

## Office of Adjudications

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IN THE MATTER OF

APPLICATION NO.

201206784-KR

TOWN OF GUILFORD (OLD QUARRY ROAD)

:

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NOVEMBER 5, 2013

## **FINAL DECISION**

The Town of Guilford (applicant/Town) has applied to the Department of Energy and Environmental Protection (DEEP) for a permit to undertake regulated activities in tidal and coastal waters of the State waterward of the coastal jurisdictional line. Specifically, the Town seeks to elevate Old Quarry Road in Guilford to minimize flooding and drainage issues, reduce the occurrences of road closures due to flooding, and improve public safety on the roadway. This activity is regulated by General Statutes §§ 22a-28 through 22a-35 (the Tidal Wetlands Act) and implementing regulations at Regs., Conn. State Agencies §§ 22a-30-1 et seq.; General Statutes §§ 22a-359 through 22a-363g (commonly known as the Structures, Dredging and Fill Act); and applicable portions of General Statutes §§ 22a-90 through 22a-112 (the Coastal Management Act). The parties have submitted an Agreed Draft Decision for my consideration (Attachment A). Regs., Conn. State Agencies §22a-3a-6(l). I may issue a final decision in such matters pursuant to Section VIII, ¶F. c. v. of the Commissioner's July 12, 2011 Delegation of Authority.

The procedural history of this application is adequately addressed in the Agreed Draft Decision; however, I add the following. On September 24, 2013, the date the record closed in this matter, a hearing session was held at the DEEP in Hartford at which the applicant provided its evidence on the application and the DEEP presented evidence on the application and its review, including the proposed draft permit (Attachment B). This evidence demonstrates that the proposed activity complies with the applicable statutes and regulations.

I have reviewed the hearing record in this matter, including the documentary evidence, oral testimony, and public comment on the environmental impacts of widening the road. I accept the Agreed Draft Decision provided by the DEEP and the applicant. It is fully supported by this record and provides the necessary factual findings and conclusions of law to support the conclusion that the proposed elevation of Old Quarry Road, as defined and conditioned by the draft permit, will not cause adverse environmental impacts.

I make one comment and share one observation that are not essential to my decision, but which I believe are noteworthy. First, in response to public concern and a comment by its expert soil scientist, the Town agreed to cover the riprap shoulders with topsoil. This will not only mitigate impacts to tidal wetlands but will specifically increase the rate of re-establishment of the wetland vegetation on the road shoulders. Second, one of the goals of the Coastal Management Act is to preserve and enhance coastal resources. General Statutes §22a-92 (2). The minimization of flooding and drainage issues will improve the overall quality of the tidal marsh system adjacent to and in the area of Old Quarry Road.

The Town of Guilford has demonstrated that the proposed activity, if performed in compliance with the proposed permit terms and conditions, would comply with the applicable statutes and regulations. I therefore recommend issuance of the proposed draft permit (Attachment B).

Janice B. Deshais Hearing Officer

## SERVICE LIST

# In the Matter of Town of Guilford/Old Quarry Road

Application #201206784

# **Applicant**

Town of Guilford 50 Boston Street Guilford, CT 06437

# Representatives

Mark E. Damiani, P.E. Asst Town Engineer/ Director of Public Works damianim@ci.guilford.ct.us

## **DEEP Staff**

Krista Romero
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106
Krista.Romero@ct.gov

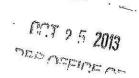
## Petitioner

Lisa Gray 45 Old Quarry Road Guilford, CT 06437 lisa@grayorganschi.com

# Attachment A

### AGREED DRAFT DECISION

## TOWN OF GUILFORD PERMIT APPLICATION #201206784-KR



### ELEVATION OF OLD QUARRY ROAD TOWN OF GUILFORD

## October 3, 2013

- 1. **Introduction:** On November 6, 2012, the Town of Guilford (the "Applicant") submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the coastal jurisdictional line and in an area of tidal wetlands, for the elevation of Old Quarry Road in the Town of Guilford. The Applicant seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of the Connecticut General Statutes ("General Statutes") sections 22a-359 through 363g, the Tidal Wetlands Act and regulations sections 22a-28 through 22a-35 of the General Statutes, in accordance with section 401 of the Federal Clean Water Act and in accordance with Connecticut Water Quality Standards, effective February 25, 2011.
- 2. **Parties:** The parties to the proceeding are: the Applicant and staff from the Office of Long Island Sound Programs ("OLISP") of the Department of Energy and Environmental Protection ("DEEP").
- 3. The parties have agreed to the admission of all the exhibits listed on the attached Prehearing Submissions including staff exhibits DEEP-1 through DEEP-19 and the Applicant's exhibits APP-1 through APP-18.

#### FINDINGS OF FACT

### Background:

. 6.4

- 1. **Site Location and Character:** The site is located at Old Quarry Road, Guilford, CT. Tidal wetland vegetation is present along the entire frontage of the site. (DEEP-4).
- 2. **Application History:** On November 6, 2012, the Applicant, submitted an application for a Structures, Dredging and Fill and Tidal Wetland permit to elevate a 2,500 ft long section of Old Quarry Road and to replace two culverts.

A letter dated November 27, 2012 was sent from OLISP to the Applicant requesting additional information to further evaluate and process the application (DEEP-2).

On January 31, 2013 and March 13, 2013, the Applicant provided revised information and project plans.

The revised application was reviewed and deemed complete and consistent by OLISP and then a public notice of tentative determination to approve the application was issued. This Public Notice was published in the New Haven Register on May 24, 2013 (DEEP-11). The required agencies and adjacent property owners (DEEP-14) were sent copies of the revised application (DEEP-9), as well as the public notice (DEEP-11) and draft permit (DEEP-12). The application, including all statutorily required notifications, was processed in accordance with the applicable statutes. OLISP received a request for a hearing and a petition with at least 25 signatures from Lisa Gray via email

on June 18, 2013 (DEEP-16). On August 6, 2013, OLISP issued a Notice of Public Hearing indicating that a hearing would be held on the application on September 10, 2013 at the Nathanael B. Greene Community Center at 32 Church Street, Guilford, CT 06437 (DEEP-17). This Notice, including all statutorily required notifications, was processed and mailed in accordance with the applicable statutes.

A pre-hearing conference was held on August 28, 2013 at 10:00 a.m. at DEEP, 79 Elm Street, Hartford. The issues were simplified and clarified, the facts stipulated, and witnesses and exhibits identified. A site inspection took place on September 10, 2013 at 4:00 p.m. In attendance were the Hearing Officer, the Applicant, OLISP staff, the applicant's soil scientist, Richard Snarski, Lisa Gray and interested members of the public. The hearing was held at the Guilford Community Center at 6:00 p.m. on September 10, 2013.

The Applicant and the Applicant's soil scientist, Richard Snarski testified as to the application's consistency with all applicable requirements. Mr. Snarski proposed that the applicant cover the riprap road shoulders with topsoil to allow for wetland vegetation to re-establish itself on the road shoulders. The Applicant agreed to this proposal. Lisa Gray and several members of the public spoke about their concerns that the road elevation could cause environmental impacts. Following the hearing, the Hearing Officer kept the record open until September 24, 2013, to receive written comments regarding the application.

- 3. **Project Purpose and Description:** The project site is located on Old Quarry Road in Guilford. The road was built pre-1934 and is the only access road to 30 residences. The road is approximately 2,500 ft long by 22 ft wide and intersects a tidal marsh system at its low point. The road has settled over the years and is frequently flooded during high tides and storm events in the vicinity of the tidal marsh. Since the roadway has been overtopped by flood waters and closed by the Town of Guilford, safety of the residents traversing this road during high tides and storm events has been a serious concern. The Town of Guilford is proposing to elevate the road to minimize flooding/drainage issues, reduce the occurrences of road closures due to flooding, and improve overall public safety on this roadway.
- 4. **Compliance and Enforcement History:** There are no previous permits or certificates issued by the DEEP-OLISP that authorized work waterward of the coastal jurisdictional line at this site. The site has not been the subject of a DEEP enforcement action for unauthorized activities waterward of the coastal jurisdictional line.
- 5. Tidal Wetlands Vegetation: The widening of the side slopes will permanently impact tidal wetland vegetation types along the edges of the roadway. The species that will be impacted include: Spartina patens, Spartina alterniflora, Phragmites australis, Distichlis spicata, Iva frutescens, and Panicum virgatum. Approximately 15,000 square feet of tidal wetlands will be filled over the entire length of the roadway. The majority of the new shoulder will not extend beyond the original roadbed, with fill slopes encroaching no more than 10 feet into the tidal wetlands, causing a narrow and linear impact area. Some of the tidal wetland vegetation in the proposed fill area is interspersed with rock fill of the existing roadbed. This encroachment along the outer edge of the tidal wetlands should have minimal effects to the overall functions and values of these ecosystems. Adverse impacts to habitat, nesting, feeding, and refuge areas for shorebirds along the fringes of this road would be insignificant due to the restricted area of work along the road. A quantitative tidal wetland impact assessment was performed to calculate the percentage of adverse impacts to the entire marsh system (DEEP-4). The immediate marsh system is approximately 60 acres. The area of impact is approximately 0.181 acres of tidal wetlands which is approximately 0.304% of an impact to the marsh system. Therefore, OLISP has concluded that the proposed activities at this site are not likely to have significant adverse impacts on tidal wetlands.

To offset the loss of 15,000 square feet of tidal wetlands, OLISP has recommended including a condition in the Permit which will require the Permittee to submit a Certificate of Permission ("COP") application for the Leetes Island Tidal Wetland Restoration Project. The COP will authorize the installation of a new tide gate structure at a more northern location on Shell Beach Road. OLISP has coordinated with Harry Yamalis, an OLISP expert in tidal marsh restoration on this project. Mr. Yamalis supports the project and his findings are detailed in a memo dated August 14, 2013 (DEEP-6).

The mitigation site is located on Town of Guilford property. The proposed activities are anticipated to restore approximately 40-acres of degraded tidal wetland that has been impacted by an existing deteriorated tide gate located in Island Bay and Leetes Island tidal marsh on property located east of Shell Beach Road and south of Leetes Island Road. Currently, the tide gate is in place during the growing season, preventing tidal water from entering the marsh system and completely removed in the winter, allowing unrestricted tidal flow. The tidal wetland is extremely degraded, as evidenced by massive vegetation die-off, due to deep subsidence of the marsh surface as a result of the improper functioning of the tide gates. The installation of a new tide gate will allow the Town to adjust the amount of tidal water entering the system during all tidal cycles and produce ideal conditions for a healthy tidal wetland.

