

# ADMINISTRATIVE SUMMARY FORM

**DATE OF SUMMARY:** 2/14/2024

**HEARING DATE:** 2/20/2024

**APPLICATION REQUEST:** Coastal Site Plan Review

**ZONE:** R-12.5

**ADDRESS:**

104 Edgewater Place

**APPLICANT:**

Brenton & Deidra Artz

**REPRESENTATIVE:**

Kevin Curseaden, Esq.

## REVIEWS

<u>DEPARTMENTS</u>	<u>APPROVED</u>	<u>DENIED</u>	<u>NEUTRAL</u>	<u>CONDITIONS</u>
Engineering			12/21/23	
Conservation			N/A	
Fire Marshall			N/A	
Health			N/A	
Inland Wetlands			12/22/23	
Police			N/A	
Public Works			N/A	
Sewer Commission			N/A	
Tree Commission			N/A	
DEEP	1-16-24			1-16-24
Building			N/A	
Community Dev.			N/A	

## STAFF REVIEW/COMMENTS

The applicant is proposing to construct a single-family dwelling of 34' 7-1/8" in height. The lot in its current configuration has been recognized by the Assessor's Office and taxed as a single lot since at least 1980. More recently in 2008 a survey was submitted on the land records showing this single lot in its current configuration.

No adverse impact to coastal resources is anticipated. An as-built drawing confirming the proposed building height will be required prior to the issuance of the Certificate of Zoning Compliance.

The Connecticut Department of Environmental Protection (DEEP) has reviewed the application and recommends that newly placed fill for drainage located at each of the downspouts, and in the parking, area be tested after compaction to confirm that their hydraulic conductivity meets the recommendations of the 2004 CT Stormwater Quality manual of between 0.3-5.0 inches per hour. This condition will be noted on the drawings reviewed for the zoning permit. The application is substantially compliant with the Milford Zoning Regulations.

**Reviewer:** David B. Sulkis, A.I.C.P.



# City of Milford, Connecticut

Founded 1639

70 West River Street – Milford, CT 06460-3317

Tel 203-783-3245

Website: [www.ci.milford.ct.us](http://www.ci.milford.ct.us)

Email: [dsulkis@milfordct.gov](mailto:dsulkis@milfordct.gov)

Planning and Zoning  
Office

David B. Sulkis, A.I.C.P.  
City Planner

## PLANNING & ZONING BOARD REVIEW TRANSMITTAL

**RE:** 104 Edgewater Place

**DATE:** 12/18/23

**TO:**

<input type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Engineer
<input type="checkbox"/> Mayor's Office	<input type="checkbox"/> Fire Marshal
<input type="checkbox"/> Conservation Commission	<input checked="" type="checkbox"/> Inland Wetlands Commission
<input type="checkbox"/> Health Administrator	<input type="checkbox"/> Open Space Agent
<input type="checkbox"/> Police Department	<input type="checkbox"/> Public Works Director
<input type="checkbox"/> Sewer Commission	<input type="checkbox"/> South Central Regional
<input checked="" type="checkbox"/> DEEP – CAM Report	<input type="checkbox"/> Tree Commission (203-878-4895)
Mail to: John Gaucher, DEEP	<input type="checkbox"/> Resource Report
79 Elm Street	<input type="checkbox"/> Community Development
Hartford, CT 06106	<input type="checkbox"/> Building Department
<input type="checkbox"/> DEEP Permitting	<input type="checkbox"/> Planning & Zoning Office (3 Sets)
Mail to: Sue Jacobson, DEEP	

**SUBJECT:** Coastal Site Plan Review for a single family home

**ADDRESS OF PROPERTY:** 104 Edgewater Place

**MAP:** 045      **BLOCK:** 513      **PARCEL:** 39      **ZONE:** R-12.5

**APPLICANT/AGENT:** Kevin Curseaden, Esq.

**PHONE:** 203-874-9500      **EMAIL:** kjcurseaden@cmctlaw.com

**PROPERTY OWNER:** Brenton C. Artz.

**PLAN TITLE:** Artz Residence

**PREPARED BY:** Ron Wassmer, CCG: John Wicko, Architect

**DATE OF PLANS:** revised 12/12/23, 12/13/23

**DATE RECEIVED BY PLANNING & ZONING:** received 12/15/23

**PLANNING & ZONING CONTACT:** David B. Sulkis

These plans/documents have been received and are transmitted to your office for review prior to the submission of a Coastal Site Plan Review for a single family home to the Planning & Zoning Board

**ALL COMMUNICATIONS REGARDING THE REVIEW SHALL BE DIRECTED TO THE APPLICANT/AGENT WITH A COPY TO THE PLANNING & ZONING OFFICE**

**10 Sets of plans will be required for the Planning & Zoning Board Distribution.**

\*These commission reviews must be returned within 10 working days.



MILFORD PLANNING AND ZONING BOARD
APPLICATION FOR COASTAL SITE PLAN REVIEW - PAGE 1 of 9
(CLICK THE GRAY BOX TO MAKE A SELECTION OR BEGIN TYPING)

RECEIVED

ZONING BOARD OF APPEALS

APPLICANT Brenton C Artz
SITE PLAN REVIEW X AMENDMENT TO SITE PLAN REVIEW
TO ESTABLISH OR CONSTRUCT Single-family residence
ON THE FOLLOWING PROPERTY (ADDRESS) 104 Edgewater Place

OWNER OF RECORD Brenton C Artz
ASSESSOR'S MAP 45 BLOCK 513 PARCEL 39 ZONE R-12.5

TYPE OF PROJECT APPROVAL REQUESTED:
SITE PLAN REVIEW [X] SPECIAL PERMIT [ ] SUBDIVISION [ ] VARIANCE [ ]

TYPE OF PROJECT OR ACTIVITY
(CHECK ONE OR MORE)

COASTAL RESOURCES LOCATED WITHIN THE
PROJECT OR WHICH THE PROJECT WILL AFFECT:

- Subdivision (type of use - residential, Commercial, etc. )
Single family residential [X]
Multi-family residential (No. of units )
Condominium (No. of units )
Commercial - sq. ft.
Industrial - sq. ft.
Mixed residential/commercial (# units /sq. ft. )
Marina - sq. ft.
Commercial Port Facility - sq. ft.
Sewer Line - Capacity
Water Line - Capacity
Other - PLEASE SPECIFY:

- bluffs or escarpments
rocky shorefront
beaches and dunes
intertidal flats
tidal wetlands 59 sf / 0.0013 ac
freshwater wetlands
estuarine embayments
coastal flood hazard area 5011 sf / 0.115 ac
coastal erosion hazard area
developed shorefront 5011sf / 0.115 ac
islands
coastal waters
shorelands
shellfish concentration areas

PROPERTY OWNER:

IF APPEARING BY ATTORNEY OR AGENT:

NAME Brenton C Artz
SIGNATURE
MAILING ADDRESS 9 Nayer Lane, Milford, CT

NAME Kevin Cuseaden, Attorney
SIGNATURE
MAILING ADDRESS 3 Lafayette St, Milford, CT

PHONE NO. 203-410-3188

PHONE NO. 203-874-9500

PROFESSIONAL ENGINEER - DESIGNER/ARCHITECT - LAND SURVEYOR:

NAME Ronald W. Wassmer
MAILING ADDRESS 158 Research Dr Unit M, Milford, CT

SIGNATURE
PHONE NO. 203-874-8316

FEE - SEE SCHEDULE OF ZONING FEES (Payable by Check Only)

RECEIVED OF DATE
RECEIVED BY AMOUNT RECEIPT NO.

APPLICATION FILED APPLICATION CERTIFIED PUBLIC HEARING DATE
DATE BOARD ACTION APPROVED DENIED

# Municipal Coastal Site Plan Review Form

## 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 Planning & Zoning Department.

### Section I: Applicant Identification

Applicant:	<i>Brenton C Artz</i>	Date:	8/07/2023
Address:	9 Nayer Lane, Milford, CT	Phone Number:	203-410-3188
Project Address or Location: 104 Edgewater Place			
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:			
Address:			
City/Town:	State:	Zip Code:	
Business Phone:			
e-mail:			

### Section II: Project Site Plans

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:

- Project location
- Existing and proposed conditions, including buildings and grading
- Coastal resources on and contiguous to the site
- 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)
- Soil erosion and sediment controls
- Storm water treatment practices
- Ownership and type of use on adjacent properties
- 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:

104 Edgewater Place

City or Town: Milford

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:

Milford Harbor, 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 existing land use is residential and used as a private boating facility, the adjacent sites are also used as residential and used as a private boating facilities. The site has an existing gazebo, building, deck, boat ramp, and boat dock. The site is zoned R12.5.

5. Indicate the area of the project site: 0.115 acres or 5011 square feet

6. Check the appropriate box below to indicate total land area of disturbance of the project or activity (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. It 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 disturb one or more total acres but less than 5 total acres of land area. A soil erosion and sedimentation control plan must be submitted to the municipal land use agency reviewing this application.
- Project or activity will not disturb 1 acre total of land area. Stormwater management controls may be required as part of the coastal site plan review.

7. Does the project include a shoreline flood and erosion control structure as defined in CGS section 22a-109(d)  Yes  No

## 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):

The proposed re-development is for the construction of a single-family residence. The site currently contains a building with a deck, a gazebo, a dock, a gravel driveway and gravel parking areas, and some lawn areas. There will be no clearing on the site. There will be miniscule grading of the site upwards of the high tide line and no grading waterward of the high tide line. The existing gazebo and building are to be demolished. There will be an increase of impervious cover, existing impervious cover is 17% and the proposed impervious cover will be 38.8%. The single-family structure is proposed where the existing house and deck area are and a proposed lawn area. The residential nature of the use of the site will not change. The site will continue to be used as parking for a boat dock, a boat dock, and now will included a single-family residence. The site is an existing residentially zoned lot. The proposed single-family residence will be located in the uplands. If approved, building is scheduled to start in the fall of 2023 and to be completed by fall 2024. The proposed single-family residence is going to be constructed with a concrete foundation and timber frame. The site will continue to be a water dependent use for a private boating facility owned by and to be used by the applicant. The existing ramp and boat docks are to remain as they currently exist..

## 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 loadings 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):

Current storm water best management practices will be employed. There is currently no storm drainage on the site. The water quality volume, as defined in the 2004 Storm Water Quality Manual, is provided through underground infiltration galleys. The storm drainage is also designed per City of Milford requirements of a 25yr 24hr duration storm. Sedimentation and erosion control features are depicted on the plans. The roof drains will be directed to the infiltration galleys.

