

EPC-13-202
RECEIVED

TOWN OF DARIEN
ENVIRONMENTAL PROTECTION COMMISSION

Darien Town Hall
2 Renshaw Road
Darien, CT 06820

MAY 8 2020

APPLICATION FOR PERMISSION TO CONDUCT A
REGULATED ACTIVITY WITHIN AN INLAND WETLAND
OR WATERCOURSE AREA IN THE TOWN OF DARIEN

TOWN OF DARIEN
PLANNING & ZONING

All applicants must complete this application form for preliminary review. The Commission will then notify the applicant of any additional information that may be required and will schedule a Public Hearing, if necessary. In addition to the information supplied below, the applicant may submit other supporting facts or documents which may assist the Commission in its evaluation of this proposal.

1. Name of Applicant's Representative _____
Address _____
Telephone: Home # _____ Business # _____
E-mail: _____ (required to receive correspondence via e-mail)

2. Name of Applicant Steven K Eggle
Address 47 Five Mile River Road, Darien, CT 06820
Telephone: Home # 303-656-2668 Business # 303-655-6952
E-mail: keppdarien@gmail.com (required to receive correspondence via e-mail)

3. Applicant's interest in the property
 Owner Lessee Lessor Contract Purchaser Other
If applicant is not the property owner, written consent from property owner should be attached.

4. Name of Property Owner (if not applicant) _____
Address _____
Telephone: Home # _____ Business # _____
E-mail: _____

5. Geographical location of the property:
a) Property Address 47 Five Mile River Road
b) Assessor's Map #: 66a Lot #: 6

6. Purpose and description of activity for which authorization is requested.
a) Proposed activity will involve the following within a regulated area (check below):
_____ alteration _____ construction
_____ pollution _____ removal of material
_____ deposition of material
 other (describe): new dock

- b) Attach a general description of the proposal and identification of each regulated activity for which a permit is sought.
- c) Attach a scaled and dimensioned map and sketch showing location of proposed activity on property and include the wetland boundary line as shown on the Inland Wetlands and Watercourses Map for the Town of Darien at the Planning and Zoning Office.
- d) Please submit the following detailed plan of the proposal:
1. Wetland boundary must be shown on the applicant's map. In some cases, a request may be made to have a qualified soil scientist stake the wetland boundary on the site prior to the Environmental Protection Commission's site visit. The stakes are to be numbered in the field and, correspondingly, on the map.
 2. Cross sections of proposed structures and regrading.
 3. Measurements from fixed markers (house, utility poles, major trees) to proposed activity (structure, areas of filling, regrading, riprap, etc.).
 4. The position of all trees over 12 inches in diameter, and all trees of any size to be removed.
- e) Construction plan (narrative) describing the methods to be used including, equipment type, equipment accessways, the materials to be used (wood, stone, concrete, etc.) and the construction sequence.
- f) Detailed surface runoff, sedimentation and erosion control plans (narrative and graphic) explaining the surface runoff, sedimentation and erosion controls to be used and their location.
- g) Purpose of the proposed activity (i.e., addition to existing dwelling, new business, etc.):
new dock

7. Names and addresses of adjacent property owners (attach separate sheet). In the case of a Public Hearing, property owners within 100 feet must be notified not less than ten (10) nor more than twenty (20) days prior to the scheduled Public Hearing.
8. Size of property: .438 acres (square feet) (acres).
9. Size of disturbance in regulated area (within the wetlands or watercourse):
new dock size 8' x 12' (square feet) (acres).
10. Size of disturbance in upland review area fixed pier 4' x 12' (square feet) (acres)

11. The property to be affected by the proposed activity contains a:

swamp marsh bog
 lake or pond floodplain watercourse
 other regulated area (describe) _____

