

Connecticut Department of Energy and Environmental Protection License*

Structures, Dredging & Fill Permit

Licensee(s):	John & Barbara Erdmann
Licensee Address(s):	2 Nathan Hale Drive
0 7	Norwalk, CT 06854
License Numb <mark>er(s):</mark>	202305516-SDF
Municipality:	Norwalk
Project Description:	Conduct dock modifications and maintenance dredging with open wate
	disposal for residential boating access; and retain existing shoreline
	structures for flood & erosion control.
Project Address/Location:	2 Nathan Hale Drive, Norwalk, CT
Waters:	Wilson Cove
Authorizing CT Statute(s) and/or Federal Law:	CGS Section 22a-359 to 363g; CGS Section 22a-90 to 112
Applicable Regulations of CT State Agencies:	22a-426-1 to 9
Agency Contact:	Land & Water Resources Division,
	Bureau of Water Protection & Land Reuse, 860-424-3019
License Expiration:	Five (5) years from the date of issuance of this license.
Project Site Plan Set:	Seven pages of site plans prepared by Land-Tech Consultants, Inc. dated 12/13/2022.
License Enclosures:	LWRD Dredging and General Conditions; Land Record Filing; LWRD
	Work Commencement Form; LWRD Dredging Report; LWRD
	Compliance Certification Form; Site Plan Set
iout's Uniform Administrative Dro.	cedure Act defines License to include "the whole or part of any agency permit

*Connecticut's Uniform Administrative Procedure Act defines License to include, "the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law . . ."

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Authorized Activities:

The Licensee is hereby authorized to conduct the following work as described in application # 202305516 and as depicted on any site plan sheets / sets cited herein:

- 1. Retain approximately 147 linear feet of approximately 2' wide by 5' high stone masonry seawall, with a top elevation not exceeding elevation10.27' NAVD88, located between the western side of the dock and extending southerly to the property line.
- 2. Retain approximately 123.5 cubic yards of riprap stone over 3,335 square feet along the shoreline, as shown on plan sheet 3 of 7 (Figure 3).
- 3. Modify the existing dock by:
 - a. the removal of a 2' wide by 9' long pierhead from the existing fixed pier and installation of a railing in the gap;
 - b. retention of a 30' long by 9.5' wide float, as shown on plan sheet 4 of 7 (Figure 4); and
 - c. the installation of one wooden pile into the water north of the existing dock.
- 4. Mechanically dredge, using heavy machinery on a barge during mid to high tide, a maximum of 1,250 cubic yards of material from an approximately 0.18 acre area in the vicinity of the dock to a proposed depth of -5.5 feet at mean lower low water (MLLW), plus one foot of allowable over-dredge to -6.5 feet MLLW.
- 5. Dispose of a maximum of 1,250 cubic yards of dredged material via barge at the Western Long Island Sound Disposal Site (WLDS), in accordance with the Terms and Conditions of the license.

Failure to comply with the terms and conditions of this license shall subject the Licensee and / or the Licensee's contractor(s) to enforcement actions and penalties as provided by law.

This license is subject to the following Terms and Conditions:

- 1. License Enclosure(s) and Conditions. The Licensee shall comply with all applicable terms and conditions as may be stipulated within the License Enclosure(s) listed above.
- 2. **Time-of-Year Restrictions.** Unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited between June 1st and October 1st, inclusive, of any year unless otherwise authorized in writing by the Commissioner.
- 3. **Barge Staging and Storage.** Any barge utilized in the execution of the work authorized herein shall occur only during periods of higher water to prevent the barge from resting on or coming into contact with the substrate at any time.