### 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	Off-site but within the influence of project			
	On-site	Adjacent		Not Applicable
General Coastal Resources* - Definition: CGS Section 22a-93(7); Policy: CGS Section 22a-92(a)(2)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Beaches & Dunes - Definition: CGS Section 22a-93(7)(C); Policies: CGS Sections 22a-92-(b)(2)(C) and 22a-92(c)(1)(K)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bluffs & Escarpments - Definition: CGS Section 22a-93(7)(A); Policy: CGS Section 22a-92(b)(2)(A)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Hazard Area - Definition: CGS Section 22a-93(7)(H); Policies: 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)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Developed Shorefront - Definition: CGS Section 22a-93(7)(I); Policy: 22a-92(b)(2)(G)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Freshwater Wetlands and Watercourses - Definition: CGS Section 22a-93(7)(F); Policy: CGS Section 22a-92(a)(2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intertidal Flats - Definition: CGS Section 22a-93(7)(D); Policies: 22a-92(b)(2)(D) and 22a-92(c)(1)(K)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Islands - Definition: CGS Section 22a-93(7)(J); Policy: CGS Section 22a-92(b)(2)(H)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rocky Shorefront - Definition: CGS Section 22a-93(7)(B); Policy: CGS Section 22a-92(b)(2)(B)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shellfish Concentration Areas - Definition: CGS Section 22a-93(7)(N); Policy: CGS Section 22a-92(c)(1)(I)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shorelands - Definition: CGS Section 22a-93(7)(M); Policy: CGS Section 22a-92(b)(2)(I)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tidal Wetlands - Definition: CGS Section 22a-93(7)(E); Policies: CGS Sections 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* 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):

This re-development project is consistent with the Coastal Resource Policies, the project will preserve the coastal resources. There will be no adverse impacts to the general resources. The proposed single-family house will be built with no impact to the Coastal Hazard Areas. The single-family residence will be constructed following appropriate building codes as required by the City of Milford building department and coastal flood hazard requirements per Milford Zoning Regulations. The main floor is elevated 4.6 feet above the base flood elevation of the FEMA flood hazard area and there are 5 engineered flood vents provided in the enclosure area. The enclosure area will be used as a garage, storage area, and main floor access. There will be no adverse impacts to the developed shorefront the existing riprap, ramp, and dock are remaining. The site will continue to be a water-dependent use as a private boating facility owned by and used by the applicant. There is an existing ramp leading to a dock and there are no proposed activities to the existing ramp or to the dock. There will be no adverse impacts to the Tidal wetlands, the project does not encroach into or degrade the tidal wetlands. There will be no adverse impacts to the adjacent freshwater wetlands, the project does not encroach into or degrade the freshwater wetlands. There will be no adverse impacts to the adjacent coastal waters and estuarine embayments. The house will be connected to the existing municipal sanitary sewer. The proposed redevelopment will not change the essential patterns of circulation, drainage, and basin configuration. The site grading is upland of the high tide line and there is no proposed fill or grading waterward of the high tide line. Sedimentation and Erosion control measures and storm water treatment measures are included in the plans. Grading will be substantially similar to existing grading patterns on-site. Vegetation will be restored in certain areas to buffer against risks of erosion.

#### Part V: Identification of Applicable Coastal Use and Activity Policies and Standards

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)

\* General Development policies are applicable to all proposed activities

\*\* Water-dependent Use policies are applicable to all activities proposed at waterfront sites, including those with tidal wetlands frontage.

**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 re-development project is consistent with the Coastal Use Policies. The project will preserve the water-dependent use as recreational boating. The site is zoned residential. The site will continue to be a water-dependent use as a private boating facility owned by and used by the applicant. The land is zoned residential per Milford Zoning Regulations. The proposed single-family residence will be located in the uplands. The existing boat ramp and boat dock are to remain. There is no proposed fill or grading waterward of the high tide line. There will be no adverse impacts to the Tidal wetlands, the project does not encroach into or degrade tidal wetlands.

**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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrading visual quality through significant alteration of the natural features of vistas and view points - CGS Section 22a-93(15)(F)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 - CGS Section 22a-93(15)(A)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Degrading or destroying essential wildlife, finfish, or shellfish habitat through significant alteration of the composition, migration patterns,	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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)		
---	--	--

**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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Replacing an existing water-dependent use with a non-water-dependent use - CGS Section 22a-93(17)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Identification of existing and/or proposed Water-dependent Uses

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 site is historically and currently being used as a active water-dependent use as a private boating facility. The existing boat ramp and boat dock are to remain. There is no public access. The scale of the project and the project location does not support meaningful public access. Public access to the adjacent coastal waters are located nearby with ammenities to support public access such as a parking areas, a boat ramp, and restrooms.

\*If there are no water-dependent use components, describe how the project site is not appropriate for the development of a water-dependent use.

**Part VIII: Mitigation of Potential Adverse 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 adverse impacts resulting from this redevelopment project. The site will continue to be a water-dependent use as a private boating facility. The existing ramp, and dock are to remain.

**Part IX: Remaining Adverse Impacts**

Explain why any remaining adverse 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 resulting from this redevelopment project.

**SIGNATURE AUTHORIZATION & CONSENT TO FILE**

TO: Chair, City of Milford Inland Wetlands Agency  
Chair, City of Milford Planning and Zoning Board  
State of Connecticut DEEP

FROM: Brenton C. Artz & Deidra M. Artz, Owners and Applicants

SUBJECT: 104 Edgewater Place, all Municipal and State Application for  
Construction of new single-family house and related site work

DATE: August 11, 2023

Planning and Zoning Office  
Received  
11/20/2023

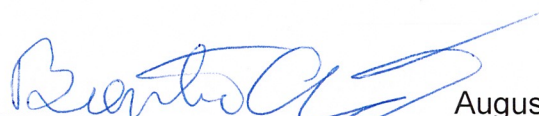
We, Brenton C. Artz & Deidra M. Artz , owners of 104 Edgewater Place, Milford, Connecticut and applicants for inland wetlands, zoning and other municipal and State of Connecticut approvals for 104 Edgewater Place, Milford, Connecticut also known as Map 045 Block 513 Lot 39 on the City of Milford Assessor's Records ("Property"), hereby authorize Attorney Kevin J. Curseaden of Curseaden & Moore, LLC and/or his partners, employees agents and representatives, to make application to the City of Milford Planning and Zoning Board, City of Milford Inland Wetlands Agency and State of CT DEEP, if necessary, in order to receive all necessary municipal and state approvals for construction of new single-family house and related site work on the Property.

We further authorize Attorney Kevin J. Curseaden of Curseaden & Moore, LLC to sign and file any and all documents, including the applications, necessary to complete the application process on our behalf as the owners and applicants.

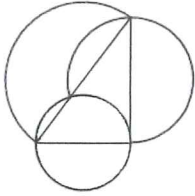
A signed copy of this authorization shall have the same force and effect as the original.

This authorization shall expire one year from the date of signature.

Owners & Applicants

  
\_\_\_\_\_  
Brenton C. Artz      Date      August 11, 2023

  
\_\_\_\_\_  
Deidra M. Artz      August 11, 2023



# CT CIVIL GROUP, LLC

•ENGINEERS & SURVEYORS•  
158 RESEARCH DRIVE UNIT M  
MILFORD, CT 06460

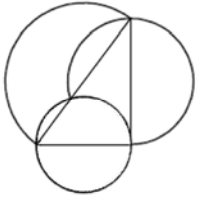
PHONE: (203)874-8316  
EMAIL: info@ctcivilgroup.com

August 11, 2023

Hydrology Study  
104 Edgewater Place, Milford, CT

Prepared by  
Ronald W. Wassmer PE & LS





# CT CIVIL GROUP, LLC

---

•ENGINEERS & SURVEYORS•  
158 RESEARCH DRIVE UNIT M  
MILFORD, CT 06460

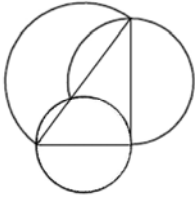
PHONE: (203)874-8316  
EMAIL: info@ctcivilgroup.com

---

Hydrology Study  
104 Edgewater Place, Milford, CT

## Table of Contents

1. Title Page
2. Hydrology Study Report
3. Water Quality Volume Report



# CT CIVIL GROUP, LLC

•ENGINEERS & SURVEYORS•  
158 RESEARCH DRIVE UNIT M  
MILFORD, CT 06460

PHONE: (203)874-8316  
EMAIL: info@ctcivilgroup.com

August 11, 2023

## Storm Water Management Report Hydrology Study 104 Edgewater Place, Milford, CT

The following is a volumetric analysis of pre and post construction storm water runoff with recommendations for on site storm water detention to demonstrate that the proposed development will not increase storm water runoff from the existing development.

The storm frequency utilized for this analysis is a 25yr storm of 24Hr duration resulting in 5.6 inches of rainfall. This is the guideline per “The City of Milford- Engineering Bureau, Engineering Guidelines For Preparation of Site Plans, Plot Plans and Other Proposed Property Development Plans Dated April 2001.”

The soils are Udorthents, hydrologic soil group B and are well-drained soils.

The existing site contains a small building with a deck, a timber retaining wall, a gravel parking area and gravel drive. For this analysis this is considered the “pre-construction” conditions.

The weighted curve number and resulting runoff volume are as follows:

The Drainage area does not include the tidal wetlands seaward to mean high water.

Drainage size =	4,952 Sq. Ft.	
Impervious Areas =	852 Sq. Ft.	Cn =98
Gravel Areas=	1,993 Sq.Ft.	Cn=85
Lawn/grass Areas=	2,107 Sq.Ft.	Cn=61
		Weighted Cn= 77

Runoff volume for a 25 year storm of 24 hr. duration = 1,583 Cu.Ft.

The proposed site plan contains a single family residence, gravel parking area, planters and a lawn area. For this analysis this is considered the “post-construction” conditions.

The weighted curve number and resulting runoff volume are as follows:

The Drainage area does not include the tidal wetlands seaward to mean high water.

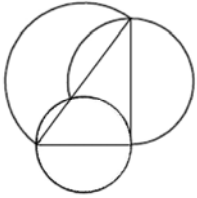
Drainage size =	4,952 Sq. Ft.	
Impervious Areas =	1,943 Sq. Ft.	Cn =98
Gravel Areas=	1,332 Sq.Ft.	Cn=85
Lawn/grass Areas=	1,677 Sq.Ft.	Cn=61
		Weighted Cn= 86

Runoff volume for a 25 year storm of 24 hr. duration = 1,795 Cu.Ft.

The proposed re-development is a slight increase of 212 Cu.Ft. in the amount of storm water runoff.

The typical approach to storm water management is to detain-retain or infiltrate storm runoff such that post construction volume or rate does not exceed pre construction volumes or rates of flow. On this particular site there is no existing storm drainage to connect into. The 212 Cu.Ft. of increase in storm runoff will be retained in 32 linear feet of 12” tall by 48” wide concrete galleys with 6” of 1” broken stone on the sides and bottom. The total storage of the galley system is 233 Cu.ft. The storage utilized meets the minimum Water Quality Volume and Groundwater Recharge Volume as recommended by the “CT DEP 2004 Storm Water Quality Manual,” see the Water Quality Volume Report included within.





# CT CIVIL GROUP, LLC

•ENGINEERS & SURVEYORS•  
158 RESEARCH DRIVE UNIT M  
MILFORD, CT 06460

PHONE: (203)874-8316  
EMAIL: info@ctcivilgroup.com

## Water Quality Volume Report 104 Edgewater Place, Milford, CT

CT DEP 2004 Storm Water Quality Manual recommends a minimum Water Quality Volume. Water Quality is achieved through infiltration trench (galley). Water Quality Volume (WQV) and Groundwater Recharge Volume (GRV) are computed utilizing the guidelines presented in the 2004 Connecticut Storm Water Quality Manual.