- 6. **Shellfish:** During the application review, impacts to shellfish were considered. The applicant was required to obtain consultation forms from the Guilford Shellfish Commission as well as the CT Department of Agriculture/Bureau of Aquaculture ("BOA"). In an October 4, 2012 consultation from the Guilford Shellfish Commission, they indicated that the work would not significantly impact shellfish beds. In a December 6, 2012 consultation, David Carey with BOA determined that the proposed work would not significantly impact a shellfish area. A condition was included in the draft permit restricting work between June 1<sup>st</sup> September 30<sup>th</sup>.
- 7. **Coastal Hazard Area:** This project is within a coastal hazard area. No unacceptable adverse impacts to coastal waters are anticipated by this proposal.
- 8. **Coastal Waters:** The project is located in coastal waters. No unacceptable impacts to coastal waters are anticipated.
- 9. **Wildlife**: The applicant performed a review of the Connecticut Natural Diversity Database for potential impacts to habitat for endangered, threatened or special concern species. A letter dated September 19, 2012 was received from Nelson B. Debarros, Botanist/Ecologist of DEEP's Wildlife Division indicating that there would be no anticipated negative impacts to State Listed Species resulting from the proposed activities.
- 11. Water Quality: Silt socks, sandbags, silt fences, and hay bales will be used in the work area to minimize sedimentation. A condition will be included in the permit requiring the Permittee to install such sediment and erosion controls before the activities commence. All fill that is utilized during the proposed activities must be "clean" fill. A condition has been included in the permit that prohibits the Permittee from allowing pollution of wetlands or watercourses.
- 12. **Navigation Review:** No impacts are anticipated as there are no navigational channels.

- 13. **Public Trust Review:** No impacts are anticipated as most of the work will occur above the mean high water mark.
- 14. **Consistency:** The proposal is consistent with the Coastal Management Act, CGS sections 22a-90 through 22a-112 because the proposal meets the following criteria:
  - a. The proposal would protect an infrastructural facility.
  - b. There is a clear demonstration and evidence of the need for flood protection. The road is clearly in danger from flooding during high tides and storm events.
  - c. The recent Town coastal resiliency study has concluded that the Town needs roads that provide safe access to residences. Roads along the shoreline need to be elevated in order to minimize road flooding which restricts access to residences.
  - d. There has been a clear and compelling demonstration that nonstructural alternatives such as vegetative stabilization or beach nourishment are not possible.
  - e. There is no feasible, less environmentally damaging alternative to the proposed structure.
  - f. The flood and erosion control structure proposed is the minimum dimension necessary to protect the structure or use.
  - g. Adverse impacts to coastal resources have been minimized to the maximum extent practicable and have been deemed acceptable through the provision of all reasonable mitigation measures and techniques.
  - h. Based upon the above criteria, the structure is unavoidable and necessary to protect an infrastructural facility.
- 15. **Alternatives:** Several project alternatives were considered by the Applicant:
  - 1. Construct a wall along road shoulders instead of rebuilding road shoulders. The construction process would have more impact on the tidal wetlands because a larger area would have been necessary to install forms to build the wall. The wall would need a large foundation in order to withstand the effects from tidal surges. Installation and maintenance costs would be high. The wall would have a negative impact on the aesthetic view of the tidal wetlands motorists have from the road.
  - 2. Elevate the road keeping road slopes within the existing roadbed footprint. Although this option would not impact tidal wetlands, it would result in narrowing the road to 20 feet or less. This reduction in road width is less than the town road standard and is also a width that is unsafe to accommodate vehicles, pedestrians, bicycles, emergency vehicles that may travel simultaneously.
  - 3. Reconstruct the road as proposed. This is the least environmentally disruptive alternative. No excavation below the tidal marsh is necessary.

### CONCLUSIONS

- 1. **Environmental Impact of the Proposed Action:** The proposed project would improve public safety and access to residents living in the area. The record supports a finding that the potential environmental impacts from the proposed project have been sufficiently minimized and the proposed project is consistent with the following policies regarding coastal resources, tidal wetlands, and coastal management:
  - a. Section 22a-92(a)(1) of the General Statutes, which requires that the development, preservation or use of the land and water resources of the coastal area proceed in a manner

- consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;
- b. Section 22a-92(b)(1)(D) of the General Statutes, which requires that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts to coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
- c Section 26-310(a) of the General Statutes, which requires that each state agency, in consultation with the Commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any action authorized, funded or performed by such agency does not threaten the continued existence of the endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species, unless such agency has been granted an exemption.
- d. Section 22a-92(b)(2)(E) of the General Statutes, which requires preservation of tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.
- e. Section 22a-92(c)(l)(B) of the General Statutes, which disallows any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable unless it is found that adverse impacts on coastal resources are minimal.
- f. The proposal is consistent with applicable standards, goals and policies of sections 22a-28 through 22a-35 and 22a-359-363g of the General Statutes. Impacts to tidal wetlands have been found to be insignificant and the decision to tentatively approve this proposal is consistent with 22a-33 of the General Statutes.
- 2. Alternatives to the Proposed Action: There is no feasible or prudent alternative that would provide the public safe access and that would have less of an impact on the adjacent coastal resources.
- 3. **Public Comments and Testimony:** The public comments focused primarily on the widening of the road and concerns that these activities could have significant environmental impacts on tidal wetlands. No expert testimony was provided to support these assertions. Mr. Portley and Mr. Damiani testified that the proposed activities would establish a uniform width rather than increasing the overall width of the roadway beyond the existing roadway width of 22'. They testified that the Applicant is willing to topsoil the rip rap road shoulders to mitigate such impacts to tidal wetlands. It is anticipated that tidal wetlands will re-establish along the road shoulders. A condition will be included in the permit that will require the Permittee to submit a plan to OLISP and to complete such activities.

### **AGREEMENT**

Based on the foregoing, the undersigned hereby agree to the granting of a permit subject to the standard and special conditions stated in the Draft Permit, DEEP-13, as revised through 10/3/2013, attached hereto.

APPLICANT, TOWN OF GUILFORD

By: James A. Portley, P.E. Town Engineer/

Public Works Director

OFFICE OF LONG ISLAND SOUND PROGRAMS

By: Brian P. Thompson

Director

Office of Long Island Sound Programs Department of Energy & Environmental

Protection





# Attachment B

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## PERMIT

Permit No:

201206784-KR

Municipality:

Guilford

Work Area:

Long Island Sound off property located at

Old Quarry Road

Permittee:

Town of Guilford 50 Boston Street Guilford, CT 06437

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 section 401 of the Federal Clean Water Act, as amended, 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 elevate an existing road and replace two existing culverts as is more specifically described below in the SCOPE OF AUTHORIZATION, off property identified as the "work area" above.

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

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 #201206784-KR, including 27 sheets of plans dated September 2012, submitted by the Permittee to the Commissioner and attached hereto, as follows:



- 1. install temporary sandbags around two existing culverts as shown on sheet 12 of the attached plans;
- 2. replace the existing 15" diameter pipe with a 24" diameter pipe and a new 10' wide x 7' high x 1.5' thick headwall;
- 3. replace the existing 24" diameter pipe with a 48" diameter pipe and a new 10' wide x 7' high x 1.5' thick headwall;
- 4. remove temporary sandbags to an area above the Coastal Jurisdictional Line and outside of tidal wetlands;
- 5. install a temporary silt sock as shown on sheets 11 and 12 of the attached plans;
- 6. place approximately 700 cubic yards of rock along the shoulders of the road establishing a 2:1 side slope;
- 7. elevate the road by placing 130 cubic yards of processed stone for the roadbed and placing approximately 1,268 cubic yards of clean fill to elevation 6.0' NAVD88; and
- 8. remove the temporary silt sock to an area above the Coastal Jurisdictional line and outside of tidal wetlands.

### SPECIAL TERMS AND CONDITIONS

- 1. No later than ninety (90) days following the issuance of this permit, the Permittee shall submit a Tidal Wetlands Mitigation plan and Implementation Plan specifying the timetable for the completion of the tidal wetlands mitigation project to the Commissioner for review and written approval.
- 2. No later than ninety (90) days following the issuance of this permit, the Permittee shall submit a complete certificate of permission application for the Leetes Island Restoration Project. Such project shall serve as tidal wetland mitigation for the activities approved under this authorization.
- 3. No later than ninety (90) days following the issuance of this permit, the Permittee shall submit a plan describing the placement of suitable substrate along the side slopes of the roadway for the potential establishment of tidal wetlands to the Commissioner for review and written approval.
- 4. 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.



- 5. 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.
- 6. The Permittee shall post the attached Permit Notice in a conspicuous place at the work area while the work authorized herein is undertaken.
- 7. 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.
- 8. Unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited between June 1st and September 30th, inclusive, of any year in order to protect spawning shellfish in the area unless otherwise authorized in writing by the Commissioner.
- 9. Prior to the commencement of work authorized herein, the Permittee shall install silt fence, silt socks, and sand bags as shown on the attached plans. Such erosion and sediment control structures shall be maintained in optimal operating condition until project completion at which time the erosion and sediment controls shall be removed to an upland location outside of tidal wetlands.
- 10. The installation of the temporary sand bags and silt sock shall be done during periods of low water.
- 11. The Permittee shall store equipment and materials in the cul-de-sac and install a silt fence around such work area as shown on Sheet 11 of the attached plans.
- 12. 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.
- 13. 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.
- 14. 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.
  - 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.
- 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. 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.
- 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

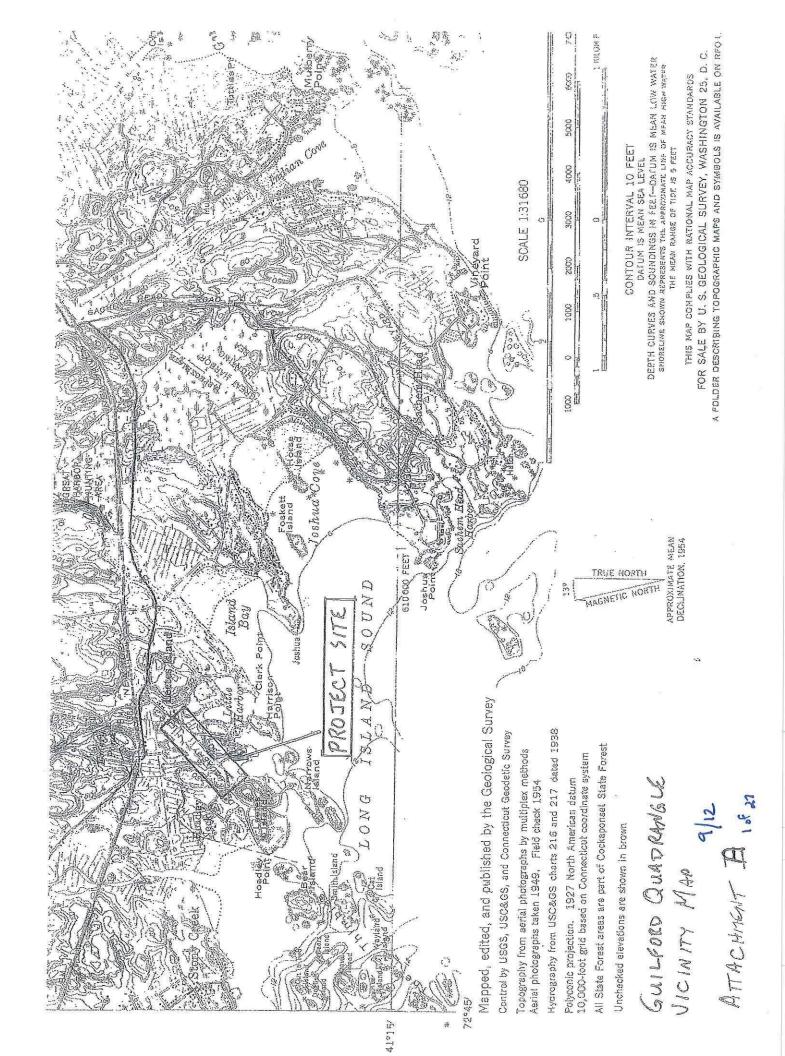


modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.