Page 3 of 3

Issued under the authority of the Commissioner of Energy and Environmental Protection on:

Date

Graham J. Stevens Bureau Chief Bureau of Water Protection & Land Reuse





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LWRD Dredging and General Conditions

- 1. **Time-of-Year Restriction.** Unless otherwise noted in the License, unconfined in-water excavation, dredging, filling or removal of debris or other material is prohibited, inclusive, in any year from June 1 through September 30 in order to protect spawning shellfish in the area unless otherwise authorized in writing by the Commissioner.
- 2. **Dredging Report.** Not later than two (2) weeks subsequent to the completion of any dredging activity authorized herein, the Licensee shall submit to <u>DEEP.LWRDRegulatory@ct.gov</u> a completed Dredging Report. A separate form shall be submitted by the Licensee for each distinct dredging activity conducted pursuant to this license.
- 3. **Bottom Disturbance.** Dragging the bottom with a spoil barge, scow, vessel, beam or similar equipment outside of any authorized area is prohibited.
- 4. **Material Handling.** Sidecasting or in-water rehandling of dredged or excavated material is prohibited.
- 5. **Barge Control.** Spoil scows or barges shall be loaded and navigated in a manner which prevents uncontrollable motion or spillage and washout of dredged or excavated materials.
- 6. **Sale of Sediment.** Sediment dredged pursuant to the license shall not be sold nor shall any fee for its use be charged without the express prior written authorization of the Commissioner and payment of a \$4.00 per yard royalty to the state of Connecticut Department of Energy & Environmental Protection, pursuant to CGS section 22a-361(e).
- 7. Sediment Disposal. The Licensee shall dispose of aquatic sediments in accordance with the terms and conditions of the license.
- 8. Submission of As-Dredged Plans. On or before ninety (90) days after completion of the work authorized herein, the Licensee shall submit to <u>DEEP.LWRDRegulatory@ct.gov</u> an "as-dredged" survey of the work area showing contours, bathymetries, tidal datums and structures, as applicable. Such survey shall be the original one and be signed and sealed by an engineer, surveyor or architect, as applicable, who is licensed in the State of Connecticut.

Open Water Disposal, if authorized in Project Description

1. **Material Disposal.** The Licensee shall dispose of dredged or excavated material in accordance with the requirements of the United States Army Corps of Engineers-New England District, except that if the authorized disposal site is modified, the Licensee shall submit a request for modification of the location to the Commissioner and shall not dispose of the material until such location modification has been approved in writing by the Commissioner.

- 2. **Disposal Site / Use Modification.** The Commissioner may modify the authorized disposal site and direct dredged sediment to an alternate site for use as cap material, provided that no modification will take effect if such modification imposes uncompensated additional costs solely attributable to such modification on the Licensee.
- 3. **Disposal Monitoring.** The Licensee shall not dispose of dredged or excavated material unless said disposal is supervised and witnessed by an on-board inspector or documented by an automated disposal monitoring program approved by the United States Army Corps of Engineers-New England District.
- 4. **Barge Navigation.** Spoil scows or barges used by the Licensee for disposal of dredged or excavated material shall travel to and from the authorized disposal site utilizing sea lanes defined by the United States Army Corps of Engineers-New England District.
- 5. **Point Dumping.** The Licensee shall point-dump dredged or excavated materials at a specified buoy or set of coordinates identified by United States Army Corps of Engineers-New England District within the authorized disposal site.

LWRD General Conditions

- 1. Land Record Filing. The Licensee shall file the Land Record Filing on the land records of the municipality in which the subject property is located not later than thirty (30) days after license issuance pursuant to Connecticut General Statutes (CGS) Section 22a-363g. A copy of the Notice with a stamp or other such proof of filing with the municipality shall be submitted to <u>DEEP.LWRDRegulatory@ct.gov</u> no later than sixty (60) days after license issuance. If a Land Record Filing form is not enclosed and the work site is not associated with an upland property, no filing is required.
- 2. Contractor Notification. The Licensee shall give a copy of the license and its attachments to the contractor(s) who will be carrying out the authorized activities prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Licensee's contractor(s) shall conduct all operations at the site in full compliance with the license and, to the extent provided by law, may be held liable for any violation of the terms and conditions of the license. At the work site, the contractor(s) shall, whenever work is being performed, have on site and make available for inspection a copy of the license and the authorized plans.
- **3.** Work Commencement. Not later than two (2) weeks prior to the commencement of any work authorized herein, the Licensee shall submit to <u>DEEP.LWRDRegulatory@ct.gov</u>, on the Work Commencement Form attached hereto, 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.
 - For water diversion activities authorized pursuant to 22a-377(c)-1 of the Regulations of Connecticut State Agencies, the Licensee shall also notify the Commissioner in writing two weeks prior to initiating the authorized diversion.
 - For emergency activities authorized pursuant Connecticut General Statutes Section

22a-6k, the Licensee shall notify the Commissioner, in writing, of activity commencement at least one (1) day prior to construction and of activity completion no later than five (5) days after conclusion.