### Site Area

Area size = 4952 Sq. Ft 0.113 Ac.  
Impervious area = 3275 Sq. Ft.  
 $3275/4952 = 0.6613 = 66.13\%$

### Water Quality Volume

WQV in Acre Feet =  $1''(R)(A)/12$   
R= Volumetric runoff coefficient =  $0.05 + 0.009(I)$   
I = percent impervious = (66.13%) for the site (post construction)  
 $R = 0.05 + 0.009(66.13) = 0.6452$   
A=Site area in Acres = 0.1137

$WQV = 1''(0.6452)(0.1137) = 0.0733/12 = 0.0061 \text{ AcFt} = 266 \text{ cu.ft.}$

The water quality volume is reduced by the groundwater recharge volume (GRV). The soil type is Udorthents and hydrologic soil group is B.

GRV in Acre Feet =  $(D)(A)(I)/12$   
D = depth of runoff to be recharged (inches) = 0.25 inches  
A = Site area in acres = 0.1137  
I = post development impervious decimal = 0.6452

$GRV = (0.25)(0.1137)(0.6613) = 0.0188/12 = 0.0016 \text{ AcFt} = 68 \text{ cu.ft.}$

WQV recommended =  $266 - 68 = 198 \text{ cu.ft.}$   
WQV provided is 212 cu.ft.

The water quality volume is provided from 32 linear feet of 12" tall x 48" wide concrete galleys with 6" of 1" broken stone on the sides and bottom. Roof drains connect to the proposed galleys.

Ronald W. Wassmer  
CT PEL #16975



# City of Milford, Connecticut

Founded 1639  
70 West River Street – Milford, CT 06460-3317  
Tel 203-783-3245

Planning and Zoning  
Office

Website: [www.ci.milford.ct.us](http://www.ci.milford.ct.us)  
Email: [shharris@milfordct.gov](mailto:shharris@milfordct.gov)

Stephen H. Harris  
Zoning Enforcement Officer

## Milford Planning and Zoning Office Zoning Compliance Review

Address: 104 Edgewater Place

Zone: R-12.5

Flood Zone: AE-11

Wetland: Tidal and Inland Wetland

Date Reviewed: 12/15/23

### Materials Received

Sheet	Description	Date	Revised
SP1	Site plan	7/19/23	12/12/23
SP2	Site demolition plan	7/19/23	12/12/23
EX-1	Existing conditions survey	8/9/23	-
GDU-1	Grading, drainage, utility plan	8/9/23	12/13/23
ES-1	Sedimentation and erosion control	8/9/23	12/13/23
D-1	Details	8/9/23	-
F1	Foundation plan	5/1/23	12/12/23
A1	Floor plans	5/1/23	12/12/23
A2	Elevations	5/1/23	12/12/23
A3	Elevations	5/1/23	12/12/23
A4	Sections	5/1/23	12/12/23

Disposition of application: Construct new single family dwelling.

1. Section 5.12. Coastal Area Management Site Plan. Coastal Site Plan required. Construction within 100' of a coastal resource; Long Island Sound.
2. Section 3.1.4.1.
  - Front Yard: 30' required, 30' proposed. Zoning compliant.
  - Side Yards: 10' required, 10' proposed, both sides. Zoning compliant.
  - Rear Yard: 25' required, 27.8' proposed. Zoning compliant.
  - Height: 35' permitted, 34'-7 1/8" proposed (sheet A2). Zoning compliant. Dormers are 18.4% of area below (worksheet on A4).
  - Bldg Area: 30% permitted, 26.6% proposed. Zoning compliant.

- Lot Coverage: 45% permitted, 29.7% proposed. Zoning compliant
3. Section 4.1.4
    - Front Projection: 26' permitted, balcony projects 2.8'/4' per.; meter platform projects 3.4'/4' per. Zoning compliant.
    - Side Projection: 8' permitted, North and South eaves project 1.3'/permitted. Zoning compliant.
    - Rear Projection: 21' permitted, 25.1' provided. Zoning compliant.
  4. Section 5.8. DFE is 13'. First finished floor is 13'. Zoning compliant. Building Department to review foundation.
  5. Sidewalks, Curbs, Apron. Concrete sidewalks, curbs, and apron not shown. City Engineer may required these.

General Notes:

1. No filling, excavation, or change in grade is authorized unless specifically shown and approved. Re-grading not shown.
2. Utility connections and electric meter access (flood zone property). Electric, water, and sanitary shown.
3. Critical distances of buildings, structures, including dormers shall be dimensioned (applies to site plans and as-built surveys). Critical distances dimensioned.
4. Condenser and generator located on observation deck.

Conclusion:

1. The project is zoning compliant.

Reviewed by:

Stephen H. Harris, CZEO



# City of Milford, Connecticut

- Founded 1639 -

## Engineering Bureau

70 West River Street  
Milford, CT 06460  
Tel: (203) 783-3261  
Fax: (203) 783-3676

TO: PLANNING and ZONING OFFICE  
CITY OF MILFORD  
70 WEST RIVER STREET  
MILFORD, CT.  
06460

FROM: GREGORY H. PIDLUSKI, P.E.L.S.  
CITY ENGINEER  
70 WEST RIVER STREET  
MILFORD, CT.  
06460

11 January 2024

Re: IWA APPLICATION  
PROPERTY AT: 104 EDGEWATER PLACE  
PROPERTY OF: BRENTON ARTZ  
APPLICANT/AGENT KEVIN CURSEADEN, ESQ.

I am in receipt of the following:

- 1) Drawing entitled: "Grading, Drainage, and Utility Plan, prepared for: Brenton Artz, 104 Edgewater Place, Milford, Connecticut", scale 1"=10', dated August 9, 2023, revised through 01/11/2024, prepared by Ct. Civil Group.
- 2) I am including, by reference, my review dated 21 December 2023.

I have performed a limited site inspection and independently researched the FEMA website, the USDA (Web soil Survey) website, the CT DEP Coastal Resources map, and the City of Milford GIS.

My observations are as follows:

- A) The revisions indicated on the current Grading, Drainage, and Utility Plan are in response to (Ct. DEEP) OLISP.
- B) The Grading, Drainage, and Utility Plan, as revised, is consistent with observations and recommendations of this Department, as stated in previous reviews.

My recommendations are as follows:

- 1) No action is required by this Department as related to the latest revisions.

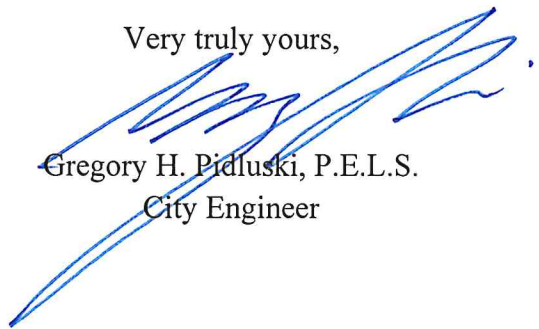
General Comments (as applicable):

- 1) This review has been prepared as a Site Plan review only. It is not a Permit and does not grant license.
- 2) The City reserves the right to make additional comments on other issues that may arise during construction.
- 3) Necessary permits from the City of Milford Engineering Department for the driveway apron and/or sidewalk/curb are to be obtained prior to construction and are to be constructed in accordance with the City of Milford Standards.
- 4) Necessary permits from the City of Milford Engineering Department for any sanitary sewer work are to be obtained prior to construction.
- 5) Developer is to take all necessary steps to protect Catch Basin(s) or other inlets (such as pipe culverts) located such that the site runoff will discharge, OR MAY DISCHARGE to any portion of the MS4 (storm sewer) system of the City of Milford. (In general, this would apply to catch basin(s) located at the subject property and the first catch basin(s) located down gradient of the subject property.) At a minimum:
  - a. Affected Catch basins are to be cleaned and proper protection (Silt Sack or approved equal, or better) is to be installed (at the Developer's sole expense) after the placement of required S&E Controls, prior to site disturbance. Placement of filter fabric geotextile placed between frame and grate is not acceptable.
  - b. Catch Basin protection is to be inspected regularly and cleaned, repaired, replaced, etc. until final site stabilization.
  - c. Upon final site stabilization, protection is to be removed in a manner specified by the manufacturer and disposed of in an appropriate off-site location.
  - d. Prior to issuance of a Certificate of Occupancy, the affected catch basins are to be inspected and cleaned, as necessary.
  - e. Records of Items 4(a)-4(d) hereinabove are to be provided to the City of Milford Engineering Department prior to issuance of a Certificate of Occupancy.
- 6) All trenching within the traveled portion of the road (if any) are to be repaired in accordance with Engineering Department Drawings and Specifications.

- 7) The City reserves the right to require permanent pavement repairs for the full frontage of the property, for the full paved width of the paved surface, when the City determines that the roadway has been sufficiently compromised to warrant such permanent repair.
- 8) For all properties with frontage on State Roads, it is the obligation of the Applicant to contact the Connecticut Department of Transportation to determine what permits, if any, are required.

Please feel free to contact me with any questions or comments.

Very truly yours,



Gregory H. Pidluski, P.E.L.S.  
City Engineer



# City of Milford, Connecticut

- Founded 1639 -

Inland Wetlands Office  
inlandwetland@milford.ct.gov

70 West River Street  
Milford, CT 06460-3317  
Tel 203-783-3256

December 22, 2023

Mr. Kevin Curseaden. Esq.  
Curseaden & Moore, LLC  
3 Lafayette Street  
Milford, CT 06460

Re: IW-23-0061: 104 Edgewater Place Map 45, Block 513, Parcel 39; Brenton & Deidra Artz; Proposed construction of a single-family dwelling within 150' of a wetland and watercourse in the Wepawaug River watershed. Planning & Zoning transmittal.

Dear Attorney Curseaden:

The Milford Inland Wetlands and Watercourses Agency has reviewed the Planning & Zoning transmittal and site plans entitled "*Brenton Artz, 104 Edgewater Place. Milford, Connecticut*" by CT Civil Group, 4 sheets dated 8/09/23, Sheet ES-1 rev 12/13/23. The Milford Inland Wetlands Agency approved Permit IW-23-0061, at its October 5, 2023, meeting, based on the plans entitled "*Brenton Artz, 104 Edgewater Place. Milford, Connecticut*" by CT Civil Group, 4 sheets dated 8/09/23, Sheet ES-1 rev 9/25/23, the information in the file and presented at the meeting.

I have reviewed the revised plans and the City Engineer's review and find that there is no significant impact to the wetlands based on the modification. The MIWA permit conditions have been updated to the 12/13/23 revised plans. The permit conditions for this approval include:

- The Permittee must submit a construction plan prior to taking out the permit.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "2002 Erosion and Sedimentation Control Guidelines" must be installed and maintained on the site until the property is stabilized.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site. Documentation to be submitted to the MIWA office prior to bond release.
- Compliance with the City Engineers requirements for stormwater.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing prior to making that change.
- A bond of \$6,175.00 must be posted with the MIWA for S&E controls, and an asbuilt showing finished 2' contours and locating all site structures.
- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to bonds being released.
- The permit is issued 10/04/23 expires 10/04/28 unless otherwise provided by Statute.