- 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 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.
- 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 their 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	, 2013			
	STATE OF CONNECTICUT			
DEPARTMENT (	OF ENERGY AND ENVIRONMENTAL PROTECTION			
Mack	ky McCleary			
Deputy	Commissioner			

Permit #201206784-KR Town of Guilford

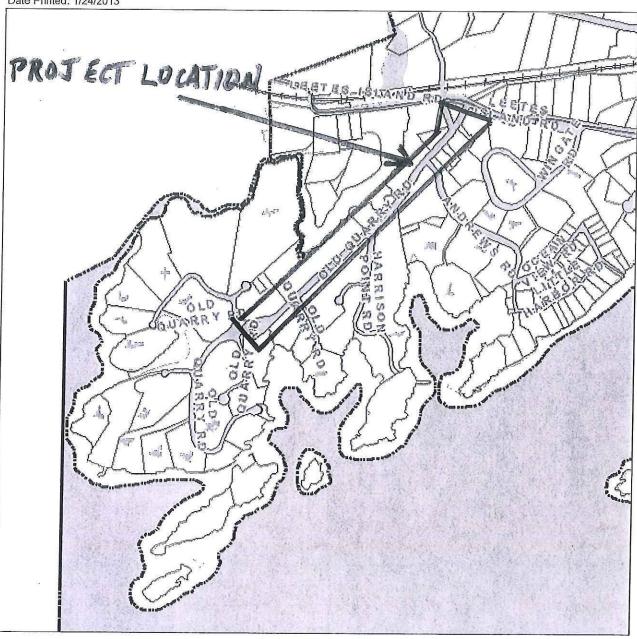


# **Town of Guilford**

Geographic Information System (GIS)



