

## **PERMIT DRAFT**

Permit No: 201603743-KZ

Municipality: Madison

Work Area: 4 Boston Post Road

Permittee: Yarde Realty Company  
P.O. Box 1800  
Bristol, CT 06010

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 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 authorize the installation of a recreational public marina facility and retain stone for flood and erosion protection 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.**

**THIS PERMIT SPECIFICALLY DOES NOT AUTHORIZE THE 17 CUBIC YARDS OF MULCH LOCATED OVER 584 SQUARE FEET AT THE SOUTHEAST PORTION OF THE SHORELINE PROPERTY.**

### **SCOPE OF AUTHORIZATION**

The Permittee is hereby authorized to conduct the following work as described in application #201603743-KZ, including 17 sheets of plans, sheets 1 through 15 of 15, dated March 8, 2016

and sheets 1 and 2 of 2 dated April 26, 2016, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. construct a 45 slip commercial marina held in place with 12" diameter timber pile/pole within the East River as shown on sheets 7 and 8 of 15 of the plans attached hereto as follows:
  - a. Northern Dock Section
    - 1) one (1) 6' wide x 373' long pile secured main floating dock running parallel to the shoreline accessed by a 4' wide x 40' long ramp located at the northern end of the site;
    - 2) one (1) 6' wide x 80' long ADA compliant ramp which accesses the main floating dock located centrally on the property connected to an 8' wide x 8' long fixed platform located landward of the CJL;
    - 3) one (1) 10' wide x 19' long access float located waterward of the access ramp described in paragraph 1.a.1., above;
    - 4) one (1) 22' wide x 22' long ADA landing float located waterward of the access ramp described in paragraph 1.a.2., above;
    - 5) twenty four (24) perpendicular 3' wide x 19' long finger floating docks attached to the main floating dock and secured with one pile located at the terminus;
    - 6) one (1) 8' wide x 17' long kayak launch float located within a slip north of the 22' x 22' ADA landing float described in paragraph 1.a.4., above;
    - 7) six (6) 8' wide x 17' long jet ski docks located within the slips of the southern end of the main floating dock;
    - 8) one (1) 6' wide x 26' long boat launch access float connected perpendicular to the southern terminus of the main floating dock described in paragraph 1.a.1., above; and
    - 9) one (1) 2' wide x 14' long pile secured finger float, one (1) 3' wide x 14' pile secured finger float, and one (1) 6' wide x 10' long dock attendant booth all connected to the main floating dock described in paragraph 1.a.1., above; and
  - b. Southern Dock Section
    - 1) one 8' wide x 188' long pile secured main floating dock running parallel to the shoreline;

- 2) one (1) 6' wide x 26' long pile secured floating dock located at the northern terminus of the main floating dock;
  - 3) one (1) 6' wide x 30' long pile secured floating dock located at the southern terminus of the main floating dock;
  - 4) two (2) 2' wide x 16' long pile secured finger floating docks one each located off the floating dock ends described in paragraphs 1.b.2. and 3., above;
  - 5) six (6) 3' wide x 17' long perpendicular finger floats secured with one pile at the terminus;
  - 6) ten (10) 3' wide x 19' long perpendicular finger floating docks secured with one pile at the terminus;
  - 7) four (4) 8' wide x 17' long jet ski floats located within the slips of the southern main floating dock;
  - 8) one (1) 8' wide x 17' long kayak launching float located within a slip of the northern main floating dock; and
  - 9) one (1) 6' wide x 10' long dock attendant booth located within the slip of the northern main floating dock; and
2. retain approximately 47 cubic yards of round stone located over 1,670 square feet located along the northern end of the property as shown on sheet 7 of 15 of the plans attached hereto;
  3. retain approximately 26 cubic yards of round stone located over 921 square feet located along the central portion of the property as shown on sheet 7 of 15 of the plans attached hereto;
  4. retain approximately 34 cubic yards of round stone and decomposed mulch located over 1,840 square feet located along the southern end of the property as shown on sheet 7 of 15 of the plans attached hereto;
  5. retain five (5) existing timber piles located along the northwestern end of the property as shown on sheet 7 of 15 of the plans attached hereto; and
  6. configure floating docks for winter storage as shown on sheets 1 and 2 of 2, dated April 26, 2016 of the plans attached hereto.

