Coastline Consulting & Development, LLC



Waterfront Planning, Permitting, and Development

August 17, 2020

Farrah Ashe Land and Water Resources Division Bureau of Water Protection and Land Reuse Department of Energy & Environmental Protection 79 Elm Street Hartford, CT 06106

RE: Response to DEEP Pre-Application Comments

Waterfront Improvement Project-Map 2, Lot 4, Great Meadow Rd, Essex, CT

Dear Farrah:

This letter is being provided in response to two rounds of pre-application comments, the first provided via email on June 2, 2020 and the second provided via email on July 2, 2020. The following information directly corresponds with each correspondence.

JUNE 2, 2020 PRE-APPLICATION COMMENTS

1. Proximity to Navigation Channel

The Brockway Bar navigation channel is approximately one-half mile to the north of the project site, which is far enough away to be outside the influence of the proposed work and associated use.

- Submerged Aquatic Vegetation (SAV) Mr. Richard Snarski, Professional Wetland Scientist #1391, performed an SAV survey on September 20, 2019 (see attached field notes from Mr. Snarski). Mr. Snarski noted that there is no SAV within 100 feet of the bulkhead and dock.
- 3. *Front Elevation View of Proposed Platform* The preliminary permit drawings have been updated to include a front elevation view of the proposed platform (see attached).
- 4. Dock Expansion
 - a. Road Use, Upland Support, and Commercial Activities
 - i. Regarding road use, based on a Property Survey prepared by Clark Land Surveying, LLC dated 9/26/19 (see attached), the access drive along the river is not a public road, but an area subject to "rights of others". Users of the private access drive include members of Pettipaug Yacht Club and Essex Boat Club. The land at the south end of the access drive is owned by the Essex Land Trust, which is undeveloped and does not attract organized use that creates traffic.
 - ii. Permanent/traditional upland support facilities at the project site are not necessary because the proposed waterfront improvements will only be used by Bombaci Construction and various shad fishermen as a waypoint and staging area for loading/offloading as they navigate up/down the river. In addition, because shad fishermen operate during night hours, their use of the site will have a negligible impact on the access drive. Furthermore, when the site is used, parking will occur in the field on the

Stonington, CT (860) 535-9393 57-B East Industrial Road, Branford, CT 06405 Phone: (203) 433-4486 Fax: (203) 208-2241 www.coastlineconsulting-ct.com

Greenwich, CT (203) 86 1-1 990 opposite side of the access drive (see area on attached updated drawings) and sanitary facilities will be available onboard Bombaci Construction and shad fishermen vessels. When the improvements are constructed, a portable toilet will be available for regular use. As a result, no impacts to the existing use of the access drive are expected.

b. Updated Consultations with Town & Gateway Commission

The owners have secured updated comments from the Town Zoning Official and the Gateway Commission (see attached).

5. Culvert

The pipe in question is not on the Bombaci Family, LLC property as documented by the Property Survey prepared by Clark Land Surveying, LLC dated 9/26/19.

6. Final NDDB Determination

In a letter dated June 2, 2020, DEEP Wildlife determined that there will be no negative impacts to State-listed species resulting from the proposed activity at the site (see attached letter).

JULY 2, 2020 PRE-APPLICATION COMMENTS

1. Small Building

The proposed activities in the forthcoming permit application will not include constructing of a building.

- 2. *Parking* Please see response item 4.a.ii. above.
- 3. *Submerged Aquatic Vegetation* Please see response item 2 above.
- 4. Erosion

The proposed work will also include activities to stabilize the shoreline, portions of which are actively eroding, which is needed to protect the access drive. This work will also help protect existing trees. Specifically, the work will involve returning recently dislodged vegetation to the shoreline and retaining existing cobbles/boulders, collecting loose individuals, and consolidating them along the shoreline (see site photos).

I hope the above/enclosed information will satisfactorily addresses your comments. Please contact me if you have any additional questions. Thank you for your time and guidance.

Sincerely, Dand R. Frond

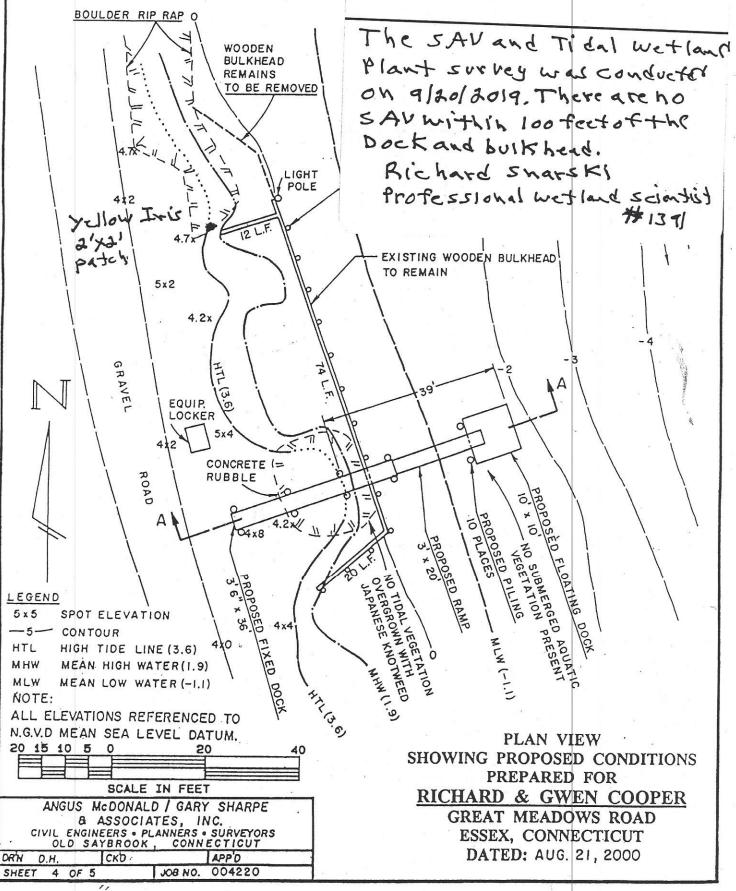
David Provencher Project Manager Coastline Consulting & Development, LLC