12. Have alternatives been investigated? Explain:

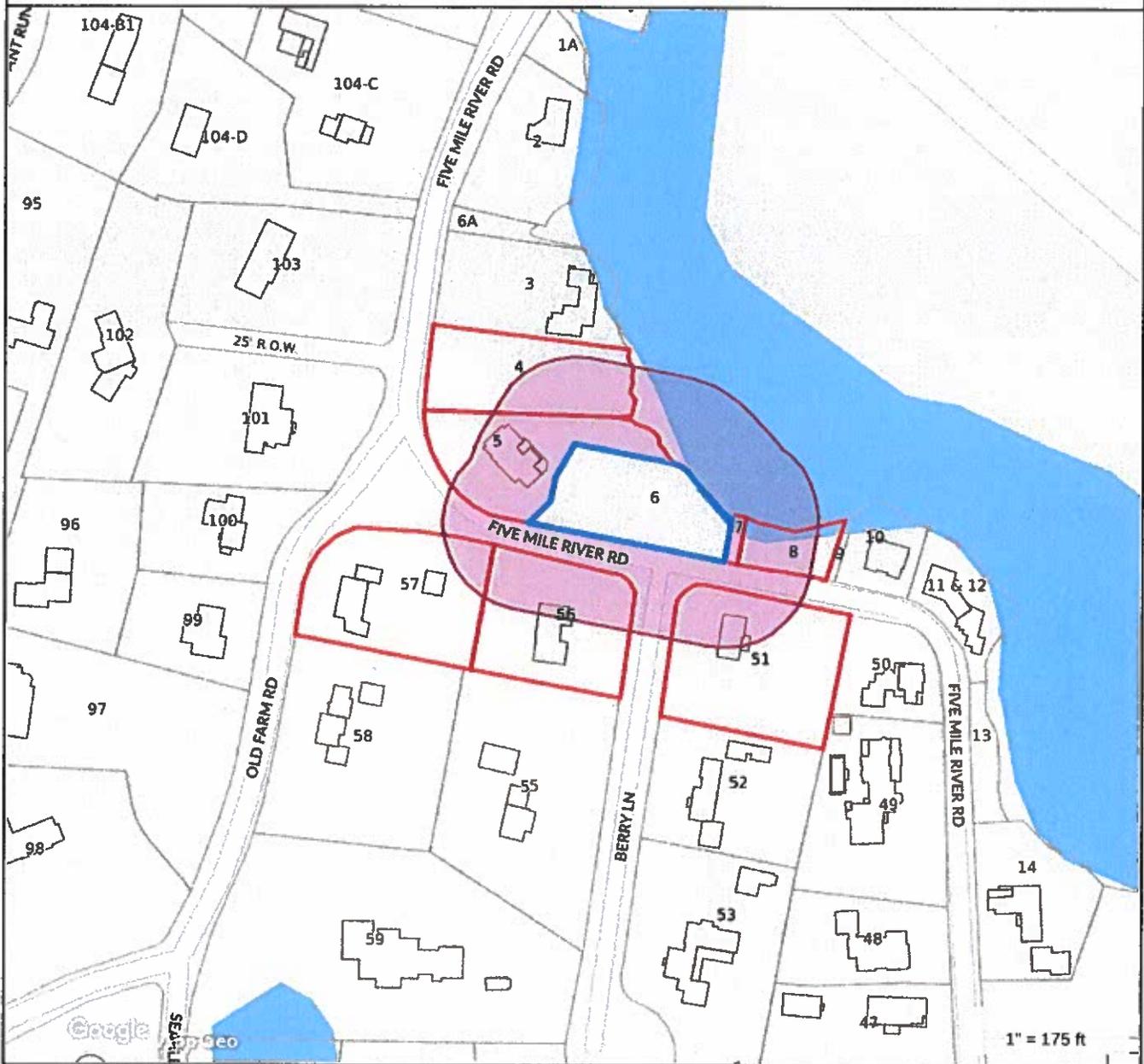
In accordance with Section 22a-42c of the State Statutes, as amended, if the property lies within five hundred feet of the boundary of an adjacent municipality, the applicant shall give written notice to the adjacent municipality of the application by certified mail, return receipt requested, on the same day that the application is filed with the EPC in Darien.

The undersigned applicant hereby consents to necessary and proper inspections of the above-mentioned property by agents of the Environmental Protection Commission, at reasonable times, both before and after, if a permit has been granted by the Commission.

The undersigned swears that the information supplied in the completed application is accurate, to the best of his knowledge and belief.

5/11/20
Date Application Filed

[Signature]
Signature of Applicant



Property Information

Property ID 10231
 Location 47 FIVE MILE RIVER ROAD
 Owner THOMAS DAVID A &



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town of Darien, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 8/1/2019
 Data updated 8/1/2019

