

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



IN THE MATTER OF : *APPLICATION NO.*
201001037

GARY WIDLITZ : *JULY 16, 2010*

PROPOSED FINAL DECISION

Gary Widlitz (applicant) has applied to the Department of Environmental Protection (DEP/department) for a permit to construct a residential dock structure along the Patchogue River in Westbrook. The department issued its notice of tentative determination to approve the application on March 17, 2010. A hearing was required by the Final Decision of the DEP on the Application of the Town of Westbrook to Establish Boundaries – Harbor Encroachment Lines dated April 1, 1985. This document requires a hearing to be held anytime an application encroaches on the established harbor lines and requires the applicant to demonstrate that the proposed activity does not unreasonably interfere with other uses of the waterway and otherwise complies with the harbor development plan and the controlling statutes and regulations¹.

After sufficient notice, the hearing was held at the Mulvey Municipal Center in Westbrook on June 3, 2010.² The parties presented evidence on the steps taken during the application and review process to ensure the proposed activity complied with the applicable statutes, regulations, and harbor development and planning documents. After the conclusion of the hearing, the applicant and DEP jointly submitted an Agreed Draft Decision with proposed findings of fact and conclusions of law for my consideration as part of this decision (Attachment 1) in response to the post-hearing directive issued on June 22, 2010.

¹ The proposed activity is regulated by: the Structures, Dredging, and Fill Provisions of General Statutes §§ 22a-359 through 22a-363f; the Coastal Management Act, General Statutes §§ 22a-90 through 22a-112; and the Tidal Wetlands Act, General Statutes §§22a-28 through 22a-35 and implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 through 22a-30-17.

² The testimony and proceedings in this matter were recorded. No written transcript has been prepared. The audio recording of this hearing is on file with the Office of Adjudications and is the official record of this proceeding.

I have reviewed the record in this matter, including the documentary evidence, oral testimony, and the public comment. Following this review, I conclude that the applicant, through the presentation of substantial evidence, has demonstrated that the proposed activity, if conducted in accordance with the proposed draft permit, complies with the relevant statutory and regulatory requirements.

The joint submission provided by DEP and the applicant is fully supported by the hearing record and provides the necessary factual findings and conclusions of law to support my conclusion. I adopt the proposed findings of fact and conclusions of law in Attachment 1 as part of this decision. The applicant has demonstrated that the proposed residential dock, if constructed in compliance with the proposed permit terms and conditions, would comply with the applicable statutes and regulations. I therefore recommend issuance of the proposed draft permit (Attachment 2).



Kenneth M. Collette
Kenneth M. Collette, Hearing Officer

SERVICE LIST

Proposed Final Decision – Gary Widlitz
Application No. 201001037

PARTY

Gary Widlitz
12 Island Bay Circle
Guilford, CT 06437

REPRESENTED BY

David R. Provencher
Coastline Consulting and Development
5-B Old Post Road
Madison, CT 06443
david@coastlineconsulting-ct.com

Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106

Jeffrey Westermeyer
jeffrey.westermeyer@ct.gov

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DEP OFFICE OF
LONG ISLAND SOUND PROGRAM

AGREED DRAFT DECISION

MR. GARY WIDLITZ
COASTAL PERMIT APPLICATION #201001037-JW

RESIDENTIAL DOCK PROJECT
TOWN OF WESTBROOK

June 25, 2010

-
1. Introduction: On December 31, 2009, Mr. Gary Widlitz (the "Applicant") submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the high tide line and in an area of tidal wetlands, for the retention of existing waterside structures, and the installation of a residential dock in the Town of Westbrook. This application seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes ("CGS") sections 22a-359 through 363f, in accordance with the Connecticut Coastal Management Act, sections 22a-90 through 22a-112 of the CGS, and Tidal Wetlands Act and regulations, sections 22a-28 through 22a-35 of the CGS and sections 22a-30-1 through 22a-30-17 of the Regulations of Connecticut State Agencies ("RCSA"), the Connecticut Water Quality Standards developed pursuant to CGS section 22a-426, and Section 401 of the Federal Clean Water Act as amended.
 2. Parties: The parties to the proceeding are: the Applicant, Mr. Gary Widlitz; and staff from the Office of Long Island Sound Programs ("OLISP") of the DEP.
 3. The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions comprising OLISP staff exhibits DEP-1 through DEP-7, and Applicant's exhibits APP-1 through APP-3.

FINDINGS OF FACT

Background

1. Site Location and Character: The proposed project site is located at 830 Boston Post Road, Westbrook, CT. This property is zoned for residential use and currently consists of a residential home. All abutting properties also consist of residential homes. A recent site review by Coastline Consulting & Development, LLC shows that the project site currently consists of an upland residential building, two areas of riprap, a dock located within an easement area, a stacked stone wall, and areas of tidal wetlands dominated by *Phragmites australis*, *Spartina alterniflora*, and *Spartina patens* along the waterside. (DEP-1)

2. Application History: The initial application was received on February 3, 2010 requesting authorization to retain an easterly area of riprap that is roughly triangular in shape, measures approximately 20' along the waterward base, 25' from base to landward apex, covers approximately 341 square feet, and is comprised of approximately 19 cubic yards of stone; retain a westerly area of riprap that is roughly rectangular in shape, measures approximately 13' at its widest point, 27' long, covers approximately 272 square feet, and is comprised of approximately 15 cubic yards of stone; retain a timber retaining pile that consists of a single timber pile situated lengthwise along the bank and measures approximately 12" in diameter and 22' long; retain a stacked stone wall that measures approximately 18" tall, 45" wide, 31' long, covers approximately 100 square feet, and is comprised of approximately 5 cubic yards of stone; remove a derelict timber pier which consists of two stringers, nine (9) 4" x 4" timber piles, and a single split cap; construct a new pier configuration consisting of a set of 4' x 9.5' timber access stairs, a 4' x 21' fixed timber pier supported by four (4) 8" timber piles, a 3' x 25' aluminum ramp, an 8' x 12.5' float with skids supported by two (2) 3" steel float anchor pipes, two (2) lengths of ½" rope, and two (2) 2" steel rope anchor pipes (DEP-1).