Attachments

cc: Bombaci Family, LLC



NEW ENGLAND ENVIRONMENTAL SERVICES BLACKLEDGE RIVER NURSERY 155 JERRY DANIELS ROAD MARLBOROUGH, CT 06447



WATERFRONT IMPROVEMENT PROJECT

BOMBACI FAMILY, LLC ESSEX, CONNECTICUT

DRAWING LIST				
SHEET NO.	SHEET TITLE	ORIGINAL DATE	REVISION DATE	NOTES
1 OF 9	TITLE SHEET	8-12-2020		
2 OF 9	USGS TOPOGRAPHIC QUADRANGLE MAP	8-12-2020		
3 OF 9	TAX ASSESSOR'S MAP	8-12-2020		
4 OF 9	EXISTING CONDITIONS INDEX MAP	8-12-2020		
5 OF 9	EXISTING CONDITIONS PLAN	8-12-2020		
6 OF 9	PROPOSED CONDITIONS PLAN	8-12-2020		
7 OF 9	CROSS-SECTIONS A & C	8-12-2020		
8 OF 9	ELEVATION D	8-12-2020		
9 OF 9	ELEVATIONS B & E	8-12-2020		

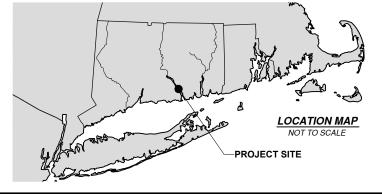
PROJECT NOTES

REFERENCE IS MADE TO THE FOLLOWING MAPS:

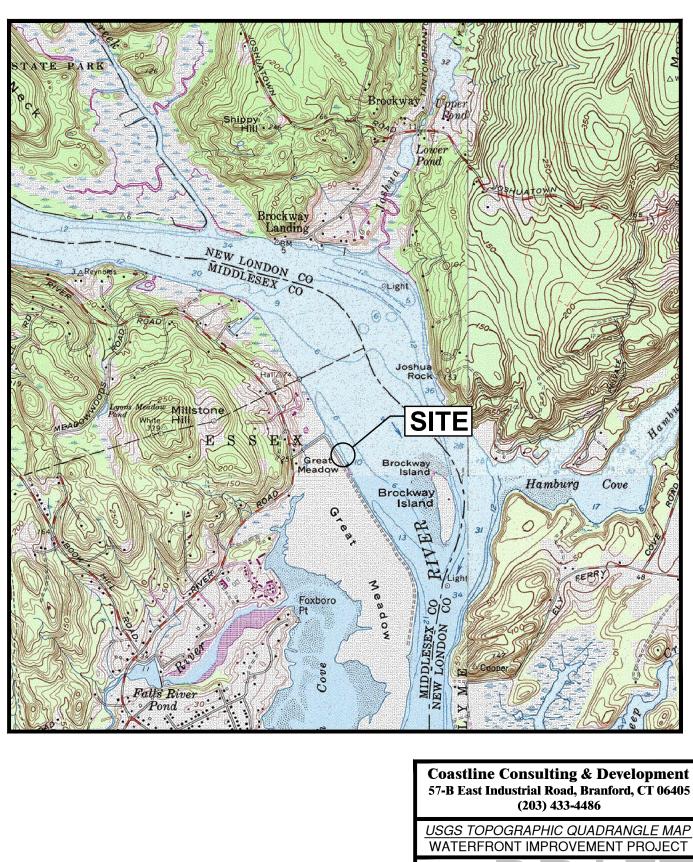
- A. "TOPOGRAPHIC SURVEY & HYDROGRAPHIC SURVEY, BOMBACI FAMILY LLC, GREAT MEADOW ROAD, ASSESSOR MAP 2, LOT 4, ESSEX, CONNECTICUT", CERTIFIED TO CLASS T-2 STANDARDS, DATED DECEMBER 30, 2019, SCALE: 1" = 30' AND CERTIFIED BY JAMES NAGLE, L.S., LIC. NO. 15195.
- B. "NFIP, FLOOD INSURANCE RATE MAP, MIDDLESEX, CONNECTICUT", MAP NUMBER 09007C0269G, REVISED AUGUST 28, 2008, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 2. A SUBMERGED AQUATIC VEGETATION (SAV) SURVEY WAS PERFORMED BY RICHARD SNARSKI (PROFESSIONAL WETLAND SCIENTIST #1391) ON SEPTEMBER 20, 2019. MR. SNARSKI NOTED THAT THERE IS NO SAV WITHIN 100 FEET OF THE DOCK AND BULKHEAD.
- 3. BENCHMARK, TIDE LINES, UPLAND ELEVATIONS, AND SOUNDINGS ARE REFERENCED TO MEAN LOW WATER DATUM. A CONVERSION FACTOR OF +1.6' WAS USED TO CONVERT THE DATA FROM NAVD88 TO MLW DATUM. THE CJL (COASTAL JURISDICTION LINE) ELEVATION OF 4.4' MLW DATUM IS THE VALUE FOR ESSEX, CT AS ESTABLISHED BY THE CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION.