January 9, 2020

Town of Darien
Planning & Zoning

2 Renshaw Road
Darien, CT 06820

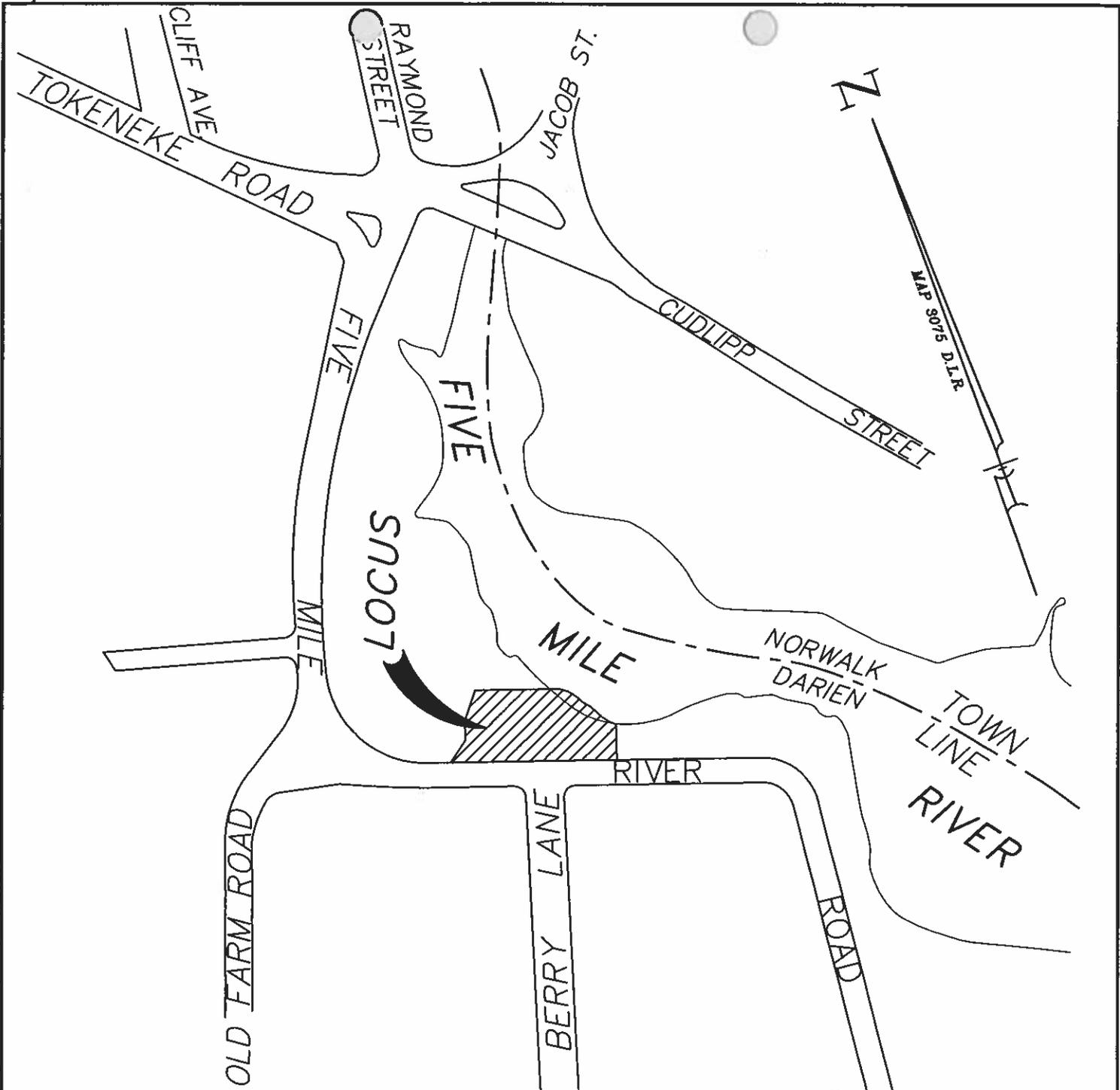
Re: Authorization to Represent

To whom this may concern:

The purpose of this letter is to give authorization to William W. Seymour and Associates, P.C. to represent me, and act on my behalf as representing agent, in our dealings with the Town of Darien and its various regulatory Boards and Commissions in conjunction with the proposed activity being undertaken on my property.

Best regards,

Lisa B Eppley



TAX ASSESSORS MAP 66, LOT 6

ZONE: RESIDENCE - R-1/2

PERMITTING AGENT

JAMES J. BAJEK, LLC
 4570 BOWEN BAYOU ROAD
 SANIBEL, FL 33957
 PHONE 603-930-4549
 JJBBAJEK@COMCAST.NET

GRAPHIC SCALE



1 inch = 200 ft.

