

APPLICATION FOR ZONING PERMIT CIVIC ASSOCIATION OF SHORT BEACH

Date Received ____-____-____

Application Number _____

Date Approved ____-____-____

Permit Expires ____-____-____

Approved/Denied Date Approved ____-____-____

Stipulations:

Reason for Denial:

Please note: This application must be approved by the Executive Board of the Civic Association prior to commencement of work or use. A Building Permit from the Town of Branford does not replace or supersede this application: indeed, the Town will not issue a Building Permit unless an approved application for a Zoning Permit from the Civic Association is presented. Please fill out completely so that your application can be acted upon promptly.

Applicant

Name Stuart P. and Rebecca K. Rosenberg
Address 14 Rockland Park
Branford, CT 06405
Phone 203-395-5000
Property Address 14 Rockland Park

Owner

Name Stuart P. and Rebecca K. Rosenberg
Address 14 Rockland Park
Branford, CT 06405
Phone 203-395-5000

Description of work to be done

Lot Division Demolish Reconstruction New Construction
Alteration Addition Change of Use Other

Please see attached narrative.

Lot Size

Before Proposed Change

Front *
Side * Side *
Rear *
Square footage 0.28 acres
Wetland Area sq ft N/A

After Proposed Change

Front no change
Side no change Side no change
Rear
Square Footage 0.28 acres
Wetland Area sq ft N/A

*please see attached Zoning Location Survey for front, side, and rear boundary line measurements

Building Size (N/A; addition of a patio and replacement of a retaining wall)

Before Proposed Change

Height _____ ft
Number of Stories _____
Square Footage
 1st Floor _____
 2nd Floor _____
 3rd Floor _____

After Proposed Change

Height _____ ft
Number of Stories _____
Square Footage
 1st Floor _____
 2nd Floor _____
 3rd Floor _____

Building Setback

Before Proposed Change

Front _____ N/A
Side _____ unknown Side _____ N/A
Rear _____ N/A
Coastal/Inland Water _____ N/A

After Proposed Change

Front _____ N/A
Side _____ -1.67 ft Side _____ -1.35 ft
Rear _____ 0.65 ft
Coastal/Inland Water _____ 7 ft

Coverage Before Proposed Change

Building Lot coverage sq ft	1,546	Percentage of Lot	12.7%
Building Floor Ares sq ft	unknown	Percentage of Lot	unknown
Aggregate Lot Coverage sq ft	5,039	Percentage of Lot	41.4%

Coverage After Proposed Change

Building Lot coverage sq ft	1,546	Percentage of Lot	12.7%
Building Floor Ares sq ft	unknown	Percentage of Lot	unknown
Aggregate Lot Coverage sq ft	7,075	Percentage of Lot	58.1%

Please see Zoning Location Survey for a complete account of lot coverage areas and percentages.

Flood Plain Approval Required

Yes _____ No _____ X _____ Provided _____

Coastal Area Management Required

Yes _____ No _____ X _____ Provided _____ X _____

East Shore Health Approval Required

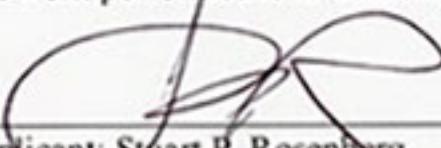
Yes _____ No _____ X _____ Provided _____ X _____

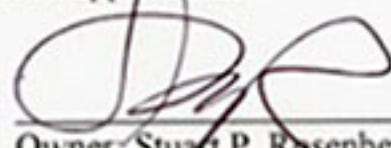
Drawing

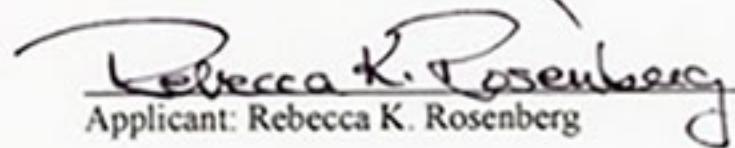
Surveys or architect's drawings may be substituted. Drawings must show existing property lines and building(s); and should highlight proposed changes. Distances from each building corner to the property line must be shown. Any right-of-way on or adjacent to the property must be shown.

Please see attached Zoning Location Survey

The undersigned represents that to the best of his or her knowledge and belief the foregoing information is true and accurate. I understand that any misrepresentation on my part will be grounds for revoking approval of this application and that I may be required to remove any resulting non-conformity. I further understand that any deviation from this application must have a prior written consent of the Board. Finally, I agree to cooperate with the Zoning Enforcement Committee of the Board in any inspections that they may choose to make to assure that work performed is in conformity with the approved application.


Applicant: Stuart P. Rosenberg


Owner: Stuart P. Rosenberg


Applicant: Rebecca K. Rosenberg


Owner: Rebecca K. Rosenberg

Project Narrative



Application for Zoning Permit

Civic Association of Short Beach

July 26, 2022

Project Address: 14 Rockland Park (the Property)

Owners: Stuart P. and Rebecca K. Rosenberg

1. 14 Rockland Park (100% ownership)
2. 30 Rockland Park (12.5% ownership)

Applicants: Stuart P. and Rebecca K. Rosenberg

Proposed Project: retention/modification of existing stone patio and retaining wall

PROJECT NARRATIVE

Introduction

The applicants propose to retain a recently constructed stone patio and stone retaining wall and conduct associated finish work (the Work). The Property and Work are described and presented in the following narrative sections and attachments:

Narrative

- ❖ Project Summary
- ❖ Property Description
- ❖ Pre-Work Site Conditions
- ❖ Work Description
- ❖ Work Analysis

Attachments

- Attachment 01—Zoning Location Survey (application Drawing)
- Attachment 02—Coastal Site Plan Determination
- Attachment 03—ESDHD Determination
- Attachment 04—Site Photographs
- Attachment 05—Pre-Work Photographs
- Attachment 06—Construction Equipment
- Attachment 07—Construction Work
- Attachment 08—Adjoining Owner Approval

Project Summary

The Work was started in 2019 and stopped in February 2022 following receipt of a February 10, 2022 letter from Mr. David Perkins, CCEO of the Civic Association of Short Beach (CASB), which notified the owners that they had not applied for nor received various permits for the completed work. The owners immediately hired a land use consultant and, later, a land use attorney to assist with the process of applying for permits. These potential permits include the following:

1. Floodplain Approval—Town of Branford
 - a. not required because the Property is not in a floodplain (see Property Description)
2. Coastal Site Plan Approval—Town of Branford
 - a. exempt ([Attachment 02—Coastal Site Plan Determination](#))
3. East Shore District Health Department Approval—ESDHD
 - a. not required ([Attachment 03—ESDHD Determination](#))
4. Zoning Approval—CASB
 - a. pending (this application)
5. Building Permit—Town of Branford
 - a. subsequent filing after zoning approval

Property Description

The Property is zoned residential (R) and situated on the south end of Horton Point in the CASB. Based on Town of Brantford records and a 2022 Zoning Location Survey by RCL Thompson, LLC, it is 0.28 acres in area and located above/outside a Special Flood Hazard Area Zone. The Property improvements include a crushed stone driveway, a principal building, an accessory building, mature landscaping, and the recently constructed stone patio and retaining walls ([Attachment 04—Site Photographs](#)). The terrain slopes from north to south, gradually from the driveway to the principal building and then steeper into the patio. The Property is serviced by public utilities, including sewer, water, and gas.

Pre-Work Site Conditions (2019/2020)

Prior to starting the Work, the Property contained a low-lying wood deck and variable/steeplly sloped terrain on the south side of the principal building and a timber retaining wall with wood panel fence along the westerly property line ([Attachment 05—Pre-Work Photographs](#)). Due to filling of the Property by a prior owner around the year 2000, the topography on the south side of the principal building became variable and steep leading down to a waterfront stone masonry bulkhead located on the abutting 30 Rockland Park property. In addition, this sloped terrain was prone to stormwater runoff, causing frequent spot erosion and washouts behind the aforementioned bulkhead. The existence of an elevated stone retaining wall and patio on the abutting 18 Rockland Park property to the east created a defined/raised edge along the easterly property line. This neighboring retaining wall was approximately 1-5 feet above the Property grade.

Work Description

This section contains the following:

1. *Proposed Activities*—detailed description of proposed activities
2. *Construction Means and Methods*—description of the work that was / will be performed
3. *Sedimentation + Erosion Control Measures*—description of measures to minimize erosion

Proposed Activities

The proposed activities consist of retaining two related site improvements and conducting associated finish work. These improvements include a stone patio (and associated stone retaining walls) on the south side of the principal building and a stone retaining wall along the westerly property line. Both improvements and their associated activities are described as follows:

Stone Patio

The existing stone patio replaces a pre-existing low-lying wood deck and variably sloped terrain.

Activity 1

Retain a stone patio having the following characteristics and as depicted on the Zoning Location Survey:

- Material: crushed stone, geotextile fabric, mortar, field stone, blue stone
- Area: 1,954 SF
- Elevations (variable; feet in NAVD88)
 - Surface (variable): 17.60 (middle of patio)
 - East Wall: 18.15
 - South Terraced Walls: 14.13 (west), 18.69 (middle), 18.15 (east)
 - West Terraced Walls: 14.24-19.15
- Slopes (surface): 1.5-2.9%

Activity 2

Conduct the following finish work to the stone patio:

- Apply mortar
- Set missing stones
- Install fences/guards to retaining walls as required by the Connecticut State Building Code and CASB Zoning Regulations

Retaining Wall

The stone retaining wall along the westerly property line replaces a pre-existing, deteriorated timber retaining wall and wood panel fence.