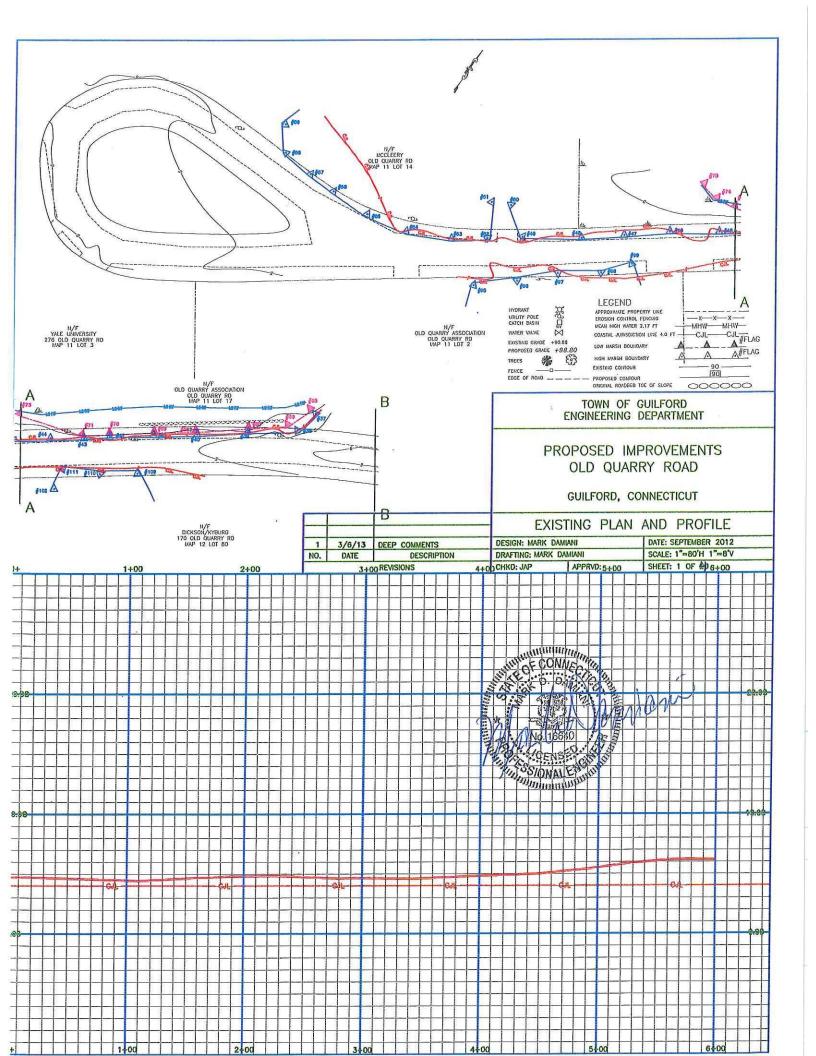
Date Printed: 1/24/2013

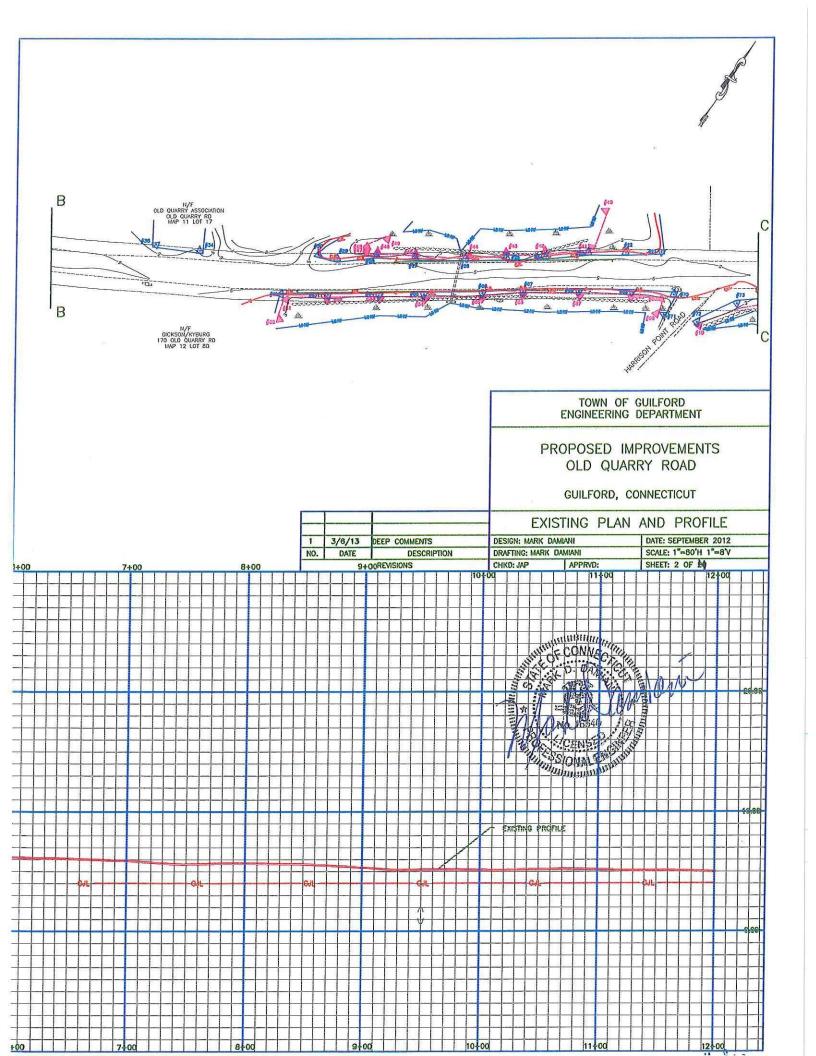


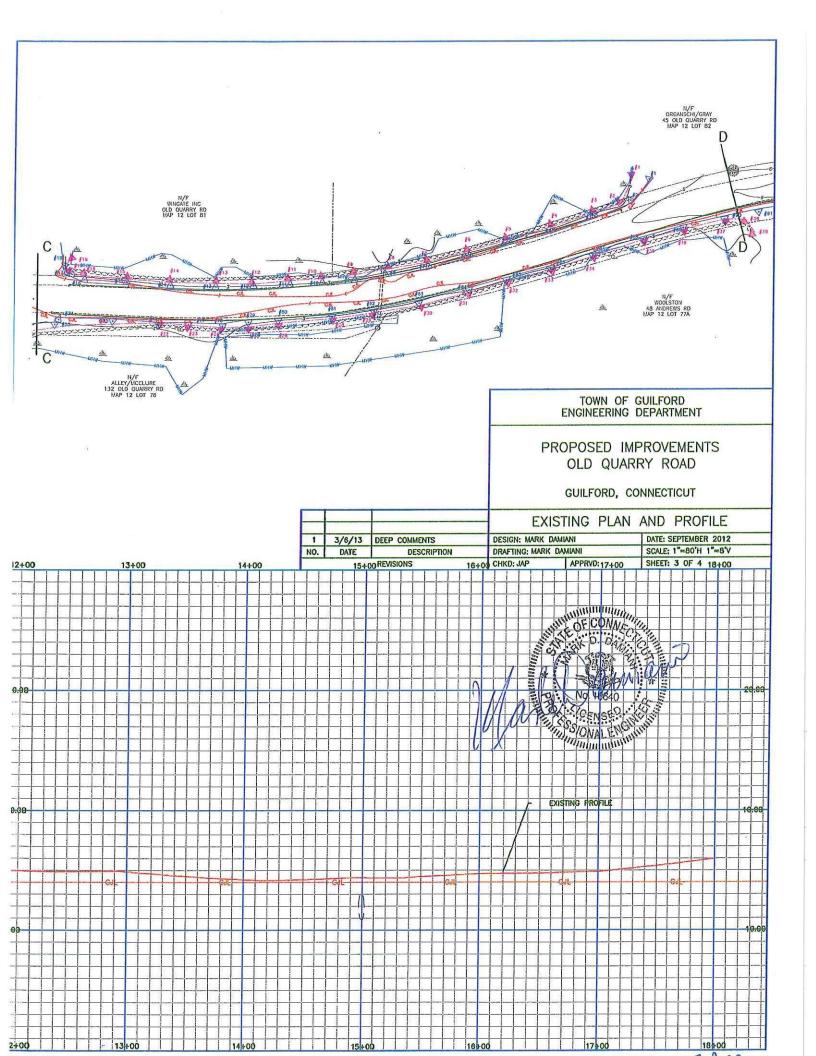
# MAP DISCLAIMER - NOTICE OF LIABILITY

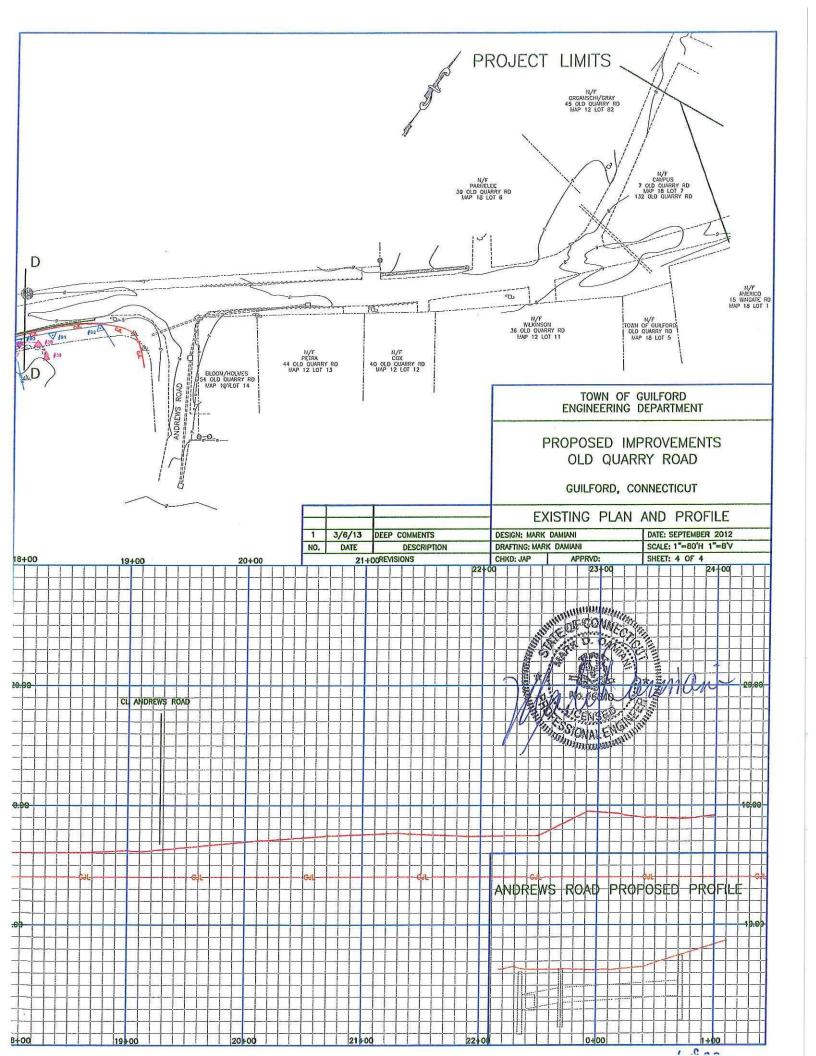
This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Guilford and its mapping contractors assume no legal responsibility for the information contained herein.

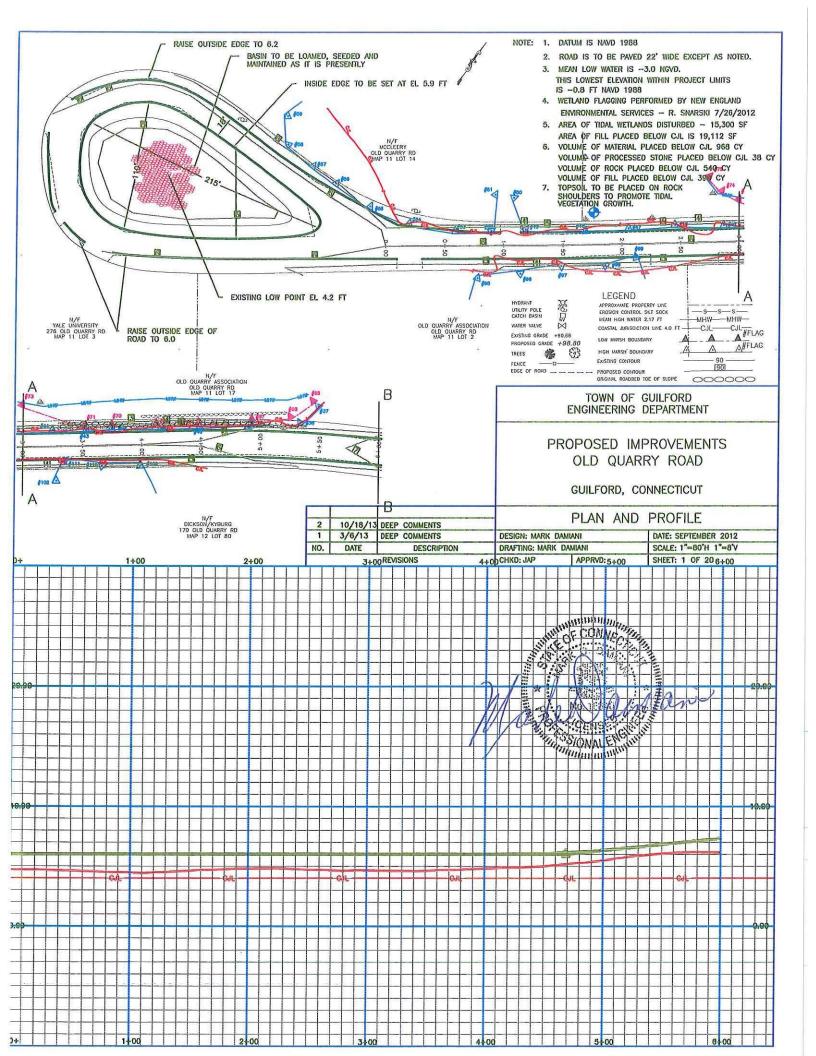
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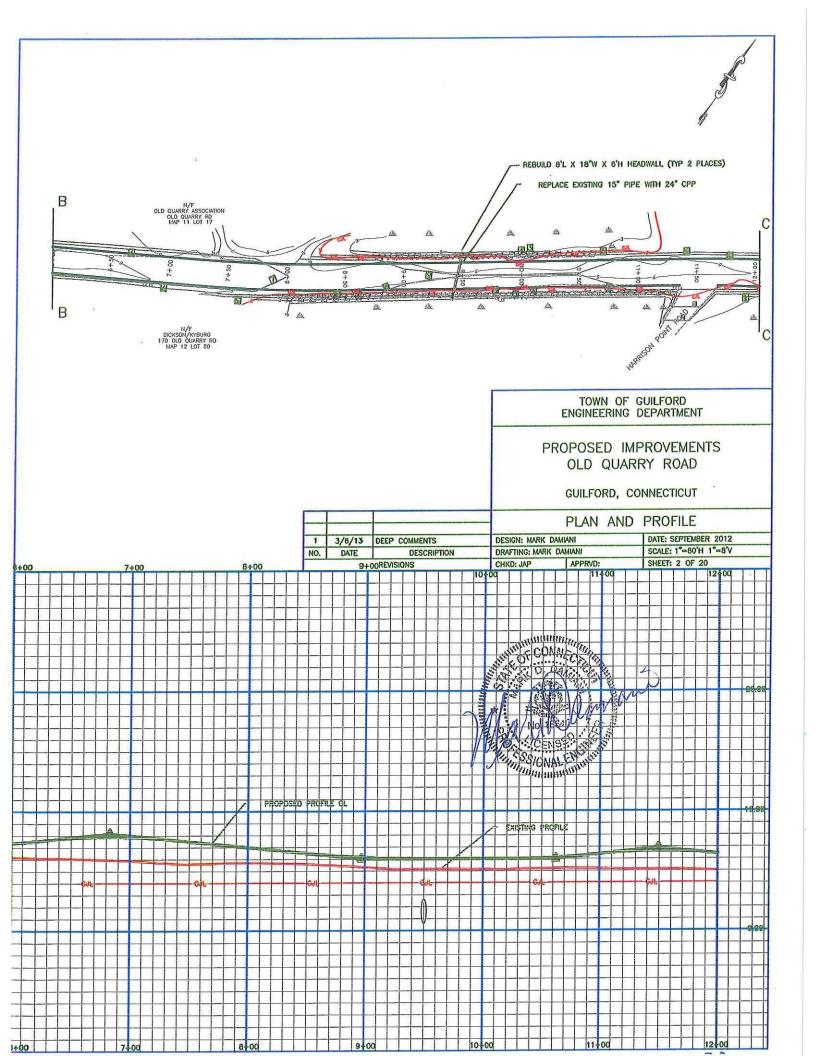