GENERAL NOTES

- 2. THESE DRAWINGS WERE PREPARED FROM RECORDED RESEARCH, FIELD OBSERVATIONS, DRAWINGS NOTED HEREON, AND OTHER SOURCES.
- 3. THESE DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY AND NOT INTENDED FOR STRUCTURAL DESIGN, BID DOCUMENTS, OR CONSTRUCTION.
- 4. THE FEMA FLOOD LINES ARE DIGITIZED FROM A REFERENCE MAP NOTED HEREON, SHOWN TO SATISFY PERMIT REQUIREMENTS, AND NOT INTENDED FOR INSURANCE OR ELEVATION CERTIFICATE PURPOSES. BASE FLOOD ELEVATIONS ARE IN NAVD88.
- 5. SITE MAY BE SUBJECT TO AND/OR TOGETHER WITH CERTAIN LITTORAL, RIPARIAN, OR OTHER RIGHTS AS PER THE RECORD MAY APPEAR. 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 & 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.



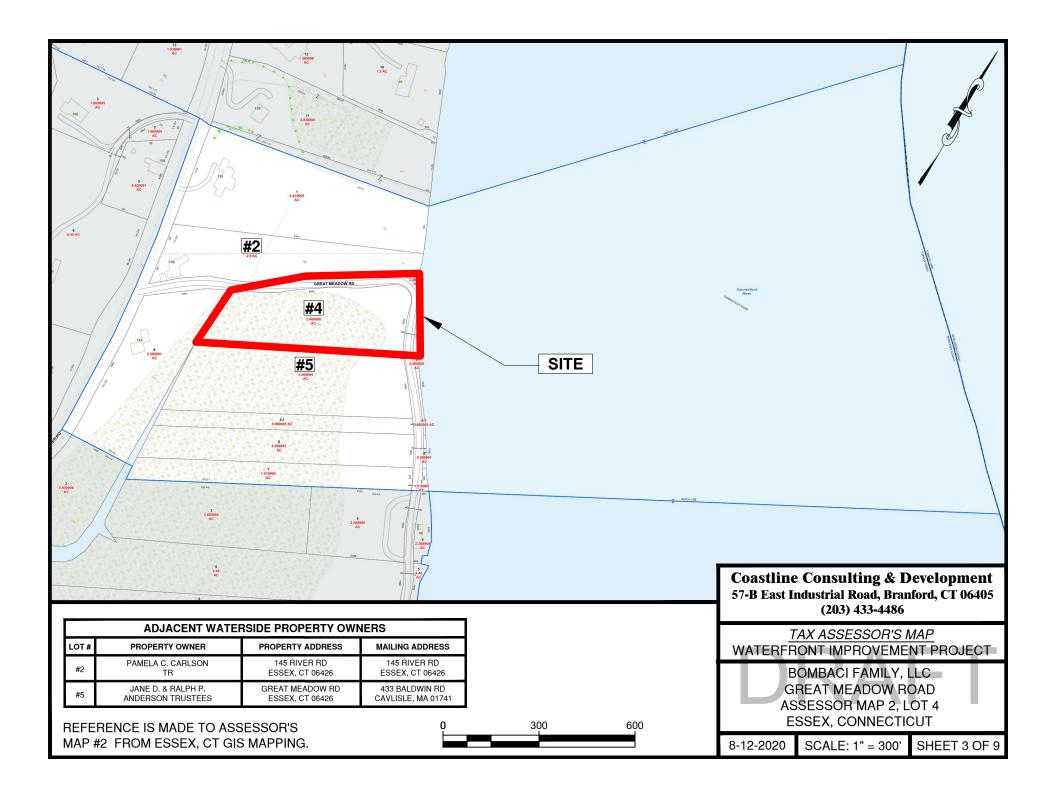
Coastline Consulting & Development 57-B East Industrial Road, Branford, CT 06405 (203) 433-4486				
<u>TITLE SHEET</u> WATERFRONT IMPROVEMENT PROJECT				
BOMBACI FAMILY, LLC GREAT MEADOW ROAD ASSESSOR MAP 2, LOT 4 ESSEX, CONNECTICUT				
8-12-2020	JOB NO. 18-110	SHEET 1 OF 9		