Activity 1

Retain a stone retaining wall having the following characteristics and as depicted on the Zoning Location Survey:

- Material: crushed stone, geotextile fabric, mortar, field stone
- Dimensions: ~15" wide by ~76'-7"
- Elevations (variable; feet in NAVD88)

- North Section: ~23.00
- Middle Section: ~22.00
- South Section: ~20.00

Activity 2

Conduct the following finish work to the stone patio:

- Apply mortar
- Set missing stones
- Install guards to retaining walls as required by the Connecticut State Building Code and CASB Zoning Regulations

Construction Means and Methods

The Work was conducted with hand-held tools, small walk-behind equipment, small stationary equipment, and small machines ([Attachment 06—Construction Equipment](#)). The proposed finish work will be conducted with hand-held tools, small walk-behind equipment, and small stationary equipment as needed. The approximate sequence of activities was as follows ([Attachment 07—Construction Work](#)):

Completed Work

1. Conducted pre-construction measurements and planning
2. Removed existing improvements (low-lying deck, timber retaining wall, panel fence) and related components, and disposed of the material at an appropriate off-site location
3. Excavated trenches for primary retaining walls; installed geotextile fabric and crushed stone as needed
4. Constructed retaining walls with stone and mortar
5. Graded soil within patio footprint
6. Excavated area for dry well; installed geotextile fabric and crushed stone
7. Placed process stone within patio footprint
8. Placed patio stones and brushed in joint sand
9. Backfilled behind westerly retaining wall
10. Demobilized all equipment and most material from the project site; a few stockpiles of wall stone remain

Proposed Finish Work

1. Apply mortar as needed to retaining walls
2. Set missing stones
3. Brush joint sand into patio surface stones
4. Install railings/guards

Sedimentation + Erosion Control Measures

The completed Work was conducted in phases to minimize and easily control ground disturbance. No excavated material was removed from the site; all excavated material was maintained on-site during the Work and incorporated into the new construction, resulting in a 1:1 cut/fill ratio. For example, when trenches were excavated, the soil was transported upslope to a stable location for later incorporation into new construction.

Work Analysis

This section contains the following:

1. *Problems, Need, and Purpose*—description of problems; need for and purpose of activities
2. *Alternatives Considered*—description of alternatives considered
3. *Consistency with Zoning Regulations*—analysis of proposed activities relative to regulations

Problems, Need, and Purpose

The Work was conducted to resolve two pre-existing, problematic areas on the Property; one south of the principal building and one along the westerly property line.

South of Principal Building

This area contained a low-lying wood deck and variably sloped terrain (refer to [Attachment 05—Pre-Work Site Photographs](#)). The easterly edge of the area was defined by a stone masonry wall on the adjoining 18 Rockland Park property that was approximately one to five feet above grade. These characteristics created several problems, including public safety, soil stability, and drainage, all of which compromised the reasonable use of the property. These problems were largely created by filled topography that had a maximum estimated slope of 50-75%. Typically speaking, slopes of less than 4% are considered flat and suitable for all activities; slopes between 4% and 10% are considered moderate, requiring some effort to climb and descend; slopes between 10% and 50% are considered steep and suitable for limited activity; and slopes greater than 50% are considered very steep, unsuitable for activity, and subject to soil erosion and even collapse. Because the slope in this area was in the “very steep” category, it is evident why it created safety concerns for pedestrian use, contributed to soil stability issues, and led to drainage problems. Pedestrian use of the area was extremely difficult, causing users to lower their center of gravity to prevent falling and often forcing a scramble to avoid injury. With regard to soil stability, because the slope faced south and received full sun, rapid evaporation of soil moisture was commonplace; the loss of moisture created drought-like conditions that led to the browning of grass, weakening of root systems, and eventual loss of soil stability during rain events. In addition, because the slope was very steep, which resulted in insufficient surface retention time to allow water to permeate the soil, the majority of stormwater drainage was often in the form of sheetflow, restricted to the east by the elevated retaining wall on 18 Rockland Park and running downslope to the bulkhead on 30 Rockland Park. This excessive volume of stormwater runoff contributed to the development of a sink-hole behind the aforementioned bulkhead (refer to [Attachment 05—Pre-Work Photographs](#)).

To solve the above described problems, the owners elected to install an elevated stone patio to replace the pre-existing low-lying wood deck and variably sloped, very steep terrain. This patio and associated retaining walls mirrored a similar improvement on the adjoining 18 Rockland Park property. The stone patio, with a slope ranging from 1.5% to 2.9%, is considered a flat surface and safe/suitable for all activities. In addition, because the patio covered the very steep slope and stabilized the area with retaining walls, it eliminated soil stability problems. Finally, understanding that drainage would remain a concern, a dry well was installed under the patio to manage stormwater and snow melt; a drainage relief pipe leads to the face of the southerly retaining wall, exhausting onto a vegetated area. The topography south of the patio

on the adjoining 30 Rockland Park property remains stabilized with lawn/grass and a slope of approximately 25%, which is considered steep, but available for limited activities. The purpose of the stone patio is to provide an exterior space with minimal public safety concerns and that maintains soil stability and adequately manages stormwater drainage.

Along Westerly Property Line

This area contained a deteriorated timber retaining wall and wood panel fence (refer to [Attachment 05—Pre-Work Photographs](#)). As shown in the photographs, the retaining wall had several areas of rot, was failing, and had exceeded its useful service life. Likewise, the adjoining fence was significantly weathered, had lost many fasteners, and had exceeded its useful service life. Allowing these pre-existing site improvements to deteriorate further would have led to complete failure, resulting in loose debris and exposed soil. These conditions would have created public safety and erosion concerns on the Property and adjoining properties.

To solve the above described problems, the owners elected to install a stone masonry retaining wall to replace the pre-existing, deteriorated timber retaining wall and wood panel fence. The selection of stone masonry construction instead of timber was made for improved durability and resilience. In addition, instead of replacing the fence, the owners decided to maintain a natural landscaping screen of evergreens above the wall for improved sustainability and resilience. The purpose of the stone retaining wall is to control a change in ground elevation that exceeds the angle of repose of the soil by holding back the mass of earth on the upslope side of the grade change.

Alternatives Considered

The Work was conducted to resolve two pre-existing, problematic areas on the Property, a variably sloped and very steep terrain on the south side of the principal building and a deteriorated timber retaining wall along the westerly property line. To solve these problems, it was necessary to develop a solution with the following project goals: 1) eliminate the very steep and variable slope, 2) eliminate or minimize maintenance, erosion, and drainage issues created by the very steep slope, 3) replace the deteriorated timber wall with a more durable and resilient structure, and, ultimately, 4) realize the reasonable use of the Property consistent with that of surrounding properties of similar size and location. To arrive at the preferred solution, the following alternatives were considered:

No Regulated Work / Return Property to Pre-Work Conditions

The first alternative considered was to remove the completed Work and return the Property to pre-work conditions (refer to [Attachment 05—Pre-Work Photographs](#)). However, because this alternative does not solve the defined problems, it was dismissed from consideration.

Modify Project to Reduce Extent/Size

The second alternative considered was to reduce the extent/size of the Work. Such a solution may include a terraced patio with additional retaining walls, all outside the required building setbacks. However, although this may satisfy the goal of eliminating the variable, very steep slope, it would create a trench with a depth of one to five feet between the new work and the existing adjoining stone retaining wall on the 18 Rockland Park property. This trench would become a safety hazard, be difficult to maintain, and be prone to drainage and erosion problems. Furthermore, following a review of record mapping by the owners, it appeared that

the adjoining retaining wall on 18 Rockland Park was on the shared property line and that the land they had been maintaining up to this wall was their property and available for development. Therefore, this alternative was dismissed from consideration.

Retain/Complete Existing Project (applicants' proposal)

The final alternative considered was to construct a stone patio and replace a timber retaining wall with a stone retaining wall. This alternative was selected because it would eliminate the very steep and variable slope, eliminate or minimize maintenance, erosion, and drainage issues created by the slope, replace the deteriorated timber wall with a more durable and resilient structure, and allow the owners to realize the reasonable use of the Property, all while avoiding negative impacts to the adjoining properties.

Consistency with Zoning Regulations

This section analyzes the Work for consistency with the CASB Zoning Regulations, specifically Section 8.5 as referenced in the February 10, 2022 letter from Mr. Perkins, which is for "Grading, Excavation, Removal or Deposit of Earth Materials and Related Activities".

8.5.1 Purpose: The purpose of this section is to regulate earth-moving, site-clearing and stockpiling activities so as to:

prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage;

As described in the previous section, the Work was undertaken to eliminate erosion and transport of sediment, and to decrease overland flow of storm drainage. The Work area was kept orderly and stable during construction.

prevent creation or exacerbation of safety hazards such as sharp declivities, cliffs and unstable slopes;

As described in the previous section, the Work was undertaken to eliminate safety hazards such as sharp declivities, cliffs, and unstable slopes.

preserve distinctive natural features such as rock outcrops and ridge lines; and

No distinctive natural features such as rock outcrops and ridge lines existed on the Property prior to completion of the Work.

protect natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.

As described in the previous section, the Work was undertaken to increase soil stability, eliminate a very steep / south-facing grass slope that was challenging to maintain, and replace a wood panel fence with a natural landscaping screen (evergreens).

8.5.2 Standards: All proposed activities covered by these Regulations shall comply with the following standards: Upon completion of blasting, filling, excavation or construction of retaining wall, the applicant shall furnish a statement from a licensed professional engineer that the finished slope is stable and has been constructed in accord with the approved plan.