- 4. License Notice. The Licensee shall post the first page of the License in a conspicuous place at the work area while the work authorized therein is undertaken.
- **5.** Unauthorized Activities. Except as specifically authorized, 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. The Licensee may not conduct work within wetlands or watercourses other than as specifically authorized, unless otherwise authorized in writing by the Commissioner. Tidal wetlands means "wetland" as defined by section 22a-29 and "freshwater wetlands and watercourses" means "wetlands" and "watercourses" as defined by section 22a-38.
- 6. Excavated Materials. Unless otherwise authorized, all excavated material shall be staged and managed in a manner which prevents additional impacts to wetlands and watercourses.
- 7. Best Management Practices. The Licensee shall not cause or allow pollution of any wetlands or watercourses, including pollution resulting from sedimentation and erosion. In constructing or maintaining any authorized structure or facility or conducting any authorized activity, or in removing any such structure or facility, the Licensee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. For purposes of the license, "pollution" means "pollution" as that term is defined by CGS section 22a-423. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 Connecticut Stormwater Quality Manual, Department of Transportation's ConnDOT Drainage Manual as revised, and the Department of Transportation Standard Specifications as revised.
- 8. In-Water Work Vessel Staging and Storage. (for Structures Dredging & Fill, Tidal *Wetlands, Certificate of Permission,* and *Long Island Sound General Permit* Licenses only). For any barge, vessel, skiff or floating work platform ("work vessels") utilized in the execution of the work authorized herein, the Licensee shall ensure that such work vessels:
 - do not rest on, or come in contact with, the substrate at any time, unless specifically authorized in the license.
 - are not stored over intertidal flats, submerged aquatic vegetation or tidal wetland vegetation or in a location that interferes with navigation. In the event any work vessel is grounded, no dragging or prop dredging shall occur to free it.
- **9.** Work Site Restoration. Upon completion of any authorized work, the Licensee 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.
- **10. Inspection.** The Licensee shall allow any representative of the Commissioner to inspect the project location at reasonable times to ensure that work is being or has been conducted in accordance with the terms and conditions of this license.

11. Change of Use. (Applies only if a use is specified within the License "Project Description")

- a. The work specified in the license is authorized solely for the purpose set forth in the license. No change in purpose or use of the authorized work or facilities as set forth in the license may occur without the prior written approval of the Commissioner. The Licensee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this license, request permission 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 rental/lease commercial marina to a wholly-owned common interest community or dockominium may constitute a change in purpose as specified in paragraph (a) above.
- 12. De Minimis Alteration. The Licensee shall not deviate from the authorized activity without prior written approval from the Commissioner. The Licensee may request a de minimis change to any authorized structure, facility, or activity. A de minimis alteration means a change in the authorized design, construction or operation that individually and cumulatively has minimal additional environmental impact and does not substantively alter the project as authorized.
 - For diversion activities authorized pursuant to 22a-377(c)-2 of the Regulations of Connecticut State Agencies, a de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
- 13. Extension Request. The Licensee may request an extension of the license expiration date. Such request shall be in writing and shall be submitted to <u>DEEP.LWRDRegulatory@ct.gov</u> at least thirty (30) days prior to the license expiration. Such request shall describe the work done to date, what work still needs to be completed, and the reason for such extension. The Commissioner may extend the expiration date of this license for a period of up to one year, in order for the Licensee to complete the authorized activities. It shall be at the Commissioner's sole discretion to grant or deny such request. No more than three (3) one-year extensions will be granted under this license.
- 14. No Work After License Expiration. Work conducted after the license expiration date is a violation of the license and may subject the licensee to enforcement action, including penalties, as provided by law.
- **15. License Transfer.** The license is not transferable without prior written authorization of the Commissioner. A request to transfer a license shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Licensee's obligations under the license shall not be affected by the passage of title to the license site to any other person or municipality until such time as a transfer is approved by the Commissioner.
- **16. Document Submission.** Any document required to be submitted to the Commissioner under the license or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

