

STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



May 23, 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom O'Dell District of Chapman Beach P.O. Box 356 Westbrook, CT 06498

SUBJECT: PERMIT NO. 200400177-MG, Westbrook

Dear Mr. O'Dell:

Enclosed is the signed permit which constitutes the approval of your application to conduct regulated activities. Your attention is directed to the conditions of the enclosed permit. Construction or work must conform to that which is authorized.

If you have not already done so, you should contact your local Planning and Zoning Office to determine local permit requirements on your project, if any. Also, your activity may be eligible for General Permit authorization from the U.S. Army Corps of Engineers. The State of Connecticut forwarded a copy of its tentative determination for this activity to the Corps for its determination of General Permit eligibility. You do not need to apply directly to the Corps unless they notify you. If General Permit eligibility has already been determined, an authorization letter will be attached to this permit. Otherwise, authorization will be mailed separately. For more information regarding this new federal process, you may write to the Corps New England Division, Regulatory Branch, 696 Virginia Road, Concord, Massachusetts 01742-2751; or, call (978) 318-8335.

If you have any questions concerning your permit, please contact staff of the Permit section at (860) 424-3034

Sincerely,

Micheal P. Grzywinski

Senior Environmental Analyst

Office of Long Island Sound Programs

MPG/

encl.

Sent Certified Mail, Return Receipt Requested to: Commissioner of Transportation; Adjacent Property Owners; All Parties; the Mayor, First Selectman or Town Manager; Shellfish Commission; the Planning and Zoning Commissions; and the Harbor Management Commission.

Copies Furnished to:

Conservation Commission
DEP/Wildlife Division
DEP/Fisheries Division
Dept. of Agriculture/Aquaculture Division

DEP/Water Mgt. Bureau DOT/Bureau of Aeronautics and Ports File No. 200400177, Westbrook Gary Sharpe



STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



PERMIT

Permit No .:

200400177-MG

Town:

Westbrook

Work Area:

Long Island Sound off property located between Chapman Beach Road and

Hogan Road

Permittee:

District of Chapman Beach

P.O. Box 356

Westbrook, CT 06498

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS"), and in accordance with section 22a-98 of the CGS and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to construct timber groins and rebuild and expand an existing stone jetty for the retention of beach sand for recreational use as is more specifically described below in the <u>SCOPE OF AUTHORIZATION</u>, in the "work area" in Long Island Sound described above.

*****<u>NOTICE TO PERMITTEES AND CONTRACTORS</u>*****

FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING PENALTIES AND INJUNCTIONS, AS PROVIDED BY LAW.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200400177-MG, including nine (9) sheets of plans dated December 5, 2003, sheet 4 of 9 revised March 7, 2006, sheets 5 and 7 of 9 revised March 7, 2007, sheets 6 and 8 of 9 revised May 2, 2006 submitted by the Permittee to the Commissioner and attached hereto:

- 1. retain existing structures consisting of:
 - a. an approximately 4' wide by 60' long concrete groin;
 - b. an approximately 9' to 21' wide by 155' long stone groin jetty;
 - c. an approximately 5' wide by 57' long stone seawall;
 - d. an approximately 1' wide by 107' long stone and mortar seawall;
 - e. an approximately 1' wide by 45' long stone and mortar seawall and steps located waterward of Chapman Beach Road;
 - f. approximately 135 cubic yards of stone riprap over an approximately 1,850 square foot area, of which approximately 20 cubic yards over a 300 square foot area is located waterward of the high tide line;

- g. a 3' wide by 57' long concrete retaining wall and jetty located waterward of Hogan Road with a set of concrete stairs located on the eastern side of the groin, and approximately 4' to 6' wide by 108' long stone groin consisting of approximately 28 cubic yards of stone;
- 2. remove the existing 4' to 6' wide by 108' long stone groin identified in paragraph 1.g., above;
- 3. construct the following structures:
 - a. a 3' wide by 33' long concrete jetty located waterward of the existing jetty described in paragraph 1.g., above;
 - b. a 1' wide by 70' long pile and timber groin with batter piles located waterward of the jetty identified above with a beacon pile at elevation +10.0' NGVD at the waterward terminus of the groin; and
- 4. place approximately 250 cubic yards of stone riprap over a 2,325 square foot area on top of the existing riprap jetty identified in paragraph 1.b., above to create a 15' wide by 155' long stone jetty.