Because the Work is largely a completed site improvement with no design plans, it was necessary to employ a licensed professional engineer after-the-fact to evaluate construction of the retaining walls. This effort is on-going and a statement will be furnished upon completion.

8.5.3 Earth Slopes: Finished earth slopes resulting from excavation, removal, or deposit shall not exceed one foot of rise for three feet of horizontal distance or such lesser slope as the Commission may specify as necessary for the public health and safety, soil stability, and for the reasonable use of the property after completion of the excavation or deposit.

A one foot rise and three foot horizontal distance equates to a 33% slope. As described in the previous section, the Work was undertaken to, among others, eliminate a very steep slope (50-75%). All slopes on the Property are now less than 33%.

8.5.4 Rock Slopes

No rock slopes were or will be constructed as part of the Work.

8.5.5 Retaining Walls: The Commission may approve retaining walls provided that the following conditions are met:

- 1) No retaining wall shall exceed a height of eight (8) feet.

The Work does not include a retaining wall that exceeds a height of eight (8) feet. The retaining walls range in height from two (2) feet to seven-feet-two-inches (7'-2") above grade.

- 2) No retaining wall shall be permitted within fifteen feet of a side or rear property line or Residential District Boundary line.

The Work includes retaining walls within fifteen (15) feet of the side (east and west) and rear (south) property lines. See Section 8.5.9 Adjoining Properties for additional information.

- 3) No retaining wall shall be located less than fifteen feet from a street line except when necessary to provide the minimum sightline required for safety, sidewalks, bus stops or other pedestrian amenities.

The Work does not include a retaining wall less than fifteen (15) feet from a street line.

- 4) When used to create terraces, retaining walls should be a minimum of ten feet apart and the terrace area between them shall not exceed a slope one foot or rise for three feet of horizontal distance.

The Work does not include traditional terraces; it includes a primary retaining wall along the southerly property line and a series of raised planting beds with short landscape walls adjacent to the principal building and along the access stair in the southwest corner of the Property.

- 5) The top of any retaining wall greater than four feet in height shall be protected by a fence at least four feet in height of a quality and construction acceptable to the Commission to prevent injury to the general public.

The proposed activities include installation of guards on all retaining walls in accordance with the Connecticut State Building Code and CASB Zoning Regulations.

- 6) All retaining walls greater than four feet in height shall be designed by a licensed professional engineer and plans submitted shall bear the signature and live seal of the engineer.

Because the Work is largely a completed site improvement with no design plans, it was necessary to employ a licensed professional engineer after-the-fact to evaluate the construction. This effort is on-going and a certification will be furnished upon completion.

- 7) All drainage at the base of the wall, including flow from weep holes, shall be connected to storm drainage and not allowed to traverse parking areas, drives or adjacent roadways.

As described in the previous section, the majority of the drainage is managed by a dry well under the stone patio. There is no drainage that traverses parking areas, drives, or adjacent roadways.

- 8) Landscaping shall be provided at the top and base of walls and on terraces to blend the wall with the surrounding site.

The top of the retaining wall along the southern edge of the stone patio is landscaped with surface stones and garden beds that are constructed with natural stone materials that blend with the surrounding site, such as the foundation veneer on the principal building, adjoining stone walls on 18 Rockland Park, and natural exposed bedrock on 30 Rockland Park.

8.5.6 Condition of Site During Activity: Slopes shall be maintained during construction so as not to exceed one foot rise for two feet of horizontal distance whenever construction is suspended for more than two weeks. There shall be no sharp declivities, slopes, pits, or depressions and proper drainage shall be provided to avoid stagnant water soil erosion, and water pollution. The Board may require that the entire construction area be fenced if it finds that it is necessary to ensure public safety.

As described in previous sections, the Work was undertaken to eliminate intermittent erosion and transport of sediment, and to decrease overland flow of storm drainage. The Work area was kept orderly and stable during construction and the Property is currently stable with no stagnant water, soil erosion, and water pollution.

8.5.7 Restoration of Site: Topsoil removed shall be stockpiled on the site and upon completion of excavation or filling activities, shall be spread uniformly to a depth of at least four inches over all

disturbed surfaces. All debris shall be removed from the site and all disturbed areas shall be planted with State Conservation Mix or equivalent ground cover. Excess topsoil may be removed from the site upon submission of a statement from a licensed professional engineer or landscape architect that sufficient topsoil remains to accomplish the requirements of this section.

Because Work stopped in February 2022 following receipt of the letter from the CASB, disturbed areas and three stockpiles of stone remain along the western side of the site on 22 Rockland Park. These disturbed areas will be planted with State Conservation Mix or equivalent ground cover.

8.5.8 Drainage: No drainage from the site shall cause flooding, erosion or other damage to adjacent properties, roadways, and/or storm drainage systems. The Board may require the applicant to obtain a drainage easement prior to discharge of water to any adjacent property.

As described in the previous section, the Work was undertaken to eliminate erosion and transport of sediment, and to decrease overland flow of storm drainage. In addition, the Work included installation of a dry well under the patio to manage stormwater and snow melt; a drainage relief pipe leads to the face of the southerly retaining wall, exhausting onto a vegetated area. As a result of these activities, no drainage is expected to cause flooding, erosion or other damage to adjacent properties, roadways, and/or storm drainage systems.

8.5.9 Adjoining Properties: There shall be no excavation or removal within the area between the property line and the building setback line unless such activity would result in finished grades at or above the elevation of the adjoining street or lot. There shall be no deposition or filling within this same area unless such activity would result in finished grades at or below the elevation of the adjoining street or lot. The Board may waive these requirements if, 1) a joint application with the adjoining property owner is filed, or 2) if such condition is necessitated by installation of a septic system or access drive. The extent of such waiver shall be limited to 1) the area adjoining the joint property line or 2) the immediate vicinity of the septic system or access drive, as applicable.

Westerly Property Line (22 Rockland Park)

The Work in this area involved the replacement of a pre-existing timber retaining wall with a new stone retaining wall and resulted in minimal filling within the area between the property line and building setback line, and onto the adjoining lot. Because the grade on 14 Rockland Park was higher than 22 Rockland Park prior to the Work being started, the Work merely maintained a pre-existing condition of finished grades above the adjoining lot. Nonetheless, the owners of 22 Rockland Park have provided an approval letter (Attachment 08—Adjoining Owner Approval). Therefore, the applicants respectively request that the Board grant a waiver of the requirements, if applicable.

Southerly Property Line (30 Rockland Park)

The Work involved filling within the area between the property line and building setback line to finished grades above the adjoining lot. As a result, the majority owners of 30 Rockland Park have provided an approval letter (Attachment 08—Adjoining Owner Approval). Therefore, the applicants respectively request that the Board grant a waiver of the applicable requirements.

Easterly Property Line (18 Rockland Park)

The Work involved filling within the area between the property line and building setback line to finished grades at or below the elevation of the adjoining lot. Because this area of the Work is consistent with Section 8.5.9, approval of the adjoining owners is not required.

8.5.10 Access: Truck access to the site shall be so arranged as to minimize traffic hazards and nuisance to surrounding properties. Such access on the site shall be maintained so as to prevent wind and water erosion. Appropriate measures shall be shown on the Erosion and Sediment Control Plan.

All truck access is expected to be light-duty with minimal ground disturbance. As a result, specific Erosion and Sediment control measures for this access are unnecessary.

8.5.11 Hours of Operation: Within and adjacent to residential areas no blasting or operation of heavy vehicles or machinery shall take place before 7:30 a.m. or after 7:30 p.m. Monday through Saturday or at any time on Sundays. The Board may specify additional limitations if such are warranted in order to ensure reasonable use and enjoyment of surrounding properties.

The applicants understand this requirement and would agree to its inclusion in a zoning approval.

8.5.12 Disposal of Excavated Material: The total volume of earth materials to be removed from the site and its destination, if known, shall be stated in the application. Deposition of such materials on any site(s) within the Town of Brantford shall be carried out in conformance with these regulations. If earth materials in excess of 100 cubic yards are to be transported to a location outside of the Town of Brantford, it is the applicant's responsibility to secure proper authorization for disposal at the ultimate location.

No excavated material was removed from the site; all excavated material was maintained on-site during the Work and incorporated into new construction, resulting in a 1:1 cut/fill ratio.