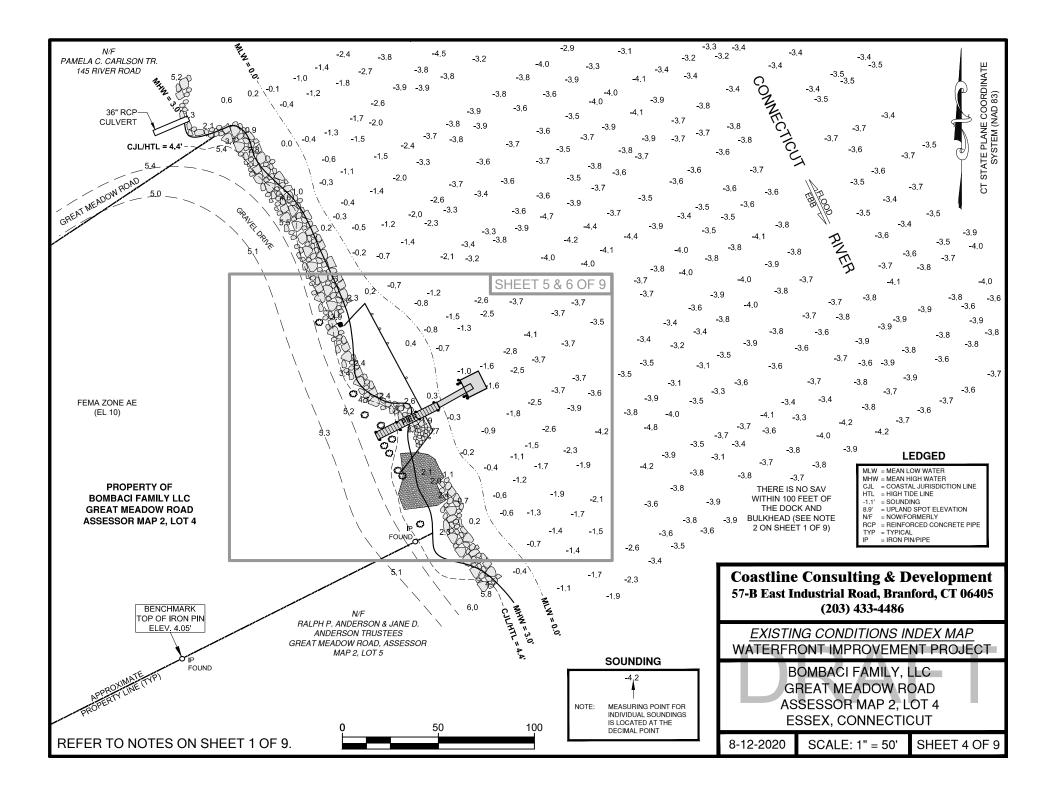


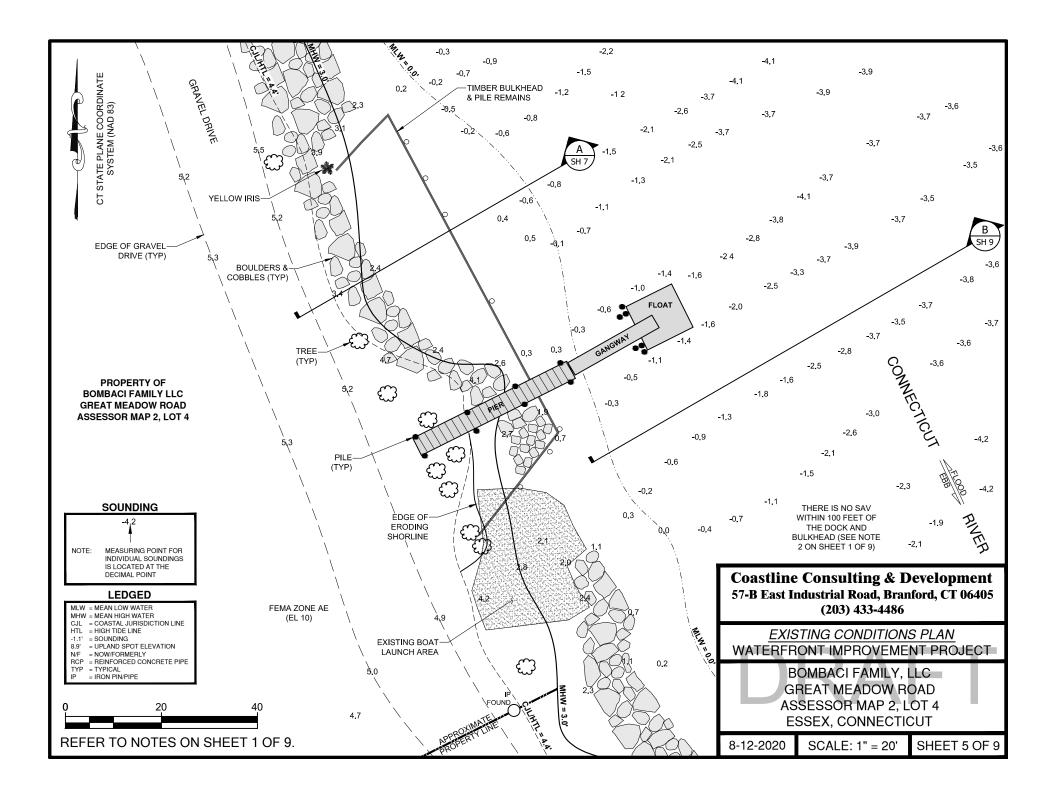
BOMBACI FAMILY, LLC GREAT MEADOW ROAD ASSESSOR MAP 2, LOT 4 ESSEX, CONNECTICUT

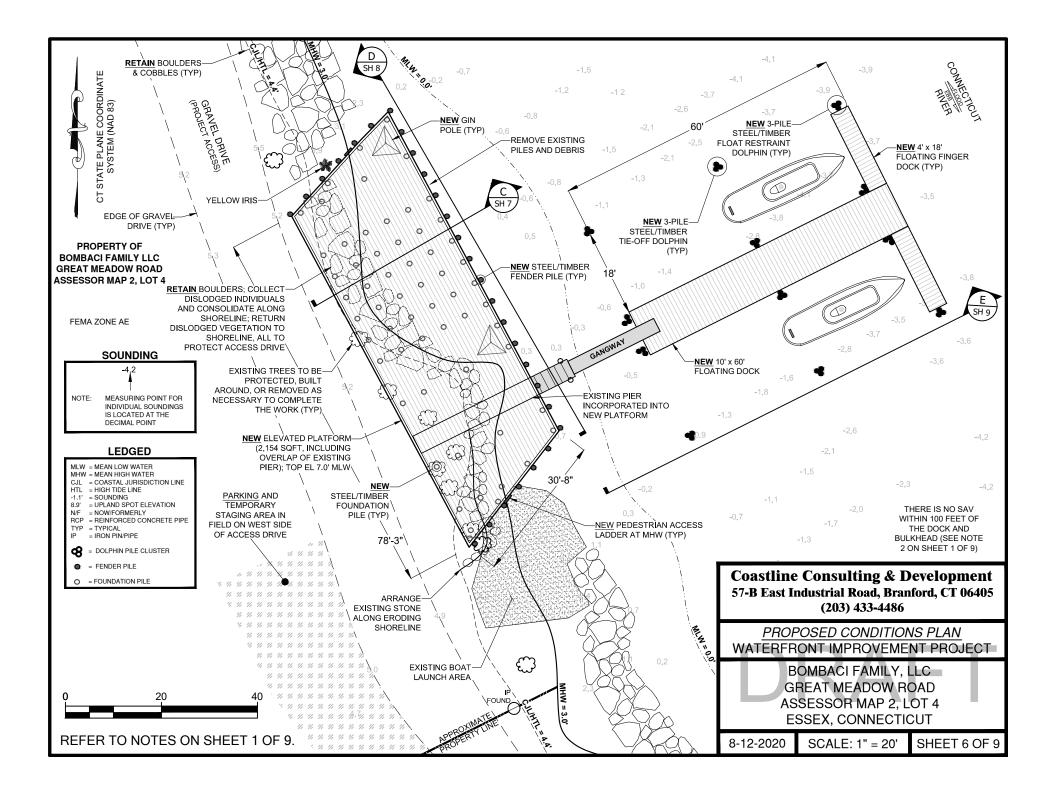