The timber retaining pile and stacked stone wall will be neither authorized nor required to be removed (DEP-3 & DEP-4).

OLISP staff inspected the site on July 6, 2009 (DEP-3). During the course of OLISP staff review, it was determined that the fixed pier to west of the proposed dock is located on the applicant's property. However, this pier belongs to another property owner with a deeded easement across the applicant's property. This easement includes permission to construct a dock and to access a vast amount of land to the west. For these reasons, the proposal does not conflict with the Department's practice of only issuing one dock per property (DEP-3).

On March 17, 2010, OLISP staff recommended tentative approval of the application and issued a Notice of Tentative Determination to Approve (DEP-5). The notice was published in The Middletown Press, a daily newspaper published in Middletown, CT. This was verified by an Affidavit of Publication notarized on March 25, 2010. Because the project has the potential to result in adverse impacts to tidal wetlands, section 22a-32 of the General Statutes required a 40-day comment period on the application. The public comment period closed on April 26, 2010. OLISP staff received a letter dated April 23, 2010 from Meg Parulis, Town Planner for Westbrook, requesting that the encroachment of the dock be minimized to the extent practicable to preserve the intent of the Harbor Lines (DEP-7).

In accordance with the requirements of the Westbrook Harbor Encroachment Lines, approved as a Final Decision of the Commissioner on April 1, 1985, a public hearing was scheduled on the application. The hearing officer, Kenneth M. Collette, Esq., of the DEP Office of Adjudications, held a Status Conference on April 27, 2010. On May 4, 2010, a Notice of Public Hearing was published in The Middletown Press newspaper (DEP-6). The parties submitted their prehearing exchange of information on May 25, 2010.

A site visit was held on June 3, 2010 at 4:30 pm. The site walk focused primarily on familiarizing the parties with the location of the proposed dock and general details regarding the various unauthorized waterside items that were removed per a recently issued DEP Notice of Violation ("NOV") (DEP-3).

The Public Hearing was held at the Mulvey Municipal Center in Westbrook on June 3, 2010 at 6:30 pm. At the Public Hearing, Mr. David Provencher (Applicant's Agent), presented testimony regarding the appropriateness of the proposed dock for its intended use and its consistency with the relevant statutory and regulatory requirements. No public comments were made during the Public Hearing. Mr. Westermeyer noted that it was the opinion of DEP staff that the environmental impacts associated with the proposed project have been minimized to the greatest extent practicable and have been found to be acceptable (Testimony of J. Westermeyer).

3. Project Description: The Applicant seeks authorization to remove a derelict timber pier (previously removed per the NOV); construct a new pier configuration consisting of a set of 4' x 9.5' timber access stairs, a 4' x 21' fixed timber pier supported by four (4) 8" timber piles, a 3' x 25' aluminum ramp, an 8' x 12.5' float with skids supported by two (2) 3" steel float anchor pipes, two (2) lengths of ½" rope, and two (2) 2" steel rope anchor pipes (DEP-1).
4. Purpose and Use: The purpose of the proposed project is to install a new dock configuration to provide the applicant with reasonable access to the waterside. The primary use of the dock will be for the launching/retrieving of kayaks and canoes. The applicant will also use the dock configuration for loading & off-loading purposes, as well as small boat berthing (DEP-1).
5. Compliance and Enforcement History: A review of DEP OLISP records revealed no permits or certificates on file for the project site. However, a review of aerial photographs of the project site maintained by "DEP/OLISP" revealed that the two areas of riprap, timber retaining pile, and stacked stone wall are all pre-1980 structures. The applicant was issued NOV #LIS-2009-082-V for placing debris in tidal wetlands. Pursuant to the NOV, the applicant removed the debris (DEP-3).
6. Shellfish: There are no leased or owned shellfish lots in the vicinity of the proposed project. The State of Connecticut Department of Agriculture, Bureau of Aquaculture has determined that the proposed work would not significantly impact any shellfish area and noted that the project is located in a prohibited shellfish growing area. To minimize impacts on shellfish areas, the Bureau of Aquaculture recommended that the project not be done during shellfish spawning season; June 1 – Sept. 30 and recommended seasonal removal of floating docks from between November 15th to April 15th (DEP-1 & DEP-3).
7. Connecticut Endangered, Threatened and Special Concern Species: A review of all Endangered, Threatened, and Special Concern species was conducted for the project site by staff of the DEP Bureau of Natural Resources/Wildlife Division. In a memo dated October 19, 2009 to the Applicant's Agent, Dawn McKay of DEP's Wildlife Division indicated that according to the Natural Diversity Data Base maps and files, there are no known extant populations of Federal or State Endangered, Threatened or Special Concern Species that occur at the site in question. Ms. McKay's memo also stated that this information is not necessarily the result of comprehensive or site-specific field investigations (DEP-1).

8. Beaches and Dunes: There are no beaches and dunes in the project area (DEP-3).
9. Bluffs and Headlands: There are no bluffs and headlands in the project area (DEP-3).
10. Coastal Hazard Area: A coastal hazard area is present on site but will not be impacted by the proposed work (DEP-3).
11. Islands: There are no islands within the project area (DEP-3).
12. Rocky Shorefronts: There are no rocky shorefronts in the project area (DEP-3).
13. Coastal Waters e.g. Tidal Rivers, Streams and Creeks: Coastal waters and tidal creeks are present on site but will not be impacted by the proposed work (DEP-3).
14. Developed Shorefront: There are no developed shorefronts in the project area (DEP-3).
15. Adjacent Shorelands: Shorelands are adjacent to the site but will not be impacted by the proposed work (DEP-3).
16. Tidal Wetlands and Marshes: The proposed fixed pier will span approximately 20 linear feet of high marsh tidal wetlands consisting of *Spartina patens*, *Distichlis spicata* and *Iva frutescens*. The pier will be elevated a minimum of 3' above the peak height for these species, thus preventing unacceptable adverse impacts to the vegetation (DEP-1 & DEP-3).
17. Freshwater Wetlands: There are no freshwater wetlands in the project area (DEP-3).
18. Intertidal Mudflats: There are no intertidal mudflats in the project area (DEP-3).
19. Submerged Aquatic Vegetation: There is no submerged aquatic vegetation in the project area (DEP-3).
20. Wildlife: There is no wildlife in the project area (DEP-3).
21. Finfish: There are no finfish in the project area (DEP-3).
22. Navigational Impacts: No impacts to navigation will occur as a result of the project. There is no Federal Channel in this section of the Patchogue River, but the waterward terminus of the proposed float is located approximately 60' from mean low water on the opposite bank. This separation is sufficient for this area which is only suitable for small boat navigation, due to the narrow width of the river and shallow depths (DEP-3)
23. Public Access: The project will not interfere with public use of the waterbody (DEP-3).