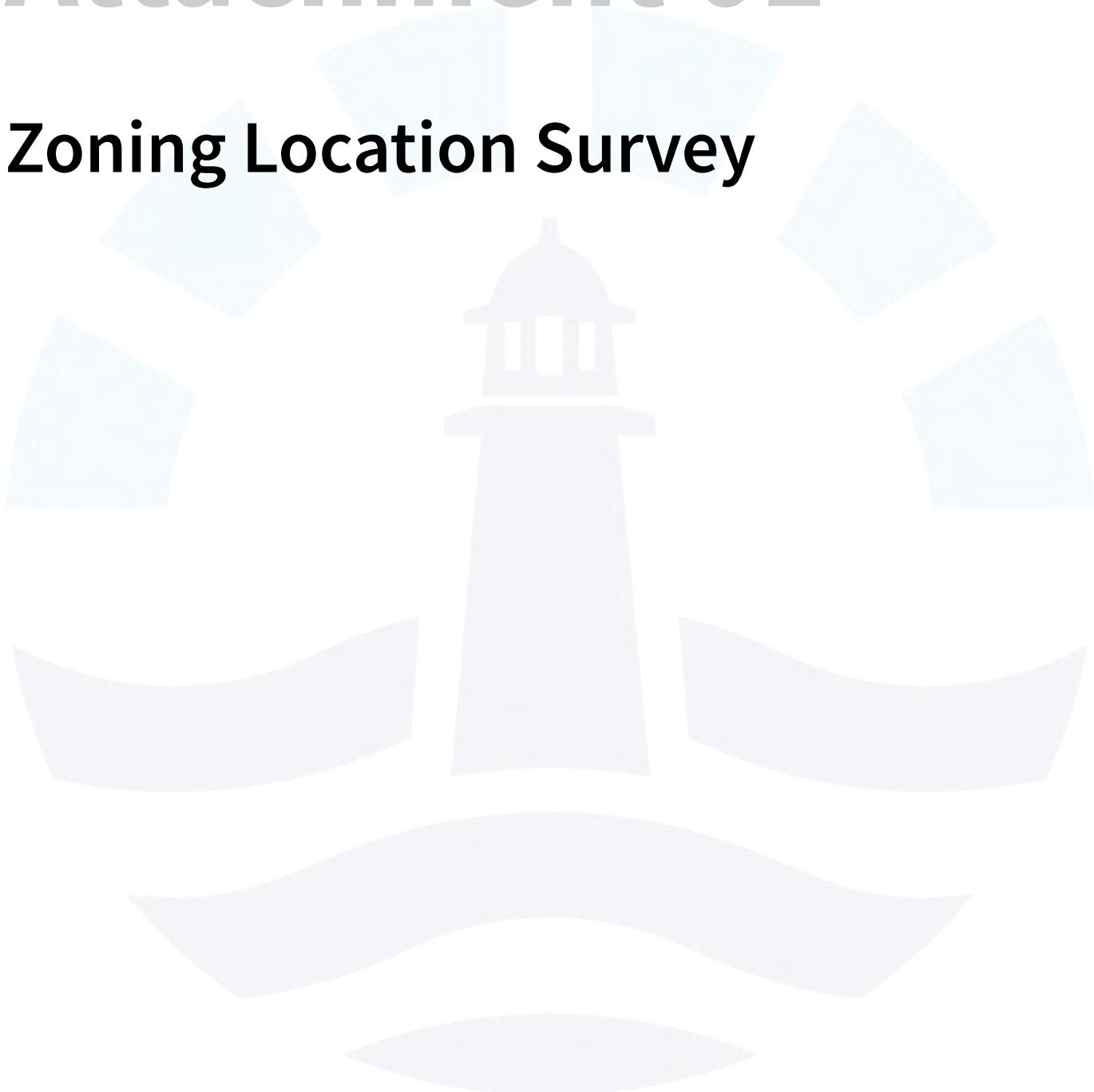
8.5.13 Fill Materials: Land clearing, construction and demolition debris may be used as fill provided that the following requirements are met:

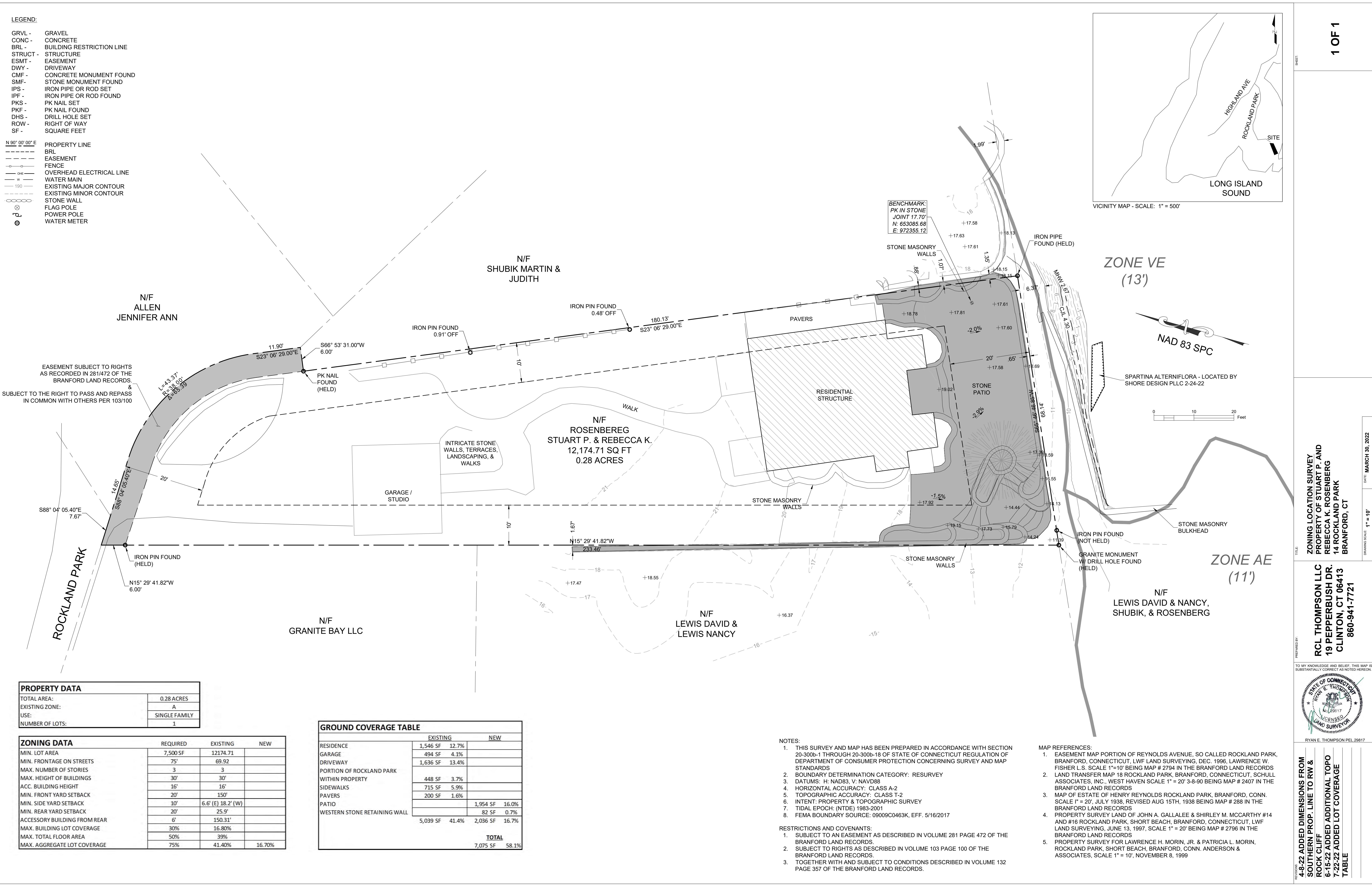
- a) No constituent part of such fill shall exceed one cubic yard in volume;
- b) No materials shall be used as fill which pose a fire or pollution hazard;
- c) No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district;
- d) The location of such material on the site shall be shown on an "as built" plan to be filed with the Board and noted on the Land Records of the Town of Brantford prior to release of bond.

All excavated material was maintained on-site during the Work and incorporated into new construction, resulting in a 1:1 cut/fill ratio. By all accounts of the owners, the requirements of Section 8.5.13, items a-c were satisfied. Regarding item d, because the fill material was incorporated into the new construction, the as-built locations of the Work also represents the location of fill materials.

Attachment 01

Zoning Location Survey





Attachment 02

Coastal Site Plan Determination



RE: 14 Rockland Park - Potential Coastal Site Plan

1 message

Evan Breining <ebreining@branford-ct.gov>

Wed, Apr 27, 2022 at 2:37 PM

To: "Casey, John P" <jcasey@rc.com>

Cc: "David R. Provencher (david@shoredesignpllc.com)" <david@shoredesignpllc.com>

John & David,

Thanks for sending over the additional information.

After reviewing the details of your project staff feels that a Coastal Site Plan is not needed for the completed activity at 14 Rockland Park.

Let me know if you have any questions.

Kind Regards,

Evan Breining

Assistant Town Planner

Town of Branford

1019 Main Street

Branford, CT 06405

(203)315-0652

From: Casey, John P <jcasey@RC.com>
Sent: Tuesday, April 26, 2022 7:47 PM
To: Evan Breining <ebreining@branford-ct.gov>
Cc: David R. Provencher (david@shoredesignpllc.com) <david@shoredesignpllc.com>
Subject: RE: 14 Rockland Park - Potential Coastal Site Plan

Evan,

Please see the attached letter, which was prepared in response to your email below.

Please let me and David Provencher know if you have any questions.

Thanks

- John

From: Evan Breining <ebreining@branford-ct.gov>
Sent: Friday, April 22, 2022 11:12 AM
To: Casey, John P <jcasey@RC.com>
Subject: 14 Rockland Park - Potential Coastal Site Plan

John,

Harry asked me to review what you sent to us concerning the property at [14 Rockland Park](#).

After reviewing the submitted plans and documents It looks like the already built retaining wall and terrace are not within the flood zone and Section 5.1.C (Coastal Management District) lists the construction of new walls, fences or pedestrian walks or terraces as exempt from coastal site plans if it will not substantially alter the natural character of coastal resource or restrict access along the public beach.

Please demonstrate that it will not substantially alter the natural character of coastal resource or restrict access along a public beach. If it would not, then a Coastal Site Plan Review from the Planning & Zoning Commission would not be required.

Give me a call if you have any questions.

Kind Regards,

Evan Breining

Assistant Town Planner

Town of Branford

[1019 Main Street](#)

[Branford, CT 06405](#)

(203)315-0652



25 April 2022

VIA ELECTRONIC MAIL

Evan Breining
Assistant Town Planner
Town of Branford
1019 Main Street
Branford, CT 06405

RE: 14 Rockland Park, Branford
Coastal Resources Evaluation
Patio Project

Dear Mr. Breining:

This correspondence is being provided in response to an email you sent to Attorney John Casey regarding 14 Rockland Park (the Property). Specifically, you have requested that we demonstrate that the existing stone masonry patio/terrace and retaining walls (the Improvements) located on the Property will not substantially alter the natural character of coastal resources or restrict access along a public beach.