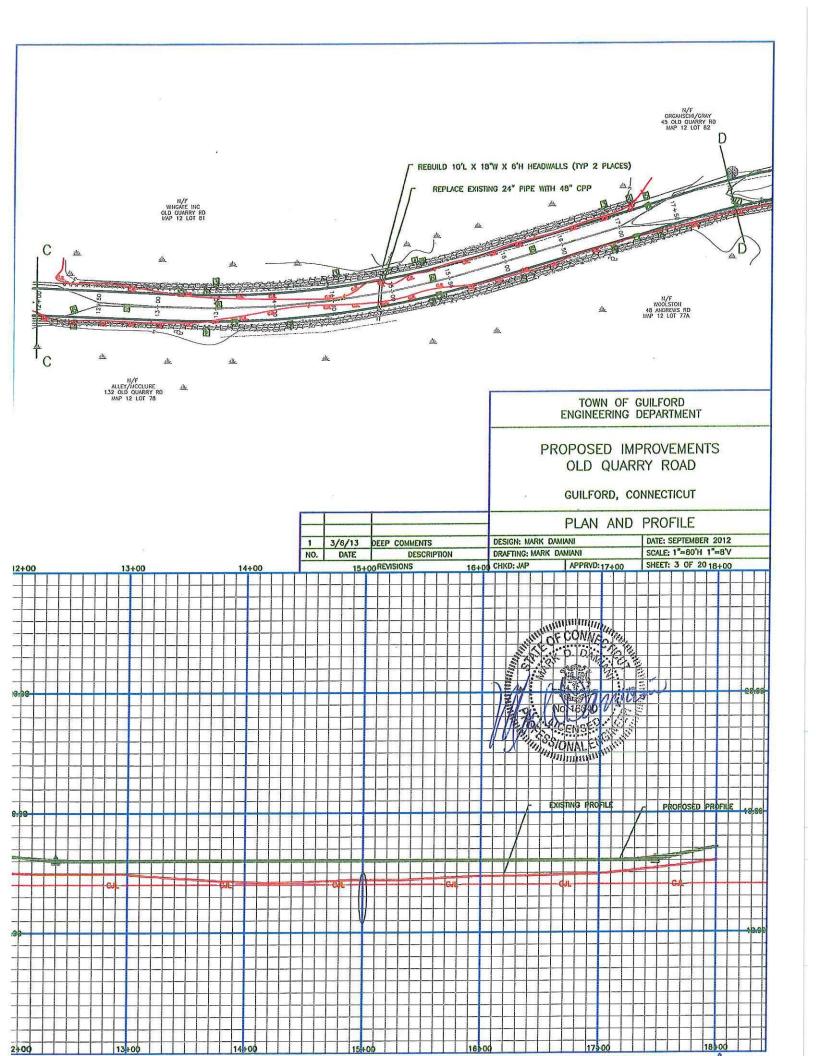


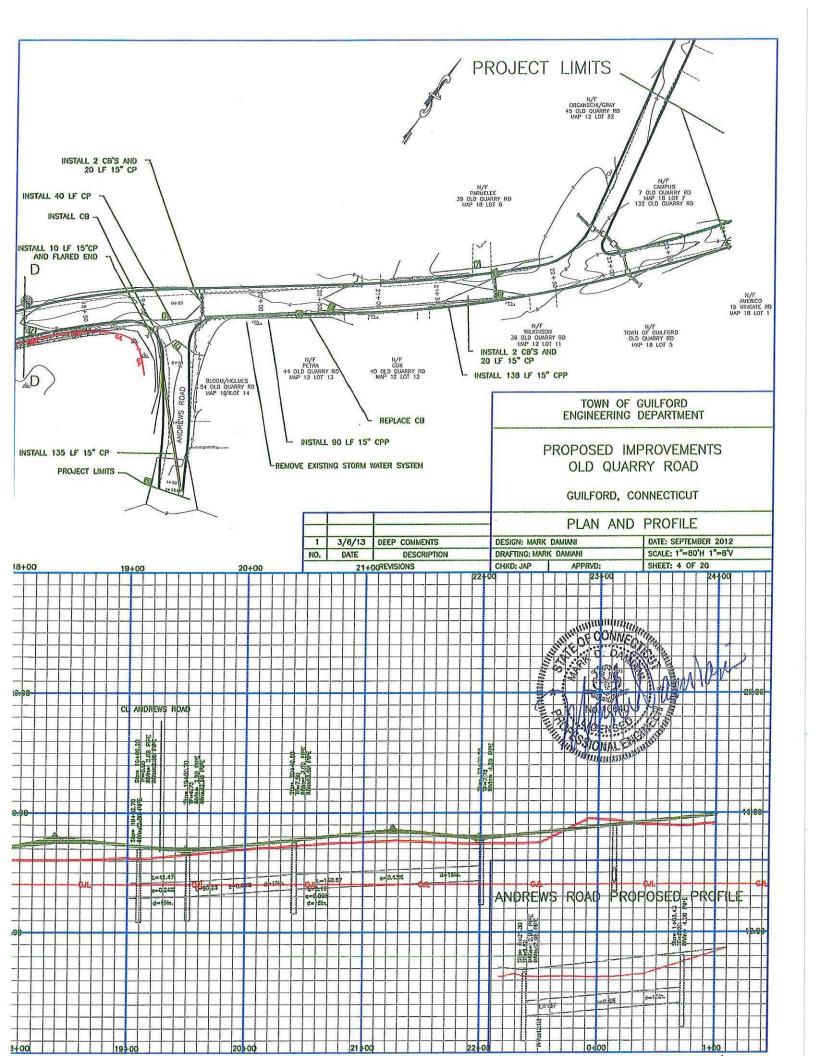


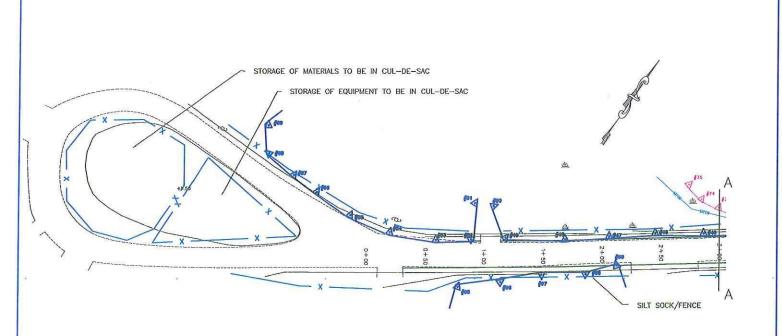


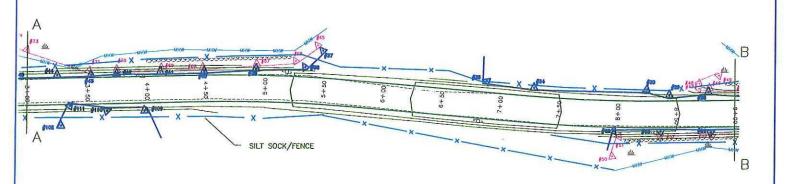












### NOTES

- PRIOR TO CONSTRUCTION:
   SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AS SHOWN ON THE APPROVED PLAN.
   THAT ALL INSTALLATION SHALL BE DONE BY HAVID.
- 2. DURING CONSTRUCTION, PILES OF FILL, ERODIBLE MATERIAL AND DEBRIS SHALL NOT BE
- NO GRADING, CLEARING OR LANDSCAPING OR OTHER GROUND SURFACE DISTURBANCE SHALL OCCUR WITHIN 100 FEET OF THE REGULATED WEITLAND AND WATERCOURSE AREA UNILESS SPECIFICALLY AUTHORIZED IN THE PERMIT.
- ANY MATERIAL, MAIL-MADE OR INITURAL, WHICH IS IN ANY WAY DISTURBED AND/OR UTILIZED DURNIG WORK HERDIN AUTHORIZED SHALL NOT BE DEPOSITED IN ANY WETLAND OR WATERCOURSE, ETHER ON OR OFF STEE, UNLESS SEPCIFICALLY AUTHORIZED IN THIS PERUIT.
- STEPS TAKEN TO CONTROL SEDIMENTATION, EROSION AND DOWNSTREAM SILTATION SHALL INCLUDE BUT NEED NOT BE LIMITED TO:
   -THE STABILIZATION OF ALL DISTURBED EARTH SURFACES WITH A SUITABLE GROUND COVER
   AND/OR NAY MULCH DOWNING ADMINISTRATION ACTUMENT
  - -THE RISTALLATION OF A TEMPORARY EROSION CONTROL FENCE OR OTHER SUITABLE EROSION CONTROL MASSURE AS INDICATED ON THE PERMIT MAP. THIS EROSION CONTROL MEASURE WILL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION ACTIVITIES.
- THIS PERMIT MAY BE REVOKED OR SUSPENDED IF THE PERMITTEE EXCEEDS THE CONDITIONS OF APPROVAL OF THIS PERMIT OR HAS SECURED THIS PERMIT THROUGH DECEPTION OR INACCURATE INFORMATION.
- THIS PERMIT DOES NOT OBMATE THE PERMITTEE'S OBLIGATION TO OBEY ALL OTHER APPLICABLE FEDERAL, STATE AND LOCAL LAWS
  OR OBTAIN ANY APPLICABLE FEDERAL, STATE AND LOCAL PERMITS.
- 8. THAT ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE MAINTAINED IN THE MANNER IN WHICH THEY WERE APPROVED ON THE SITE PLAN AND ARE IN COMPLIANCE WITHL VEGETATION IS ESTABLISHED.
- 9. DISTURBED AREAS TO BE LOAMED AND SEEDED

