



December 19, 2025

Waterford Zoning Board of Appeals
c/o Mark Wujtewicz, Planner
15 Rope Ferry Road
Waterford, CT 06385

Re: Review of CSPR for 37 Oswegatchie Road

Dear Board Members:

Thank you for the opportunity to review the above noted Coastal Site Plan Review (CSPR) application received by the Land and Water Resources Division (LWRD) on December 4, 2025. The project and plans are for a proposed tear down of an existing single-family home and the construction of a new single-family home within the same footprint. The applicant is applying for variances for lot setbacks, including a significant variance from the setback from the Niantic River. LWRD has reviewed the proposal for consistency with the goals and policies of the Connecticut Coastal Management Act (CCMA) and offers the following comments for the Board's consideration.

As you may know, LWRD had received a similar preliminary application on October 16, 2025, and provided comments dated October 24, 2025, for the applicant's consideration. Our review of the variance application now before the Board indicates that this application does not address our concerns. While we recognize that the proposed variances are necessary to allow construction of the new residence within the existing dwelling footprint, our coastal management concerns relate to proper coastal hazard management as well as the potential adverse impacts to the bluff that might occur from new construction if the variance from the Niantic River is granted.

The proposed new residential structure will be partially located within a FEMA delineated AE-12 Special Flood Hazard Area (SFHA) at the top of a bluff adjacent to the Niantic River. Section 22a-92(b)(2)(F) of the CCMA requires the Zoning Board of Appeals "to manage coastal hazard areas to ensure that hazards to life and property are minimized." While the proposed residential structure can be built to meet National Flood Insurance Program (NFIP) requirements, this CCMA policy requires minimizing adverse impacts to life and property beyond conforming to FEMA standards. The construction of a single-family home within the same footprint at the top of the slope on the waterside of the property could represent an increased hazard to people and property in an area of high flood risk, especially if there are alternative locations on the property entirely outside of the flood hazard area.

Prudent coastal management planning and development recognizes the potential hazards of each coastal site and avoids locating uses and placing people in predictable, life-threatening hazardous conditions. In considering whether to grant the variance from the Niantic River setback, the Board must determine whether approving the coastal site plan to allow for the construction of a new single family home in the same footprint of an existing non-conforming structure, even if built to FEMA standards, and where there appears to be a less hazardous alternative, will result in a significant exposure of life and property to flood hazards and will knowingly put people in harm's way.

Furthermore, our office does not generally support variances from sensitive coastal resources, such as the variance from the Niantic River setback requested in this application, especially if the variance would allow construction and associated land disturbance immediately adjacent to and/or along the top and face of a bluff or other sensitive coastal resource. Again, while we recognize the need to vary the Niantic River setback to allow construction of a dwelling on the site, the variance should be the minimum necessary in order to still provide some level of protection to the bluff and the river.

Accordingly, the applicant should be required to demonstrate that it is not feasible to move the location of the new dwelling landward of the top of the bluff slope and entirely outside of the AE portion of the property and into the Unshaded X Zone in order to properly manage coastal hazards and to provide protection to the bluff from construction activities and other land disturbance. This relocation on the property would obviate the need to construct the dwelling to FEMA AE building standards and remove any potential slope stabilization issues which could cause unacceptable adverse impacts to the Niantic River.

Finally, the applicant should be aware that any work proposed waterward of the Coastal Jurisdiction Line (CJL) must receive authorization from DEEP LWRD before the commencement of said work. The proposed wood deck appears to be close to or right on the CJL, which would require DEEP authorization. In addition, a review of CT DEEP's permitting database indicates that the existing dock and existing wood deck do not appear to be authorized. The applicant will need to contact LWRD's Regulatory East Section to confirm whether permits were ever issued or what authorization will be required to bring the existing structures into compliance. It is strongly suggested that the applicant contact Darcy Winther of Permitting East at Darcy.Winther@ct.gov for a further discussion of this issue.

We hope these comments prove useful. Please do not hesitate to contact me with any questions you may have at Karen.Michaels@ct.gov.

Sincerely,



Environmental Analyst III
Land and Water Resources Division

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Cc: Waterford coastal file – 37 Oswegatchie Road
Darcy Winther, Supervising Environmental Analyst, Permitting East