Existing Conditions

The Property is situated within the Civic Association of Short Beach and zoned residential (Zoning Code A). Based on a Zoning Location Survey by RCL Thompson, LLC dated March 30, 2022 (attached), it is 0.28 acres in area and is not in a FEMA mapped flood zone. Although not a waterfront parcel itself, it adjoins an undeveloped property (Horton Point) along its southern boundary line that has frontage on Long Island Sound. This abutting property, known as 30 Rockland Park, contains several critical and non-critical coastal resources, including (see attached annotated site photograph): Critical (4)—beaches and dunes (beaches only), nearshore waters, rocky shorefront, and tidal wetlands; Non-Critical (3)—coastal hazard area, shellfish concentration area, and shorelands. The subject Property, being outside/above the FEMA flood zone, contains no critical and only one non-critical coastal resource, which is shorelands. In addition, based on the results of the Thompson survey, the Improvements do not encroach onto 30 Rockland Park and, therefore, do not directly contact the various coastal resources located throughout this abutting property.

Analysis

The lone coastal resource on the Property, shorelands, is defined by the Connecticut Coastal Management Manual [(CMMM) Sept 2000] as *those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills, and drumlins [Connecticut General Statutes (CGS) section 22a-93(7)(M)]. In general, shorelands are not located within coastal flood or erosion hazard areas (V-zones and A-zones as defined by the Federal Emergency Management Agency)*

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and contain no tidal wetlands, beaches and dunes or other sensitive resources. In addition, the CCMM notes the importance of this resource as follows: *Shorelands function as immediate sources of upland runoff contributing to coastal drainage, serve as immediate sources of upland sediments, provide scenic vistas, and have high development and redevelopment potential.* Because the Property's topography slopes down to 30 Rockland Park, it continues to allow upland runoff that contributes to coastal drainage. Because the Improvements are located in an area that was vegetated, it was not serving as an immediate source of upland sediments. Furthermore, if upland sediments were available for transport downslope, they would likely adversely impact such critical coastal resources as nearshore waters (filling), rocky shorefronts (filling), and tidal wetlands (smothering). Because the Property and all surrounding properties are privately owned and the Improvements are congruent with those of the abutting property to the east, there is no quantifiable change to the scenic vista. Finally, the Improvements exist on a developed parcel of land that increases user function/safety and overall property value.

The Improvements do not encroach onto 30 Rockland Park and, therefore, do not directly contact the various coastal resources located throughout this abutting property. Because the Improvements have no direct contact with coastal resources, there has been and will be no substantial alteration to their natural character. A site evaluation conducted on February 24, 2022 by Shore Design, PLLC confirmed that the resources appear to be in natural condition with no apparent alteration.

Finally, there are no public beaches or publicly accessible beach resources in the area. Because shorelands is the only coastal resource on the Property and, by definition, does not contain beaches and dunes, the Improvements, therefore, do not restrict access along a public beach. The only beach area that exists in the immediate vicinity is located on 30 Rockland Park. This small beach area is in a corner between exposed ledge rock and a stone masonry bulkhead, making it all but inaccessible from the upland by the property owners. Furthermore, there is no public access from the upland to this small beach area.

Conclusion

In conclusion, the above analysis demonstrates that the Improvements to the Property do not substantially alter the natural character of coastal resources or restrict access along a public beach. As a result, we respectfully request that you find that this project will not require a Coastal Site Plan Review from the Planning & Zoning Commission.

Please contact me if you have any questions. Thank you for your consideration.

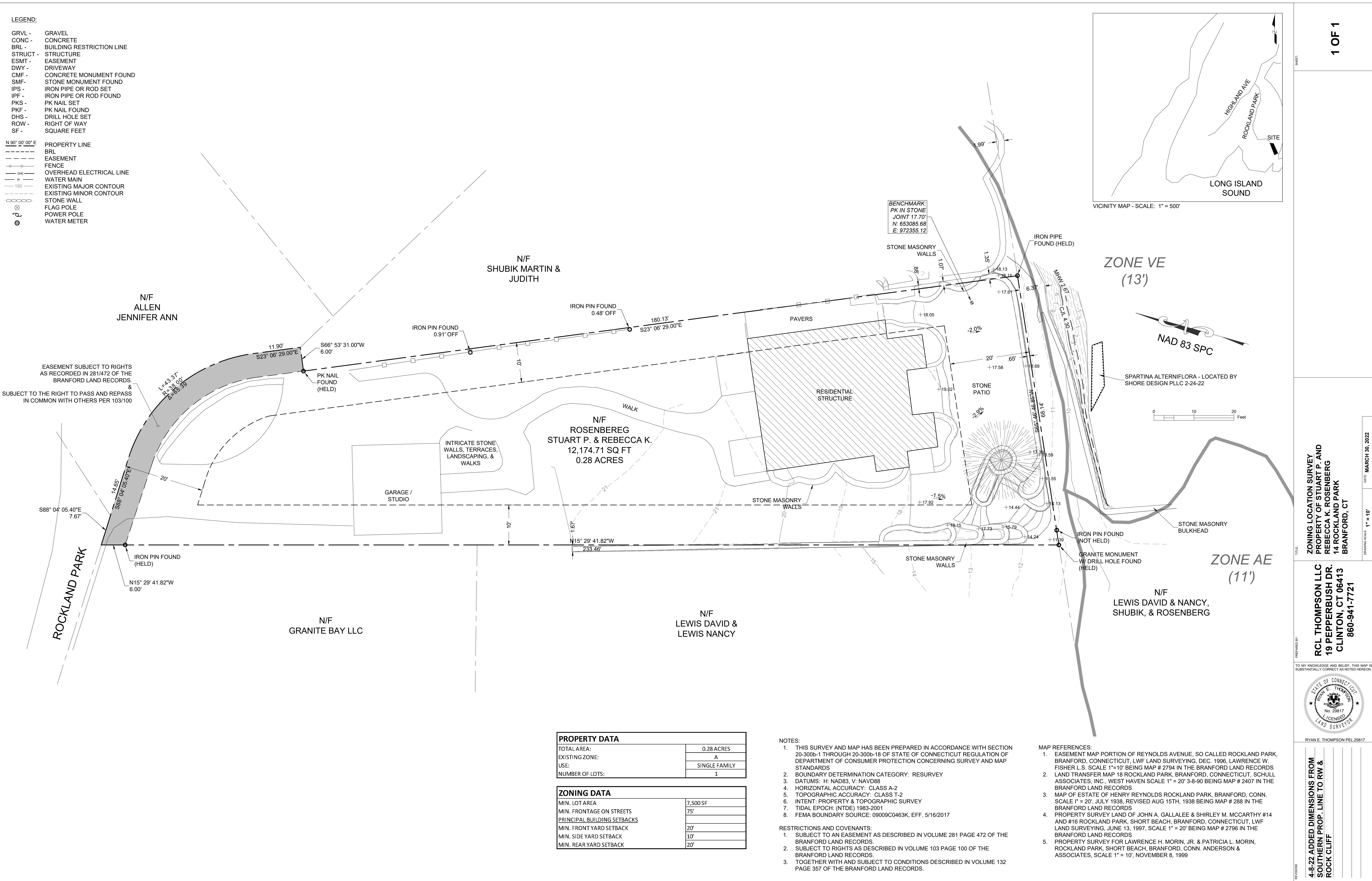
Sincerely,



David R. Provencher, AIA
President + Principal Architect

cc: Rebecca and Stuart Rosenberg (owners), John Casey (attorney)

Attachments



COASTAL HAZARD
AREA (BELOW
FEMA BOUNDARY)

BEACHES AND
DUNES (SAND
BEACH ONLY)