**SPECIAL TERMS AND CONDITIONS**

1. 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 tidal wetland or watercourse on or off-site, nor shall any tidal wetland or watercourse be used as a staging area or access way other than as provided herein.
2. All work authorized herein is prohibited between March 30<sup>th</sup> through August 15<sup>th</sup>, inclusive, of any year in order to protect nesting birds in the area unless otherwise authorized in writing by the Commissioner.
3. All work associated with the driving of piles shall be conducted by water-based equipment during periods of high tide. At no time shall the Permittee allow the barge to sit on the river bottom.
4. Upon completion of work on any given day, the Permittee shall store all heavy equipment and construction materials located within the gravel driveway located along the northern of the site adjacent to Route 1. in order to protect the least shew.
5. If within three years of issuance of this permit, the authorized commercial marina has not been constructed, the Permittee shall submit a plan to remove the round stone and mulch authorized in the SCOPE OF AUTHORIZATION paragraphs 2. through 4., above. Such plan will call for non-structural measures and natural organic fill to replace the removed material. All work must be completed in accordance with the Commissioner's time table and requirements.
6. Prior to the installation of floating docks authorized in the SCOPE OF AUTHORIZATION paragraph 1, the Permittee shall purchase and have available for public use a portable pump-out unit capable of handling the wastes generated by the vessels moored at the facility. Such pump-out unit shall be available for operation between April 15<sup>th</sup> and October 15<sup>th</sup> of every year the facility is in operation.
7. The issuance of this authorization does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, State and local law. The Permittee shall provide the Commissioner with copies of those local approvals for the Commissioner's review.
8. Prior to the operation of the marina, the Permittee shall install and maintain on-site restroom facilities and associated sewer connections in optimal operating condition for the life of the structures authorized herein.
9. 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.

10. 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.
11. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
12. 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. 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.
2. 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.
3. 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.
4. The structures specified in the SCOPE OF AUTHORIZATION are authorized solely for the purpose set out in this permit. No change in the purpose or use of the structures 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.
5. 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.

6. 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

7. 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.
8. 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.”
9. 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.
10. 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.

11. In the event the Permittee becomes aware that they 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.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. The issuance of this permit does not relieve the Permittee of their obligations to obtain any other approvals required by applicable federal, state and local law.
14. 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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Michael Sullivan  
Deputy Commissioner

**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:** Yarde Realty Company  
P.O. Box 1800  
Bristol, CT 06010

**Permit No:** 201603743-KZ, Madison

**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:** Madison Town Clerk

**Signature and**

**Date:**

**Subject:** 4 Boston Post Road  
Coastal Permit #201603743-KZ

Pursuant to Section 22a-363g and Section 22a-361 of the Connecticut General Statutes, the Commissioner of Energy and Environmental Protection gives notice that a permit has been issued to Yarde Realty Company, P.O. Box 1800, Bristol, CT 06010:

1. construct a 45 slip commercial marina held in place with 12" diameter timber pile/pole within the East River;
2. retain approximately 47 cubic yards of round stone located over 1,670 square feet located along the northern end of the property;
3. retain approximately 26 cubic yards of round stone located over 921 square feet located along the central portion of the property;
4. retain approximately 34 cubic yards of round stone and decomposed mulch located over 1,840 square feet located along the southern end of the property;
5. retain five (5) existing timber piles located along the northwestern end of the property; and
6. configure floating docks for winter storage.

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

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

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)



# 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: Yarde Realty Company

At this location: 4 Boston Post Road

To conduct the following: construct a commercial marina.

Permit #: #201603743-KZ Issued on:

This Authorization expires on:

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)