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

SPECIAL TERMS AND CONDITIONS

- 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 accessway other than as provided herein.
- 2. At no time shall heavy equipment, including but not limited to excavators, front-end loaders, trucks, backhoes, tractors and other non-low pressure equipment be staged waterward of the high tide line or in tidal wetlands.
- 3. All work associated with the installation of the piles authorized herein shall be conducted from a water-based barge during periods of high tide. The Permittee shall not allow the barge to rest on the substrate at any time.
- 4. All waste material generated by the work authorized herein shall be disposed of at an approved upland location landward of the high tide line and outside of any tidal wetland vegetation.
- 5. Prior to the commencement of the work authorized herein, the Permittee shall install

sedimentation and erosion controls immediately waterward of the existing bulkhead which will be removed. The Permittee shall maintain such sedimentation and erosion controls in optimal operating condition until the work authorized herein has been completed and the area has stabilized.

- 6. Within forty-five (45) days of issuance of this permit, the Permittee shall submit a plan for beach nourishment for the Commissioner's review and written approval. The Permittee shall implement the plan upon approval by the Commissioner within twenty-one (21) days after completion of the work authorized herein.
- 7. 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 any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
- 8. On or before (a) ninety (90) days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one-year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.

GENERAL TERMS AND CONDITIONS

- 1. All work authorized by this permit shall be completed within three (3) years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
- 2. 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, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
- 3. 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.
- 4. 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.
- 5. The Permittee shall maintain all structures or other work authorized herein in good condition.

Any such maintenance shall be conducted in accordance with applicable laws including, but not limited to, sections 22a-28 through 22a-35 and sections 22a-359 through 22a-363f of the CGS.

- 6. Prior to the commencement of any work authorized herein, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
- 7. 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 section 22a-423 of the CGS.
- 8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
- 9. 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 Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127

- 10. 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.
- 11. The work specified in the <u>SCOPE OF AUTHORIZATION</u> 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.

- 12. This permit may be revoked, suspended, or modified in accordance with applicable law.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. In the event that 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.
- 17. 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 purpose of the 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 the Permittee may be subject to enforcement action.

- 18. The Permittee may not conduct any work waterward of the high tide line or in tidal wetlands at this work area other than work authorized herein, unless otherwise authorized by the Commissioner pursuant to section 22a-359 et. seq. and/or section 22a-32 et. seq. of the CGS.
- 19. 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.
- 20. 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."
- 21. 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.

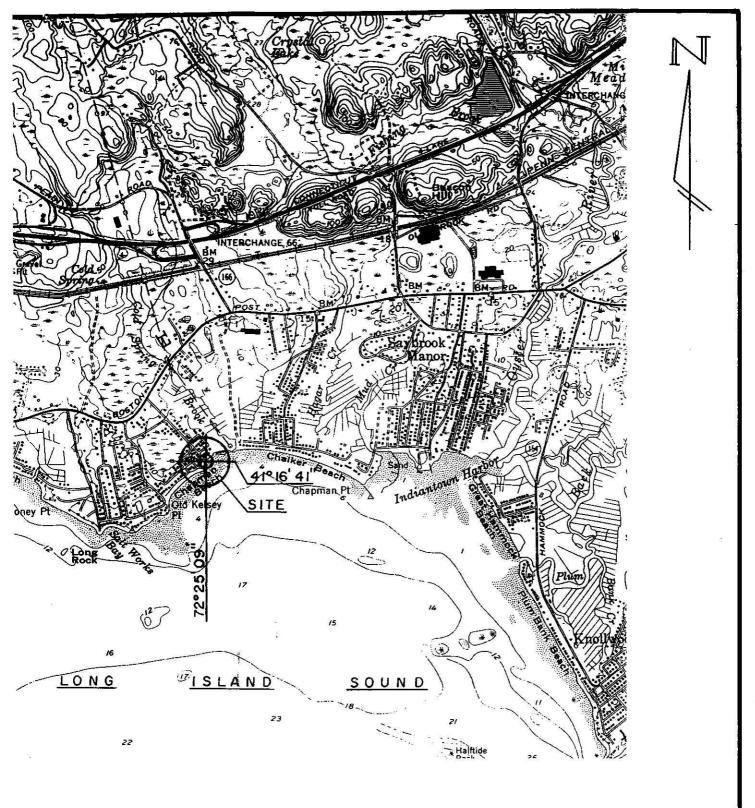
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Issued on	5/17	. 2007.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Gina McCarthy