LOCUS MAP

47 FIVE MILE RIVER ROAD
 PREPARED FOR

STEVEN K. EPPLEY
LISA B. EPPLEY

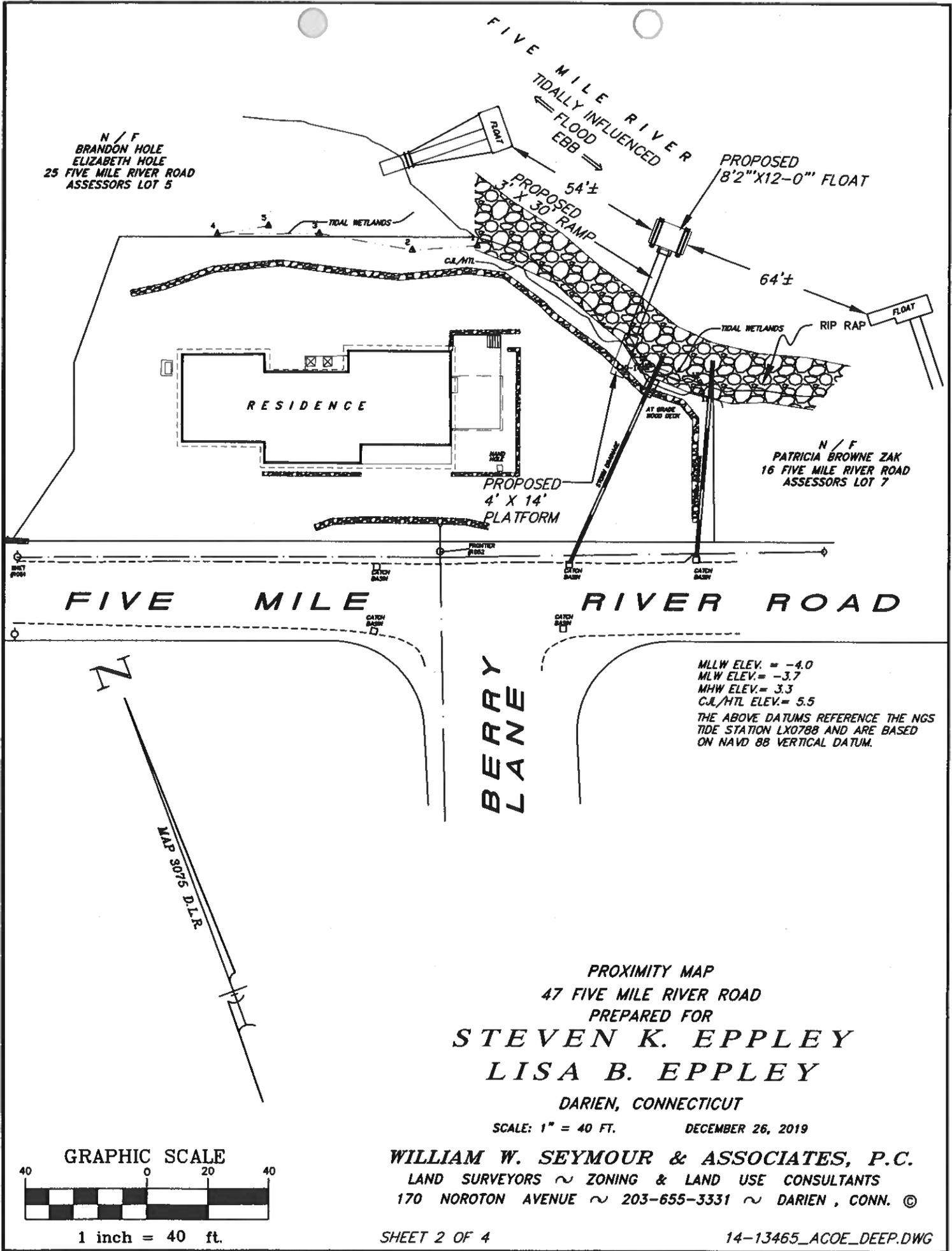
DARIEN, CONNECTICUT

SCALE: 1" = 200 FT.

DECEMBER 26, 2019

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

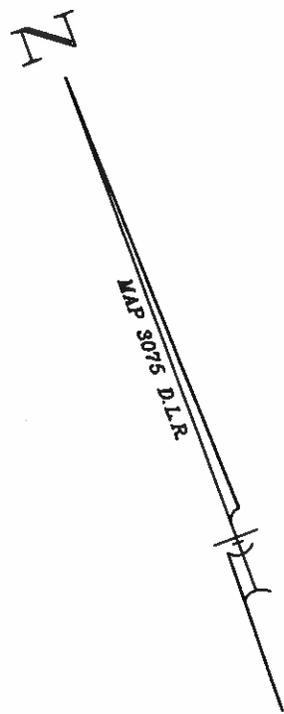


N / F
 BRANDON HOLE
 ELIZABETH HOLE
 25 FIVE MILE RIVER ROAD
 ASSESSORS LOT 5

N / F
 PATRICIA BROWNE ZAK
 16 FIVE MILE RIVER ROAD
 ASSESSORS LOT 7

MLLW ELEV. = -4.0
 MLW ELEV. = -3.7
 MHW ELEV. = 3.3
 C.U./HTL ELEV. = 5.5
 THE ABOVE DATUMS REFERENCE THE NGS
 TIDE STATION LX0788 AND ARE BASED
 ON NAVD 88 VERTICAL DATUM.

