here if your business is **NOT** registered with the Secretary of State's office.

b) Acting as (Affiliation), pick one:

Property owner Consultant Engineer Facility owner Applicant

Biologist Pesticide Applicator Other representative:

2. List Primary Contact to receive Natural Diversity Data Base correspondence and inquiries, if different from requester.

Company Name:

Contact Person:

Title:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

ext.

**E-mail:

Part III: Site Information

This request can only be completed for one site. A separate request must be filed for each additional site.

1. SITE NAME AND LOCATION

Site Name or Project Name: **Vincent Dowling, Jr. site**

Town(s): **Niantic, Town of East Lyme**

Street Address or Location Description:
295 Old Black Point Road

Size in acres, or site dimensions: **2 Acres**

Latitude and longitude of the center of the site in decimal degrees (e.g., 41.23456 -71.68574):

Latitude: **41° 17' 10" N**

Longitude: **72° 12' 16" W**

Method of coordinate determination (check one):

GPS Photo interpolation using CTECO map viewer Other (specify): **Google Earth**

2a. Describe the current land use and land cover of the site.

The site is classified as residential. The site is a stone armored bluff fronting on Long Island Sound. The bluff face is covered with stone of 3 foot to 6 foot diameter. The beach is covered with stone of 1 foot to 6 foot diameter.

b. Check all that apply and enter the size in acres or % of area in the space after each checked category.

Industrial/Commercial _____ Residential 90% Forest _____
 Wetland _____ Field/grassland _____ Agricultural _____
 Water _____ Utility Right-of-way _____
 Transportation Right-of-way _____ Other (specify): **10% armored bluff**

Part IV: Project Information

1. PROJECT TYPE:

Choose Project Type: Dock/Pier, Seawall, Bulkhead construction/Maint. , If other describe: **deck**

2. Is the subject activity limited to the maintenance, repair, or improvement of an existing structure within the existing footprint? Yes No If yes, explain.

Construct a new pile supported deck on the existing stone revetment armored bank landward of the High Tide Line and Coastal Jurisdiction line.

Part IV: Project Information (continued)

3. Give a detailed description of the activity which is the subject of this request and describe the methods and equipment that will be used. Include a description of steps that will be taken to minimize impacts to any known listed species.

Mr. Dowling would like to construct a deck for passive recreational enjoyment of the water's edge at the toe of the bluff which is otherwise inaccessible because of the armor stone cover on the face of the bluff. The work will be to construct an 8 foot wide by 24 foot long wood or steel pile supported, steel framed wood deck with safety railing and access stairway from the top of the bluff. All work will be on dry land, a rocky beach landward of the Coastal Jurisdiction line and the High Tide Line. Piles will be driven into the stone foreshore and revetment, or pinned to rocks of adequate size in the revetment. Concrete columns can also be set on large boulders to provide support for the deck.

4. If this is a renewal or extension of an existing Safe Harbor request *with* modifications, explain what about the project has changed.

5. Provide a contact for questions about the project details if different from Part II primary contact.

Name:

Phone:

E-mail:

Part V: Request Requirements and Associated Application Types

Check *one* box from either Group 1, Group 2 or Group 3, indicating the appropriate category for this request.

Group 1. If you check one of these boxes, complete Parts I – VII of this form and submit the required attachments A and B.

- Preliminary screening was negative but an NDDB review is still requested
- Request regards a municipally regulated or unregulated activity (no state permit/certificate needed)
- Request regards a preliminary site assessment or project feasibility study
- Request relates to land acquisition or protection
- Request is associated with a *renewal* of an existing permit, with no modifications

Group 2. If you check one of these boxes, complete Parts I – VII of this form and submit required attachments A, B, and C.

- Request is associated with a *new* state or federal permit application
- Request is associated with modification of an existing permit
- Request is associated with a permit enforcement action
- Request regards site management or planning, requiring detailed species recommendations
- Request regards a state funded project, state agency activity, or CEPA request

Group 3. If you are requesting a **Safe Harbor Determination**, complete Parts I-VII and submit required attachments A, B, and D. Safe Harbor determinations can only be requested if you are applying for a GP for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities

If you are filing this request as part of a state or federal permit application(s) enter the application information below.

Permitting Agency and Application Name(s):

Town of East Lyme Zoning Permit

State DEEP Application Number(s), if known: _____

State DEEP Enforcement Action Number, if known: _____

State DEEP Permit Analyst(s)/Engineer(s), if known: _____

Is this request related to a previously submitted NDDB request? Yes No

If yes, provide the previous NDDB Determination Number(s), if known: 201700795 No impact to State-listed species of concern.

Part VI: Supporting Documents

Check each attachment submitted as verification that *all* applicable attachments have been supplied with this request form. Label each attachment as indicated in this part (e.g., Attachment A, etc.) and be sure to include the requester's name, site name and the date. **Please note that Attachments A and B are required for all new requests and Safe Harbor renewals/extensions with modifications.** Renewals/Extensions with no modifications do not need to submit any attachments. Attachments C and D are supplied at the end of this form.