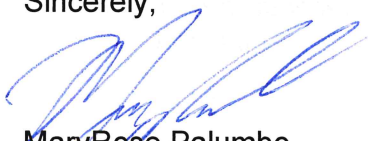
Re: IW-23-0061: 104 Edgewater Place Map 45, Block 513, Parcel 39; Brenton & Deidra Artz; Proposed construction of a single-family dwelling within 150' of a wetland and watercourse in the Wepawaug River watershed. Approved with conditions. Planning & Zoning transmittal.

The permit is ready to be picked up upon your signature and the posting of the required bond. Your attention is directed to the conditions of the permit as approved. You should read your permit carefully, as all construction or work must conform to that which is authorized. The permit must be recorded on the Land Records of the City of Milford to be made valid. The wetland portion of the project must be completed within 1 year of commencement. You are responsible for contacting other permitting authorities to determine if additional Local, State and Federal permits are required for this project.

If work is not completed on or before September 15, 2028, or a request for an extension of time is not received in writing at least 65 days before September 15, 2028, the permit will expire, unless otherwise provided by Statute.

Should you have any questions concerning this matter, please contact the Inland Wetlands Agency Office at 203-783-3256.

Sincerely,



MaryRose Palumbo  
Inland Wetlands Compliance Officer

c: DPLU  
Planning & Zoning  
City Engineer  
Ron Wassmer, CT Civil Group



## David Sulkis

---

**From:** Gaucher, John <John.Gaucher@ct.gov>  
**Sent:** Wednesday, January 3, 2024 9:02 AM  
**To:** Ronald Wassmer  
**Cc:** David Sulkis; Kevin Curseaden; Gregory H. Pidluski  
**Subject:** RE: 104 Edgewater Pl, Artz CSPR application

**Importance:** Low

CAUTION: This message originated outside of the organization. Use caution when opening attachments, clicking links or responding to requests for information.

Ron,

Happy New Year,

Sorry or the delayed response. I took time off Christmas.

With your soil investigation, did you locate the seasonal high groundwater table? Did you probe any other areas? Was any type of permeability or hydraulic conductivity test conducted? I'm wondering if subsoil infiltration is the most effective approach for this site since you found course sand and rock. Course sand and rock are unsuitable (drain too quickly) for treating stormwater prior to discharge to groundwater (CGA Section 22a-93(15)(A)), especially if there is no sufficiently thick refining layer below and between the seasonal high groundwater table.

Can you please forward the foundation plan and architectural drawings?

Thanks.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division  
Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: john.gaucher@ct.gov)

[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.

-----Original Message-----

From: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Sent: Wednesday, December 20, 2023 1:24 PM  
To: Gaucher, John <John.Gaucher@ct.gov>  
Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>  
Subject: RE: 104 Edgewater Pl, Artz CSPR application

[You don't often get email from rwassmer@ctcivilgroup.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi John  
Yes I did soil investigation , hand dug test pit 36" deep.  
Top 24" is coarse sand and gravel, broken stone I added that information to the plan which is attached

Ronald W. Wassmer PELS  
Managing Member  
CT Civil Group, LLC  
158 Research Drive Unit M  
Milford, CT 06460  
C 203-627-7625  
O 203-874-8316  
rwassmer@ctcivilgroup.com

-----Original Message-----

From: Gaucher, John <John.Gaucher@ct.gov>  
Sent: Monday, December 18, 2023 4:09 PM  
To: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Cc: David Sulkis <DSulkis@milfordct.gov>  
Subject: 104 Edgewater Pl, Artz CSPR application  
Importance: Low

Hi Ron,

I received a CSPR referral for the above-referenced proposal to construct a single-family dwelling. The stormwater report I received includes the calculations to determine the WQV to support the sizing of the two separately proposed stormwater gallery systems.

The site is very low lying with much of the site topography less than 1 foot above the CJL. Have the existing soils been investigated to find the elevation of the seasonal high groundwater table and the hydraulic conductivity below the proposed gallery systems? Even with the proposed low profile galleries, infiltration may occur around or below the elevation of MHW.

If the subsoils have been investigated, can you please forward the information so that I can complete my review?

Thanks, and let me know if you have any questions.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division

Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: [john.gaucher@ct.gov](mailto:john.gaucher@ct.gov))

[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.

## David Sulkis

---

**From:** Gaucher, John <John.Gaucher@ct.gov>  
**Sent:** Thursday, January 11, 2024 11:05 AM  
**To:** Ronald Wassmer  
**Cc:** David Sulkis; Kevin Curseaden; Gregory H. Pidluski  
**Subject:** RE: 104 Edgewater Pl, Artz CSPR application

**Importance:** Low

CAUTION: This message originated outside of the organization. Use caution when opening attachments, clicking links or responding to requests for information.

Thanks Ron,

You summarized our discussion perfectly. In my opinion, the measures you described will provide the most effective, long-term treatment of stormwater prior to discharge to groundwater, particularly given the site constraints such as unsuitable onsite soils and a shallow groundwater table.

As an added benefit, little to no maintenance should be required by the owner.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division  
Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: john.gaucher@ct.gov)

[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.

-----Original Message-----

From: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Sent: Thursday, January 11, 2024 10:32 AM  
To: Gaucher, John <John.Gaucher@ct.gov>  
Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>; Gregory H. Pidluski <GPidluski@milfordct.gov>  
Subject: RE: 104 Edgewater Pl, Artz CSPR application

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi John thanks for you input  
It was a pleasure speaking with you this morning

Based on our phone discussion here is an outline for a design that would provide the water quality treatment to the extent practical

I will revise the plans to indicate 4 shallow infiltration trenches, one at each corner of the building. Each trench will be 6'x6' 24" deep. The existing soil will be excavated and replaced with a granular soil with an infiltration rate of approximately 3" per hour.  
The roof drains will be directed to these location. The surface of the trench will have a layer of filter fabric and approx. 6" of broken stone.

An infiltration bed will be installed in the area of the parking existing gravel parking area. It will be approximately 12'x12', this infiltration bed will be constructed by evacuating the existing 4" of broken stone and 12" below that level. 12" of granular material will be placed then a layer of filter fabric installed on top of granular material and topped with 4" of broken stone.

I will call Greg Pidluski to discuss our conversation for his input.

Thanks

Ronald W. Wassmer PELS  
Managing Member  
CT Civil Group, LLC  
158 Research Drive Unit M  
Milford, CT 06460  
C 203-627-7625  
O 203-874-8316  
rwassmer@ctcivilgroup.com

-----Original Message-----

From: Gaucher, John <John.Gaucher@ct.gov>  
Sent: Thursday, January 11, 2024 8:17 AM  
To: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>; Gregory H. Pidluski <GPidluski@milfordct.gov>  
Subject: RE: 104 Edgewater Pl, Artz CSPR application  
Importance: Low

Ron, with a low profile (12" high) gallery system, the soil infiltration (discharge) depth should be at least 30" deep comprising 12" of ground cover, a 12" deep gallery, and a 6" gravel bed. A perc rate conducted within the broken stone and gravel layer will yield an unrepresentative result. Can you repeat the test at the depth within the layer of discharge? Also, the depth to the seasonal high water table is important for confirming that there is at least 18" of soil between the discharge point and the water table. I would suggest first confirming that the water table is a minimum of 18" below the infiltration discharge elevation before conducting any additional perc tests.

I agree that the volume is not large compared to many other development projects. Another approach may be more appropriate if the elevation of the water table is prohibitive. John

-----Original Message-----

From: Ronald Wassmer <rwassmer@ctcivilgroup.com>

Sent: Wednesday, January 10, 2024 3:50 PM

To: Gaucher, John <John.Gaucher@ct.gov>

Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>; Gregory H. Pidluski <GPidluski@milfordct.gov>

Subject: RE: 104 Edgewater Pl, Artz CSPR application

[You don't often get email from rwassmer@ctcivilgroup.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi John

I went to the site today to review the existing soils and conduct a shallow perc test The soils contain more fines than my initial report, todays results are 0-4" Broken stone and gravel 4" - 24" coarse sand and gravel with fine sand and silt 24" to 36" silt clay / peat -muck Damp at 24"

I conducted a perc test 12" below existing grade and obtained a perc rate of 1" per hour. Please note we had several inches of rain last night.

The tide was very very high in the harbor and the area of the test pit and perc test was dry.

In the follow drain time calculation I use 0.5" per hour.

A few facts in support of my design approach to this project are; the site is very small less than 5000 sq feet, the site currently has a roofed structure and a gravel - broken stone parking area.

The proposed parking will remain as gravel - broken stone.

I ran through the recommended Water Quality Volume (WQV) calculation and the drain time per the storm water quality manual.

I did include the parking area as impervious in the WQV along with the roof area and walkways.

Using the WQV of 192 cu ft, a surface area of 128 sq ft (bottom area only) of the galleys and a perc rate of 0.5 in/hr. Results in a drain time of 36 hours

The shallow galleys are above seasonal high groundwater and the drain time is within the recommendations.

This is a relatively simple approach to this small lot with little change over the existing conditions while improving the water quality over current conditions

Ronald W. Wassmer PELS  
Managing Member  
CT Civil Group, LLC  
158 Research Drive Unit M  
Milford, CT 06460  
C 203-627-7625  
O 203-874-8316  
rwassmer@ctcivilgroup.com

-----Original Message-----

From: Gaucher, John <John.Gaucher@ct.gov>  
Sent: Wednesday, January 3, 2024 9:02 AM  
To: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>; Gregory H. Pidluski <GPidluski@milfordct.gov>  
Subject: RE: 104 Edgewater Pl, Artz CSPR application  
Importance: Low

Ron,

Happy New Year,

Sorry for the delayed response. I took time off Christmas.

With your soil investigation, did you locate the seasonal high groundwater table? Did you probe any other areas? Was any type of permeability or hydraulic conductivity test conducted? I'm wondering if subsoil infiltration is the most effective approach for this site since you found coarse sand and rock. Coarse sand and rock are unsuitable (drain too quickly) for treating stormwater prior to discharge to groundwater (CGA Section 22a-93(15)(A)), especially if there is no sufficiently thick refining layer below and between the seasonal high groundwater table.

Can you please forward the foundation plan and architectural drawings?

Thanks.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division  
Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: john.gaucher@ct.gov)

[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.

-----Original Message-----

From: Ronald Wassmer <rwassmer@ctcivilgroup.com>  
Sent: Wednesday, December 20, 2023 1:24 PM  
To: Gaucher, John <John.Gaucher@ct.gov>  
Cc: David Sulkis <DSulkis@milfordct.gov>; Kevin Curseaden <kjcurseaden@cmctlaw.com>  
Subject: RE: 104 Edgewater Pl, Artz CSPR application

[You don't often get email from [rwassmer@ctcivilgroup.com](mailto:rwassmer@ctcivilgroup.com). Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi John

Yes I did soil investigation , hand dug test pit 36" deep.

Top 24" is coarse sand and gravel, broken stone I added that information to the plan which is attached

Ronald W. Wassmer PELS  
Managing Member  
CT Civil Group, LLC  
158 Research Drive Unit M  
Milford, CT 06460  
C 203-627-7625  
O 203-874-8316  
[rwassmer@ctcivilgroup.com](mailto:rwassmer@ctcivilgroup.com)

-----Original Message-----

From: Gaucher, John <[John.Gaucher@ct.gov](mailto:John.Gaucher@ct.gov)>  
Sent: Monday, December 18, 2023 4:09 PM  
To: Ronald Wassmer <[rwassmer@ctcivilgroup.com](mailto:rwassmer@ctcivilgroup.com)>  
Cc: David Sulkis <[DSulkis@milfordct.gov](mailto:DSulkis@milfordct.gov)>  
Subject: 104 Edgewater Pl, Artz CSPR application  
Importance: Low

Hi Ron,

I received a CSPR referral for the above-referenced proposal to construct a single-family dwelling. The stormwater report I received includes the calculations to determine the WQV to support the sizing of the two separately proposed stormwater gallery systems.