LEGEND SILT SOCK -X-

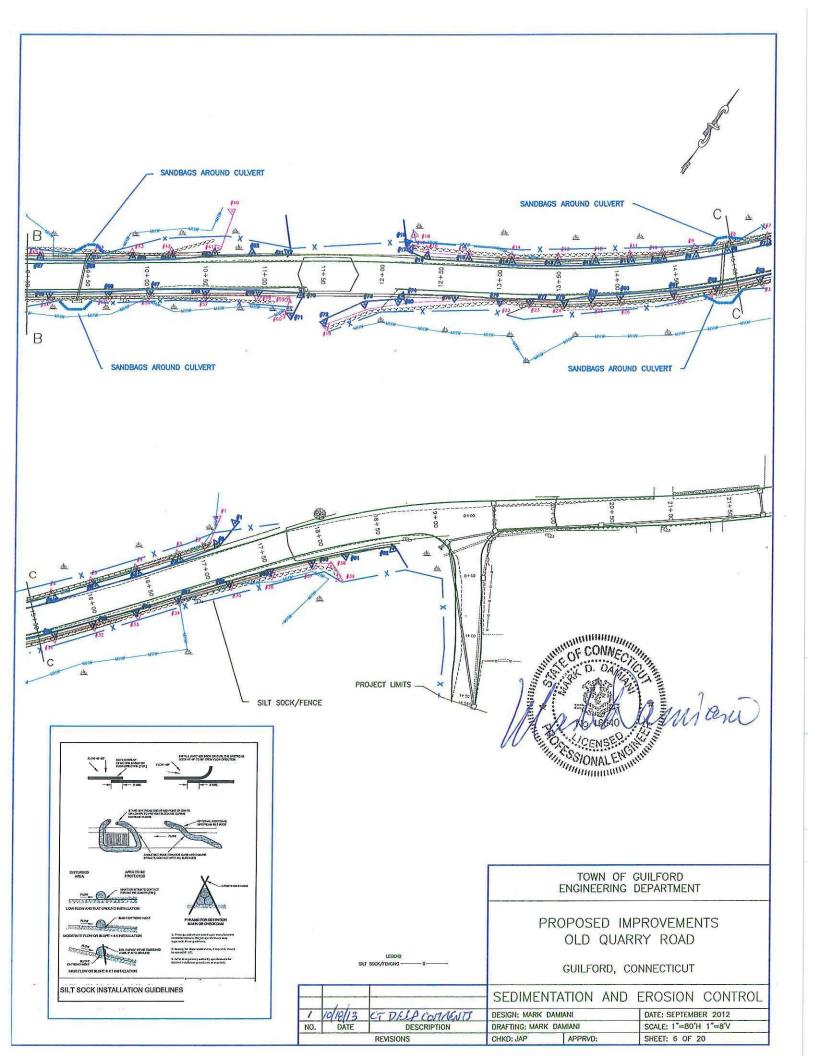


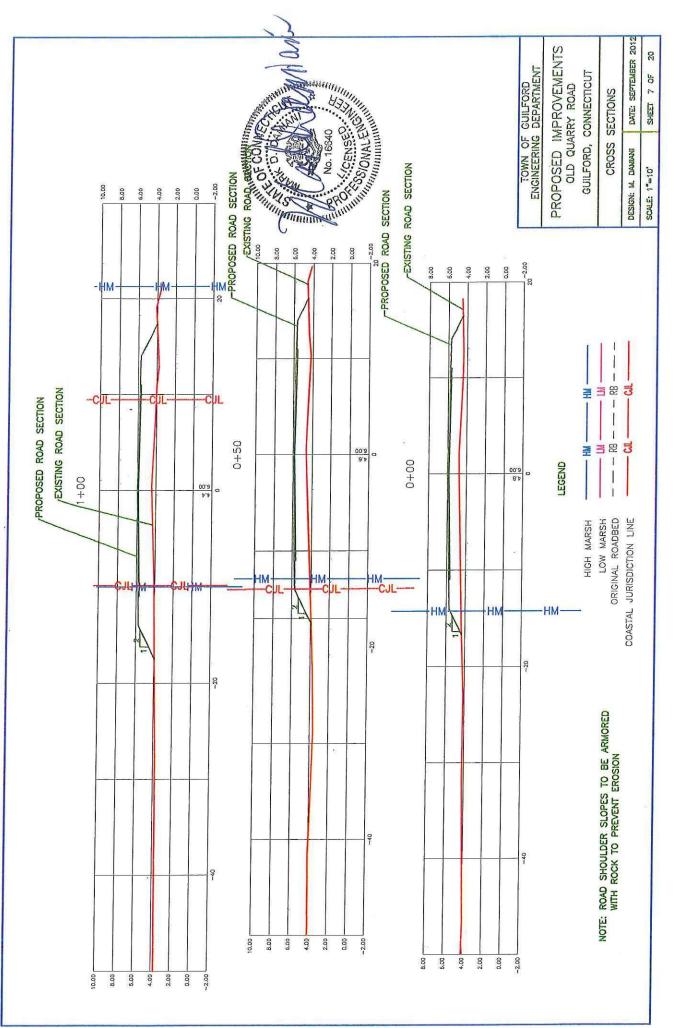
TOWN OF GUILFORD ENGINEERING DEPARTMENT

PROPOSED IMPROVEMENTS
OLD QUARRY ROAD

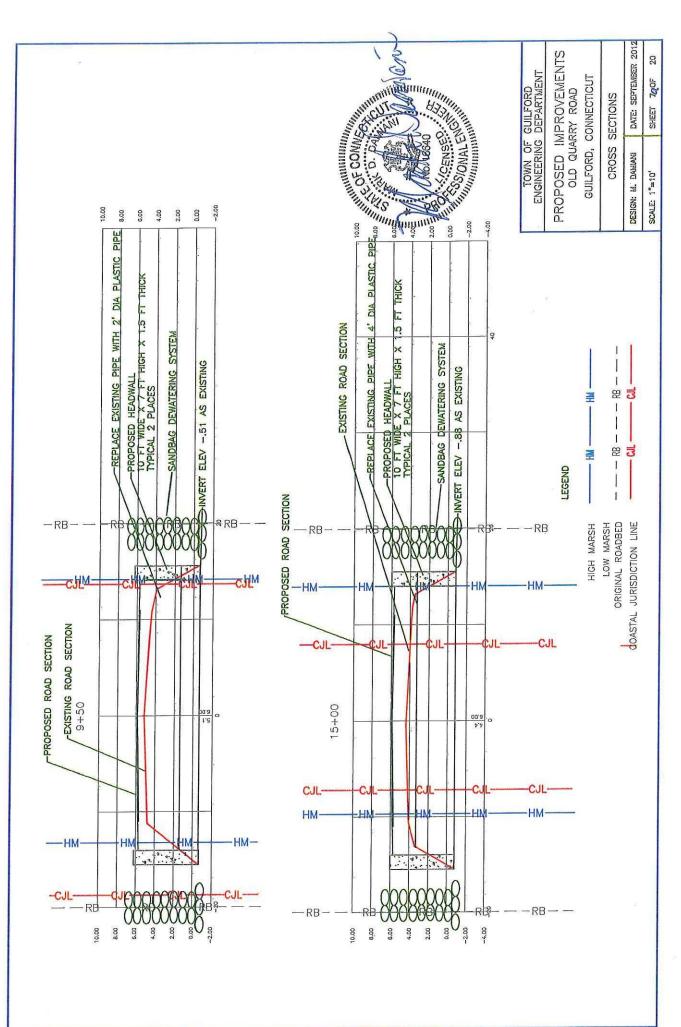
GUILFORD, CONNECTICUT

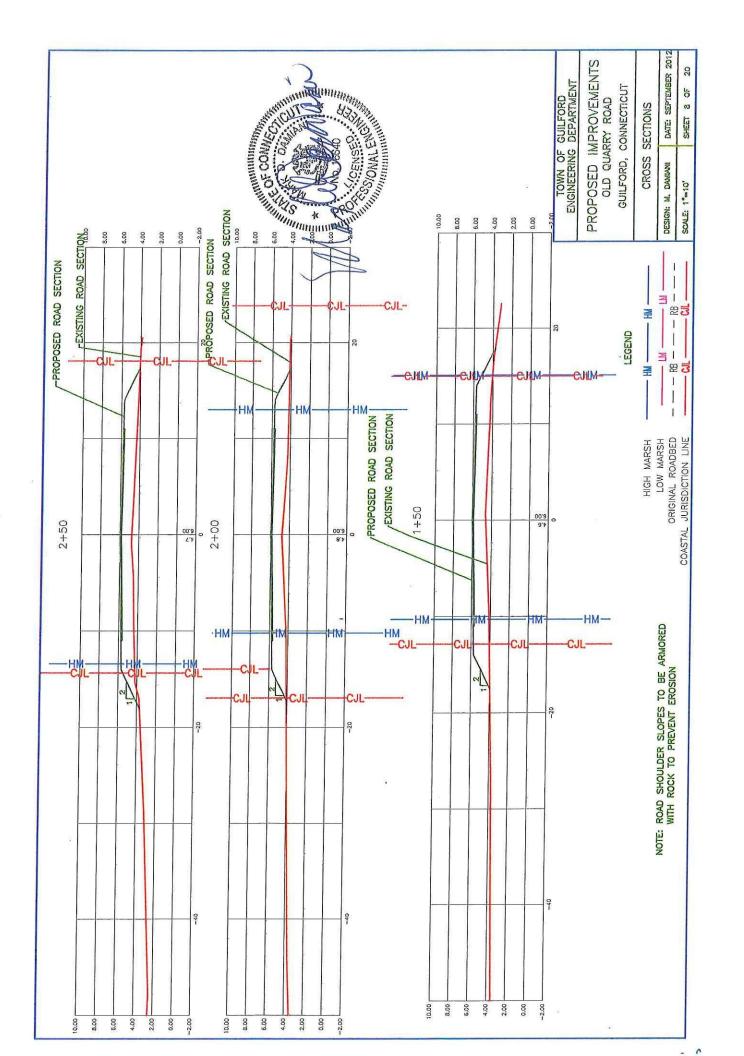