<input checked="" type="checkbox"/> Attachment A:	Overview Map: an 8 1/2" X 11" print/copy of the relevant portion of a USGS Topographic Quadrangle Map clearly indicating the exact location of the site.
<input checked="" type="checkbox"/> Attachment B:	Detailed Site Map: fine scaled map showing site boundary and area of work details on aerial imagery with relevant landmarks labeled. (Site and work boundaries in GIS [ESRI ArcView shapefile, in NAD83, State Plane, feet] format can be substituted for detailed maps, see instruction document)
<input type="checkbox"/> Attachment C:	Supplemental Information, Group 2 requirement (attached, DEEP-APP-007C) <input type="checkbox"/> Section i: Supplemental Site Information and supporting documents <input type="checkbox"/> Section ii: Supplemental Project Information and supporting documents
<input type="checkbox"/> Attachment D:	Safe Harbor Report Requirements, Group 3 (attached, DEEP-APP-007D)

Part VII: Requester Certification

The requester *and* the individual(s) responsible for actually preparing the request must sign this part. A request will be considered incomplete unless all required signatures are provided.

<p>"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."</p>	
Signature of Requester (a typed name will substitute for a handwritten signature) Christina Lopes Name of Requester (print or type)	Date Administrative Assistant Title (if applicable)
Signature of Preparer (if different than above) Name of Preparer (print or type)	Date Title (if applicable)

Note: Please submit the completed Request Form and all Supporting Documents to:

CENTRAL PERMIT PROCESSING UNIT
 DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION
 79 ELM STREET
 HARTFORD, CT 06106-5127

Or email request to: deep.nddbrequest@ct.gov

Attachment C: Supplemental Information, Group 2 requirement

Section i: Supplemental Site Information

1. Existing Conditions

Describe all natural and man-made features including wetlands, watercourses, fish and wildlife habitat, floodplains and any existing structures potentially affected by the subject activity. Such features should be depicted and labeled on the site plan that must be submitted. Photographs of current site conditions may be helpful to reviewers.

The coastal resource in this area are Long Island Sound, classified as near-shore waters at this site. The area is also dominated by rocks along the shoreline although it is not classified as Rocky Shorefront. There are no tidal wetlands on this site and no submerged aquatic vegetation colonies in the nearshore waters. The proposed dock site is landward of an active wave break zone and so only small amounts of coarse gravel exists in amongst the rocks or the stony beach.

- Site Photographs (optional) attached
- Site Plan/sketch of existing conditions attached

2. Biological Surveys

Has a biologist visited the site and conducted a biological survey to determine the presence of any endangered, threatened or special concern species Yes No

If yes, complete the following questions and submit any reports of biological surveys, documentation of the biologist's qualifications, and any NDDB survey forms.

Biologist(s) name: _____

Habitat and/or species targeted by survey: _____

Dates when surveys were conducted: _____

- Reports of biological surveys attached
- Documentation of biologist's qualifications attached
- NDDB Survey forms for any listed species observations attached

Section ii: Supplemental Project Information

1. Provide a schedule for all phases of the project including the year, the month and/or season that the proposed activity will be initiated and the duration of the activity.

It is anticipated that work will begin on the construction of the pier extension upon the receipt of the requested Town zoning permit.

2. Describe and quantify the proposed changes to existing conditions and describe any on-site or off-site impacts. In addition, provide an annotated site plan detailing the areas of impact and proposed changes to existing conditions.

There are no known adverse impacts associated with this project. All work will be above the CJL/HTL and mounted to driven piles or rock mounted concrete pedestals there will be no excavation.

- Annotated Site Plan attached

Attachment D: Safe Harbor Report Requirements

Submit a report, as Attachment D, that synthesizes and analyzes the information listed below. Those providing synthesis and analysis need appropriate qualifications and experience. A request for a safe harbor determination shall include:

- 1. Habitat Description and Map(s), including GIS mapping overlays, of a scale appropriate for the site, identifying:**
 - wetlands, including wetland cover types;
 - plant community types;
 - topography;
 - soils;
 - bedrock geology;
 - floodplains, if any;
 - land use history; and
 - water quality classifications/criteria.
- 2. Photographs** - The report should include photographs of the site taken from the ground and also all reasonably available aerial or satellite photographs and an analysis of such photographs.
- 3. Inspection** - A visual inspection(s) of the site should be conducted, preferably when the ground is visible, and described in the report. This inspection can be helpful in confirming or further evaluating the items noted above.
- 4. Biological Surveys** - The report should include all biological surveys of the site where construction activity will take place that are reasonably available to a registrant. A registrant shall notify the Department's Wildlife Division of biological studies of the site where construction activity will take place that a registrant is aware of but are not reasonably available to the registrant.
- 5. Based on items #1 through 4 above, the report shall include a Natural Resources Inventory of the site of the construction activity.** This inventory should also include a review of reasonably available scientific literature and any recommendations for minimizing adverse impacts from the proposed construction activity on listed species or their associated habitat.
- 6. In addition, to the extent the following is available at the time a safe harbor determination is requested, a request for a safe harbor determination shall include and assess:**
 - Information on Site Disturbance Estimates/Site Alteration information
 - Vehicular Use
 - Construction Activity Phasing Schedules, if any; and
 - Alteration of Drainage Patterns

Property of VJ Dowling | 295 Old Black Point Rd.