The site is very low lying with much of the site topography less than 1 foot above the CJL. Have the existing soils been investigated to find the elevation of the seasonal high groundwater table and the hydraulic conductivity below the proposed gallery systems? Even with the proposed low profile galleries, infiltration may occur around or below the elevation of MHW.

If the subsoils have been investigated, can you please forward the information so that I can complete my review?

Thanks, and let me know if you have any questions.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division  
Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: [john.gaucher@ct.gov](mailto:john.gaucher@ct.gov))



[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.

## Susan LaFond

---

**From:** Gaucher, John <John.Gaucher@ct.gov>  
**Sent:** Tuesday, January 16, 2024 12:42 PM  
**To:** David Sulkis  
**Cc:** Ronald Wassmer (rwassmer@ctcivilgroup.com); Gregory H. Pidluski; Kevin Curseaden; Susan LaFond  
**Subject:** 104 Edgewater Pl, Artz CSPR application  
**Attachments:** Artz Edgewater Pl \_Grading Drainage and Utilities REVISED 2024-01-11ss.pdf  
**Importance:** Low

CAUTION: This message originated outside of the organization. Use caution when opening attachments, clicking links or responding to requests for information.

David,

We have reviewed the attached grading and drainage plans prepared by Ronald W. Wassmer revised January 11, 2024 for consistency with Connecticut Coastal Management Act (CCMA)[CGS Sec. 22a-90 through 22a-112, inclusive] polices and offer the following comments for the Planning & Zoning Board's consideration. The revisions were submitted, in part, in response to comments and concerns that I had emailed to Mr. Wassmer and you on December 18, 2023.

The revisions include treating stormwater prior to discharges to groundwater by excavating existing soils in areas of discharge from the roof and for the gravel parking area that are unsuitable for both surface and subsurface infiltration and filling those areas with soils having suitable drainage characteristics for providing adequate stormwater treatment to protect coastal water quality. We concur that these changes represent treating stormwater runoff to the maximum extent practicable given the onsite constraints including a shallow water table and unsuitable soils.

To ensure long-term effectiveness, we recommend that any approval of the Coastal Site Plan Review be conditioned to require that the newly placed fill for infiltration placed at each of the downspouts and in the parking area be tested after compaction to confirm that their hydraulic conductivity meets the recommendations of the 2004 CT Stormwater Quality Manual of between 0.3 - 5.0 inches per hour.

Please let me know if you have any questions or if you need any additional information.

John Gaucher  
Environmental Analyst III  
Land & Water Resources Division  
Bureau of Water protection and Land Reuse Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06106-5127  
P: 860.424.3660 | F: 860.424-4054 (E: john.gaucher@ct.gov)

[www.ct.gov/deep](http://www.ct.gov/deep)

Conserving, improving and protecting our natural resources and environment; Ensuring a clean, affordable, reliable, and sustainable energy supply.



# GREEN AND GROSS, P.C.

LAW OFFICES

1087 BROAD STREET  
BRIDGEPORT, CT 06604-4231  
(203) 335-5141

FACSIMILE: (203) 367-9964

BERNARD GREEN  
(1952-2003)

WEBSITE: WWW.GGLAW.NET

ERIC M. GROSS  
SAMUEL T. ROST  
JOEL Z. GREEN  
BARBARA F. GREEN  
LINDA PESCE LASKE

[jgreen@ggglaw.net](mailto:jgreen@ggglaw.net)

January 16, 2024

VIA HAND DELIVERY AND E-MAIL

Jim Quish, Chairman  
Planning and Zoning Board  
City of Milford  
70 West River Street  
Milford, CT 06460

RE: 104 Edgewater Place, Milford: Petition for Coastal Site Plan Review (the "Petition") for the proposed construction of a single-family dwelling on Assessor's Map D45, Block 513, Parcel 39 (the "Site"), which is owned by Brenton C. Artz (the "Petitioner").

Dear Mr. Quish and Members of the Board:

Our office has been retained by Christopher McKenna of 24 Rose Street, Milford, Connecticut with respect to his opposition to the above-referenced Petition.

Simultaneously with this letter, we have submitted a Verified Notice of Intervention with respect to the Petition pursuant to Section 22a-19 of the Connecticut General Statutes (the "General Statutes") that should be incorporated into the record in this matter along with this letter.

As an Intervenor, Mr. McKenna asserts, among other things, that the proceedings of the Milford Planning and Zoning Board on the above-referenced Petition for Coastal Site Plan Review involve conduct which has, or is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State of Connecticut.

Moreover, the Petition is not consistent with applicable CAM review standards, including that: the proposed development has adverse impacts on water-dependent uses and on future water-dependent development opportunities and activities; General Statutes Sec. 22a-93(16) and 22a-93(17); and has adverse impacts on coastal resources; General Statutes Sec. 22a-92(15).

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 2

January 16, 2024

The site plan also cannot be approved because the Site is not a legal residential building lot that can be used for a single family dwelling. It fails to satisfy all relevant current standards required pursuant to the Milford Zoning Regulations for such a building lot. It also is not a legally existing, nonconforming residential building lot pursuant to Section 6.1.4 of the Zoning Regulation or otherwise. Further, the proposed development and use has not been permitted by any variance granted by the Milford Zoning Board of Appeals.

The Board, therefore, may not approve the Coastal Site Plan, and no Certificate of Zoning Compliance may be issued or approved by the Board or by any official charged with enforcement of the Zoning Regulations.

In further support of the Verified Notice of Intervention and our opposition to the Petition, we submit the following for the Board's consideration:

**A. The Petition is inconsistent with standards for approval of a coastal site plan.**

**1. Christopher McKenna must be deemed an intervening party to this proceeding by virtue of having filed a verified notice of intervention pursuant to Section 22a-19 of the General Statutes.**

As noted above, the Intervenor submitted a verified pleading pursuant to Section 22a-19 of the General Statutes, which is part of the Connecticut Environmental Protection Act ("CEPA"), Section 22a-1 et seq. Section 22a-19 provides, in relevant part:

**§ 22a-19. Administrative proceedings**

(a)(1) In any administrative, licensing or other proceeding, . . . any person may intervene as a party on the filing of a verified pleading asserting that the proceeding . . . involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.

(2) The verified pleading shall contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment or destruction of the public trust in air, water or other natural resources of the state and should be sufficient to allow the reviewing authority to determine from the verified pleading whether the intervention implicates an issue within the reviewing authority's jurisdiction. For purposes of this section, "reviewing authority" means the board, commission or other decision-making authority in any administrative, licensing or other proceeding . . .

(b) In any administrative, licensing or other proceeding, the agency shall consider the alleged unreasonable pollution, impairment or destruction of the public trust in the air, water or other natural resources of the state and no conduct shall be authorized or approved which does, or is reasonably likely to, have such effect as

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 3

January 16, 2024

long as, considering all relevant surrounding circumstances and factors, there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

The Intervenor has asserted that the activities, development and use proposed by the Petitioner are reasonably likely to have the effect of unreasonably polluting, impairing or destroying important environmental resources, including coastal resources that are the subject of this Board's CAM review, which is conducted pursuant to the Coastal Management Act, Chapter 444 of the General Statutes (Sections 22a-90 et seq.).

## **2. Standards for Board's review of coastal site plan application pursuant to the Connecticut Coastal Management Act, and of Intervenor's claims pursuant to Section 22a-19.**

"Coastal municipalities shall undertake coastal site plan reviews in accordance with the requirements of [the Connecticut Coastal Management Act, chapter 444, Sec. 22a-90 et seq. of the General Statutes]." Conn. Gen. Stat. Sec. 22a-105.

Like an ordinary site plan required pursuant to Section 8-3(f) of the General Statutes, "A coastal site plan shall be filed with the municipal zoning commission to aid in determining the conformity of a proposed building, use, structure or shoreline flood and erosion control structure . . . , fully or partially within the coastal boundary, with the specific provisions of the zoning regulations of the municipality" and, in addition, with "the provisions of sections 22a-105 and 22a-106, and in the case of shoreline flood and erosion control structures, the provisions of sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder." General Statutes Sec. 22a-109(a) (Coastal site plans. Review).

Further, "A coastal site plan . . . may be modified or denied if it fails to comply with the requirements already set forth in the zoning regulations of the municipality and, in addition, the coastal site plan may be modified, conditioned or denied in accordance with the procedures and criteria listed in sections 22a-105 and 22a-106." General Statutes Sec. 22a-109(a). "Review of a coastal site plan under the requirements of this section shall supersede any review required by the municipality under subsection (g) of section 8-3 and shall be in addition to any applicable zoning regulations of any special district exercising zoning authority under special act. . . ." Id.

Moreover, certification of compliance with applicable coastal site plan and zoning standards is required for issuance of a building permit or certificate of occupancy:

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 4

January 16, 2024

In addition to the requirements of subsection (f) of section 8-3 [of the General Statutes], no building permit or certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality and located fully or partially within the coastal boundary, or for any shoreline flood and erosion control structure . . . , and located fully or partially within the coastal boundary, without certification in writing by the official charged with enforcement of such regulations that such building, use, structure or shoreline flood and erosion control structure has been reviewed and approved in accordance with the requirements of this chapter or is a use exempt from such review under regulations adopted by the zoning commission in accordance with this section.

General Statutes Sec. 22a-109(h).

Upon review of a coastal site plan application, the board “shall, in addition to the discretion granted in any other sections of the General Statutes . . . , approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed in section 22a-106 to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.” General Statutes Sec. 22a-105(e).

The person submitting a coastal site plan bears the burden to “demonstrate that the adverse impacts of the proposed activity are acceptable and . . . that such activity is consistent with the goals and policies in section 22a-92.” General Statutes Sec. 22a-106(c).

Pursuant to Section 22a-106, the reviewing board must determine whether “the activity proposed in a coastal site plan satisfies other lawful criteria and conditions,” such as the relevant zoning regulations, and also to “determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.” General Statutes Sec. 22a-106(a).

The reviewing board may approve a coastal site plan only if it finds “that the proposed activity with any conditions or modifications imposed by the board: (1) Is consistent with all applicable goals and policies in section 22a-92; (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.” General Statutes Sec. 22a-106(e); see also General Statutes Sec. 22a-92 (Legislative Goals and Policies), and General Statutes Sec. 22a-93 (Definitions).