DEEP.LWRDRegulatory@ct.gov or

Regulatory Section Land & Water Resources Division Department of Energy and Environmental Protection 79 Elm Street Hartford, Connecticut 06106-5127 860-424-3019

- 17. Date of Document Submission. The date of submission to the Commissioner of any document required by the license shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under the license, 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 the license, the word "day" as used in the license means calendar day. Any document or action which is required by the license 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.
- **18. Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under the license shall be signed by the Licensee 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."
- **19.** Accuracy of Documentation. In evaluating the application for the license, the Commissioner has relied on information and data provided by the Licensee and on the Licensee's representations concerning site conditions, design specifications and the proposed work, including but not limited to representations concerning the commercial, public or private nature of the work or structures, 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, the license may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
- **20. Limits of Liability.** In granting the license, the Commissioner has relied on all representations of the Licensee, including information and data provided in support of the Licensee's application. Neither the Licensee's representations nor the issuance of the license shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
- 21. Reporting of Violations. In the event that the Licensee becomes aware that they did not or

may not comply, or did not or may not comply on time, with any provision of this license or of any document incorporated into the license, the Licensee shall immediately notify the agency contact specified within the license 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 agency contact, the Licensee shall provide, for the agency's review and written approval, a report including the following information:

- a. the provision(s) of the license that has been violated;
- b. the date and time the violation(s) was first observed and by whom;
- c. the cause of the violation(s), if known;
- d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
- f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented; and
- g. the signatures of the Licensee and of the individual(s) responsible for actually preparing such report.

If the violation occurs outside of normal business hours, the Licensee shall contact the Department of Energy and Environmental Protection Emergency Dispatch at 860-424-3333. The Licensee shall comply with any dates which may be approved in writing by the Commissioner.

- **22. Revocation/Suspension/Modification.** The license may be revoked, suspended, or modified in accordance with applicable law.
- **23. Other Required Approvals.** License issuance does not relieve the Licensee of their obligations to obtain any other approvals required by applicable federal, state and local law.
- **24. Rights.** The license 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.
- **25. Condition Conflicts.** In the case where a project specific special condition listed on the license differs from, or conflicts with, one of the general conditions listed herein, the project specific special condition language shall prevail. It is the licensee's responsibility to contact the agency contact person listed on the license for clarification if needed prior to conducting any further regulated activities.



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Compliance Certification Form

The following certification must be signed by the licensee working in consultation with a Connecticut-licensed design professional and must be submitted to the address indicated at the end of this form within ninety (90) days of completion of the authorized work.

1. Licensee Name:				
DEEP License Number(s):				
Municipality in which project is occurring:				
2. Check one:				
(a)				
(b)				
3. "I understand that any false statement in this certification is punishable as a criminal offence under section 53a- 157b of the General Statutes and under any other applicable law."				
Signature of Licensee Date				
Name of Licensee (print or type)				
Signature of CT-Licensed Design Professional Date				
Name of CT-Licensed Design Professional (print or type)				
Professional License Number (if applicable) Affix Stamp Here				
 As-built plans shall include: elevations or tidal datums, as applicable, and structures, including any proposed elevation views and cross sections included in the approved license plans. Such as-built 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. 				
• The Licensee will be notified by staff of the Land and Water Resources Division (LWRD) if further compliance review is necessary. Lack of response by LWRD staff does not imply compliance.				
Submit this completed form to : DEEP.LWRDRegulatory@ct.gov or				

Regulatory Section Department of Energy and Environmental Protection Land & Water Resources Division 79 Elm Street Hartford, CT 06106-5127



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Land Record Filing*

To: DO NOT FILE

Signature and

NOTE: Due to the electronic delivery of this license and the legal requirement to have a live signature on this document, the "Land Record Filing" as detailed in General Condition #1 will be sent to the Licensee via U.S. Mail for the Licensee to file with the city/town clerk.

<u>Date</u>:

<u>Subject</u>:

If you have any questions pertaining to this matter, please contact the Land & Water Resources Division at 860-424-3019.