Commissioner

Permit Application No. 200400177-MG, Westbrook District of Chapman Beach



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ANGUS McDONALD / GARY SHARPE 8 ASSOCIATES, INC. CIVIL ENGINEERS • PLANNERS • SURVEYORS OLD SAYBROOK, CONNECTICUT

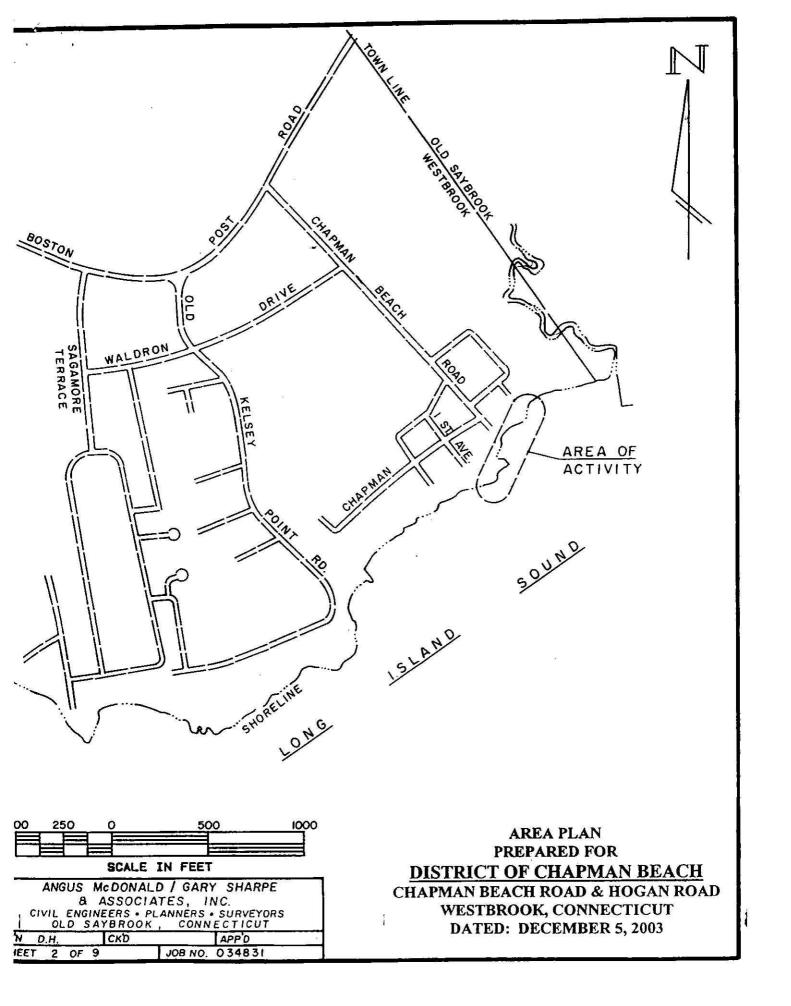
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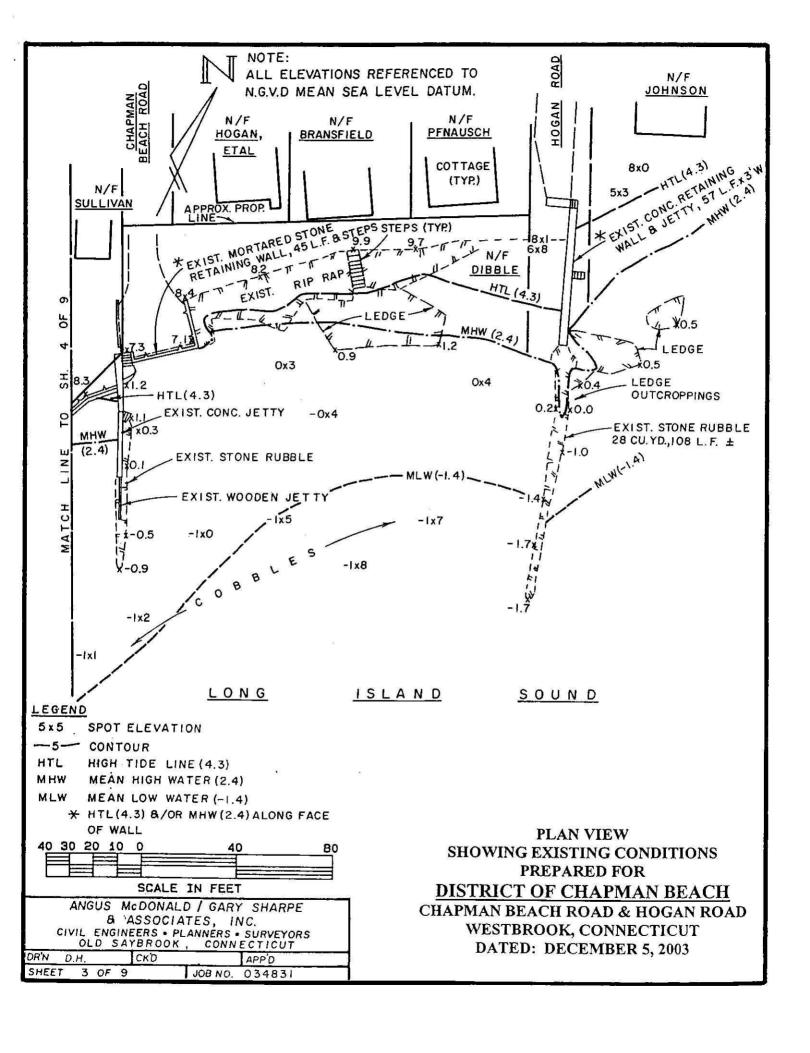