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 5

January 16, 2024

### **3. The Petition is not consistent with required standards for coastal site plan approval.**

The Petition is not consistent with applicable CAM review standards in multiple respects. Once again, a coastal site plan must comply with applicable zoning standards as well as CAM review criteria set forth in General Statutes Sec. 22a-106, as just discussed. As discussed further below, the subject Site fails to satisfy standards required pursuant to the Zoning Regulations for use as a building lot for a single family dwelling. The Petition is will also have numerous adverse impacts on coastal resources and on water-dependent uses and water-dependent development opportunities, in a manner that is inconsistent with legislative goals and policies of the Coastal Management Act as set forth in General Statutes Sec. 22a-92. *See also* General Statutes Sec. 22a-93 (Definitions), subsections (16) (“water-dependent uses”) and (17) (“adverse impacts on future water-dependent development opportunities”); and subsections (7) (“coastal resources”) and (15) (“adverse impacts on coastal resources”).

#### **a. Adverse impacts on coastal resources and water-dependent uses and development opportunities.**

Adverse impacts from the Petition include the fact that it involves locating a non-water-dependent use at a Site that is physically suited for water-dependent uses and associated facilities; it reduces the utility of the Site for water-dependent-uses and associated facilities; it replaces water-dependent uses with a non-water dependent use; it provides no public access to marine or tidal waters and substantially reduces and inhibits the existing and potential future public access; and it degrades the visual quality of scenic vistas of coastal resources as viewed from adjacent public ways. Conn. Gen. Stat. Sec. 22a-93(17).

The Petition will also degrade natural erosion patterns and natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; General Statutes Sec. 22a-93(15)(C), (D); will degrade visual quality through significant alteration of the natural features of vistas and viewpoints; Sec. 22a-93(15)(F); and may have additional adverse impacts including degrading or destroying essential wildlife habitat and degrading tidal wetlands and shorefronts through significant alteration of their natural characteristics or function; General Statutes Sec. 22a-93(15)(G), (H).

#### **b. The Petition fails to satisfy all standards required pursuant to the Zoning Regulations as required for coastal site plan approval.**

The subject Site is comprised of five parcels of land designated as parcels 45, 46, 47, 48 and 49 on the map entitled "Map of Walker Manor" dated June 10, 1924 and



# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 6

January 16, 2024

filed in the Milford land records in 1924.

The Site does not qualify as a legally nonconforming building lot pursuant to Section 6.1.4 (See attached) of the current Milford Zoning Regulations dated March 22, 2019 (the "2019 Zoning Regulations"), or other relevant authority concerning the right to continue existing nonconforming uses, and, therefore, the coastal site plan must be denied and no Certificate of Zoning Compliance may be issued or building permit approved for construction of a single family dwelling.

More specifically, the parcels that comprise the Site do not form a legally existing, nonconforming residential building lot.

A legally existing, nonconforming use is one that was in existence when zoning regulations were adopted or amended that would have prohibited the use. Pursuant to Section 8-2 of the General Statutes, such uses are "grandfathered" and may lawfully be continued unless and until abandoned. A use that was never legally existing cannot be legally nonconforming. Further, a nonconforming use that was at one time legally existing loses that legal status and the right to continue after the use has ceased, changed, or been abandoned.

The subject Site was not a legally existing residential building lot when at the time of the adoption of the Milford Subdivision Regulations in 1929, or in 1930 when zoning regulations were first adopted in Milford as the Milford Building Zone Regulations (the "1930 Zoning Regulations").

Instead, the 1924 Map of Walker Manor shows the parcels were located on "salt meadow" land, not "upland". Their narrow width and their existence waterward of the "upland" line in the center of the adjacent street clearly shows that these parcels were designed and intended to be used for boat landings or docks, and not for house lots.

This is consistent with the actual past and recent use of the Site for boat houses, boat landings, or docks. These uses were permitted Principal Uses when the 1930 Zoning Regulations were first adopted, and continue to be permitted Principal Uses. Further, even if the use or dimensions of the subject parcels fail to conform to currently required standards, the owner has a vested right to continue the nonconforming uses.

Significantly, the parcels also would not qualify as a merged nonconforming lot because the failure to satisfy minimum lot standards was caused by the conveyance out of contiguous parcels after the effective date of the 1930 Zoning Regulations, and as subsequently amended.

A change in use would require full compliance with all required standards, or the securing of a variance from the Zoning Board of Appeals. However, a variance would not be justified because there is no legally cognizable hardship. The fact that a parcel of

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 7

January 16, 2024

land does not satisfy required lot area or dimensional standards does not provide grounds for a variance to allow a change in use, particularly where the existing, reasonable and valuable use of the premises for boating purposes and related accessory uses may lawfully continue. Instead, the Petitioner's difficulty is personal and self-created, stemming from the personal desire to build a house on a lot that does not meet zoning standards, and possibly to increase its economic value.

**c. A more detailed discussion of evidence demonstrating that the Petition fails to comply with required zoning standards for a residential building lot and use as a single family dwelling.**

**(i) The 1924 Map of Walker Manor, ownership and conveyances.**

Once again, the Site are shown on the Map of Walker Manor dated June 10, 1924. The Map of Walker Manor depicts a layout of streets with 79 residential building lots, together with 79 very narrow parcels of land that abut the shorefront of Milford Harbor. No buildings or other structures are depicted as existing on any of the 79 shorefront parcels, but two "Houses" and a "Green House" are shown as existing on some of the larger, residential parcels. (Attached is a copy of the "Map of Walker Manor" dated June 10, 1924).

The shorefront parcels are located in two sections, labeled "Section A" and "Section B". Section "B" on the Map of Walker Manor is marked, "SALT MEADOW". Each of the shorefront parcels extends from a line abutting Milford Harbor marked "APPROX HIGH WATER", to a roadway marked, "Edgewater Place". The center line of Edgewater Place is marked, "EDGE OF UPLAND".

Each shorefront parcel has approximately ten (10') feet of shorefront along the high water line. The depth and area of each parcel varies depending on the curve of the shoreline and the roadway.

The parcels that comprise the Site are among the shorefront parcels located in Section "B". In contrast, the house lots shown on the Map of Walker Manor are located on upland areas, not "salt marsh". Most of the lots located between Gulf Street and Walker Street are much larger, with one hundred (100') feet of street frontage and are either two hundred (200') feet deep or one hundred fifty (150') feet deep.

The subject Site currently consists of contiguous parcels marked Nos. 45, 46, 47, 48 and 49 on the map. Each parcel has ten (10') feet of shorefront and is roughly one hundred (100') feet deep, with an area of approximately one thousand (1,000) square feet.

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 8

January 16, 2024

Before and after the City adopted the 1930 Zoning Regulations, the subject parcels were among thirteen (13) contiguous parcels that were held in the same ownership by the heirs of the original developer, each having approximately 1,000 square feet of area for a total area of approximately 13,000 square feet.

Starting In 1940, parcels were conveyed out to various unrelated parties. The five subject parcels were later reassembled to form the subject Site. None of the parcels was previously used for a building lot for a dwelling house.

## **(ii) Current provisions of the 2019 Zoning Regulations.**

Again, the Site has a total area of roughly five thousand (5,000) square feet, a total combined lot width of roughly forty (50') feet, and a lot depth of roughly one hundred (100') feet.

The Parcels are located in the R-12.5 zone pursuant to the Zoning Regulations and Zoning Map. Required standards in the R-12.5 zone include: a minimum Lot Area of twelve thousand five hundred (12,500) square feet; a minimum Lot Width of eighty (80') feet; and a minimum Lot Depth of one hundred (100') feet.

Principal Uses require a minimum Front Yard of thirty (30') feet, a minimum Side Yard of ten (10') feet on each side, and a minimum Rear Yard of twenty-five (25') feet.

Accessory Structures require a minimum Side Yard of four (4') feet on each side, and a minimum Rear Yard of five (5') feet.

The Maximum Permitted Building Area as a percentage of the Lot is 30%, and the Maximum Permitted Lot Coverage is 45%.

Principal Uses permitted as of right in the R-12.5 zone include a "one family detached dwelling", subject to satisfying "all other applicable provisions and limitations" of the 2019 Zoning Regulations; Regs. § 3.1.1.1; which would include the lot area and width requirements set forth above.

Certain "Special Uses" are permitted in the R-12.5 zone subject to securing a "Special Permit ... and Site Plan approval in accordance with Article VII". Zoning Regulations § 3.1.2.

Such "Special Uses" include "Private boathouses, landings or docks, subject to [specified] conditions and safeguards", including consistency with harbor and coastal management regulation and obtaining required state and federal permits, and the requirement that "Such boat facilities be designated for the exclusive use of the owner." Zoning Regulations §3.1.2.16. As discussed elsewhere, some or all of the Parcels appear to have been, or continue to be, used for such boat facilities.

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 9

January 16, 2024

Article VI of the 2019 Zoning Regulations contains the following provisions with respect to the existence and use of non-conforming lots:

## **Article VI NON-CONFORMING USES, STRUCTURES AND LOTS**

### **Section 6.1 DECLARATION**

**6.1.1 Definition:** A non-conforming use, structure or lot is one which existed lawfully on the effective date of these Regulations or any amendment thereto, and which fails to conform to one or more of the applicable provisions or requirements of these Regulations or such amendment thereto.

**6.1.2 Continuance:** Notwithstanding any other provision of these Regulations, a non-conforming use, structure or lot, as defined herein, may be continued, except as otherwise specified in this ARTICLE.

**6.1.3 Ownership:** Nothing in these Regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession or right of possession of property, except as otherwise provided in Section 6.4.1, herein.

**6.1.4 Certificate of Zoning Compliance:** No non-conforming use, structure or lot shall be constructed ... unless a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer **stating that such use, structure, or lot is an existing legal non-- conforming use, structure or lot and/or that such construction ... is in compliance with the applicable provisions of these Regulations.**

### **Section 6.4 NON-CONFORMING LOTS ...**

**6.4.1 Use of Non-Conforming Lots Where Applicant or Predecessors Never Owned Any Adjacent Land:** A zoning permit may be issued for an allowable use on a lot which does not meet the standards for lot area and/or width of the particular zone in which said lot is located if:

- (1) **The present owner or his predecessors in title did not illegally create this non-- conforming lot and that the lot was of legal size when it was created as a lot.**
- (2) **The present owner or his predecessors in title, as determined by an attorney, did not or does not own any land adjacent to such lot since the lot was caused to become non-conforming by virtue of revised zoning regulations.**
- (3) **All yard, setback, coverage and other zone requirements can**

# GREEN AND GROSS, P.C.

Jim Quish, Chairman  
Page 10  
January 16, 2024

**be met**, and further provided the owner or his agent presents satisfactory evidence of compliance with this section. . . .

**6.4.3** Notwithstanding the provisions of 6.4.1 . . . , vacant non-conforming lots may be combined to reduce any non-conformity with respect to lot size in accordance with Section 2.3.1 of the subdivision regulations.

**(iii) The Parcels comprising the Site do not form a legally existing nonconforming residential building lot.**

The Site cannot be deemed to have been a legally nonconforming residential building lot as of the adoption of the 1930 Zoning Regulations, whether individually or combined. That is because, even if they were part of a group of contiguous parcels that might have satisfied required zoning standards at one time, their nonconforming status was lost after the conveyance out of contiguous parcels in the same ownership, which caused the remaining contiguous parcels to no longer conform to required lot area and width standards. The consolidated, subject parcels comprising the Site fail to satisfy currently required standards for lot area, lot width, and required cumulative side yard. Further, the subject parcels were clearly designed for use as boat slip lots, and one or more of them were or are being used for boating purposes, and may continue to be used for those purposes in the R-12.5 zone. Moreover, one or more of the parcels are subject to express restrictions for use only for boating related purposes and that prohibit residential construction and use.