Return to:

Land & Water Resources Division State of Connecticut Department of Energy & Environmental Protection 79 Elm Street Hartford, CT 06106-5127

License

*The Licensee shall file the Land Record Filing on the land records of the municipality in which the subject property is located not later than thirty (30) days after license issuance pursuant to Connecticut General Statutes (CGS) Section 22a-363g. A copy of the Notice 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 license issuance.



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9 Elm Street • Hartford, CT 06106-5127	portal.ct.gov/DEEP	Affirmative Action/Equal Opportunity Employer
	LWRD DREDGING REPO (To be completed by Licens	
License No(s).:		
Licensee Name: Address of Dredging Activity:		
Dredging Contractor Information:		
Name:		
Mailing Address:		
Business Phone:		
Contact Person:		
E-mail:		
Dates Dredged:		
Total Volume Dredged during this	period:	
Disposal Volume(s) and Location(s):	
**If any portion of the dredged mat	erials was used in a beneficia	l manner, please identify the beneficial
use type (i.e. beach nourishment, ha	bitat restoration, landfill cap	, construction materials), volume of
dredged material utilized and the lo	cation of beneficial usage.	
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Document Certification:

"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."

Signature of Licensee

Date

If you have any questions pertaining to this form, please contact the Land & Water Resources Division at 860-424-3034. Return to:

DEEP.LWRDRegulatory@ct.gov or Land & Water Resources Division State of Connecticut Department of Energy & Environmental Protection 79 Elm Street Hartford, CT 06106-5127



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LWRD Work Commencement Form

To:	DEEP.LWRI	DRegulatory@ct.gov or	
	Regulatory S	ection	
	Department of	of Energy and Environmental Protection	ion
		er Resources Division	
	79 Elm Stree	t	
	Hartford, CT	06106-5127	
Lice	nsee Name:		
Mur	nicipality in w	hich the project is occurring:	
		D(s):	
CO	NTRACTOR	Κ(s):	
#1	Name:		
	Address:		
	Telephone:		
	E-mail:		
#2	Name:		
	Address:		
	Telephone:		
	E-mail:		
#3	Name:		
	Address:		
	Telephone:		
	E-mail:		
Date	Contractor(s)	received a copy	
of th	e license and a	approved plans:	_
EXP	ECTED DAT	E OF COMMENCEMENT OF WOR	RK:
EXP	ECTED DAT	E OF COMPLETION OF WORK:	
LICI	ENSEE:		
		(Signature)	(Date)

LANDTECH

Civil/ Site Engineering · Site Planning Environmental Science & Engineering Landscape Architecture · Land Surveying Permit Coordination & Management Construction Management & Financing

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Figure 1 Site Vicinity Map 2 Nathan Hale Drive Norwalk,CT