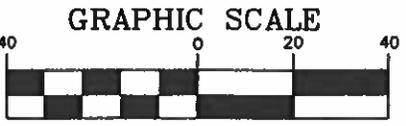
BERRY
 LANE



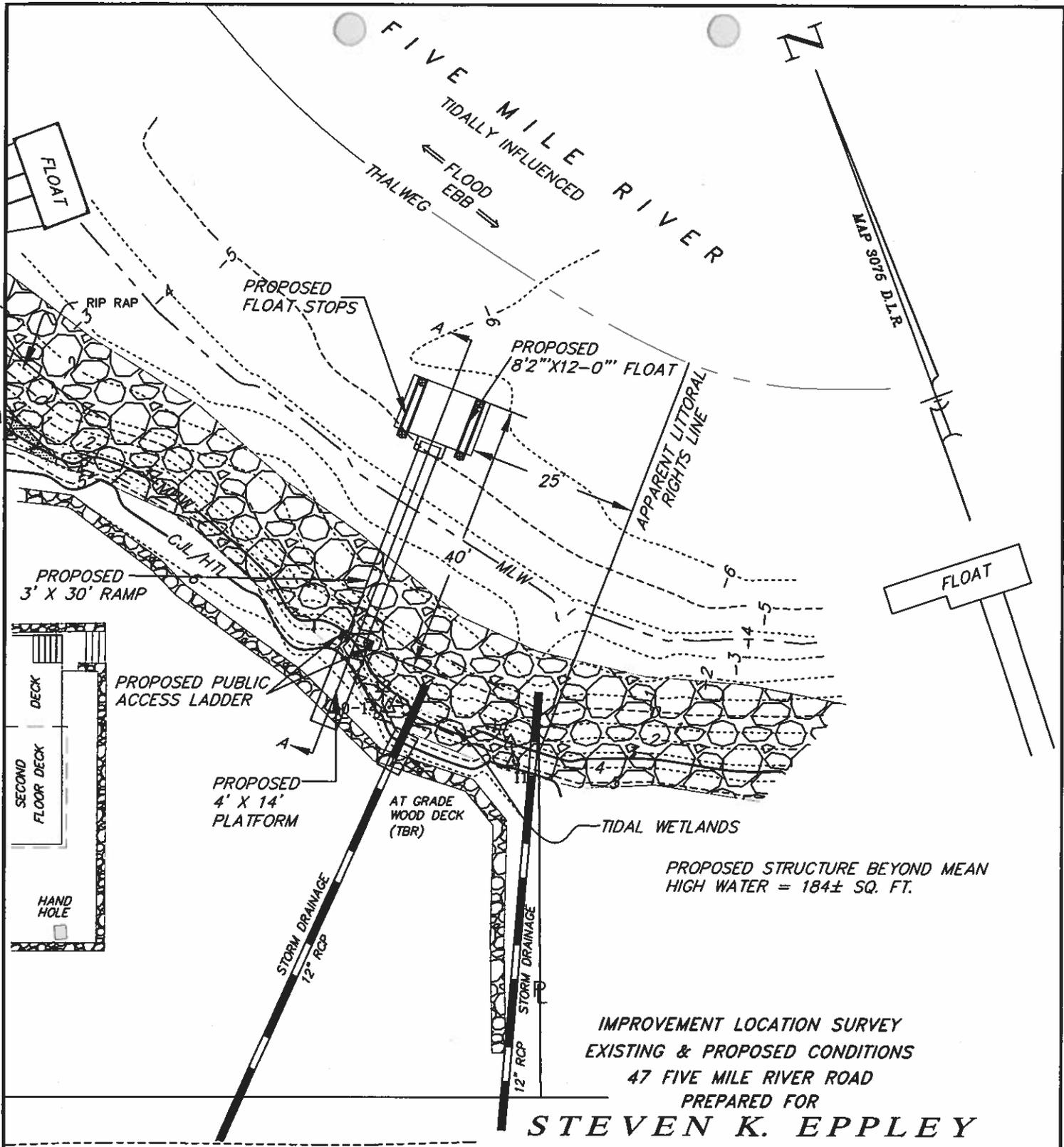
PROXIMITY MAP
 47 FIVE MILE RIVER ROAD
 PREPARED FOR
STEVEN K. EPPLEY
LISA B. EPPLEY
 DARIEN, CONNECTICUT

SCALE: 1" = 40 FT. DECEMBER 26, 2019

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1 inch = 40 ft.



IMPROVEMENT LOCATION SURVEY
 EXISTING & PROPOSED CONDITIONS
 47 FIVE MILE RIVER ROAD
 PREPARED FOR
STEVEN K. EPPLEY
LISA B. EPPLEY

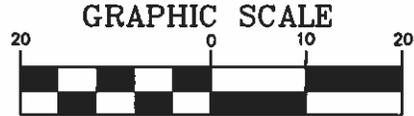
DARIEN, CONNECTICUT

SCALE: 1" = 20 FT.