More specifically, the subject parcels were in the same ownership together with other contiguous parcels. Pursuant to the 1930 Zoning Regulations as amended on Sept. 10, 1942, the Site was located in the "A" residence zone where the minimum width for a building lot was fifty feet (50') and minimum lot area was six thousand two hundred and fifty (6,250 sq. ft.) square feet.<sup>1</sup>

Additional standards were required as to front, side and rear setbacks and other building standards. However, as noted above, some or all of the lot area was located in an area designated "Salt Meadow", as opposed to "Upland". Further

---

<sup>1</sup> Currently effective Zoning Regulations state that in 1929, a minimum of three thousand (3,000) square feet of area was required for a building lot. *See* Art. VI, §6.4.2, Diagram 4 (Lot Merger Description, examples). *However*, the 1929 Subdivision Regulations provide that "As a rule, . . . no new subdivision with lots of a smaller size than 50 feet x 125 feet will hereafter be approved." Those dimensions produce a lot area of six thousand two hundred and fifty (6,250) square feet.

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 11

January 16, 2024

research would be required to determine if non-upland areas would qualify as contributing to lot area. For example, title to land below the mean high water line is held by the State of Connecticut for the benefit of the public, and would not be deemed to be owned by abutting lot owners or included in calculating lot area.

In addition, Section 2.3.1 of the Milford Subdivision Regulations authorizes the Planning and Zoning Board to approve lot line adjustments that do not increase the number of lots and do not "change[e] any lots except in accordance with the standards of the zone in which it is located. .[.]”

However, even if the parcels previously may have conformed, or more nearly conformed, to required standards, any right to continue the use of the adjoining parcels for a building lot that may have previously existed was lost after parcels were conveyed out in a manner that caused the lots remaining in common ownership to no longer conform.

Nevertheless, the parcels may continue to be used for boating purposes, consistent with the original purpose and design of the parcels and their actual historic use for those purposes. . Non-commercial boat-houses, landings and docks were permitted principal uses as of 1930 when the 1930 Zoning Regulations were first adopted. Some or all of the parcels were marketed and actually used for those purposes, and some were conveyed subject to restrictions limited their use to boating purposes only and prohibiting residential construction, pursuant to Section 8-2 of the Connecticut General Statutes which prohibits zoning regulations from extinguishing legally existing nonconforming uses and structures. On this basis, the subject parcels can continue to be lawfully used for boating purposes.

In sum, the five (5) parcels cannot now be used as a residential building lot pursuant to §6.4 of the Zoning Regulations because (1) the parcels were not designed to be residential lots and were clearly designed and intended for use as landings or docks located upon *salt* meadow land, not upland; (2) to the extent that lot dimension and area for a residential building lot could have been satisfied by combining several of the waterfront parcels that were in shared ownership as of 1930, which would be deemed "merged" by operation of law, the owners created the lack of conformity by conveying out parcels, thereby reducing the combined lot area of the remaining six parcels to below the minimum six thousand two hundred and fifty (6,250) square feet required for a building lot.

#### (iv) Historical standards of the Zoning Regulations.

Following the filing of the Map of Walker Manor in the Milford Land Records in 1924, the City of Milford adopted its first set of Subdivision Regulations in 1929

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 12

January 16, 2024

(effective "immediately" but precise date not apparent from document set), and the 1930 Zoning Regulations that were, once again then known as the "Building Zone Regulations", which first became effective June 11, 1930.

The five (5) subject parcels did not conform to standards for a building lot required pursuant to the 1929 Subdivision Regulations and the 1930 Zoning Regulations, with respect to lot area and lot width, and the required four (4') foot side yard would allow a house only two (2') feet wide. Moreover, they were either being used, held, or marketed for use as boat slip lots, **which was a permitted principal use that could lawfully be continued.**

Pursuant to the 1930 Zoning Regulations, as amended September 10, 1942, and the then Zoning Map, the subject parcels were located in the "A" Residence zone. Pursuant to § II of the 1930 Zoning Regulations, "No building or premises shall be used, and no building shall be erected or altered, except in conformity with the regulations herein prescribed for the zone in which such building or premises is located."

Pursuant to § III of the 1930 Zoning Regulations ("Use Regulations Controlling Residence Zones"), "In a residence zone, no building or premises shall be used and no building shall be erected . . . which is arranged, intended or designed to be used except for one or more of the following uses", which included "1. Dwellings", "7. Boat-houses, landings and docks when not conducted as a business"; and "8. Accessory uses customarily incident to the above uses, the terms 'accessory use', however, not including a business or any building or use not located on the same lot with the building to which it is accessory." Further, "In an 'A' residence zone, no dwelling shall be erected ... or used except as a one-family detached home."

Pursuant to Definitions set forth in § I of the 1930 Zoning Regulations, "A 'lot' is a parcel of land occupied or designed to be occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such building." 1930 Zoning Regulations § I.e.

Further, "the word 'lot' includes the word 'plot'"; *id.* §I.c; and "'depth of lot' is the mean distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot"; *Id.* § I.f.

In the "A" Residence Zone, the "Minimum Size of [a] Plot" was required to be six thousand two hundred and fifty (6,250) square feet of "Area" with a minimum "Width" of 50 feet. 1930 Zoning Regulations § XI, Schedule of bulk and area standards. Further, the "Minimum width of each side yard must equal 4 feet" and the "Aggregate width of 2 side yards must equal 25% of lot width".

# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 13

January 16, 2024

Pursuant to Section VII ("Non-Conforming Buildings and Uses"), "Any non-conforming use existing at the time of the passage of these regulations may be continued and any existing building designed, arranged, intended for or devoted to a non-conforming use may be reconstructed and structurally altered", subject to various conditions enumerated in that section.

Further, "Any plot existing as a separate parcel and not complying with this requirement at the time of the passage of these regulations may, notwithstanding such fact, be improved with a building in accordance with the other regulations of its residence zone, provided the owner owns no adjacent land which may, without undue hardship to him be included as part of the lot in question."

As of 1930, the subject parcels did not, individually, qualify as a building Lot or Plot, because they did not meet minimum area and lot width standards, and because they were not in separate ownership. Given their common ownership, it is possible that they would have been deemed to be merged as necessary to form conforming lots, however, development and use as individual boat slip lots might weigh against a finding of merger, especially if separate docks and structures were built thereon, or if they were individually leased.

In addition, the fact that the subject parcels were located on an area of "Salt Meadow" rather than "Upland", also supports a finding that they were not designed or intended for residential construction, in contrast to the larger house lots located in Upland areas on the same Map.

Note that had the subject parcels been in separate ownership, they still would not qualify as residential building lots because they were clearly not designed as such. Instead, they may have qualified as lots "designed to be occupied by one building" to be used for a "boat-house, landing or dock", which were among the principal uses permitted in the Residence "A" zone as of 1930.

Moreover, consistent with the design and intent reflected on the 1924 Map, it appears that some or all of the subject parcels have actually been used for boat houses, landings, or docks, which was a permitted Principal Use in 1929 and which continues to be a permitted Principal Use under the current 2019 Zoning Regulations.

Due to the failure of the Site to qualify as either a conforming lot, or as a legally existing, non-conforming residential building lot, the Site cannot lawfully be used for a different Principal Use without securing a variance from the Zoning Board of Appeals.

A variance, in turn, cannot be issued without a showing of exceptional difficulty or unusual hardship stemming from an unusual characteristic of the lot that is not



# GREEN AND GROSS, P.C.

Jim Quish, Chairman

Page 14

January 16, 2024

generally present on other property within the same zone. Where a non-conforming lot can be put to a lawful and valuable use, and the need for a variance is personal and self-created, there is no legally recognizable hardship that can justify the grant of a variance.

**(v) Conclusion regarding lack of zoning compliance as a residential building lot.**

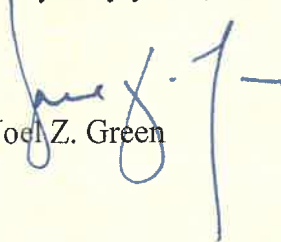
For the foregoing reasons and based upon the applicable provisions of the 2019 Zoning Regulations, as amended, the Intervenor respectfully submits that the parcels comprising the Site cannot be deemed to have constituted a legally nonconforming residential building lot as of the adoption of the 1930 Zoning Regulations, or at any time thereafter, whether individually or combined, because at no time did they satisfy required standards for lot area, lot width, and required cumulative side yard and, moreover, the subject parcels were actually used for a permitted Principal use, for boat landings, docks and related accessory uses, and that use may be lawfully continued.

In conclusion, the Petition for coastal site plan review must be denied because the Site fails to meet required zoning standards for a legal building lot for a single family dwelling as required for CAM approval, and because the proposed use and development will adversely impact coastal resources and future water-dependent development opportunities.

Please don't hesitate to contact me if you require additional information with respect to the foregoing and your consideration of the Petition.

Thank you for your time and consideration.

Very truly yours,



Joel Z. Green

JZG:laf  
Enclosure

**VERIFIED NOTICE OF INTERVENTION**

**TO:** The Planning and Zoning Board of the City of Milford.

**RE:** Petition of Kevin Curseaden, Esq. for a Coastal Site Plan Review to construct a single family dwelling on Map 045, Block 513, Parcel 39 (the “Petition”).

**PREMISES:** 104 Edgewater Place, Milford, Connecticut (the “Site”).

**OWNERS:** Brenton C. Artz (the “Owner”).

Christopher McKenna (the “Intervenor”), an owner of the premises at 24 Rose Street, Milford, Connecticut, hereby intervenes in the proceeding with respect to the above-referenced Petition pursuant to Section 22a-19 of the Connecticut General Statutes and represents as follows:

1. Section 22a-19 of the Connecticut General Statutes states, in part, that any person may intervene as a party upon the filing of a verified pleading asserting that the proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State of Connecticut.

2. Coastal Resources as defined in the Connecticut Coastal Management Act, Chapter 444, Sections 22a-90 et seq., of the Connecticut General Statutes, which is incorporated herein by reference, exist upon the Site.

3. Pursuant to the Petition, the Owner proposes to conduct certain activities upon the Site including the construction of a single family home and related site improvements (collectively, the “Activities”).

4. The Activities conducted by the Owners upon the Site and proposed to be conducted are inconsistent with the legislative goals and policies of, and standards required for approval of a coastal site plan application, pursuant to the Connecticut Coastal Management Act in several ways including but not limited to the following:

a. The Petition fails to satisfy all standards required pursuant to the Milford Zoning Regulations for site plan approval for a residential building lot for construction and use of a single-family dwelling, as required pursuant to Conn. Gen. Stat. Sec. 22a-109.

b. The Petition involves locating a non-water-dependent use upon the Site that is physically suited for water-dependent uses and associated facilities; it reduces the utility of the Site for water-dependent-uses and associated facilities; it replaces water-dependent uses with a non-water dependent use; it provides no public access to marine or tidal waters and substantially reduces and inhibits the existing and potential future public access; and it degrades the visual quality of scenic vistas of coastal resources as viewed from adjacent public ways. *See* Conn. Gen. Stat. Sec. 22a-93(17) (Definitions), and Conn. Gen. Stat. Sec. 22a-105.

c. The Petition will degrade natural erosion patterns and natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; C.G.S. Sec. 22a-93(15)(C), (D); will degrade visual quality through significant alteration of the natural features of vistas and viewpoints; Sec. 22a-93(15)(F); and may have additional adverse impacts including degrading or destroying essential wildlife habitat and degrading tidal wetlands and shorefronts through significant alteration of their natural characteristics or function; C.G.S. Sec. 22a-93(15)(G), (H).