1 inch = 0.25 miles

0.25

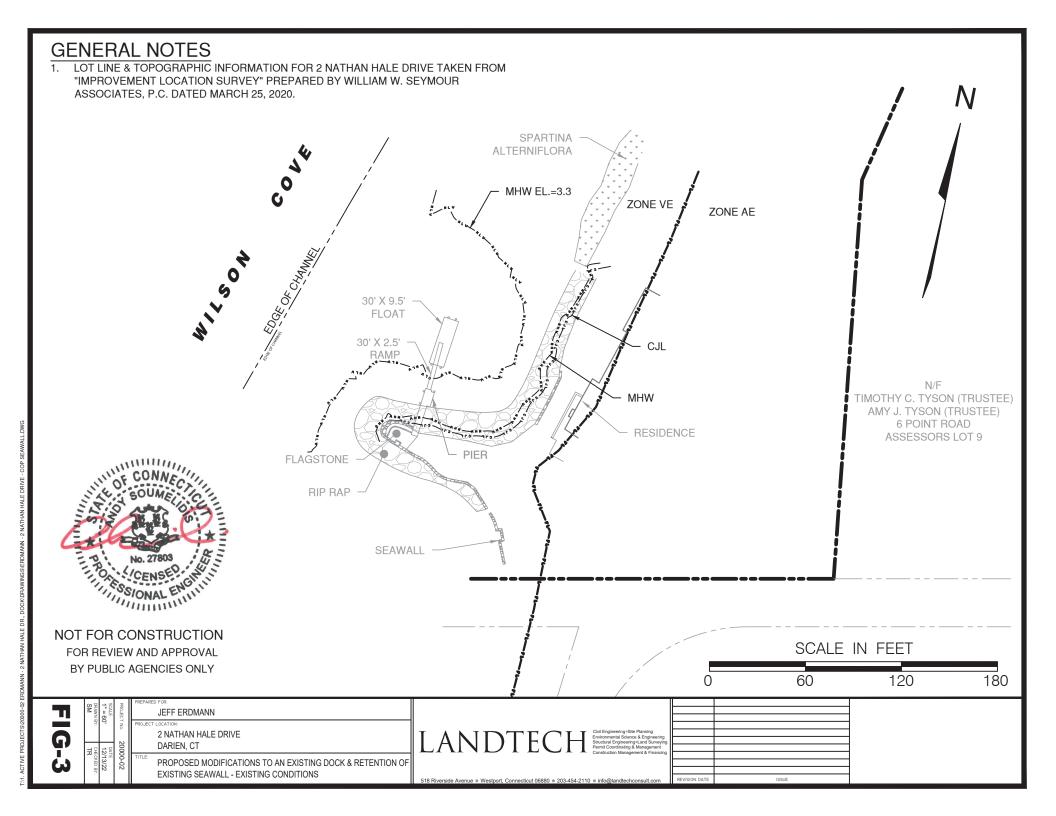
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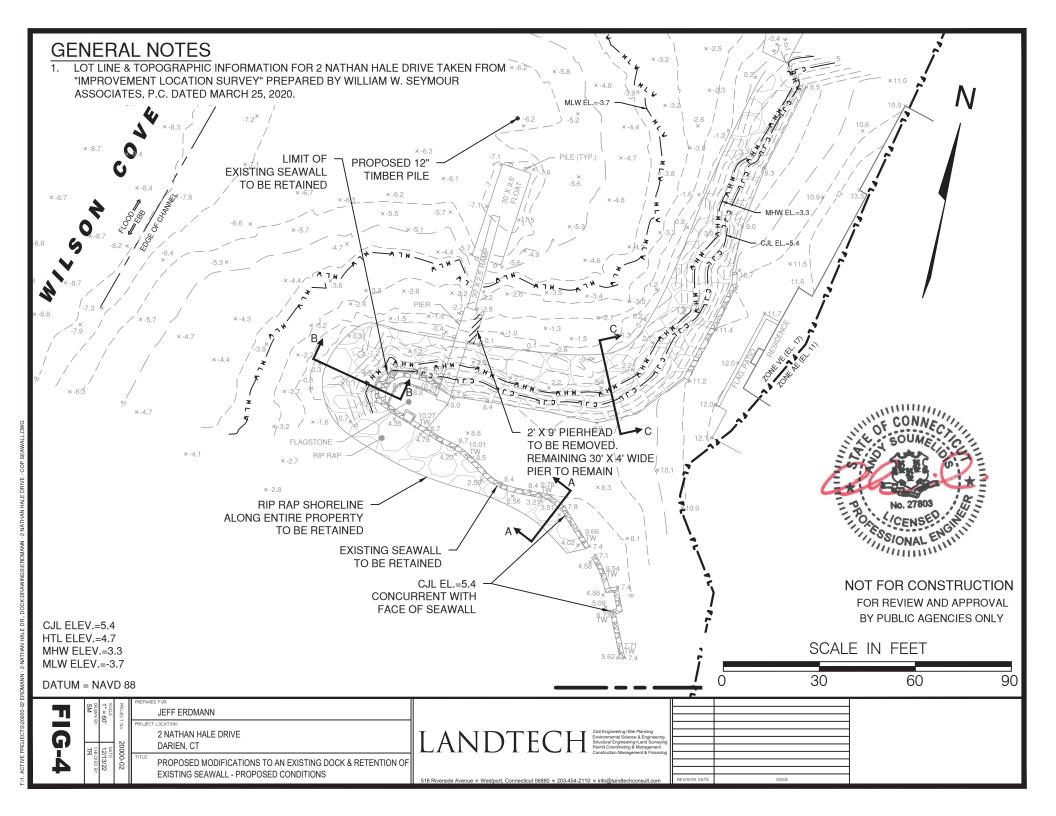