ROCKY
SHOREFRONT

NEARSHORE
WATERS

SHELLFISH
CONCENTRATION
AREA

30 ROCKLAND
PARK

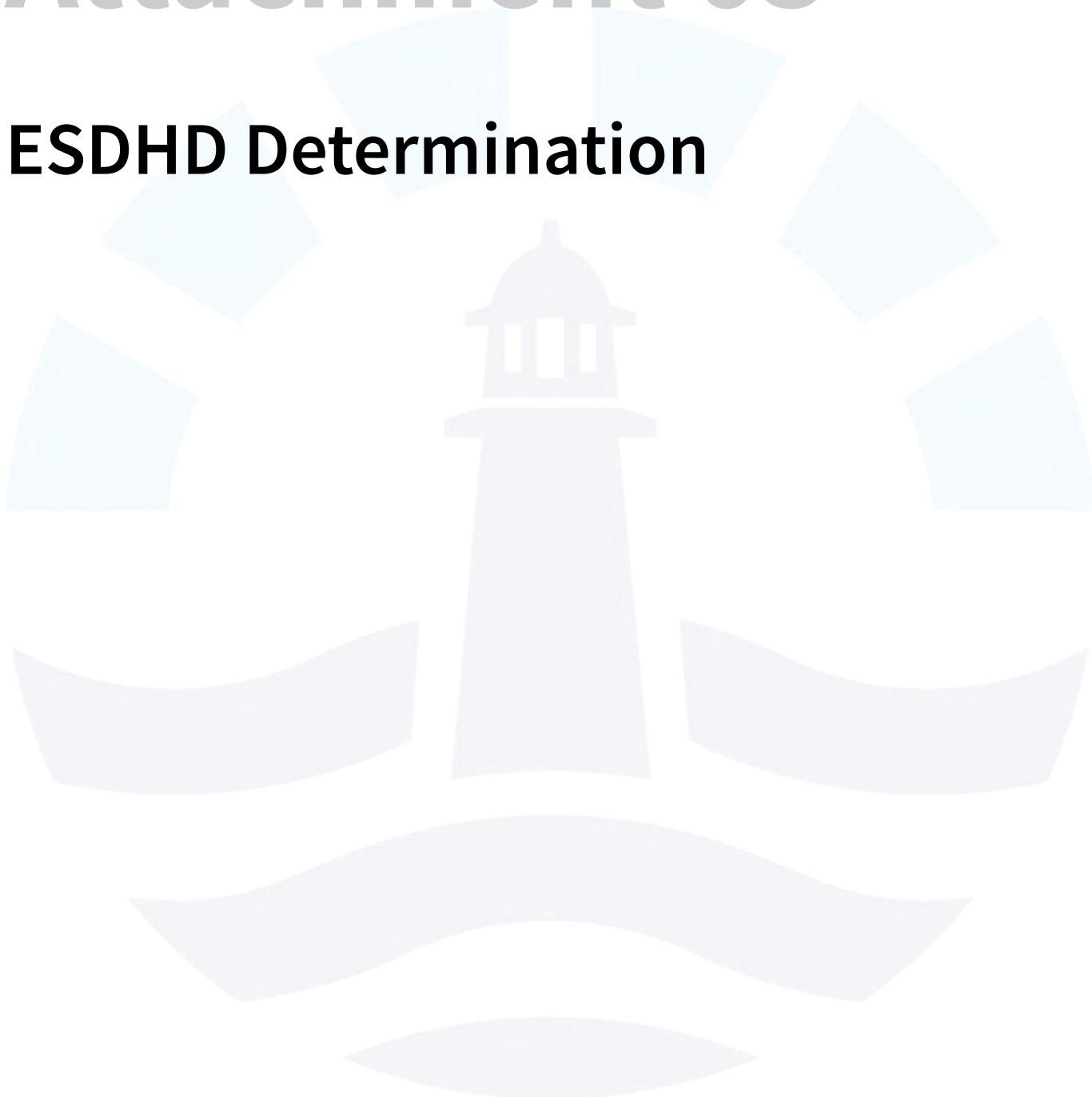
SHORELANDS
(ABOVE FEMA
BOUNDARY)
APPROX.
LOCATION OF
FEMA BOUNDARY

14 ROCKLAND
PARK

STONE MASONRY
PATIO/WALL

Attachment 03

ESDHD Determination





EAST SHORE DISTRICT HEALTH DEPARTMENT

July 22, 2022

David R. Provencher, AIA
President + Principal Architect
Shore Design, PLLC
Guilford, CT 06437

Re: 14 Rockland Park, Branford, CT 06405

Dear Mr. Provencher,

Approval by the East Shore District Health Department (ESDHD) is not required for your proposed project (retain/modify an existing stone patio and retaining walls) located at 14 Rockland Park, Branford, CT 06405. This property is served by public sewers and city water. Therefore, an approval by ESDHD is not required.

Please contact our office if you have any questions.

Thank you.