SEDIMENTATION AND EROSION CONTROL

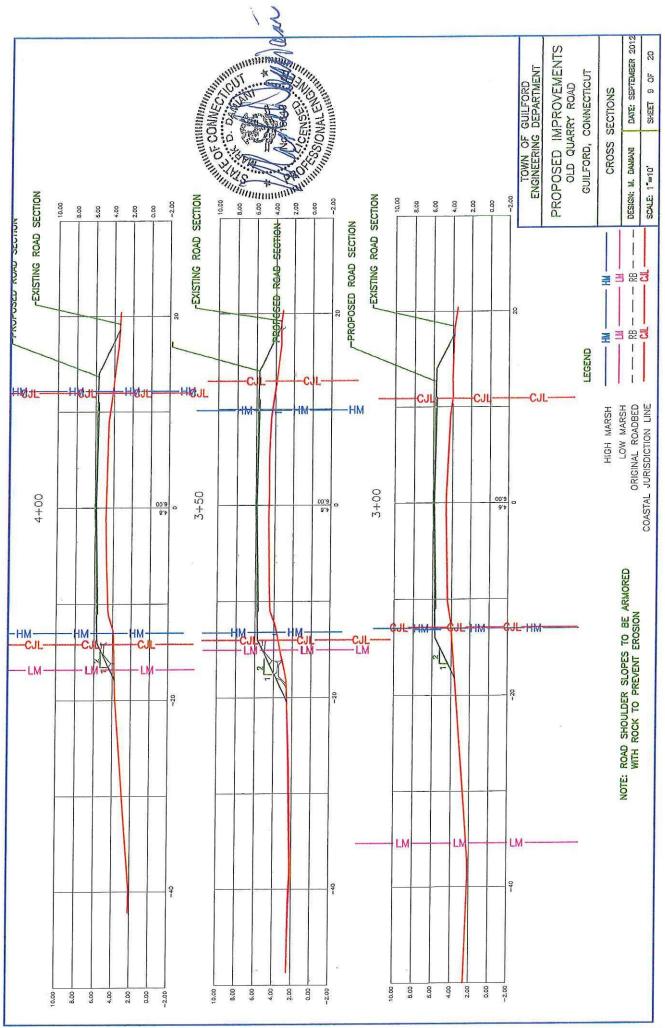


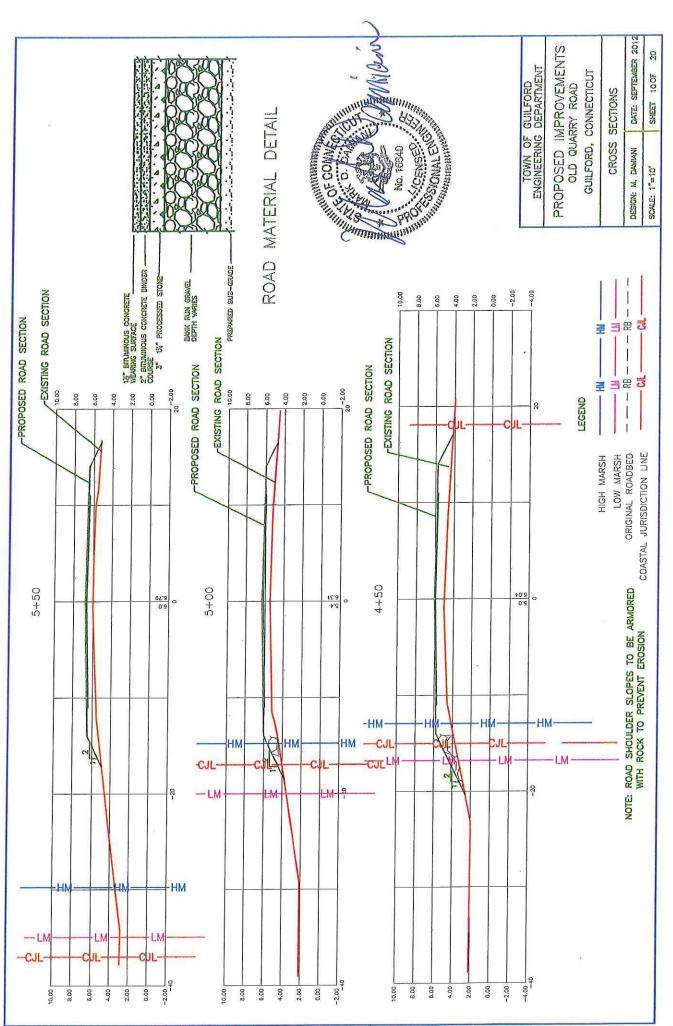


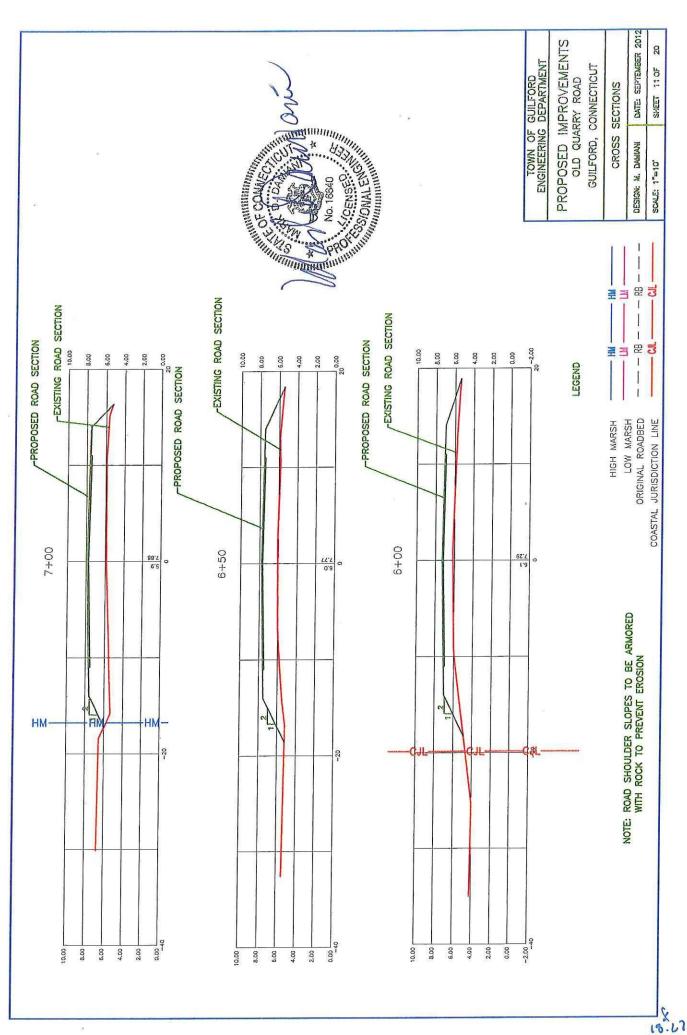
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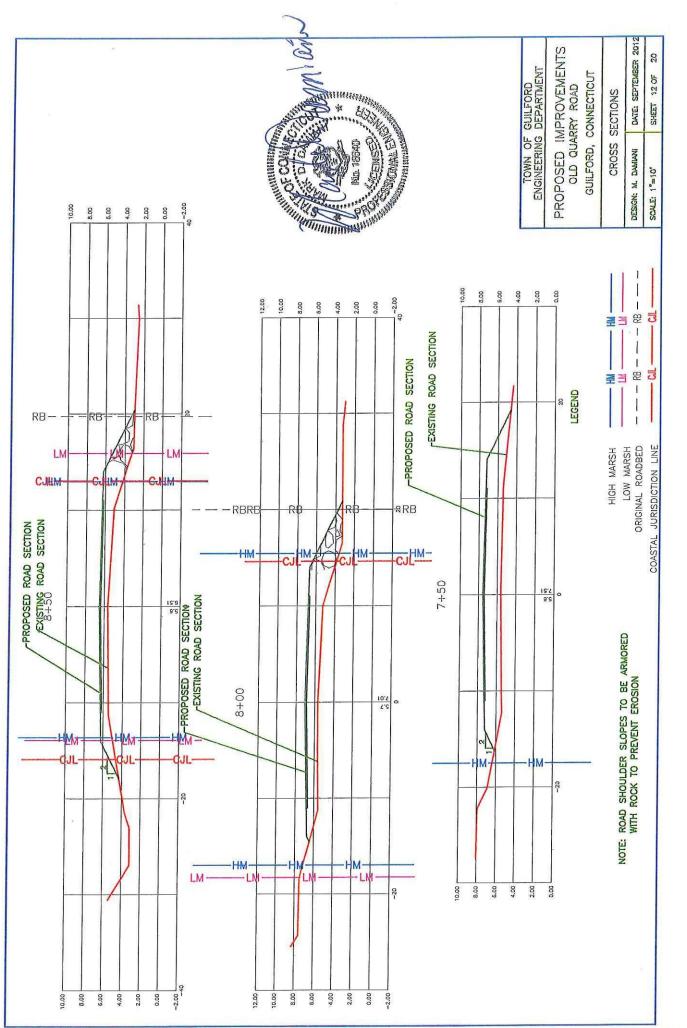