2 Nathan Hale Drive

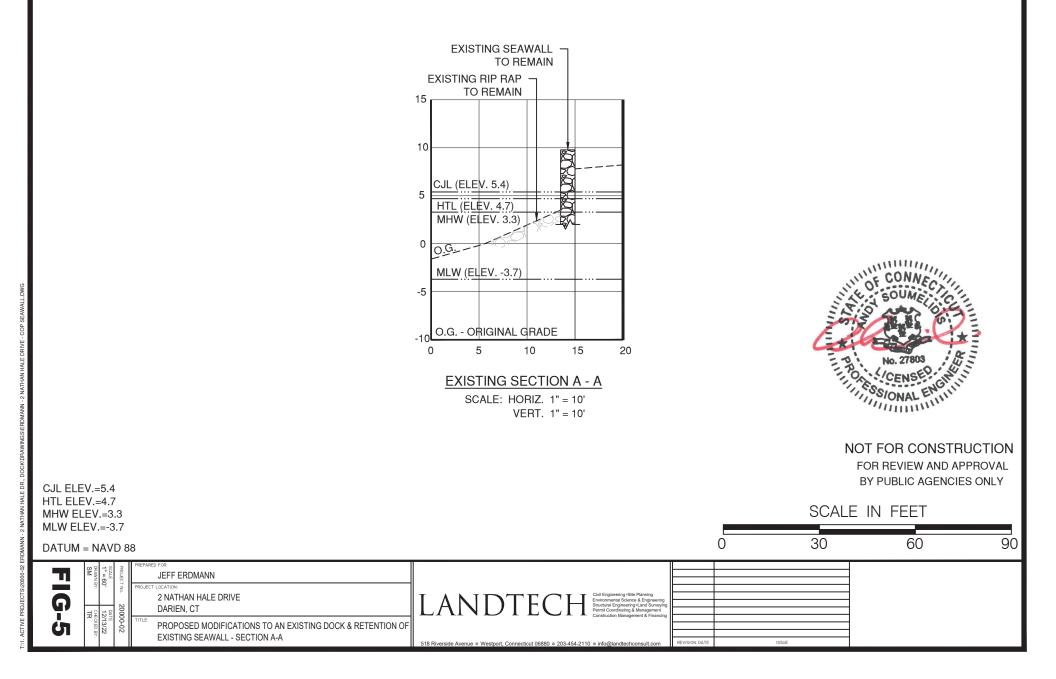
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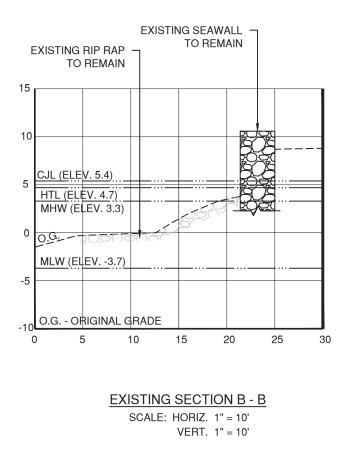
GENERAL NOTES

1. LOT LINE & TOPOGRAPHIC INFORMATION FOR 2 NATHAN HALE DRIVE TAKEN FROM "IMPROVEMENT LOCATION SURVEY" PREPARED BY WILLIAM W. SEYMOUR ASSOCIATES, P.C. DATED MARCH 25, 2020.



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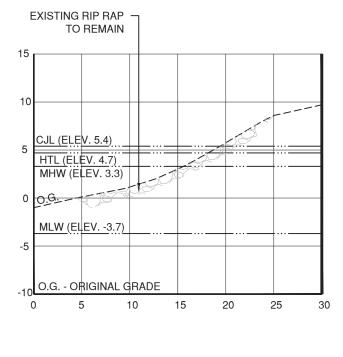


FOR REVIEW AND APPROVAL BY PUBLIC AGENCIES ONLY



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EXISTING SECTION C - C SCALE: HORIZ. 1" = 10' VERT. 1" = 10' SOONAL ENGINITI