DECEMBER 26, 2019

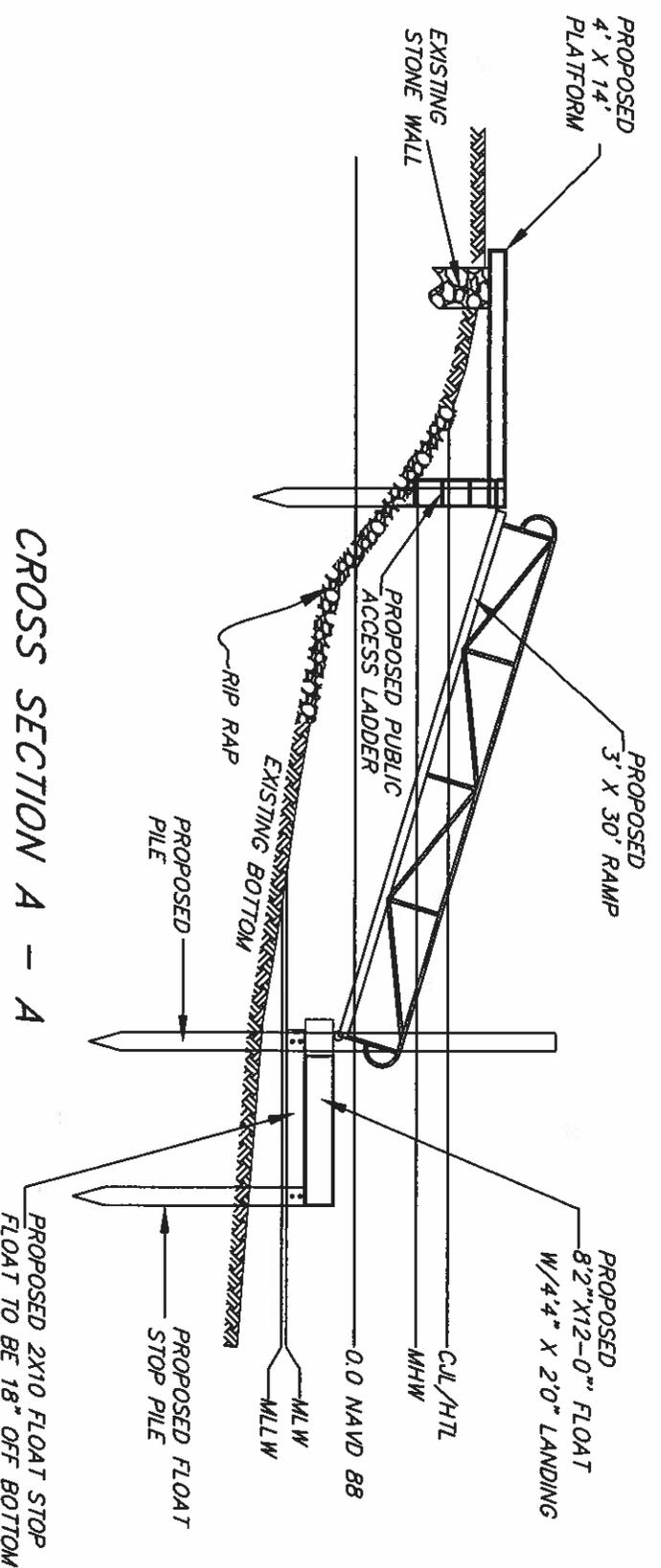
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

MLLW ELEV. = -4.0
 MLW ELEV. = -3.7
 MHW ELEV. = 3.3
 C.U./H.T. ELEV. = 5.5
 THE ABOVE DATUMS REFERENCE THE NGS
 TIDE STATION LX0788 AND ARE BASED
 ON NAVD 88 VERTICAL DATUM.



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS NOTED HEREON.

Jeffrey W. McWood CT PLS NO. 70090



CROSS SECTION A - A

MLW ELEV. = -4.0
 MHW ELEV. = -3.7
 CUL/HTL ELEV. = 5.5

THE ABOVE DATUMS REFERENCE THE NGS
 TIDE STATION LX0788 AND ARE BASED
 ON NAVD 88 VERTICAL DATUM.