Sincerely,

Amy Scholz, MPH, RS
Deputy Director of Health

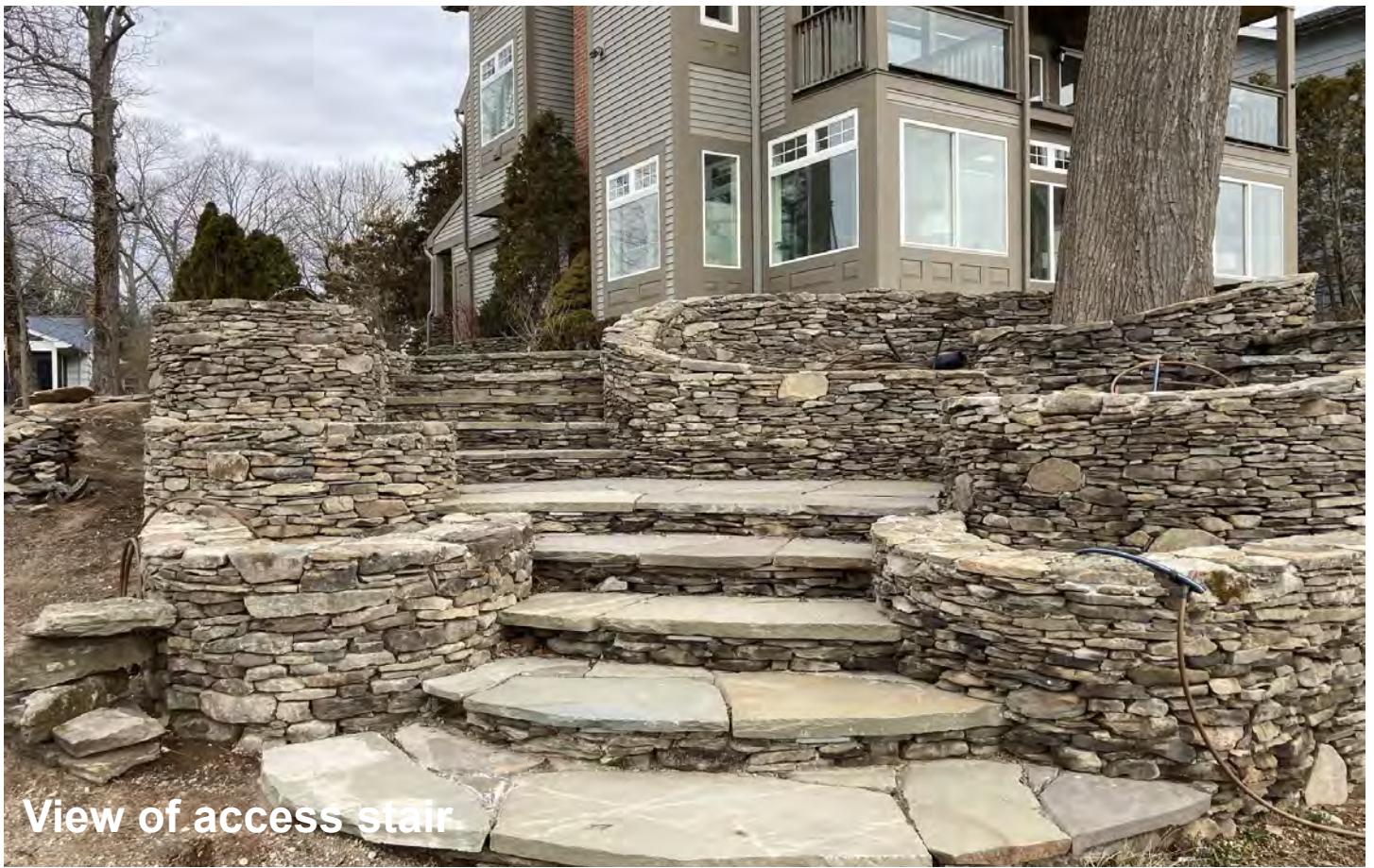
Attachment 04

Site Photographs



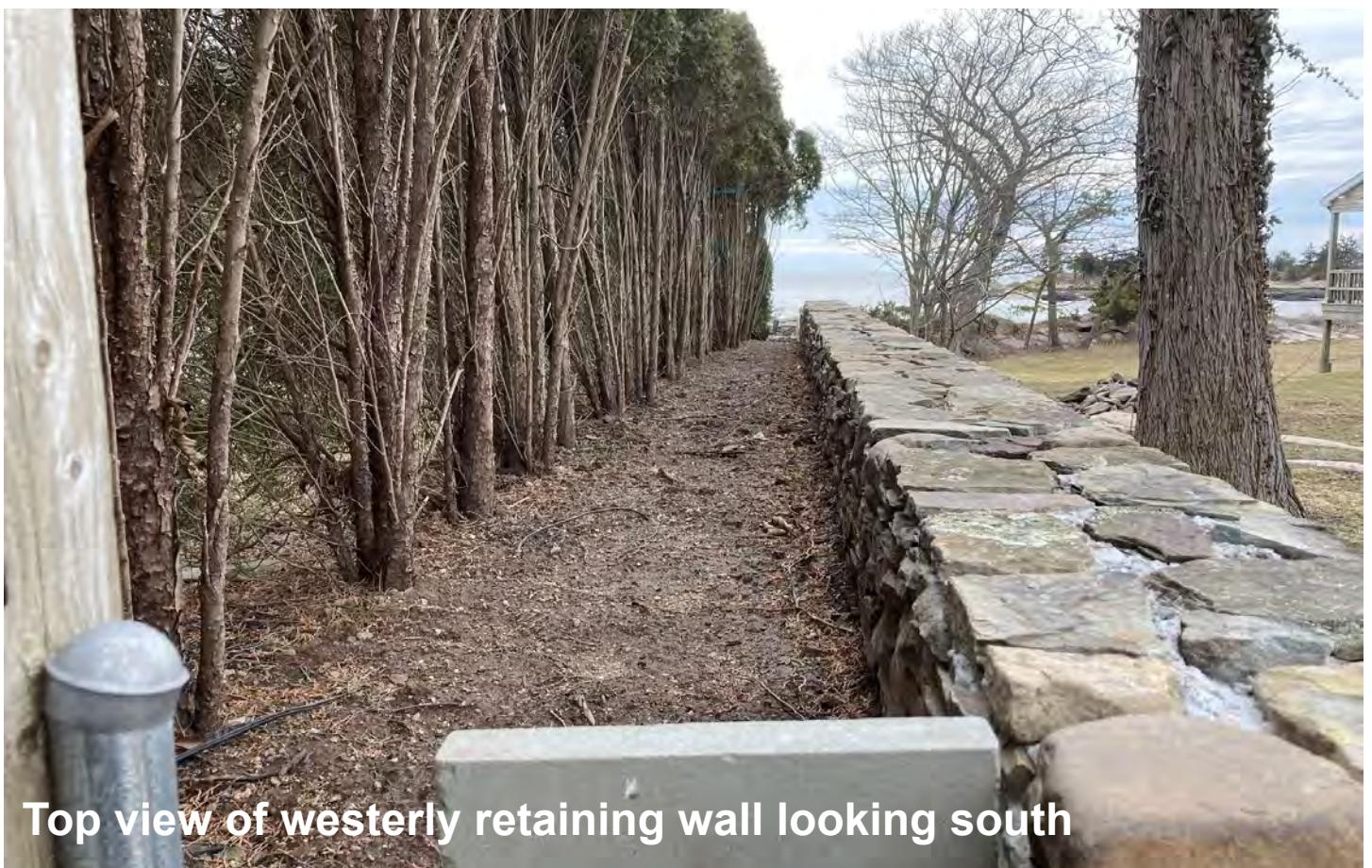


Existing Site Photographs: 14 Rockland Park, Branford



Existing Site Photographs: 14 Rockland Park, Branford



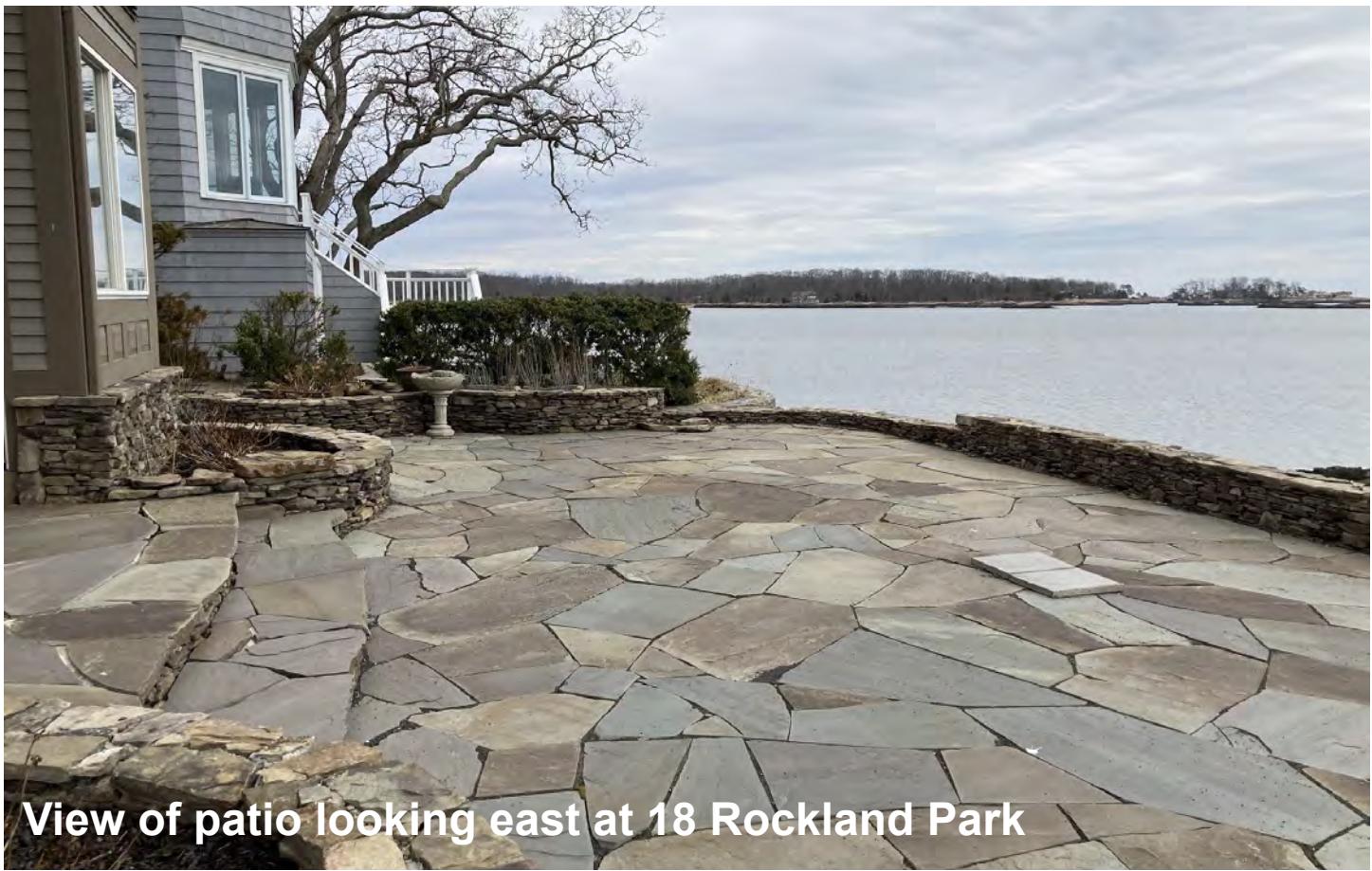




View of approach to patio looking southeast



View of patio looking southeast



View of patio looking east at 18 Rockland Park



View of patio along 18 Rockland Park patio and wall



View of patio along easterly property line looking south



View of abutting planting beds along 18 Rockland Park



Existing Site Photographs: 14 Rockland Park, Branford



Existing Site Photographs: 14 Rockland Park, Branford

Attachment 05

Pre-Work Photographs



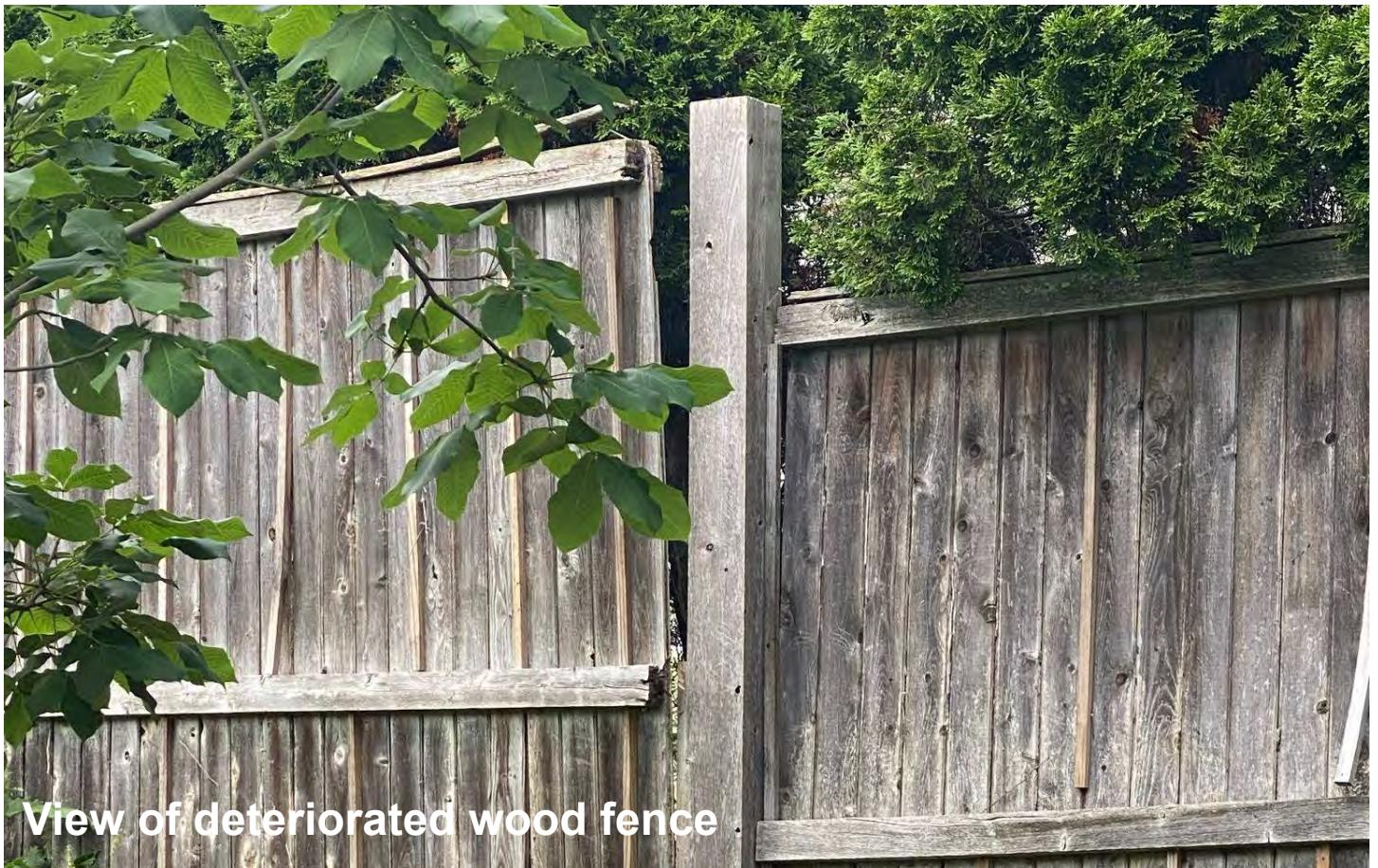


View of site looking northeast



View of timber retaining wall along westerly property line









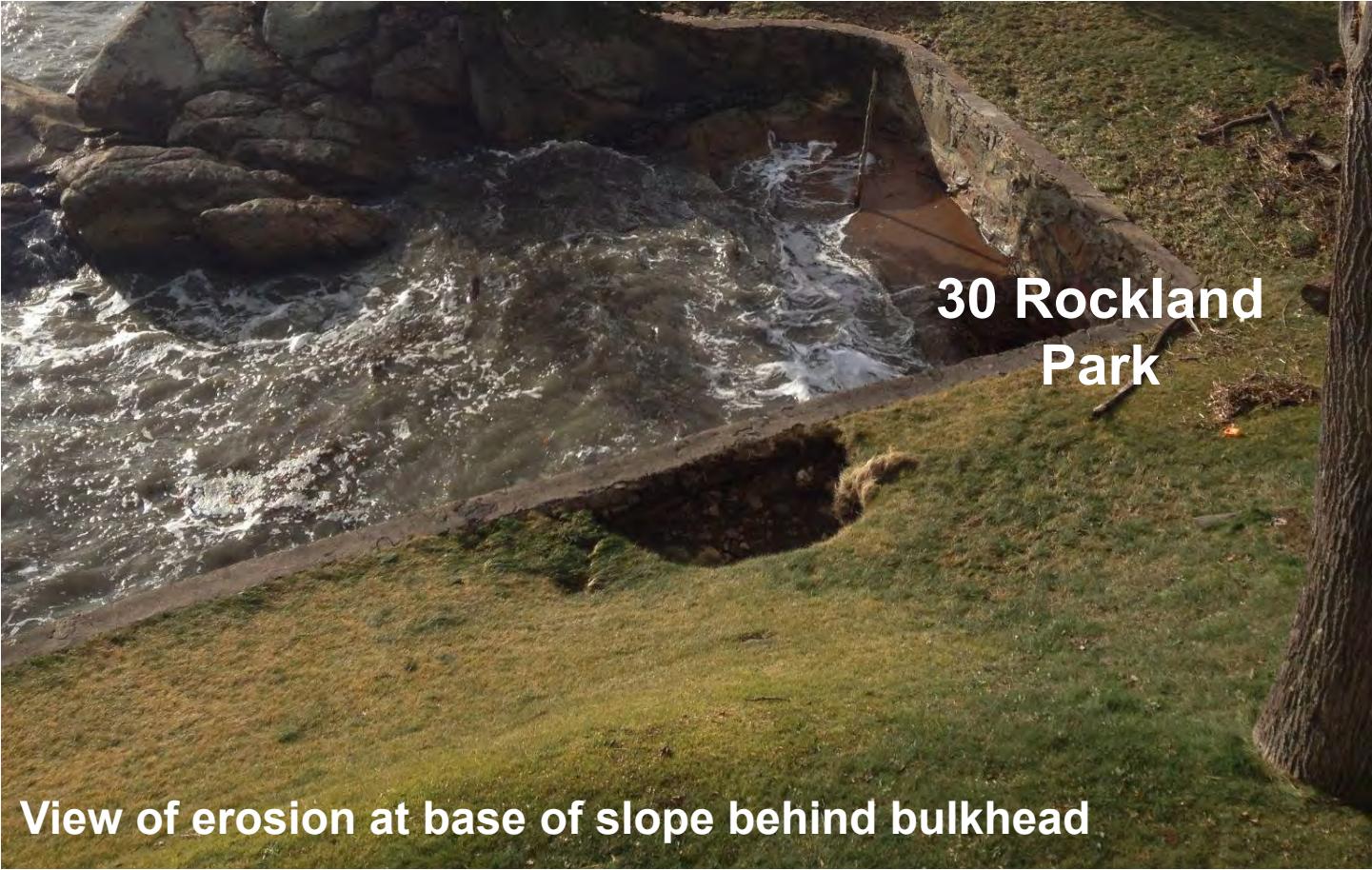




View of site looking northeast



View of site looking west



30 Rockland Park

View of erosion at base of slope behind bulkhead



30 Rockland Park

View of erosion repair at base of slope looking east

Attachment 06

Construction Equipment





Hand-Held Tools: digging



Hand-Held Tools: stone cutting