MAP TAKEN FROM TOPO, INC., 7.5 MINUTE USGS TOPOGRAPHIC MAPS OF THE DEEP RIVER, CONNECTICUT, QUADRANGLE, 1960 (PHOTO INSPECTED 1976, PHOTO REVISED 1984).

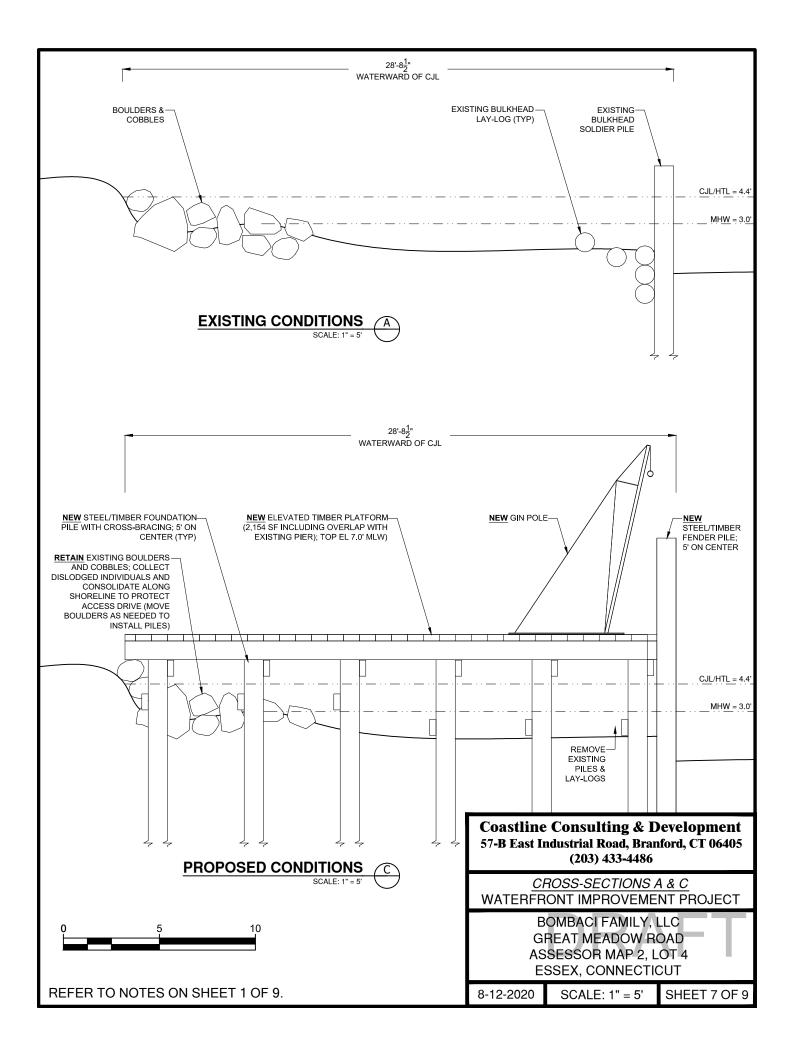
8-12-2020 SCALE: 1 = 24,000 SHEET 2 OF 9