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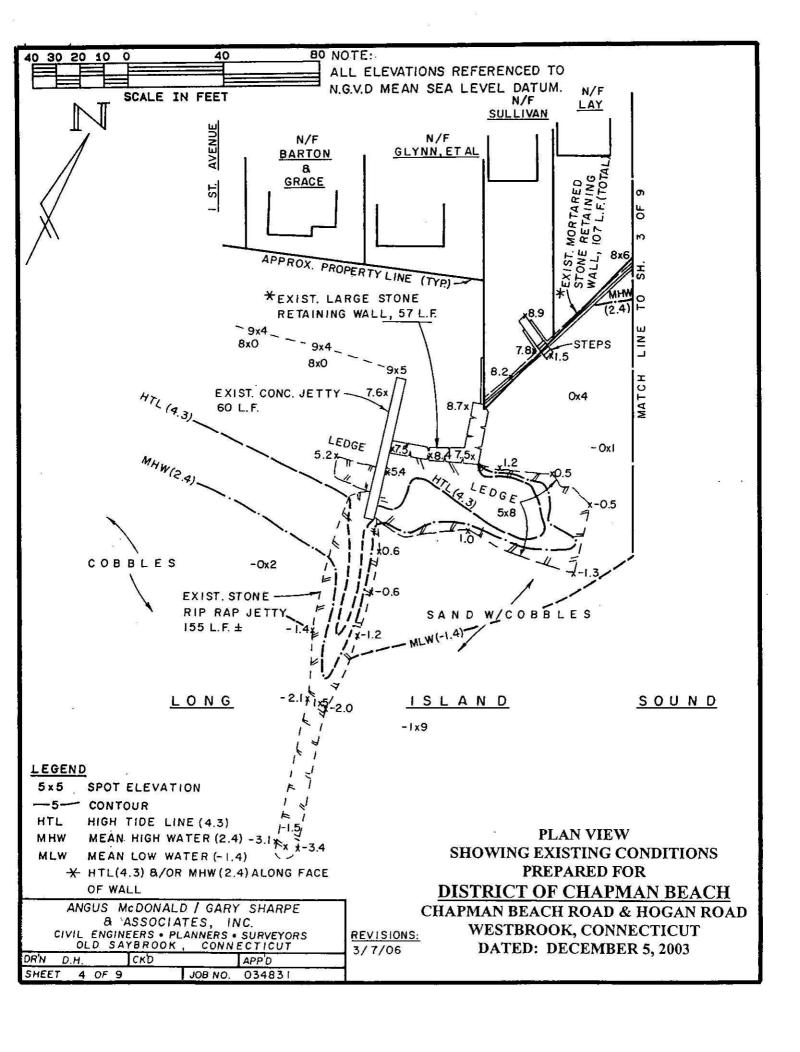
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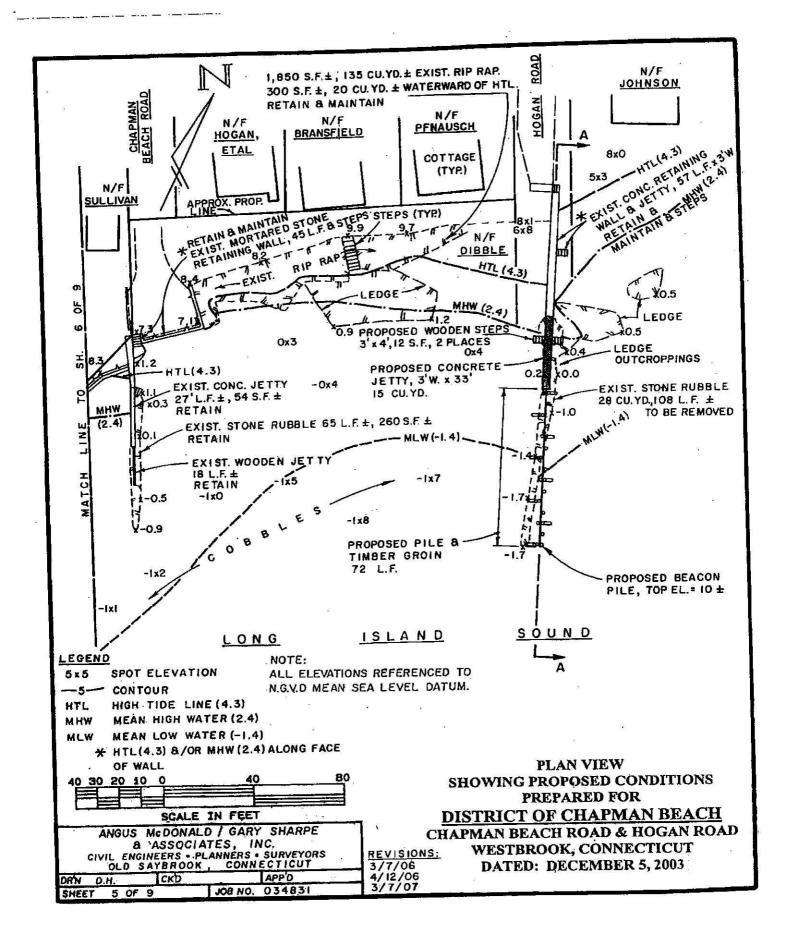
DISTRICT OF CHAPMAN BEACH

