

## PERMIT

Permit No: 201509894-SB

Municipality: Town of Old Lyme

Work Area: Back River off property located at 15 Smiths Neck Road

Permittee: Smith Neck LLC  
c/o Charles Galante  
60 Inwood Road  
Darien, CT 06820

Pursuant to sections 22a-359 through 22a-363g and sections 22a-28 through 22a-35 of the Connecticut General Statutes (“CGS”) and in accordance with, CGS section 22a-98 and the Connecticut Water Quality Standards, effective February 25, 2011, a permit is hereby granted by the Commissioner of Energy and Environmental Protection (“Commissioner”) to rebuild a walkway to provide access to an authorized recreational boat dock as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the “work area” above.

### **\*\*\*\*\*NOTICE TO PERMITTEES AND CONTRACTORS\*\*\*\*\***

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

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #201509894-SB, including four (4) sheets of plans dated November 16, 2015 of which Sheet 1 is revised June 23, 2016 and Sheets 2A, 2 and 3 are revised July 21, 2016, submitted by the Permittee to the Commissioner and attached hereto, as follows:

Remove a 2.5’ wide by 95’ long low-lying wooden walkway leading to an authorized pier, ramp and float and replace it with a 2.5’ wide by 90’ long walkway with open grate decking, railings and 2.5’ wide by 5’ long stairs at the landward end.

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**SPECIAL TERMS AND CONDITIONS**

1. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of all contractor(s) employed to conduct such work and the expected date for commencement and completion of such work, if any.
2. The Permittee shall file Appendix B on the land records of the municipality in which the subject property is located not later than thirty days after permit issuance pursuant to CGS Section 22a-363g. A copy of Appendix B with a stamp or other such proof of filing with the municipality shall be submitted to the Commissioner no later than sixty (60) days after permit issuance.
3. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit. At the work area the contractor(s) shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
4. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
5. The existing walkway authorized pursuant to the Scope of Authorization, above, shall be removed no later than two months after the issuance of this permit, except as may be authorized in writing by the Commissioner.
6. The work authorized pursuant to the Scope of Authorization, above, shall take place only after August 15 and shall conclude by April 30, of any calendar year, to protect nesting avian species unless authorized in writing by the Commissioner.
7. If a bald eagle is found to be nesting within 600' of the work area while conducting the work authorized pursuant to the Scope of Authorization, above, work shall be stopped and shall only take place between August 1 and January 31, of any year.
8. The Permittee shall maintain a 600' protection zone around areas of high bald eagle use, particularly winter roosting sites, between December 31 and March 1 of any year.
9. The flat section of the walkway authorized pursuant to the Scope of Authorization, above, shall be constructed such that the stringers are a minimum of 30" above the marsh soil as shown on Sheet 3.
10. The Permittee shall install open grate decking on the walkway and stairs as authorized pursuant to the Scope of Authorization, above. Said open grate decking shall be maintained

and serviceable for the life of the walkway and stairs.

11. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or access way other than as provided herein.
12. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
13. At no time shall any barge be stored over intertidal flats, submerged aquatic vegetation or tidal wetland vegetation or in a location that interferes with navigation. In the event any barge associated with the work authorized herein is grounded, no dragging or prop dredging shall occur to free the barge.
14. The Permittee shall ensure that any vessel utilized in the execution of the work authorized herein shall not rest on, or come in contact with, the substrate at any time.
15. On or before ninety (90) days after completion of the work authorized herein, the Permittee shall submit to the Commissioner "as-built" plans of the work area showing all tidal datums and structures, including any proposed elevation views and cross sections included in the permit. Such plans shall be the original ones and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

#### **GENERAL TERMS AND CONDITIONS**

1. All work authorized by this permit shall be completed within five (5) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law, except as required by Paragraph 5 of the Special Terms and Conditions, above.
  - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least thirty (30) days prior to said work completion date. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. It shall be the Commissioner's sole discretion to grant or deny such request.
  - b. Any work authorized herein conducted after said work completion date or any authorized one year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee may not conduct work waterward of the coastal jurisdiction line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized

by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.

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4. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363g.
5. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, “pollution” means “pollution” as that term is defined by CGS section 22a-423.
6. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or access way in connection with such work, to their condition prior to the commencement of such work.
7.
  - a. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
  - b. A change in the form of ownership of any structure authorized herein from a community dock to a wholly-owned common interest community or dockominium may constitute a change in purpose as specified in paragraph (a) above.
8. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
9. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee’s obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
10. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

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

Fax # (860) 424-4054

11. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word “day” as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
12. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: “I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense.”
13. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee’s representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
14. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee’s application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
15. In the event the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the

Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.

- 16. This permit may be revoked, suspended, or modified in accordance with applicable law.
- 17. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
- 18. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

Issued on \_\_\_\_\_, 2016

STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

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Betsey C. Wingfield  
Bureau Chief

Permit #201509894-SB  
Smith Neck LLC, Permittee

**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX A**

**TO: Permit Section  
Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127**

**PERMITTEE:** Smith Neck LLC  
c/o Charles Galante  
60 Inwood Road  
Darien, CT 06820

**Permit No:** 201509894-SB, 15 Smiths Neck Road, Old Lyme, CT

**CONTRACTOR 1:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 2:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**CONTRACTOR 3:** \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_

**EXPECTED DATE OF COMMENCEMENT OF WORK:** \_\_\_\_\_

**EXPECTED DATE OF COMPLETION OF WORK:** \_\_\_\_\_

**PERMITTEE:** \_\_\_\_\_

(signature)

(date)



**OFFICE OF LONG ISLAND SOUND PROGRAMS**

**APPENDIX B**

**NOTICE OF PERMIT ISSUANCE**  
**DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

**To:** Old Lyme Town Clerk

**Signature and Date:**

**Subject:** Coastal Permit #201509894-SB, !5 Smiths Neck Road, Old Lyme

Pursuant to Section 22a-363g and Section 22a-32, Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Smith Neck LLC, c/o Charles Galante, 60 Inwood Road, Darien, CT 06820 to:

Remove a 2.5' wide by 95' long low-lying wooden walkway leading to an authorized pier, ramp and float and replace it with a 2.5' wide by 90' long walkway with open grate decking, railings and 2.5' wide by 5' long stairs at the landward end.

If you have any questions pertaining to this matter, please contact the Office of Long Island Sound Programs at 860-424-3034.

Return to:

CT Department of Energy & Environmental Protection, Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127



# PERMIT NOTICE

This Certifies that Authorization to perform work below the Coastal Jurisdiction Line and/or within Tidal Wetlands of coastal, tidal, or navigable waters of Connecticut

Has been issued to: **Smith Neck LLC**

At this location: **15 Smiths Neck Road, Old Lyme**

To conduct the following: **rebuild a walkway to provide access to an authorized recreational boat dock**

Permit #: **201509894-SB**

Issued on: , **2016**

This Authorization expires on: , **2016**

This Notice must be posted in a conspicuous place on the job during the entire project.

Department of Energy and Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street • Hartford, CT 06106-5127  
Phone: (860) 424-3034 Fax: (860) 424-4054  
[www.ct.gov/deep](http://www.ct.gov/deep)