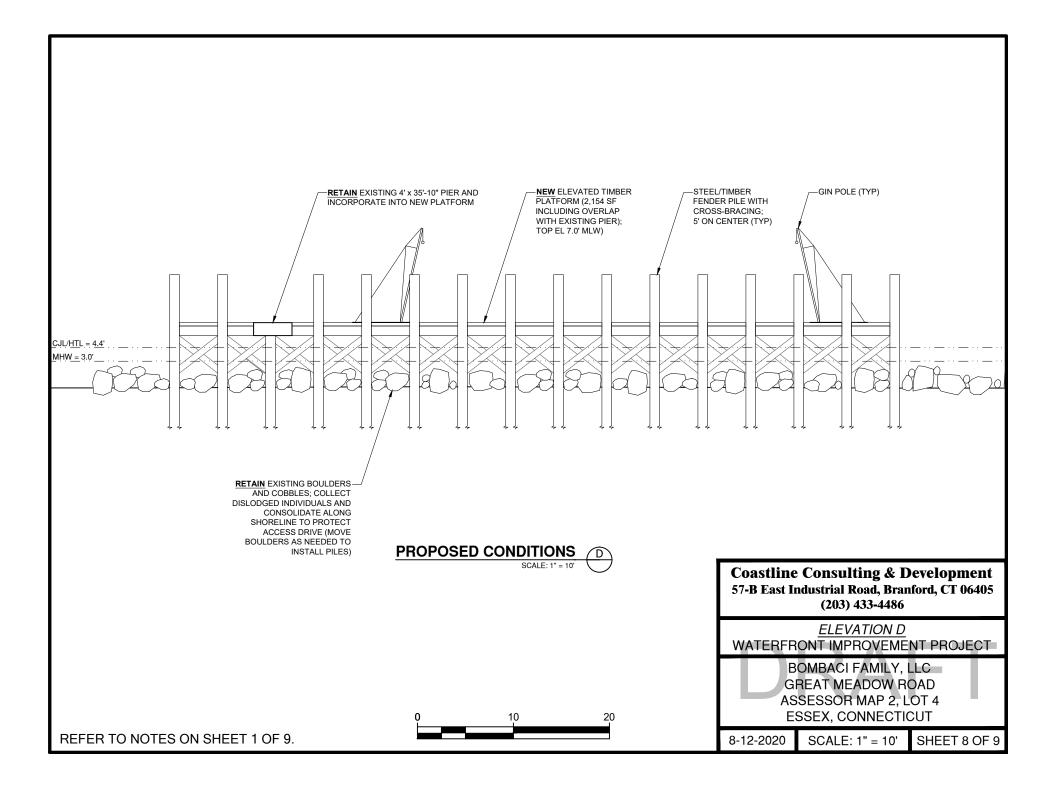


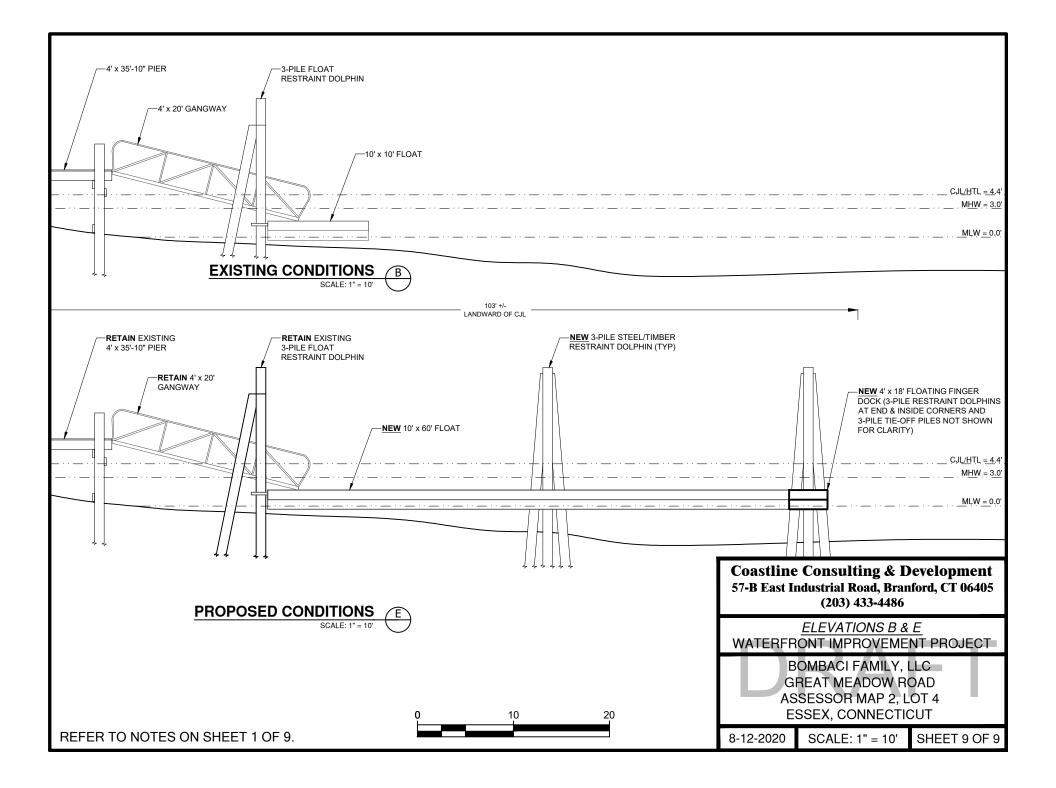














View of timber bulkhead remains and pier looking downriver.