Environmental Impacts:

Environmental impacts associated with the proposed project have been minimized to the greatest extent practicable. The installation of the dock is not anticipated to significantly impact existing tidal wetlands, shellfish, or finfish resources (DEP-3).

CONCLUSIONS

1. Environmental Impact of the Proposed Action: The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following applicable policies regarding coastal resources, tidal wetlands, and coastal management:
 - a. Section 22a-92(a)(1) CGS, which requires that the development, preservation or use of the land and water resources of the coastal area proceed in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
 - b. Section 22a-92(a)(2) CGS, which requires the preservation and enhancement of coastal resources;
 - c. Section 22a-92(b)(1)(D) CGS, which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
 - d. Section 22a-92(b)(2)(E) CGS, which requires the preservation of tidal wetlands and the prevention of the despoliation and destruction thereof in order to maintain their vital natural functions;
 - e. Section 22a-92(b)(2)(F) CGS, which requires the management of coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water-dependent uses;
 - f. Section 22a-92(b)(2)(I) CGS, which requires the regulation of shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources;
 - g. Section 22a-92(c)(2)(A) CGS, which policies concerning coastal land and other resources within the coastal boundary (in part) are: (A) to manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures

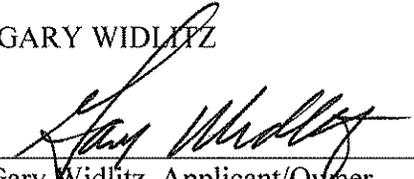
sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration;

- h. Section 22a-30(c) CGS, which authorizes the adoption of regulations which establish the criteria for granting, denying, or limiting permits giving due regard to the impacts of regulated activities on the wetlands of the state, adjoining coastal and tidal resources, navigation, recreation, erosion, sedimentation, water quality and circulation, fisheries, shellfisheries, wildlife, flooding and other natural disasters and water-dependent use opportunities as defined in chapter 444;
 - i. Section 22a-30-10 RCSA of the Tidal Wetlands Regulations which further explains the criteria for Tidal Wetlands Act review;
 - j. Section 22a-33 CGS, which requires that the DEP consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shellfisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in sections 22a-28 to 22a-35, inclusive;
 - k. Section 22a-359 CGS, which establishes the criteria for review of applications seeking permission for dredging and erection of structures and placement of fill in tidal, coastal or navigable waters; which requires the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding, the use and development of adjoining uplands, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned; and
 - l. Section 26-310(a) CGS, which requires that each state agency, in consultation with the Commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species, unless such agency has been granted an exemption.
2. Consistent with All Applicable Standards: The proposal is consistent with applicable standards, goals and policies of sections 22a-28 through 22a-35 and 22a-359 of the General Statutes.
3. Alternatives to the Proposed Action: There is no feasible or prudent alternative that would have less impact on the coastal resources while allowing the proposed project to occur at the site.

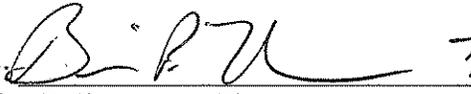
AGREEMENT

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the Draft Permit, DEP-4, attached hereto.

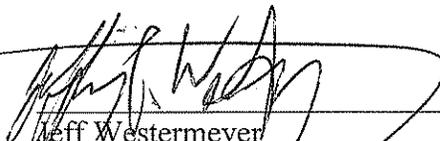
APPLICANT: MR. GARY WIDLITZ

By: 
Mr. Gary Widlitz, Applicant/Owner
830 Boston Post Road, Westbrook, CT

OFFICE OF LONG ISLAND SOUND PROGRAMS

By:  7/2/10
Brian P. Thompson, Director
Office of Long Island Sound Programs
Bureau of Water Protection & Land Reuse
Department of Environmental Protection

I hereby certify that a copy of the above was hand-delivered to the Hearing Officer and delivered by email to the applicant and his representative on July 8, 2010.

 7-8-10
Jeff Westermeyer
Environmental Analyst
DEP Office of Long Island Sound Programs

Gary Widlitz
Application #201001037-JW
Westbrook

Service List

Gary Widlitz
12 Island Bay Circle
Guilford, CT 06437

Kenneth M. Collette, Esq., Hearing Officer
Department of Environmental Protection
Office of Adjudications
79 Elm Street
Hartford, CT 06106

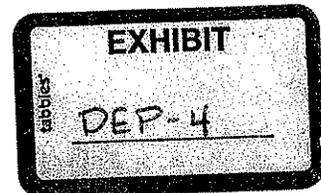
David Provencher
Coastline Consulting & Development, LLC
5-B Old Post Road
Madison, CT 06443

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

Draft



PERMIT

Permit No: 201001037-JW

Municipality: Westbrook

Work Area: Patchogue River off property located at 830 Boston Post Road

Permittee: Gary Widlitz
12 Island Bay Circle
Guilford, CT

Pursuant to sections 22a-359 through 22a-363f and sections 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98 the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install a dock for private recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in the Patchogue River off property identified as the "work area" above.

*****NOTICE TO PERMITTEES AND CONTRACTORS*****

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #201001037-JW including 7 sheets of plans dated December 31, 2009, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. remove a derelict timber pier; and
2. install a 4' x 21' fixed pier with a 4' x 9.5' stairway, a 3' x 25' ramp and an 8' x 12.5' float secured by 2 3" diameter pipes and anchor chains.