IMPROVEMENT LOCATION SURVEY
 EXISTING & PROPOSED CROSS SECTION
 47 FIVE MILE RIVER ROAD
 PREPARED FOR
STEVEN K. EPPLEY
LISA B. EPPLEY
 DARIEN, CONNECTICUT

VERTICAL & HORIZONTAL SCALE: 1" = 10 FT. DECEMBER 26, 2019

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3351 DARIEN, CT 06820

Project Narrative

Proposed Pier, Ramp & Float

47 Five Mile River Rd. – Eppley

Property Description –

The subject property is located on the northerly side of Five Mile River Road opposite Berry Lane. It is Assessors Lot 6, Map 66. The property is bounded on the northerly side by the Five Mile River, a tidally influenced river, on the west by a developed residential property and on the east by an essentially non-buildable vacant parcel of land with a dock located on it. The subject property is non-conforming in land area as it contains 19,088, plus or minus, sq. ft. in area where 21,780 sq. ft. is required. The subject property lies entirely within the one percent chance flood hazard zone with a base flood elevation of 13 feet. There is currently a remodeled residence nearing completion that was the subject of an application to the Planning and Zoning Commission and Zoning Board of Appeals. There was a dock, ramp and float that had been installed without the proper DEEP and Army Corps permits and was removed late in 2019.

Proposed –

The proposed work consists of the construction of a small fixed pier, ramp and float. This proposed work will fall under the DEEP 440 Residential Dock Permit Application that has certain conditions regulating the size and length of the proposed structures. The 440 Permit requires that the structure extend no more than 40 ft. out from mean high water and have no more than 220 sq. ft. of structure beyond mean high water. The previous structure had 274, more or less, sq. ft. beyond mean high water and the proposed structure will have 199, more or less, sq. ft. of structure beyond mean high water. The proposed pier will have approximately 50 sq. ft. of structure above the mean high water line. The pier will have a ladder on each side to provide pedestrian access along the shoreline below mean high water as it is the applicants desire to keep the pier close to the ground to lessen the visual impact along the shoreline. The proposed pier will be constructed utilizing standard methods to prevent uplift or damage due to storm flooding. The landward end will be anchored to Sonotubes set landward of the existing seawall. The proposed float will have float stops to keep the float from resting on the bottom at low tides. The attached plans have been submitted to Connecticut Department of Energy and Environmental Protection and the Army Corps of Engineers.

Environmental Impact -

The proposed construction will have minimal impact on the coastal environment by following the guidelines of the Connecticut Department of Energy and Environmental Protection for shoreline structures and will provide recreational access to the water of Long Island Sound. The proposed structure will have less impact than the previous unpermitted dock structure. The Army Corps of Engineers has authorized the proposed work under the Connecticut General Permits and the approval is attached to this application.

ATTACHMENT

II. Written Information

A. Description of the Proposed Project

The proposed development consists of the construction of a fixed pier, ramp and float.

B. Description of Coastal Resources

Identify the coastal resources on and contiguous to the site (as shown on the coastal resources map) and describe their condition. This information should supplement and/or clarify the plan in I(B) above.

The Coastal Land and Water Resources as identified by site inspection and review of the Coastal Resources Map, the Norwalk, CT Quadrangle, and defined in the Connecticut General Statutes (CGS) Sec. 22a-93 include the following:

Intertidal Flats: *means "very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation" (CGS Section 22a-93(7)(D))*

This condition exists adjacent to the site.

Nearshore Waters: *means "the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour." (CGS Section 22a-93(7)(K))*

This is a physical characteristic of the water depths in this area.

Coastal Flood Hazard Areas: *means "those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act..." (CGS Sec. 22a-93(7)(h))*

The site is located in FEMA SFHA Zone AE Elv. 13 per FIRM Map No. 09001C0529G, effective July 8, 2013. The proposed construction lies within the Flood Hazard Area as depicted on said map.

Estuarine Embayments: *means "Protected coastal water bodies with an open connection to the Sound including tidal rivers, bays, coves and lagoons." (USGS 7-1/2 Minute Quadrangle)*

The site is located adjacent to the Five Mile River, considered to be an Tidal River. The condition of this resource is good. The proposed work should have minimal environmental impact on this resource.

C. Assessment of the Suitability of the Project for the Proposed Site and the Capability of the Resources to Accommodate the Proposed Use.

- (1) **Identify any and all coastal use policies (in Section 22a-92(b)(1)) of Connecticut Coastal Management Act) applicable to the proposed project.**

Section 22a-92(b)(1)(D): *to require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on 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.*

- (2) Identify any and all coastal resource policies (in Section 22a-92(b)(2)) of Connecticut Coastal Management Act) applicable to the proposed project.**

Section 22a-92(b)(2)(F): *to manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses.*

- (3) Describe how the proposed project is consistent with all of the coastal policies identified in C (1) and (2) above (i.e. describe the extent to which the project complies or conflicts with each policy). Note: If a project conflicts with any policy, the project should be modified to reduce or eliminate the conflict.**

Section 22a-92(b)(1)(D): The proposed activities will have no adverse impact to circulation and sedimentation patterns, water quality, or flood and erosion as the work will comply with the Connecticut Department of Energy and Environment guidelines.

Section 22a-92(b)(2)(F): The proposed activities are consistent with this section as indicated above..