View shoreline and timber bulkhead remains looking upriver.



View of boat launch area and dock configuration looking northeast.



View of shoreline and structures looking upriver.



View of eroding shoreline near boat launch area and access drive.



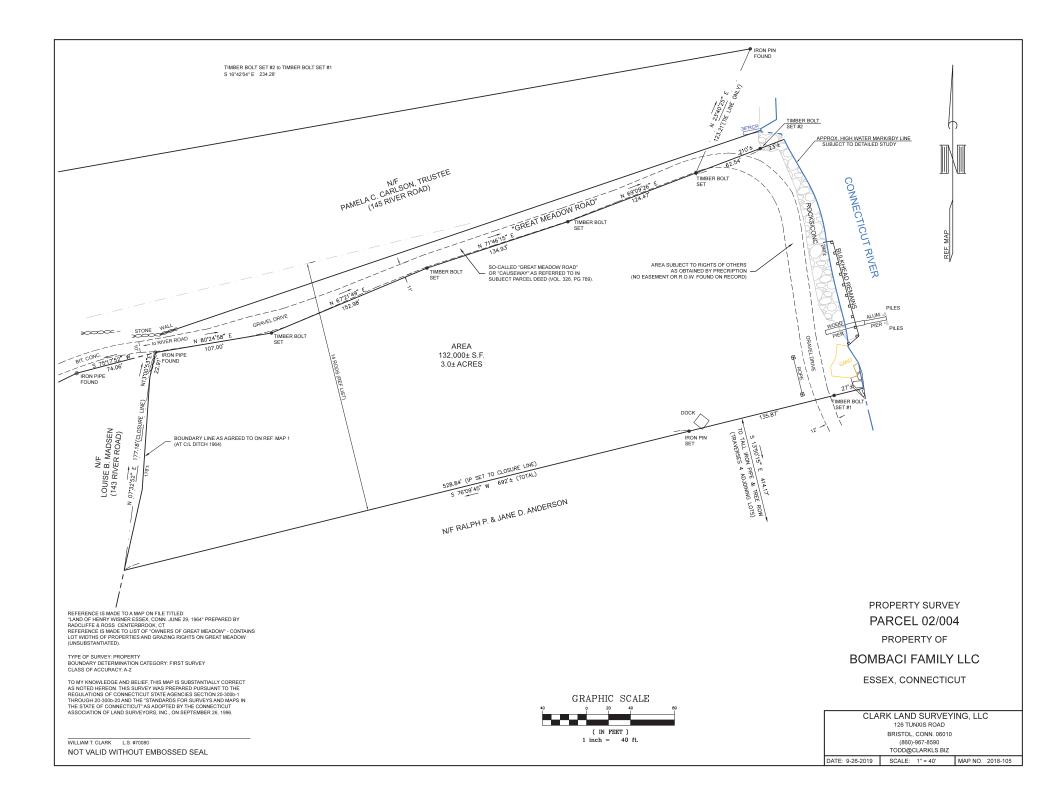
View of dislodged vegetation from eroding shoreline near boat launch area.



View of eroding shoreline and dislodged vegetation near boat launch area.



View of eroding shoreline near boat launch area and access drive.



From:	jabombaci@aol.com	
То:	David Provencher	
Cc:	bombaciconst@aol.com	
Subject:	Fwd: Great Meadows Dock and Platform Proposal	
Date:	Monday, June 15, 2020 10:55:16 AM	

-----Original Message-----From: Joseph Budrow <JBudrow@EssexCT.gov> To: Kenneth Bombaci <jabombaci@aol.com> Cc: 'John.Natale@ct.gov' <John.Natale@ct.gov> Sent: Mon, Jun 15, 2020 10:20 am Subject: Great Meadows Dock and Platform Proposal

Hello Ms. Bombaci,

I am the Zoning Official in Essex, CT. On July 19, 2019 I met with you, Ed Bombaci and Ken Bombaci north of Pettipaug Yacht Club. Torrance Downes (Gateway Commission staff) was also present. Torrance and I were told that the existing dock was sometimes used to load a barge/or boat for dock work elsewhere. I had no issue with this history of use. We were told that a proposed platform, to replace a previous platform that had washed away, would be used for shad fishing by residents. There was no talk of <u>increased</u> commercial activity and I do not expect any.

Torrance agreed that the proposal for a rebuilt platform was not an expansion of the existing dock and in the hands of DEEP. No zoning approval required. The use of the land is zoned residential but the land is vacant and the proposal is not viewed as a nonconformity.

It has recently been asked if the proposal for adding length to the dock was okay. From a zoning standpoint this is a request for DEEP, not zoning.

My opinion remains that the dock and platform are under the jurisdiction the CT DEEP. The platform is to replace a use that was never legally abandoned.