The riprap remnants shown on sheets 3 through 6 of 7 are not authorized pursuant to this permit.

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
2. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
3. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
4. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all tidal datums and structures.
5. The Permittee shall, no later than 90 days after the issuance of this permit or prior to the installation of the dock authorized pursuant to paragraph 2. of the SCOPE OF AUTHORIZATION, above, whichever is sooner, remove the derelict timber pier identified in paragraph 1. of SCOPE OF AUTHORIZATION, above, by hand to a location landward of the high tide line and outside of tidal wetlands.
6. With the exception of the support piles, the fixed pier authorized in the SCOPE OF AUTHORIZATION above, shall be constructed using hand-held equipment only. At no time shall heavy equipment be driven on the marsh surface.
7. The Permittee shall ensure that all work associated with the driving of piles by a water-based barge be conducted during periods of high water only in order to ensure that the barge does not rest on or come in contact with the bottom of the Patchogue River. Any such barge must move to deeper waters during periods of low water. It shall not be a defense to this provision for the Permittee to assert that he has no control over the operation of the barge.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work

completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.

- b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.
8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
16. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design

specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.

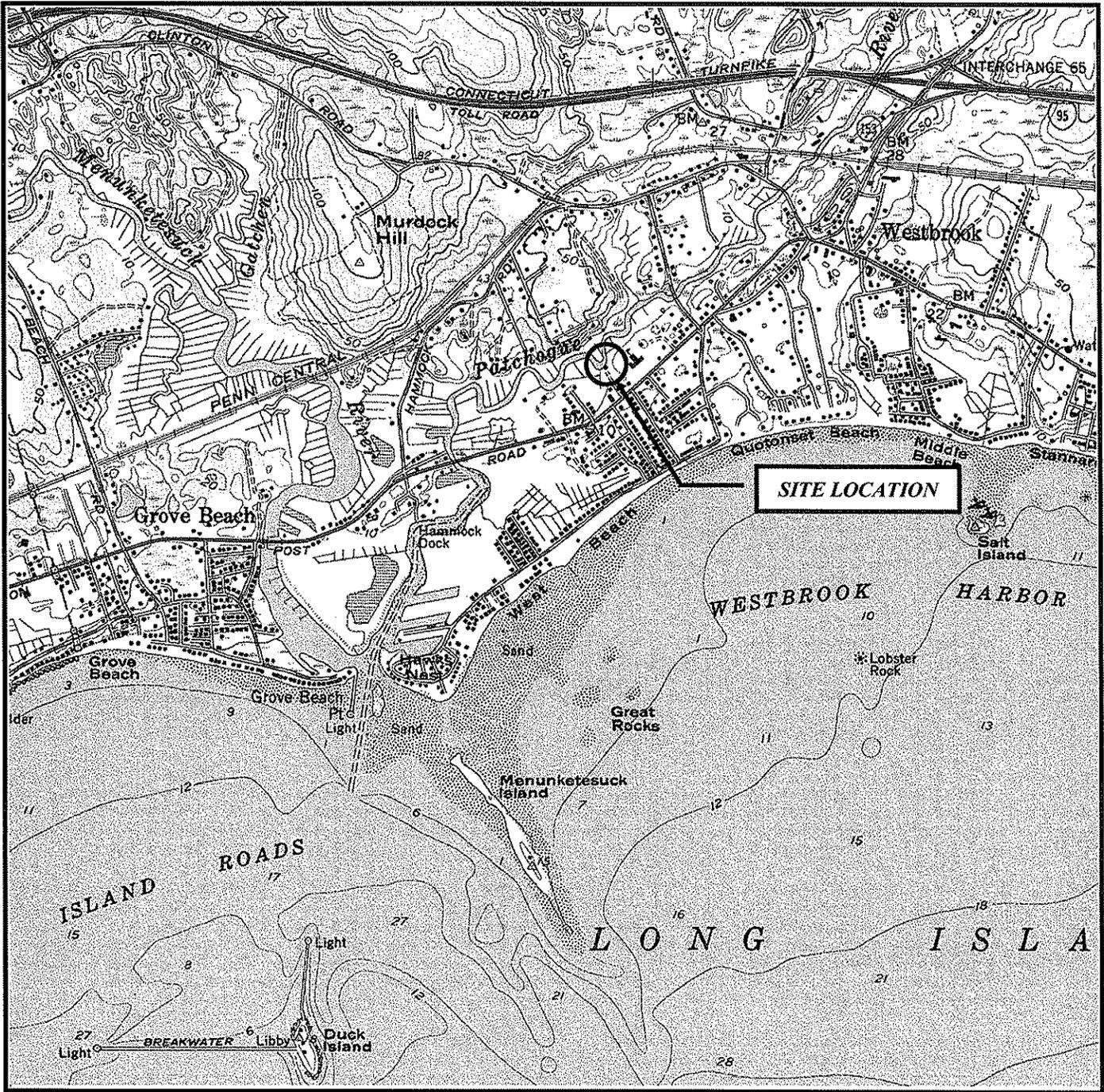
- 18. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
- 19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
- 20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
- 21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Amey W. Marrella
Commissioner