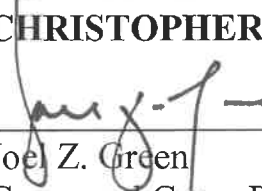
5. The Activities that have been conducted and that are proposed to be conducted by the Owners upon the Site are reasonably likely to have the effect of unreasonably polluting and/or impairing the air, water or other resources of the State of Connecticut or destroying the public trust in them.

6. The Intervenor, pursuant to Section 1-227 of the Connecticut General Statutes, requests copies of all filings and written notice by mail of all meetings and/or hearings to be held, conducted or issued in connection with the Petition. Such filings and notices should be sent to counsel for the Intervenor: Joel Z. Green, Esquire, Green and Gross, P.C., 1087 Broad Street, Bridgeport, CT 06604.

**WHEREFORE**, the Intervenor hereby intervenes in this Proceeding pursuant to this Verified Notice of Intervention.

**THE INTERVENOR,  
CHRISTOPHER MCKENNA**

BY \_\_\_\_\_

  
Joe Z. Green  
Green and Gross P.C.  
1087 Broad Street  
Bridgeport, CT  
(203) 335-5141



## Susan LaFond

---

**From:** Kevin Curseaden <kjcurseaden@cmctlaw.com>  
**Sent:** Tuesday, January 16, 2024 12:59 PM  
**To:** Joel Green; David Sulkis; Stephen H. Harris; Meg E. Greene; Susan LaFond  
**Cc:** Linda Laske; Jonathan Berchem; Joseph Griffith  
**Subject:** RE: 104 Edgewater Place

Good afternoon,

IF the Board decides that Intervenor status should be granted, the only proper material before the Board must be related to environmental claims that are *within the jurisdiction* of the planning and zoning board.

Respectfully, I object to the submission of Attorney Green's letter to the Board for the following reasons:

C.G.S. Sec. 22a-19 grants standing to intervenors to raise *only* those environmental concerns that are within the jurisdiction of the planning and zoning board. See Finley v. Inland Wetlands, 289 Conn 12 (2008).

"An intervenor pursuant to statute permitting a party to intervene in a proceeding to assert that proceeding or action for judicial review involves conduct which has, or which is reasonably likely to have, effect of unreasonably polluting, impairing or destroying public trust in air, water or other natural resources of the state has standing to appeal from the decision of an inland wetlands commission **only for the purpose of raising claims that are within the zone of interests that are protected under the Inland Wetlands and Watercourses Act, i.e., claims alleging the pollution, impairment or destruction of the state's inland wetlands and watercourses.** C.G.S.A. §§ 22a-19, 22a-43." Finley v. Inland Wetlands Comm'n of Town of Orange, 289 Conn. 12, 959 A.2d 569 (2008). (emphasis added).

Likewise, Intervenor status (IF GRANTED) does not open the door wide for the intervenor to discuss zoning regulations, lot history, general compliance with the CAM Act, etc. Evidence submitted must be related *solely* to environmental concerns that are within the jurisdiction of the planning and zoning board.

Attorney Green's letter, which discusses the zoning regulations, whether the lot is a legal lot, lot history, etc. should not be submitted to the PZ Board, and should not be considered as part of this application.

Thank you for your consideration.

Kevin

Kevin J. Curseaden  
Curseaden & Moore, LLC  
PO Box 31, 3 Lafayette Street  
Milford, CT 06460  
203.874.9500 Ext 443

Fax: 203.882.7247

<https://www.cmctlaw.com/>  
[kjcurseaden@cmctlaw.com](mailto:kjcurseaden@cmctlaw.com)

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of the communications is strictly prohibited.

---

**From:** Joel Green <jgreen@gglaw.net>

**Sent:** Tuesday, January 16, 2024 12:36 PM

**To:** dsulkis@milfordct.gov; shharris@milfordct.gov; mgreene@ci.milford.ct.us; slafond@milfordct.gov

**Cc:** Kevin Curseaden <kjcurseaden@cmctlaw.com>; Linda Laske <llaske@gglaw.net>

**Subject:** 104 Edgewater Place

Joel Z. Green, Esq.  
The Law Offices of Green and Gross, P.C.  
1087 Broad Street  
Bridgeport, Ct. 06604  
Office Tel. (203) 335-5141  
Fax (203) 367-9964  
E-Mail: [JoelZGreen@gglaw.net](mailto:JoelZGreen@gglaw.net)

**CIRCULAR 230 NOTICE:** IRS RULES OF PRACTICE REQUIRE US TO INFORM YOU THAT ANY ADVICE IN THIS CORRESPONDENCE CONCERNING A FEDERAL TAX ISSUE IS NOT INTENDED OR WRITTEN BY US TO BE USED, AND CANNOT BE USED BY ANY TAXPAYER FOR THE PURPOSE OF AVOIDING ANY TAX PENALTIES IMPOSED BY THE INTERNAL REVENUE SERVICE, OR FOR PROMOTING, MARKETING OR RECOMMENDING ANY TAX RELATED MATTERS ADDRESSED HEREIN.

THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS CONFIDENTIAL AND PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE NAMED RECEIVER. IF YOU ARE NOT THE NAMED RECEIVER, OR THE PERSON RESPONSIBLE FOR DELIVERING THIS E-MAIL MESSAGE TO THE NAMED RECEIVER, YOU ARE NOTIFIED THAT ANY USE OF THIS E-MAIL MESSAGE OR ITS CONTENTS, INCLUDING ANY DISSEMINATION OR COPYING, IS STRICTLY PROHIBITED. I WONDER IF ANYONE EVEN READS THESE NOTICES ANYMORE. IF YOU HAVE RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY JOEL Z. GREEN BY TELEPHONE AT (203) 335-5141, AND DESTROY THE ORIGINAL MESSAGE. WE WILL REIMBURSE YOUR TELEPHONE EXPENSE FOR DOING SO. THANK YOU.

# GREEN AND GROSS, P.C.

LAW OFFICES

1087 BROAD STREET  
BRIDGEPORT, CT 06604-4231  
(203) 335-5141

FACSIMILE: (203) 367-9964

BERNARD GREEN  
(1952-2003)

WEBSITE: WWW.GGLAW.NET

ERIC M. GROSS  
SAMUEL T. ROST  
JOEL Z. GREEN  
BARBARA F. GREEN  
LINDA PESCE LASKE

[jgreen@gglaw.net](mailto:jgreen@gglaw.net)

January 24, 2024

VIA E-MAIL

Kevin J. Curseaden, Esquire  
Curseaden & Moore LLC  
P.O. Box 31  
Milford, CT 06460

RE: 104 Edgewater Place, Milford, Connecticut

Dear Attorney Curseaden:

Thanks for your email dated January 16, 2024, a copy of which I've attached for your reference.

Please note that the initial argument in my letter to the Board dated January 16, 2024 addresses inconsistencies with the Coastal Management Act (the "Act"), which is codified within Title 22a ("Environmental Protection") of the Connecticut General Statutes ("CGS"), specifically in Chapter 444, Sections 22a-90 to 22a-113j.

As discussed in my letter, however, zoning compliance is also a prerequisite to coastal site plan approval pursuant to the Act.

It is clear from the "Legislative Findings" set forth in CGS Sec. 22a-91 and the "Legislative Policies and Goals" in CGS Sec. 22a-92 that the Connecticut General Assembly has determined, as a matter of public policy, that appropriate regulation of development is intrinsically relevant to protection of environmental resources in coastal areas. The requirement of zoning compliance is an element that is relevant to determining whether a proposed development has undue negative impacts on coastal resources, which include, and are a form of environmental resources.

For example, those statutory provisions reflect legislative findings that development in coastal areas "has been extensive and has had a significant impact on Long Island Sound and its coastal resources"; CGS 22a-91(2); that "The coastal area is rich in a variety of natural,

# GREEN AND GROSS, P.C.

Kevin J. Curseaden, Esquire

Page 2

January 24, 2024

economic, recreational, cultural and aesthetic resources, but the full realization of their value can be achieved only by encouraging further development in suitable areas and by protecting those areas unsuited to development”; CGS 22a-91(5); and that “Unplanned population growth and economic development in the coastal area have caused the loss of living marine resources, wildlife and nutrient-rich areas, and have endangered other vital ecological systems and scarce resources”; CGS 22a-91(7).

The extensive Legislative Policies and Goals set forth in CGS Sec. 22a-93 also show that zoning compliance is relevant to assessing the reasonableness of development versus environmental impacts.

As further discussed in my letter, the Petition is not consistent with the Act in multiple respects and will adversely impact environmental resources held in the public trust. The intervention of Mr. McKenna must be permitted pursuant to CGS Sec. 22a-19.

For the purposes of the proceedings before the Board, C.G.S. Section 22a-109(e) provides that the Board may hold a hearing on a Petition for Coastal Site Plan Review. As you are aware, aside from the requirements and procedures set forth in the General Statutes and Milford’s Zoning Regulations, Connecticut case law provides that proceedings before administrative bodies shall be conducted with fundamental fairness and in a manner consistent with the principles of natural justice. Accordingly, if the Board elects to hold a hearing on the Petition and it hears from the Petitioner on the merits of the pending Petition, then the public, including my client, must also have an equal opportunity to be heard. That’s also good government!

This matter appeared on the Agenda for the meeting of the Board on January 16, 2024 under “New Business”. I would suggest that, perhaps, the matter should be listed going forward under “Public Hearings” to extent that the Board intends to receive information, testimony or evidence from *anyone* at the meeting on this matter so that the public has a full and fair opportunity to be heard.

Finally, there is absolutely no prohibition in the Zoning Regulations or the General Statutes against members of the public submitting materials and information to the Board in response to the Petition such as my previous letter and this letter, whether a hearing is conducted or not.

Under any circumstances, however, the subject property is not zoning compliant and, accordingly, the Petition must be denied.

Please don’t hesitate to contact me if you have any questions or wish to discuss this matter.



# GREEN AND GROSS, P.C.

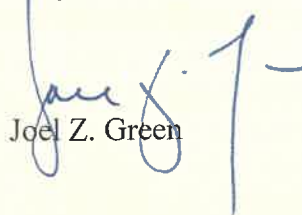
Kevin J. Curseaden, Esquire

Page 3

January 24, 2024

Thank you.

Very truly yours

A handwritten signature in blue ink, appearing to read "Joel Z. Green", with a long vertical line extending downwards from the end of the signature.

Joel Z. Green

JZG:laf

Enclosure

cc: Planning and Zoning Board

David B. Sulkis, City Planner

Stephen H. Harris, Zoning Enforcement Officer

Meg E. Green, Secretary, Clerk of the ZBA

Jonathan Berchem, City Attorney

Joseph D. Griffith, Director, Permitting and Land Use

Christopher McKenna