

ENVIRONMENTAL PROTECTION COMMISSION



DARIEN TOWN HALL • RENSHAW ROAD
DARIEN, CONNECTICUT 06820
656-7351

CERTIFIED MAIL RETURN RECEIPT REQUESTED

July 2, 2020

Robert & Jodie Stocker Kennedy
12 Nolen Lane
Darien, CT 06820

Dear Mr. & Mrs. Kennedy:

The Environmental Protection Commission voted on the following application at its July 1, 2020 meeting:

**CONDITIONAL APPROVAL
PERMIT TO CONDUCT A REGULATED ACTIVITY
EPC APPLICATION #10-2020
EFFECTIVE DATE: July 1, 2020
EXPIRATION DATE: June 30, 2025**

Applicants: Robert & Jodie Stocker Kennedy

Property Address of Proposed Activity: 12 Nolen Lane

Shown on: Assessor's Map #8 as Lot #41.

Proposed Activity: Replace drainage pipe within a regulated area and upland review area.

Approved Plans: "Drainage Plan" (sheet 1 of 2); "Detail Sheet" (sheet 2 of 2) Fairfield County Engineering" and dated 2/11/20; and "Wetland Mitigation Planting Plan" by Aleksandra Moch and dated 5/28/20.

The Environmental Protection Commission ("the Commission") has considered the application with due regard to the matters enumerated in Section 22a-41 of the Connecticut General Statutes, as amended, and in accordance with Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Darien, and has found that a conditional approval is in conformance with the purposes and provisions of said sections.

This authorization refers to the application to conduct regulated activities within and adjacent to inland wetlands within the Town of Darien. The Commission has conducted its review and findings on the bases that:

In issuing this permit, the Commission has relied on the Applicants' representations and assurances, and makes no warranties and assumes no liability as to the structural integrity of the design neither of any structures, nor to the engineering feasibility or efficacy of such design.

In evaluating this application, the Commission has relied on plans, specifications, representations, and information provided by the Applicants. In the event any such plans, specifications, representations, and information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, or in the event any such plans, specifications, or representations, are materially modified, after interested parties have had an opportunity to be heard at a duly noticed public hearing, this permit may be modified, suspended or revoked by the Commission.

The Environmental Protection Commission determined that a public hearing would be in the public interest. The public hearing was opened and closed on June 3, 2020. During the Commission's hearing, the Applicants and the Applicants' representatives presented information explaining the project, and provided answers to concerns and questions raised by the Commission. Members of the general public were provided an opportunity to express their opinions and comments regarding the proposed activities.

I. Project Description

The Applicants are proposing to replace a deteriorated drainage pipe within a lawn area and provide a plunge pool to prevent scour. The proposal will add wetland plantings to enhance the area and the plunge pool will improve the wetland function by controlling erosion.

II. Decision

The Applicants asserted that there will be no likely adverse impacts to the wetlands or watercourses. The Commission agrees that there does not need to be additional analysis of alternatives based on their finding of no likely significant adverse impacts to inland wetlands or watercourses, and pursuant to Section 22a-41(b) of the CT General Statutes and Section 10.3 of the Town's Inland Wetlands and Watercourses Regulations.

EPC Permit #10-2020 is hereby approved subject to the conditions and modifications listed below. This Decision is consistent with the purposes of the Darien Inland Wetlands and Watercourses Regulations which are designed to protect the citizens of the Town of Darien by providing a balance between the need for growth, development, and enjoyment of the natural resources of Darien with the need to protect its environment and ecological stability.

III. Conditions

1. A "Notice of Wetland Permit" shall be filed on the Darien Land Records referencing the permit conditions.

2. The Applicants shall provide an “as-built” plan of the drainage system. The Professional Engineer shall inspect the construction as necessary and shall certify in writing to the Commission that they were installed in accordance with the approved plans.

3. **This permit does not relieve the Applicant of their responsibility to comply with all other applicable rules, regulations, and codes of other Town agencies or other regulating agencies.**

4. The Applicants shall notify the Environmental Protection Commission two business days prior to commencement of any activity that is subject to the terms of this Approval. After appropriate sediment and erosion controls are in place the staff will inspect such controls to ensure they are sufficient and installed in accordance with the approved plan. Sediment and erosion control measures shall be maintained until all disturbed areas are stabilized and re-vegetated and may only be dismantled following reasonable advance (two business days) notice to the Commission staff.

5. Any increase in the extent of grading, re-grading, development, disturbance, or impacts within the wetlands or watercourses, or upland review area around the wetlands, or other significant amendments to the approved plan will require prior submission to and review by the Commission in accordance with Section 7.8 of the Inland Wetlands and Watercourses Regulations of the Town of Darien.

6. All erosion and sediment controls shall be installed in accordance with the “2002 CT E&S Guidelines”. The Commission staff or site monitor may require additional controls and /or abatement at any time, including but not limited to, silt fence, hay bales, outlet protection, stone filters, and energy dissipaters.

7. Construction of any structures, any excavation, fill, obstructions, encroachment, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon the initiation of the activities authorized herein, the Applicant/Permittee accepts and agrees to comply with the terms and conditions of this permit. **This Approval may be revoked or suspended if the Applicant/Permittee or its successors and assigns fail to comply with the terms, provisions, conditions, and limitations of this Approval. The Commission may require the Applicant or their successors and assigns, as the case may be, to appear before them if any violation or non-compliance is determined by the Commission staff to be occurring.** The Commission reserves the right, at its discretion, to require remediation and additional bonding or insurance to assure compliance with this permit.

8. This Approval shall not be assigned or transferred by the Applicant/Permittee to any other party without prior written notification submitted not less than five business days in advance to the Commission. Any assignee, transferee, and/or subsequent owner(s) shall provide a written statement to the Commission that such person is familiar with and accepts the conditions of this Approval.

9. The duration of this permit shall be five (5) years and shall expire on the date specified. All proposed activities must be completed and all conditions of this permit must be met within two years from the commencement of the proposed activity. Any request for renewal must be received prior to the expiration date.

On behalf of the Commission,



Richard B. Jacobson
Environmental Protection Officer

cc: Wayne D'Avanzo, P.E.
Aleksandra Moch, PWS