Permit Application No. 201001037-JW
Gary Widlitz
Certified Mail # _____



Coastline Consulting & Development

5-B Old Post Road, Madison CT 06443

(203) 245-8138

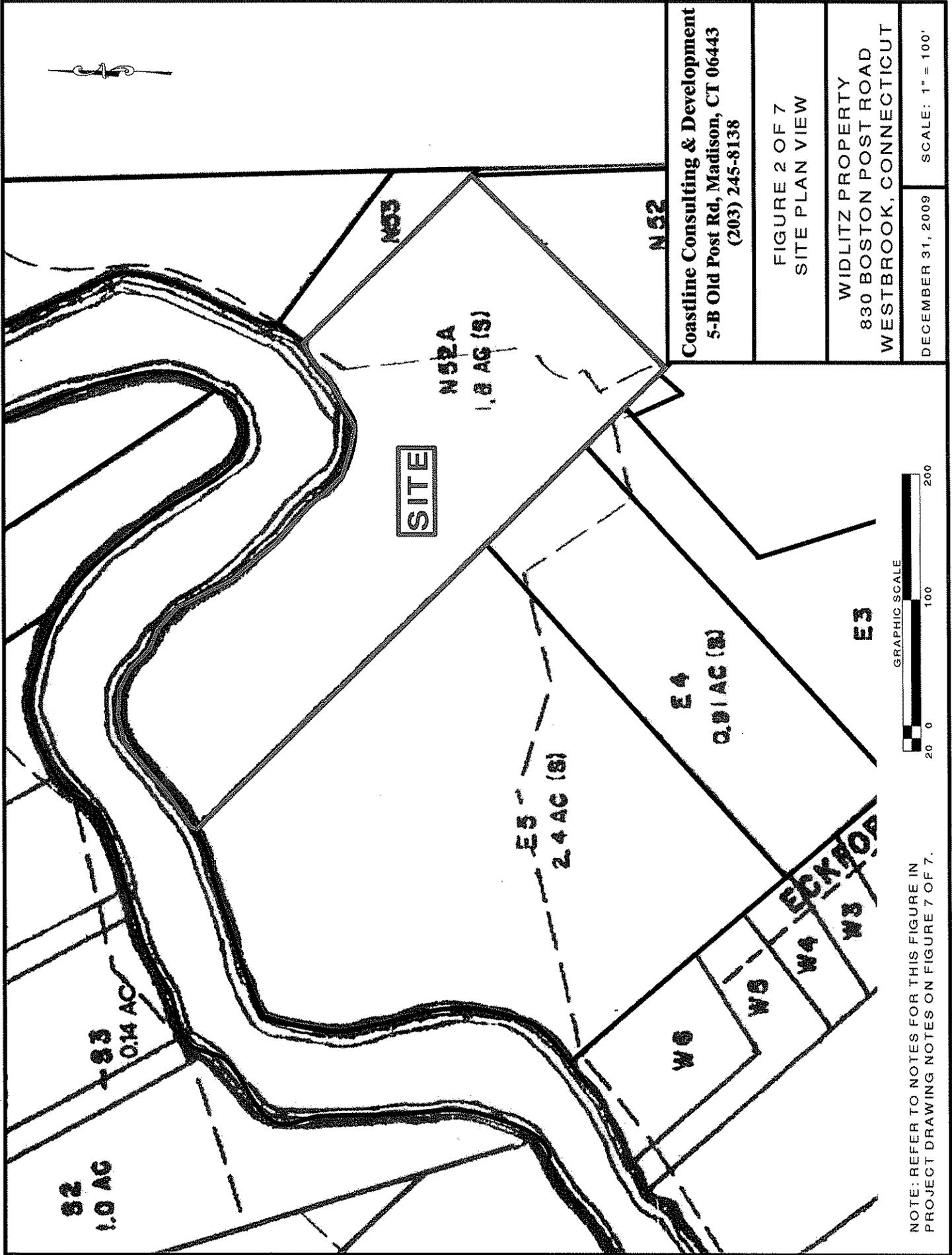
FIGURE 1 OF 7
SITE LOCATION MAP

WIDLITZ PROPERTY
830 BOSTON POST ROAD
WESTBROOK, CT

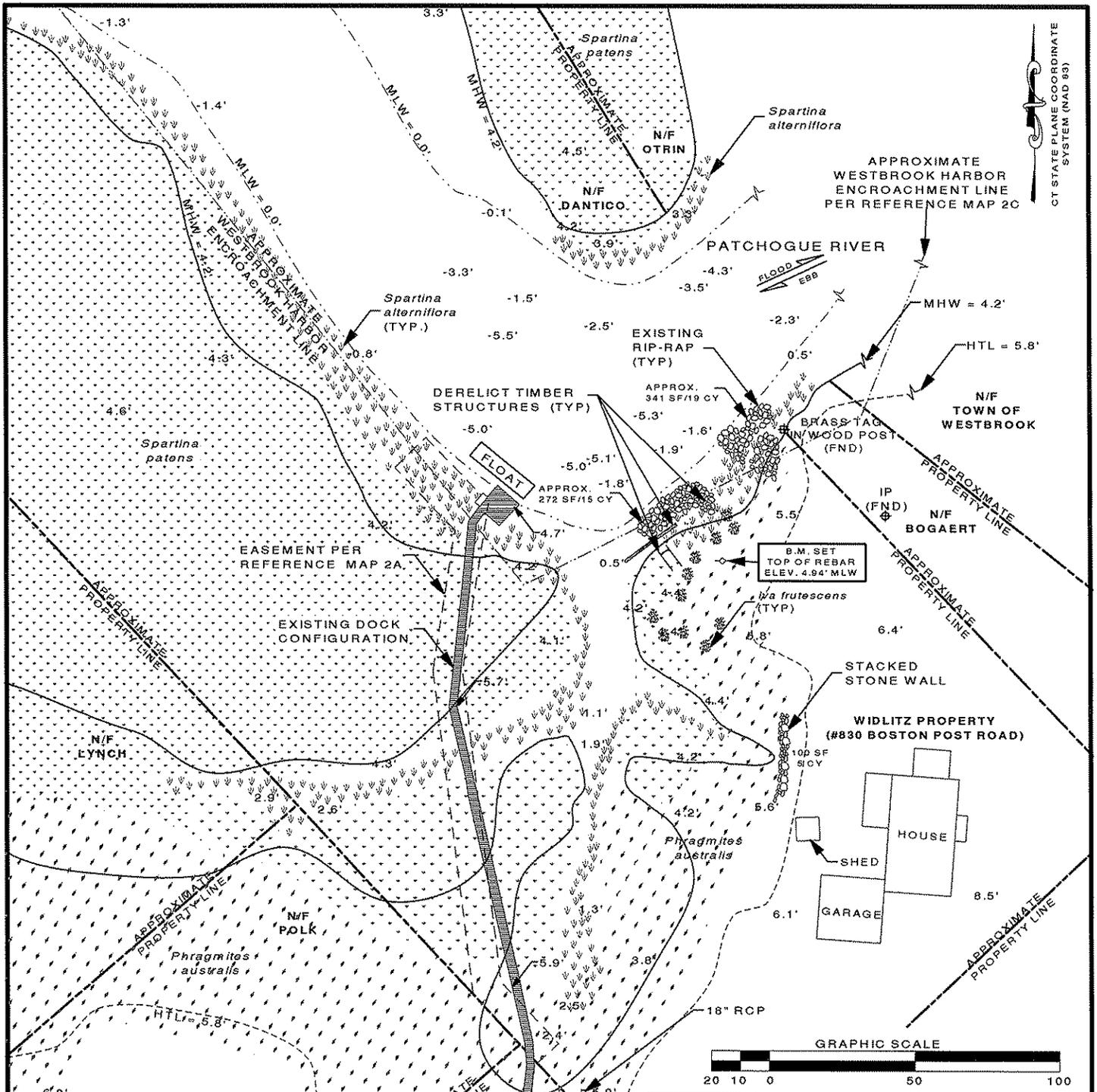
NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 7 OF 7.