Joseph Budrow

Zoning and Inland Wetlands Enforcement Official Town of Essex, CT 860-767-4340 ext: 115 jbudrow@essexct.gov



145 Dennison Road Essex, CT 06475 Phone: 860-581-8554 FAX: 860-581-8543 www.ctrivergateway.org

July 1, 2020

Ms. Farrah Ashe Connecticut DEEP 179 Elm Street Hartford, CT 06106

SUBJECT: Letter of Support, Bombaci Commercial Fishing Dock/Deck Proposal Great Meadows, Essex

Dear Ms.Ashe:

At its regularly scheduled meeting on Thursday, June 25, 2020, representatives of the Bombaci project were present (via Zoom) at a meeting of the Connecticut River Gateway Commission to discuss the proposed dock extension and open deck located adjacent to and in the northern area of the Great Meadows marshes in the Town of Essex. It is understood that the project is currently in a "pre-application" phase before the CT DEEP as it will require a Structures, Dredging and Fill Permit authorized under Section 22a-361 of the Connecticut General Statutes.

Support for Project

As a result of the presentation and information supplied by the Bombacis and their representative at the meeting, a consensus was reached by the members of the Connecticut River Gateway Commission to support the proposal for the establishment of a commercial docking facility in the northern area of the Great Meadows marshes of Essex as it will not adversely impact the "natural and traditional river scene" in that part of the river. Further, support for a commercial dock that will support fishermen is seen as support for a traditional and important use in the river. The following comments summarize the discussion:

Comments

Judy, Ken and Ed Bombaci were in attendance along with their engineer David Provencher to explain the project, its history and the history of the site. A site plan was shown demonstrating the location of the proposed open decking and the proposed dock, which will be a lengthened version of the dock that presently exists at the location. Aerial photographs were shown to provide members with an idea of where the site location was in relation to nearby landmarks, including the formal river navigation channel in that part of the Connecticut River.

The dock portion of the project, which will consist of the lengthening of the existing dock, will extend out to water with 4 feet of depth, sufficient for the vessels that will utilize that dock, that rather than dredging for greater water depths closer in to shore. Use of the facility will occur primarily at night reducing the likelihood of significant daytime traffic along River Road and along the gravel driveway upon which the proposed dock and deck will exist. Parking will occur either in the adjacent meadow (owned by the Bombacis) or along the gravel driveway, which is also used for access to the Pettipaug Yacht Club (the yacht club enjoys access across the Bombaci property by virture of an access easement).

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The facility will be used by local river fisherman and will periodically be used by the river construction company owned by Ed Bombaci. It was reported that the floating dock that will provide berthing to the fishing boats will be removed seasonally. The surfaces of the structures will be wood and will be built at the level of the gravel road so the open deck can be driven upon by vehicles. Most or all of the limited amount of vegetation located on the river side of the gravel drive will be eliminated, but no vegetation – including mature trees – will be removed from the western (inside) of the gravel driveway. The Bombacis reported that a small storage structure will likely be built on top of the deck, a shed that is "in keeping" with the structures in the area. It was recognized that, according to the Connecticut Coastal Management Act definitions, the facility would likely be classified as a "water-dependent use", thereby being afforded significant consideration for location on the riverfront. Members recognized that (1) the view of the shoreline in that location will not be adversely impacted by the structure, (2) the floating docks will be removed seasonally, (3) the sustainment of the shad industry is "traditional" and important to the river valley and, (4) that if the dock were to ever be proposed to be transformed to a recreational dock, a new state permit would be required prior to that conversion.

Local Approvals

As a note, Connecticut River Gateway Commission members briefly discussed whether or not the application will be required to go before the Essex Zoning Commission to acquire a local authorization. They concluded that because the facility would be a "marine facility" according to Section 101E.1 of the Essex Zoning Regulations, as intended by the adopted standards of the Gateway Commission, the town would likely require the review and approval of a Special Exception at some time in the future. Gateway Commission members felt that the Special Exception review and approval would provide the opportunity for its members to recommend that conditions be applied including a condition that no vegetation is removed from the site other than that necessary to construct the deck and the dock, especially to the western side of the gravel driveway without authorization.

Thank you for the opportunity to review and comment on the proposal and for including this letter in the records of the state permit application. If there are any questions with respect to any Gateway-related issue, please don't hesitate to contact us.

For the Commission,

J. H. Torrance Downes Deputy Director, LCRVCOG

Copy via email to: David Blatt, CT DEEP Sue Jacobsen, CT DEEP Ken Bombaci, Applicant Judy Bombaci, Applicant Ed Bombaci, Applicant David Provencher, Applicant's Representative Joe Budrow, ZEO, Town of Essex

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June 2, 2020

David Provencher Coastline Consulting & Development LLC 57-B Eeast Industrial Rd Branford CT 06405 david@coastlineconsulting-ct.com

Project: Construction of an elevated platform and floating dock, Bombacki Family LLC, Great Meadow Road, Map 2, Lot 4, Essex, CT NDDB Determination No.: 202006361

Dear Mr. Provencher,

I have reviewed Natural Diversity Database (NDDB) maps and files regarding the area of work provided for the proposed construction of an elevated platform and floating dock at Great Meadow Road, Map 2 Lot 4, Essex, 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 June 2, 2022.

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, cooperating units of DEEP, landowners, private conservation groups and the scientific community. This information is not necessarily the result of comprehensive or site-specific field investigations. Consultations with the NDDB should not be substitutes for on-site surveys necessary for a thorough environmental impact assessment. 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 database as it becomes available.

Please contact me if you have further questions at (860) 424-3378, or <u>karen.zyko@ct.gov</u>. Thank you for consulting the Natural Diversity Database.

Sincerely,

Haun Zh

Karen Zyko Environmental Analyst