Walk-Behind & Stationary Equipment



Mini Excavator

Construction Equipment: 14 Rockland Park, Branford

Attachment 07

Construction Work

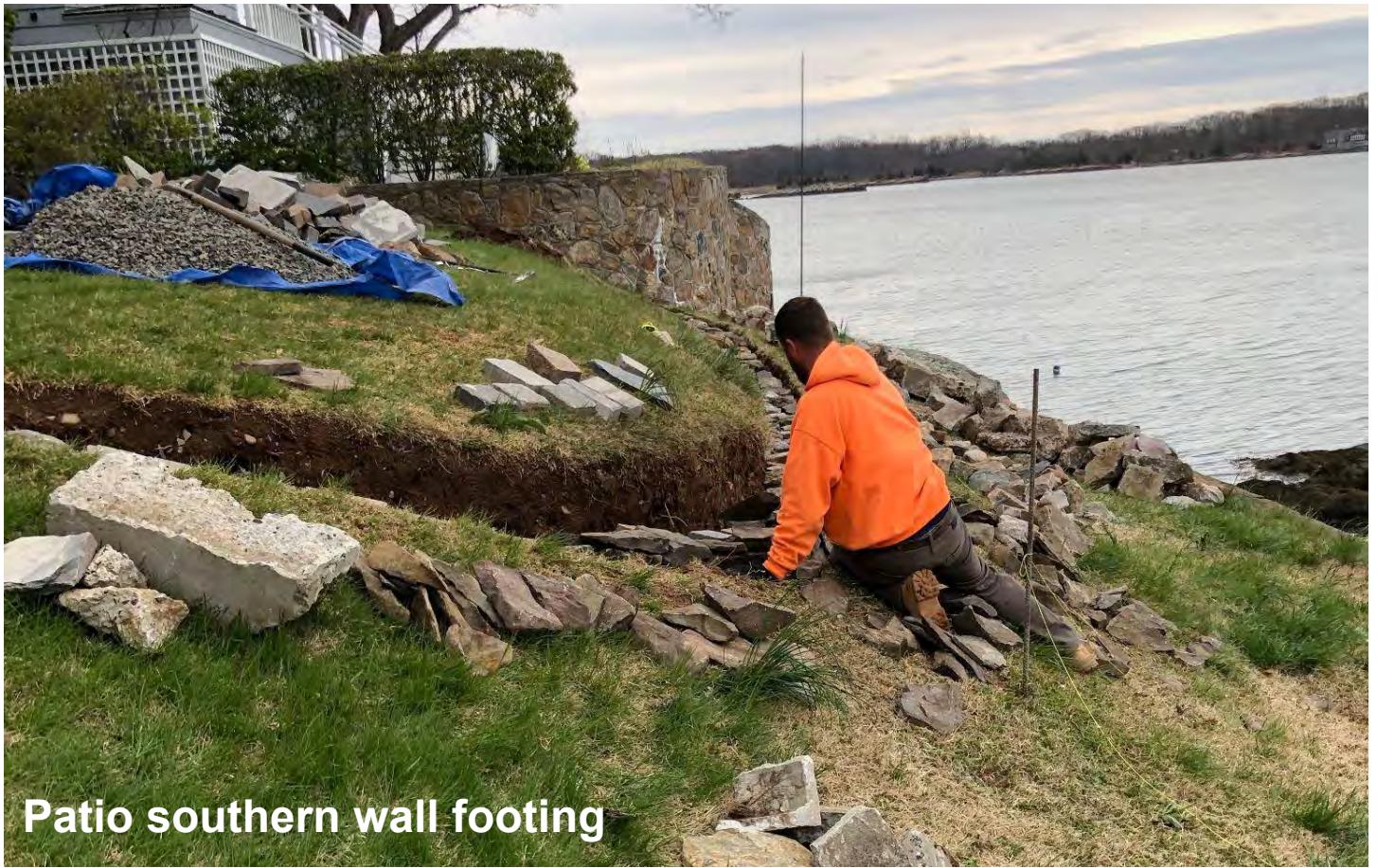




Pre-construction measuring



Pre-construction layout



Patio southern wall footing



Patio southern wall construction



Attachment 08

Adjoining Owner Approval

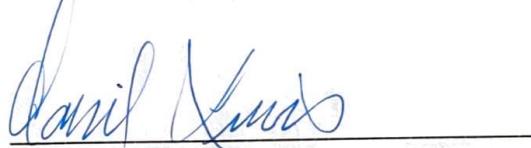


26 July 2022

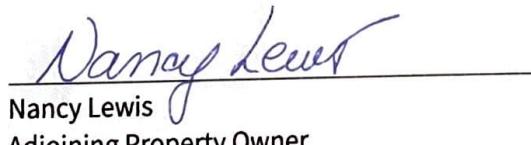
RE: **14 Rockland Park, Branford**
Rosenberg Property
Stone Patio and Retaining Walls

To Whom It May Concern:

We are the owners of 20 Rockland Park, 22 Rockland Park, 24 Rockland Park, and 30 Rockland Park (majority owners), of which numbers 20, 22, and 30 adjoin 14 Rockland Park. We approve of and support the Rosenberg's Application for Zoning Permit to retain/complete the existing stone patio and retaining walls on their 14 Rockland Park property. We recognize that the patio/wall along the property line shared by #14 and #30 is above the adjacent grade and that the retaining wall along the property line shared by #14 and #22 is also above the adjacent grade and encroaches partially onto our 22 Rockland Park property.



David Lewis
Adjoining Property Owner
20, 22, 24, and 30 Rockland Park



Nancy Lewis
Adjoining Property Owner
20, 22, 24, and 30 Rockland Park