DECEMBER 31, 2009

SCALE 1 = 12,000



NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 7 OF 7.



CT STATE PLANE COORDINATE SYSTEM (NAD 83)



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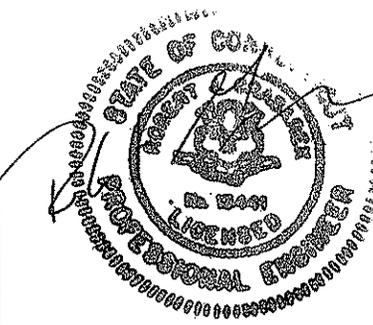
FIGURE 3 OF 7
EXISTING CONDITIONS

WIDLITZ PROPERTY
830 BOSTON POST RD
WESTBROOK, CONNECTICUT

DECEMBER 31, 2009

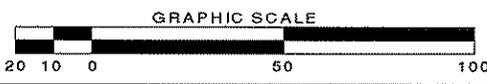
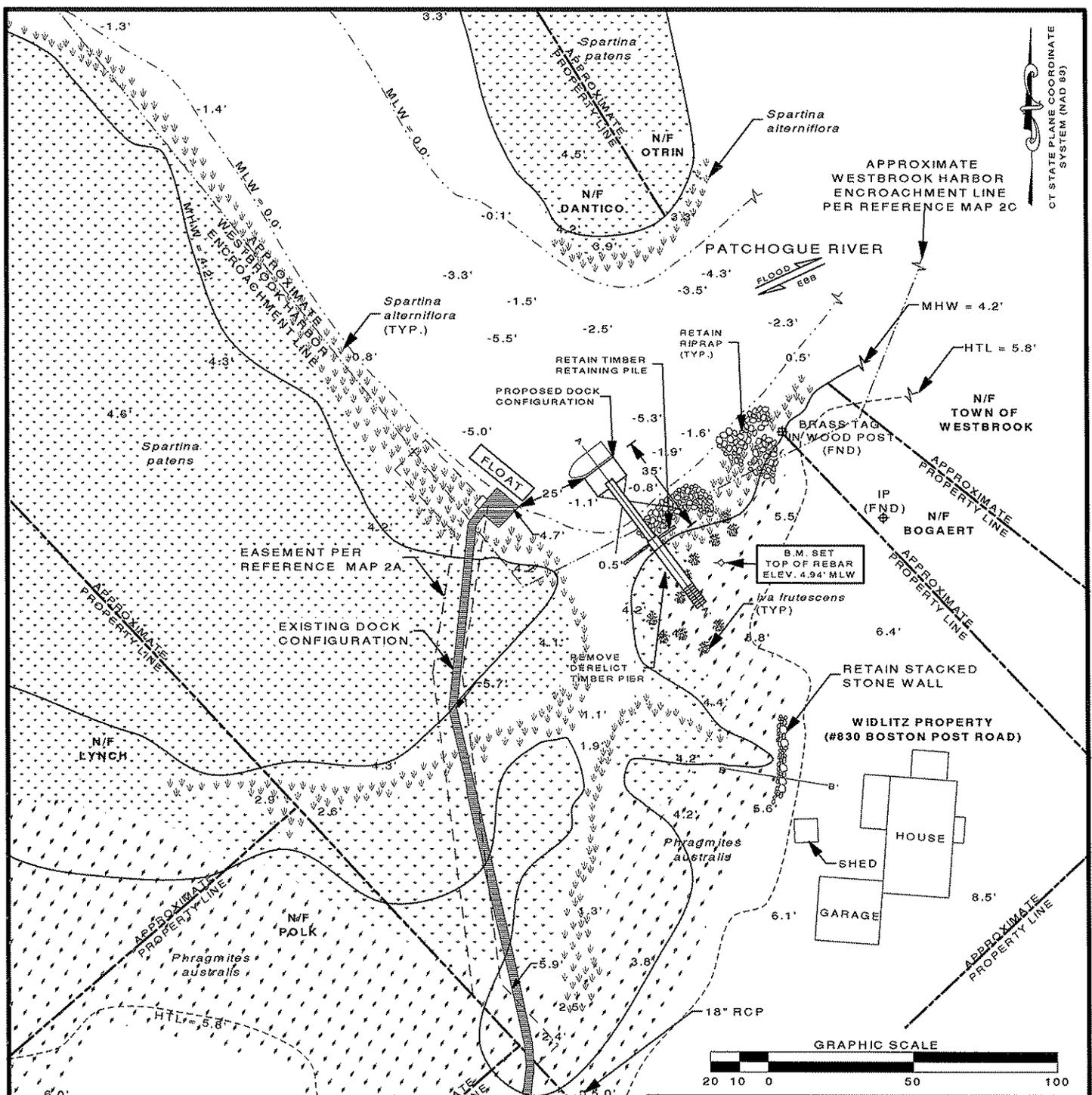
SCALE: 1" = 50'

- MLW = MEAN LOW WATER
- MHW = MEAN HIGH WATER
- HTL = HIGH TIDE LINE
- 1.2' = SOUNDING
- N/F = NOW OR FORMERLY
- TYP = TYPICAL
- FND = FOUND
- IP = IRON PIN/PIPE
- RCP = REINFORCED CONCRETE PIPE
- BM = BENCHMARK
- SF = SQUARE FEET
- CY = CUBIC YARDS
- ∇ = *Spartina alterniflora*
- ∇ = *Spartina patens*
- ∇ = *Phragmites australis*



NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES FIGURE 7 OF 7.