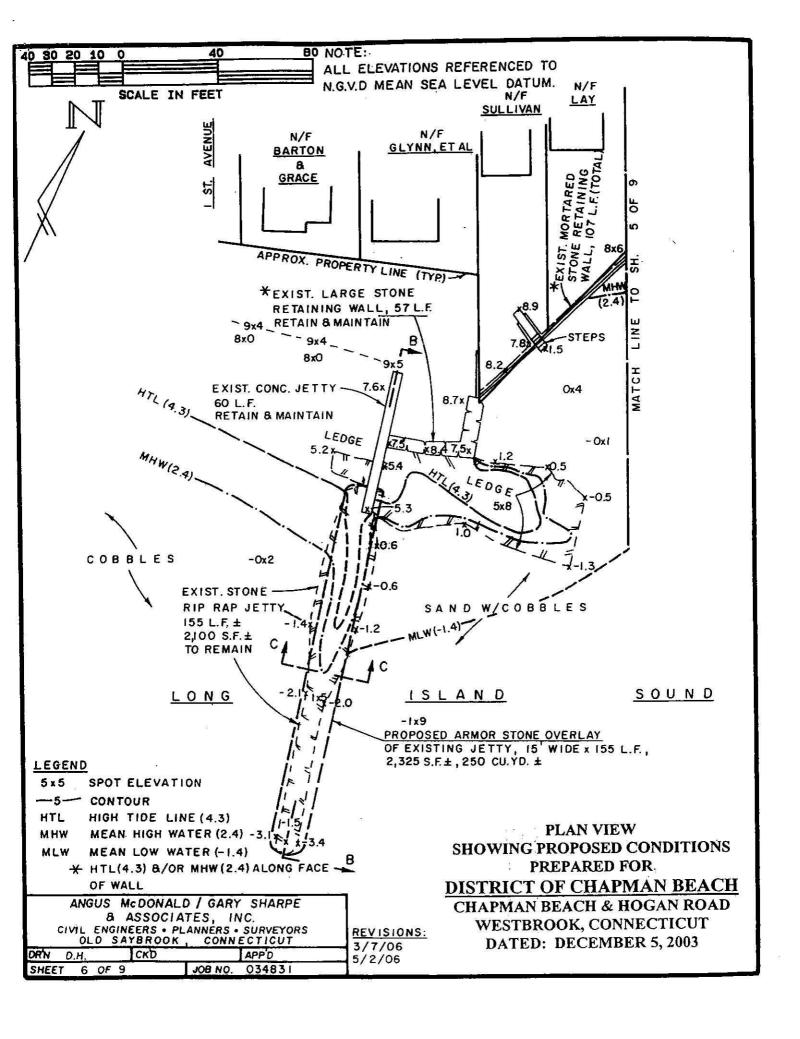
CHAPMAN BEACH ROAD & HOGAN ROAD WESTBROOK, CONNECTICUT DATED: DECEMBER 5, 2003

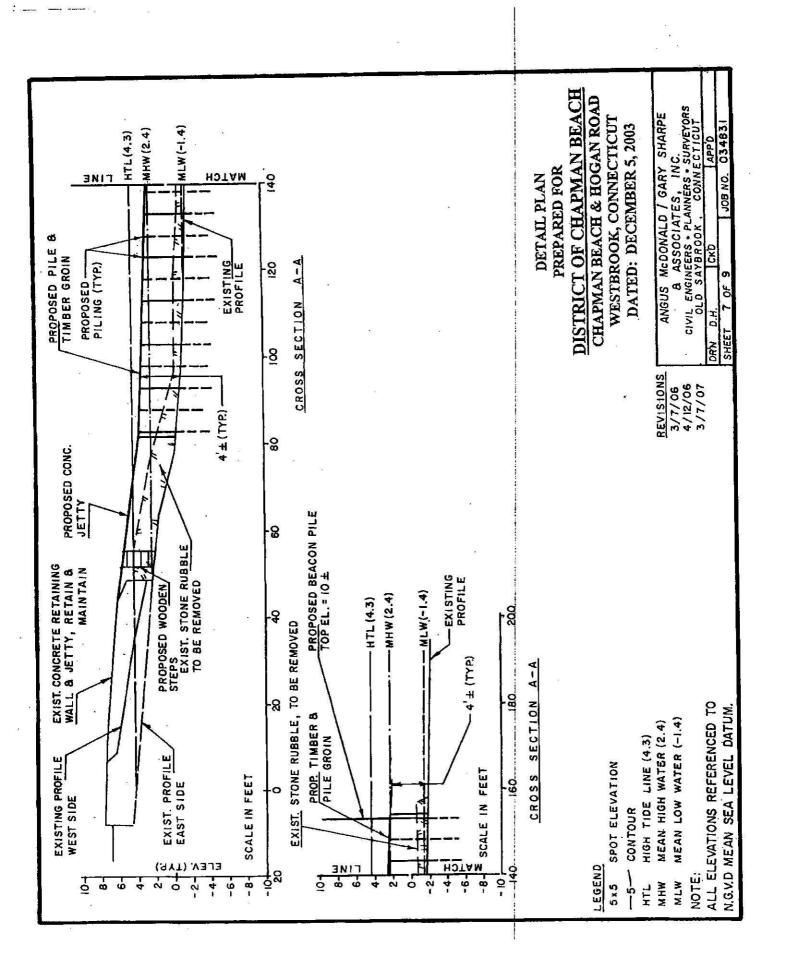


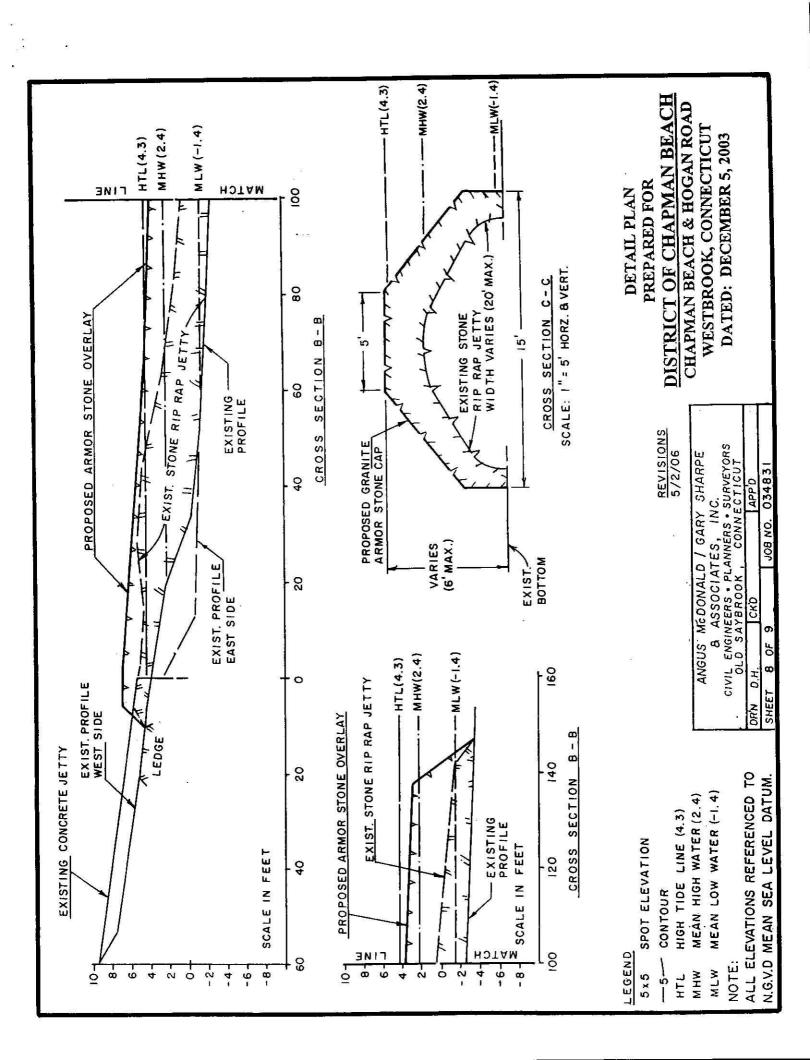