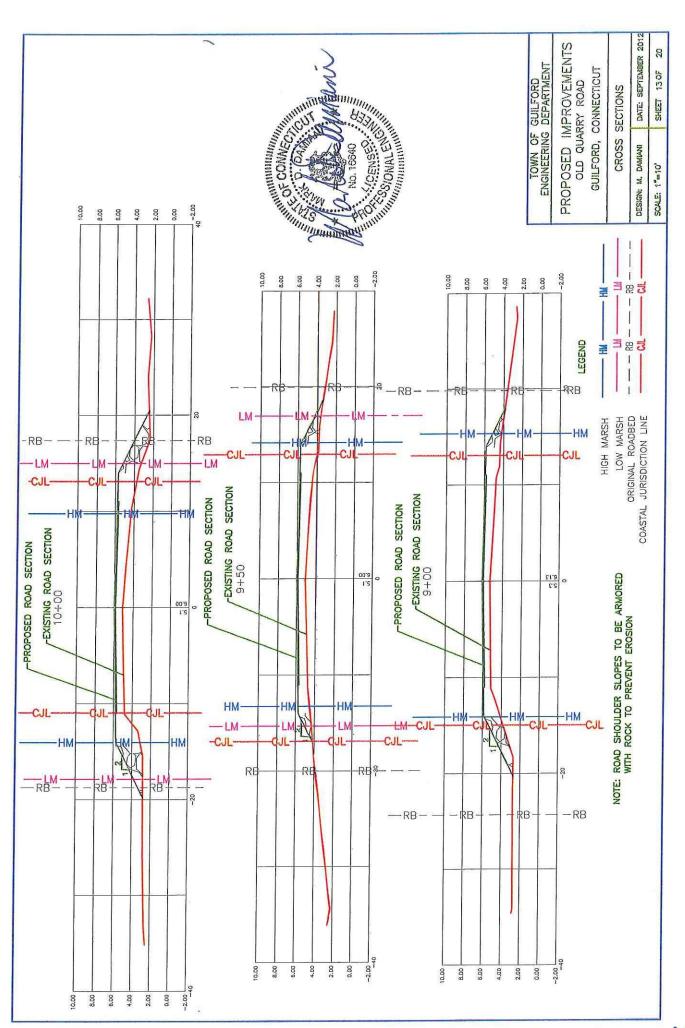


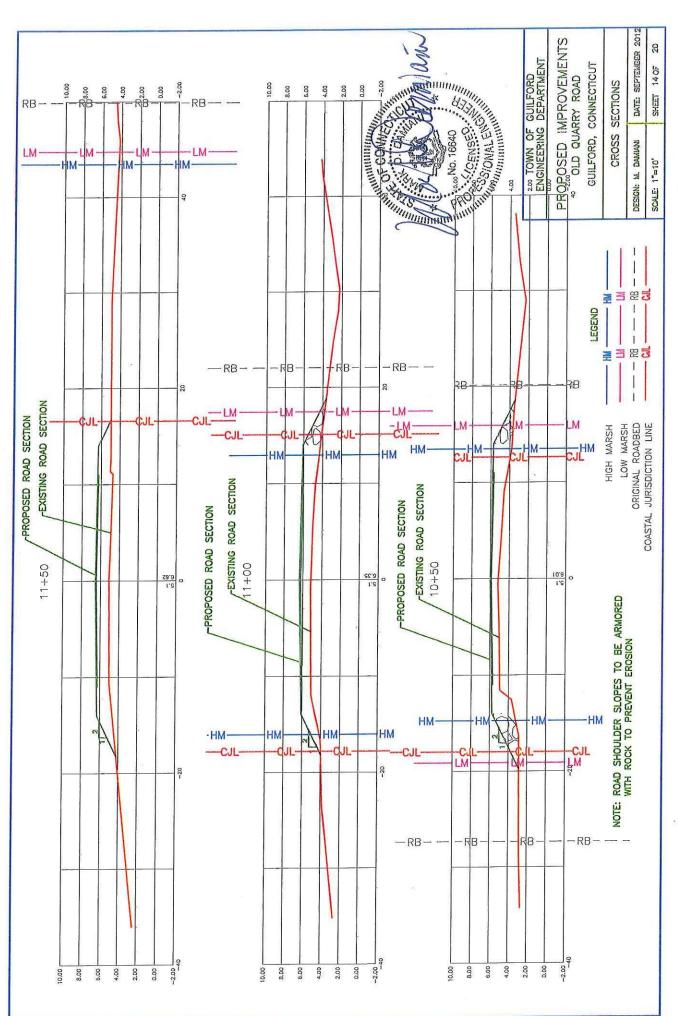




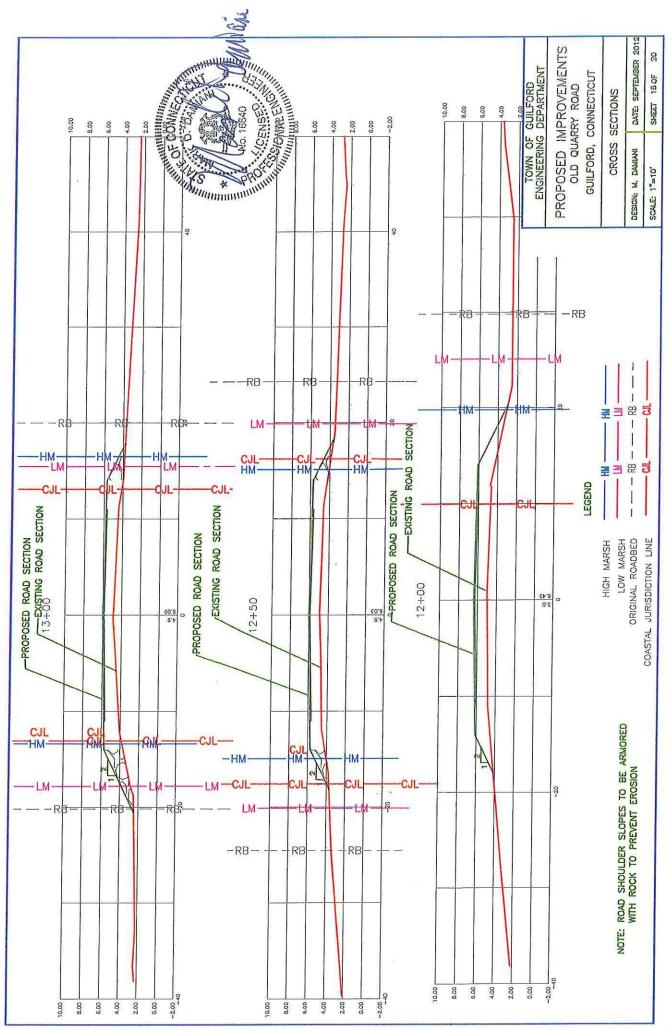


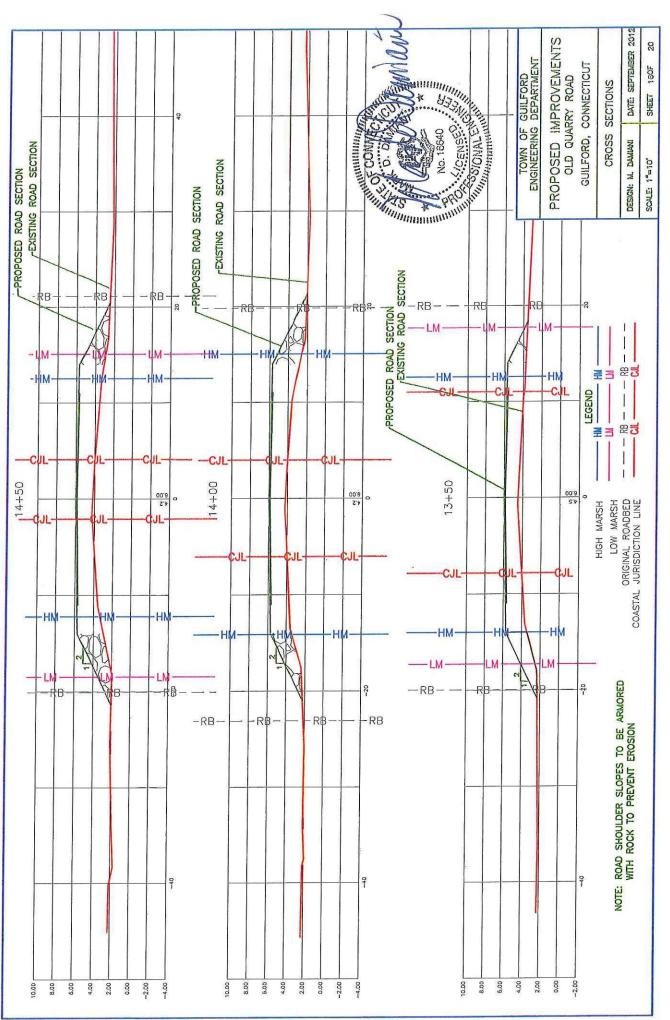


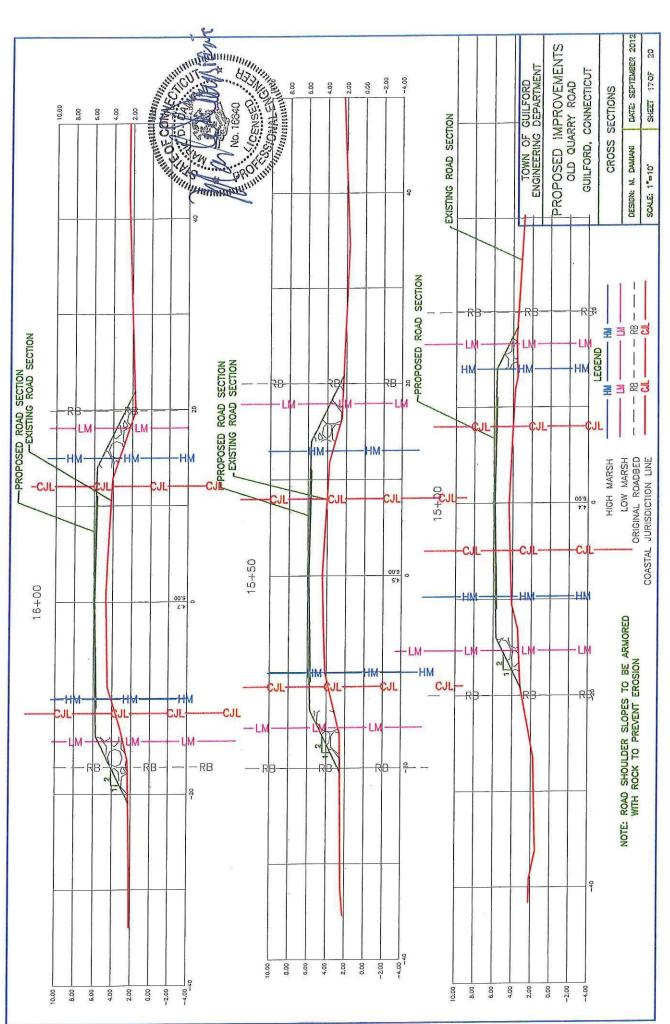


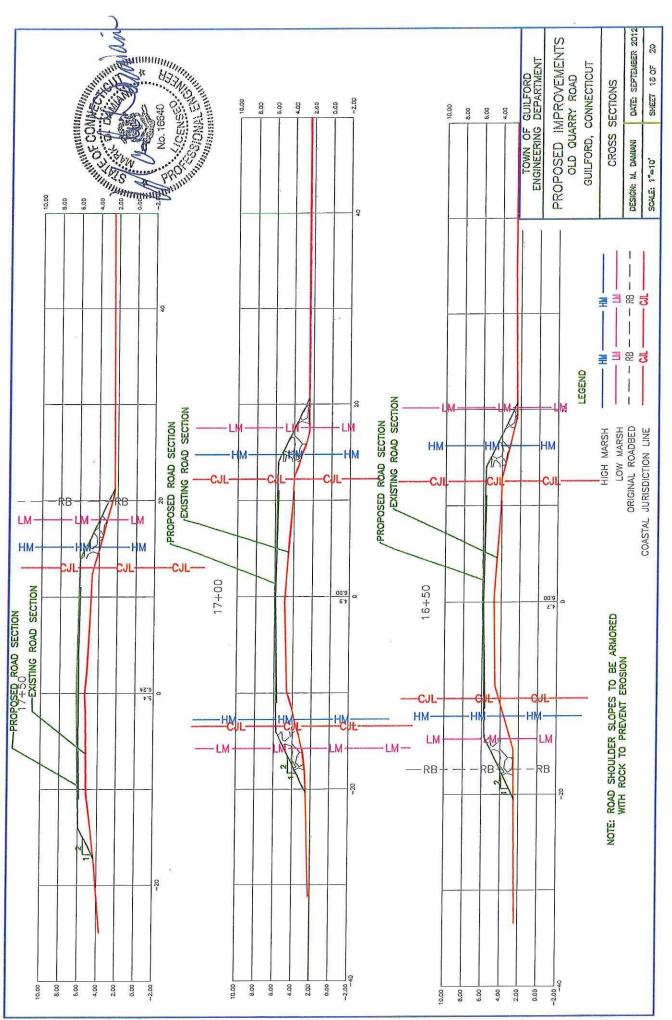


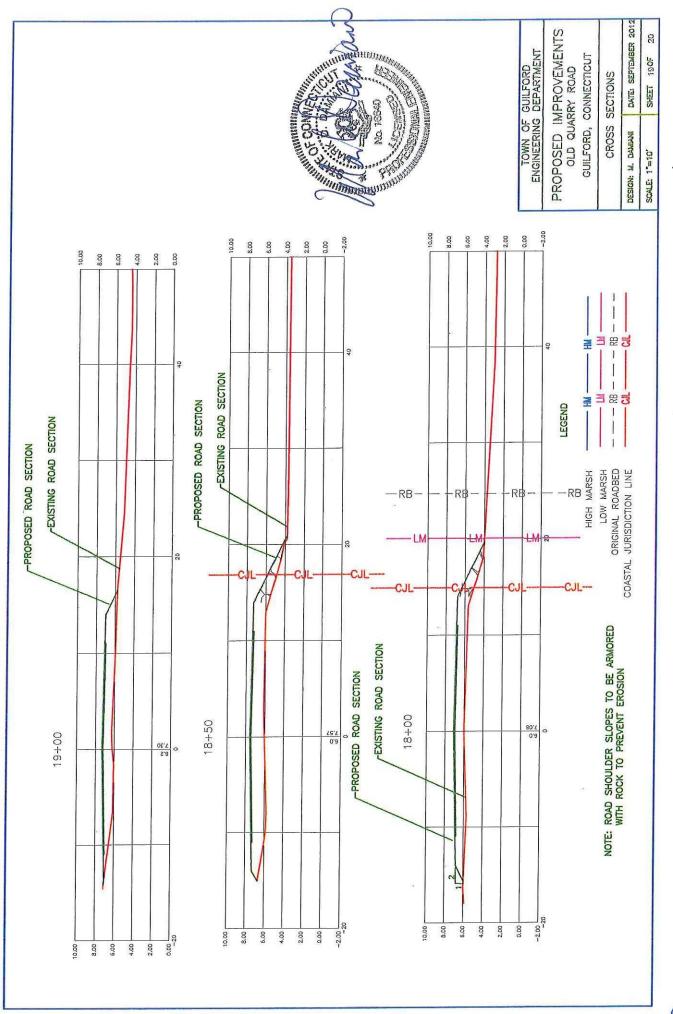
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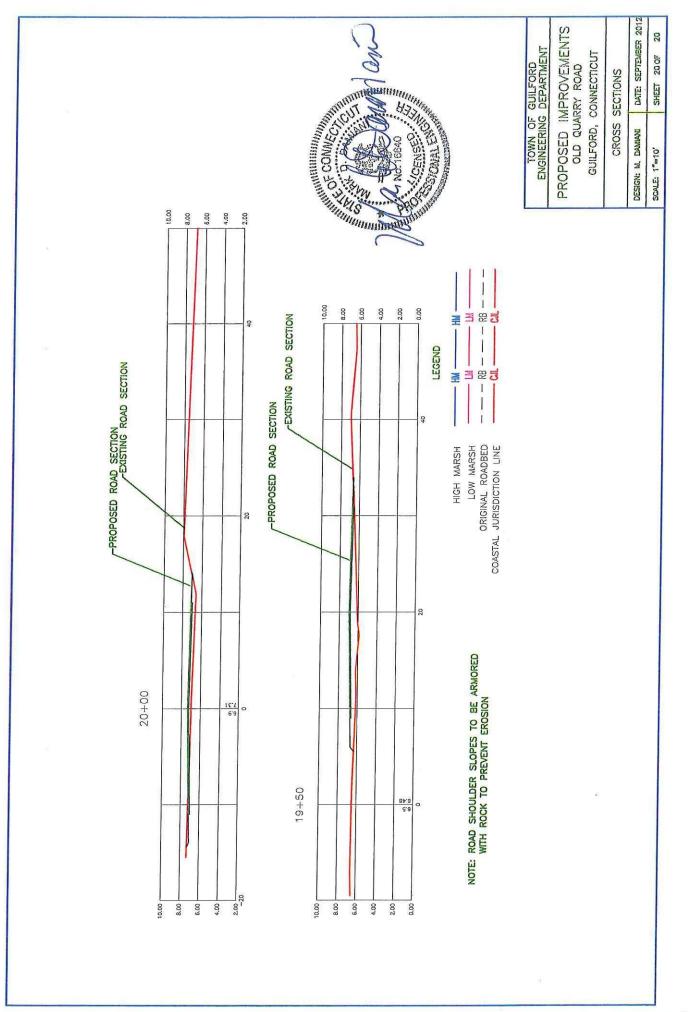












## OFFICE OF LONG ISLAND SOUND PROGRAMS

# APPENDIX A

TO: Permit Section
Department of Energy

Department of Energy and Environmental Protection

Office of Long Island Sound Programs

79 Elm Street

Hartford, CT 06106-5127

PERMITTEE:

Town of Guilford 50 Boston Street Guilford, CT 06437

Permit No:	201206784-KR,	Guilford	
CONTRACTOR 1:			
Address:		-	***
	ε		
Telephone #:	<del>- 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10</del>		
CONTRACTOR 2:	-		
Address:	26		
Telephone #:			
CONTRACTOR 3:	g		
Address:			
Telephone #:			
EXPECTED DATE OF	COMMENCE	IENT OF WORK: _	
EXPECTED DATE OF	COMPLETION	OF WORK:	
PERMITTEE:			<u> </u>
	(signature)		(date)



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:

Town of Guilford

At this location:

Old Quarry Road, Guilford

To conduct the following: to raise the elevation of Old Quarry Road and replace two existing culverts.

Permit #:201206784-KR

Issued on: October XX, 2013

This Authorization expires on: October XX, 2018

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