CT STATE PLANE COORDINATE SYSTEM (MAD 83)



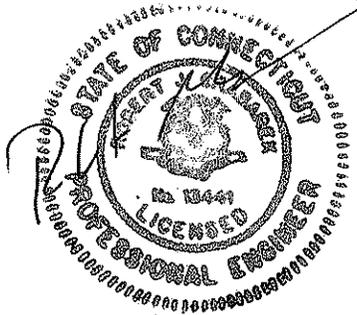
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FIGURE 4 OF 7
 PROPOSED CONDITIONS

WIDLITZ PROPERTY
 830 BOSTON POST RD
 WESTBROOK, CONNECTICUT

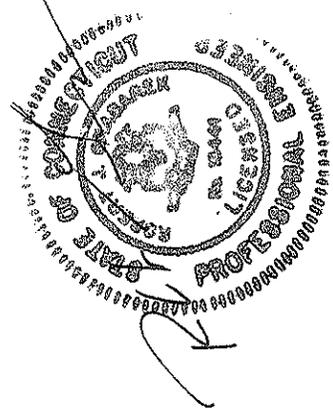
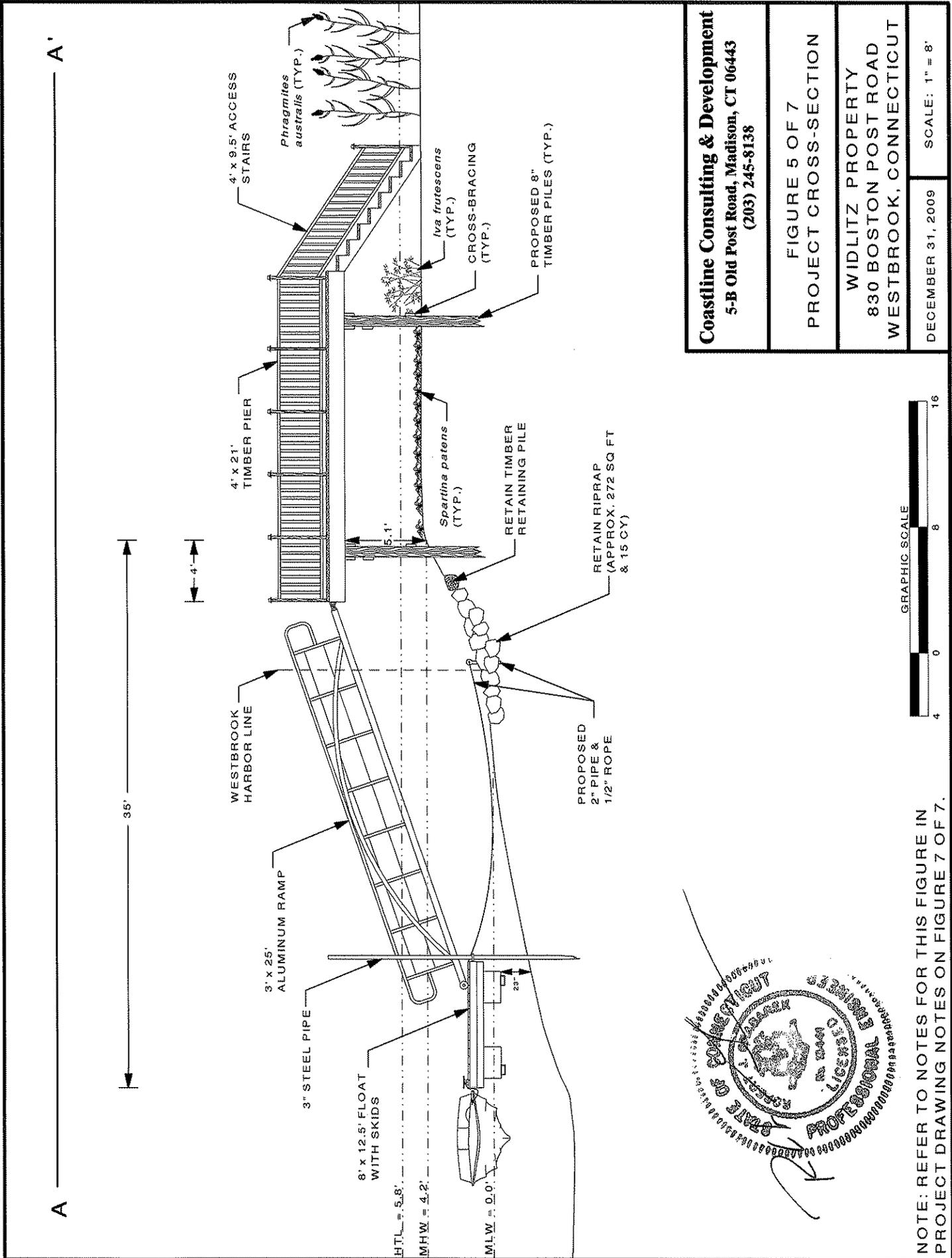
DECEMBER 31, 2009

SCALE: 1" = 50'



MLW	=	MEAN LOW WATER
MHW	=	MEAN HIGH WATER
HTL	=	HIGH TIDE LINE
-1.2'	=	SOUNDING
N/F	=	NOW OR FORMERLY
TYP	=	TYPICAL
FND	=	FOUND
IP	=	IRON PIN/PIPE
RCP	=	REINFORCED CONCRETE PIPE
BM	=	BENCHMARK
▲	=	<i>Spartina alterniflora</i>
●	=	<i>Spartina patens</i>
▽	=	<i>Phragmites australis</i>

NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES FIGURE 7 OF 7.