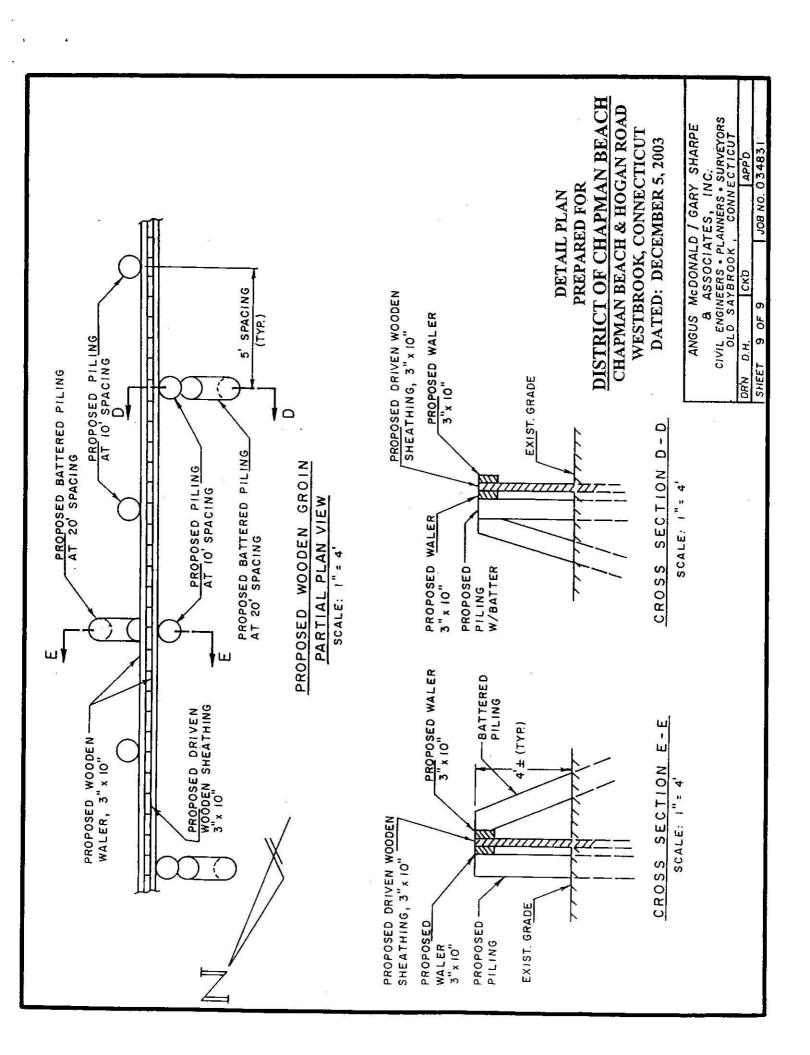












APPENDIX A

TO: Permit Section

Department of Environmental Protection Office of Long Island Sound Programs 79 Elm Street Hartford, CT 06106-5127		
PERMITTEE:	District of Chapman Beach c/o Tom O'Dell P.O. Box 356 Westbrook, CT 06498	
PERMIT NO.:	200400177-MG, Westbrook	
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)