NOTE: REFER TO NOTES FOR THIS FIGURE IN PROJECT DRAWING NOTES ON FIGURE 7 OF 7.

B _____ B'

RETAIN STACKED
STONE WALL
(APPROX. 100 SQ FT
& 5 CY)

*Phragmites
australis*

H.T.L. = 5.8'

MUD



NOTE: REFER TO NOTES FOR THIS FIGURE IN
PROJECT DRAWING NOTES ON FIGURE 7 OF 7.



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FIGURE 6 OF 7
PROJECT CROSS-SECTION

WIDLITZ PROPERTY
830 BOSTON POST ROAD
WESTBROOK, CONNECTICUT

DECEMBER 31, 2009

SCALE: 1" = 4'

PROJECT DRAWING NOTES

FIGURE 1 OF 7 - SITE LOCATION MAP

1. MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE WESTBROOK, CONNECTICUT QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984). SCALE: 1" = 12,000.

FIGURE 2 OF 7 - SITE PLAN VIEW

1. THE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON WESTBROOK, CT ASSESSOR MAP #25 AND FIELD OBSERVATIONS.

FIGURE 3 OF 7 - EXISTING CONDITIONS

1. THIS APPLICATION DRAWING WAS PREPARED FROM RECORDED RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 1/17/08, 2/15/08 & 3/12/09, AND OTHER SOURCES. IT IS NOT TO BE CONSTRUED AS A PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEY.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS:
 - A. A CLASS T-2 SURVEY TITLED, "FIGURE 1 OF 2, TOPOGRAPHIC SURVEY, WIDLITZ PROPERTY, 830 BOSTON POST ROAD, WESTBROOK, CONNECTICUT", SCALE: 1"=40', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
 - B. "MAP SHOWING PARCEL'S A & B TO BE CONVEYED, BOSTON POST ROAD, WESTBROOK, CONN.", DATED DECEMBER 26, 1972, SCALE 1"=40', AND PREPARED BY JOSEPH P. WRIGHT L.S., 129 MAIN ST, OLD SAYBROOK, CONN.
 - C. A CLASS A-2 SURVEY TITLED "ESTABLISHMENT OF HARBOR LINES, TOWN OF WESTBROOK" DATED 3/13/84, SCALE 1" = 200', AND PREPARED BY DAVID B. MYLCHREEST.
 - D. WESTBROOK ASSESSOR MAP #25.
3. BENCHMARK, TIDE LINES, SOUNDINGS, AND UPLAND ELEVATIONS ARE IN FEET, FIELD-LOCATED BY COASTLINE CONSULTING & DEVELOPMENT, LLC, AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88 VERTICAL DATUM USING NOAA TIDE STATION # 8463701 (1983-2001 EPOCH) AND CDOT HTL DATA (1983-2007) FOR WESTBROOK, CT.
4. THIS MAP IS FOR PLANNING AND PERMITTING PURPOSES ONLY AND IS NOT INTENDED FOR FILING ON LAND RECORDS IN TOWN OR CITY CLERK'S OFFICE. THE PROPERTY LINES ARE DEPICTED GRAPHICALLY ONLY, AND DO NOT REPRESENT ANY PROPERTY/BOUNDARY OPINION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.
5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR.
6. ANY UNDERGROUND AND/OR UNDERWATER UTILITY, STRUCTURE, AND FACILITY LOCATIONS DEPICTED AND/OR NOTED HEREON MAY HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING SUPPLIED BY THE RESPECTIVE UTILITY COMPANIES OR GOVERNMENTAL AGENCIES, FROM PAROLE TESTIMONY AND FROM OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED AS APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE LOCATIONS OF WHICH ARE UNKNOWN TO COASTLINE CONSULTING AND DEVELOPMENT, LLC. THE SIZE, LOCATION AND EXISTENCE OF ALL SUCH FEATURES MUST BE FIELD DETERMINED AND VERIFIED BY THE APPROPRIATE AUTHORITIES PRIOR TO ANY CONSTRUCTION. CALL BEFORE YOU DIG: 1-800-922-4455.

FIGURES 4 - 6 OF 7 - PROPOSED CONDITIONS & CROSS-SECTION

1. THESE APPLICATION DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, OTHER MAPS, LIMITED FIELD MEASUREMENTS COLLECTED ON 1/17/08, 2/15/08 & 3/12/09, AND OTHER SOURCES. THE DRAWINGS ARE NOT TO BE CONSTRUED AS PROPERTY/BOUNDARY OR LIMITED PROPERTY/BOUNDARY SURVEYS.
2. REFERENCE IS MADE TO THE FOLLOWING MAPS & APPLICATION DRAWINGS:
 - A. "FIGURE 3 OF 7, EXISTING CONDITIONS. WIDLITZ PROPERTY, 830 BOSTON POST ROAD, WESTBROOK, CONNECTICUT". SCALE: 1" = 50', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
 - B. "FIGURE 4 OF 7, PROPOSED CONDITIONS. 830 BOSTON POST ROAD WESTBROOK, CONNECTICUT". SCALE: 1" = 50', PREPARED BY COASTLINE CONSULTING & DEVELOPMENT, LLC.
3. SOUNDINGS AND UPLAND ELEVATIONS ARE IN FEET AND REFERENCED TO THE MEAN LOW WATER (MLW) TIDAL DATUM BASED ON NAVD88.
4. THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND ARE NOT INTENDED FOR BID DOCUMENTS, STRUCTURAL DESIGN, OR CONSTRUCTION. NOT ALL IMPROVEMENTS AND FEATURES HAVE BEEN DEPICTED.



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FIGURE 7 OF 7 PROJECT DRAWING NOTES	
WIDLITZ PROPERTY 830 BOSTON POST ROAD WESTBROOK, CONNECTICUT	
DECEMBER 31, 2009	FILE NO.: 08-04