D. Evaluation of the Potential Beneficial and Adverse Impacts of the Project and Description of Proposed Methods to Mitigate Adverse Effects.

- (1) Identify and describe the potential adverse impacts (as defined in Section 22a-93(15) of Connecticut Coastal Management Act and potential beneficial impacts of the project on coastal resources.**

Section 22a-93(15) reads: *"Adverse impacts on coastal resources" include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones; (F) degrading visual quality through significant alteration of the natural features of vistas and view points; (G) degrading or destroying essential wildlife, finfish or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alteration of the natural components*

of the habitat; and (H) degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function;

The project as designed should have minimal adverse impacts on the above listed Coastal Resources due to the steps taken in the proposed plan to adhere to the requirements of the Connecticut Department of Energy and Environment guidelines

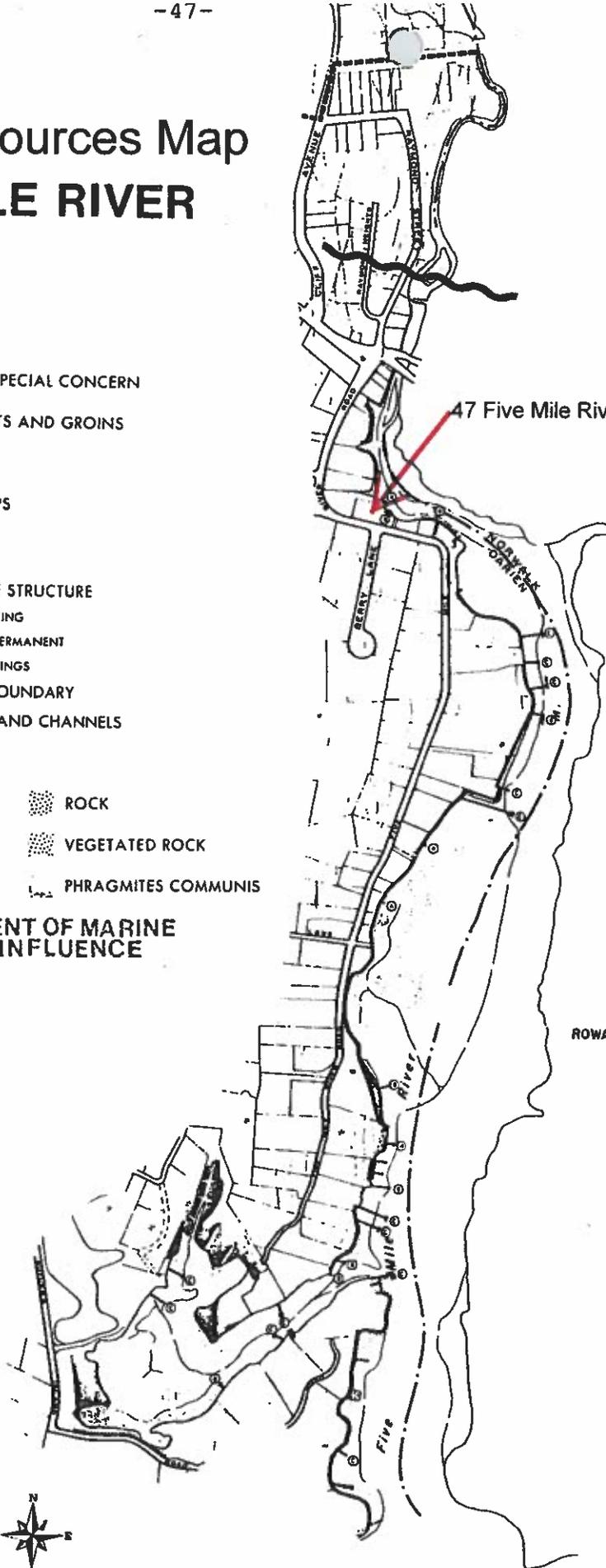
Coastal Resources Map FIVE MILE RIVER

-  AREA OF SPECIAL CONCERN
-  REVETMENTS AND GROINS
-  SEAWALL
-  BOAT RAMPS

-  SHORELINE STRUCTURE
 -  FLOATING
 -  SEMI-PERMANENT
 -  SET PILINGS
-  COASTAL BOUNDARY
-  MUDFLATS AND CHANNELS

-  LOW MARSH
-  HIGH MARSH
-  SAND
-  ROCK
-  VEGETATED ROCK
-  PHRAGMITES COMMUNIS

 EXTENT OF MARINE INFLUENCE





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

24 January 2020

Regulatory Division
File Number: NAE-2020-00275

Steven K. & Lisa B. Eppley
47 Five Mile River Road
Darien, CT 06820

Dear Mr. & Mrs. Eppley:

PROPOSED WORK/LOCATION: Install a 4/40 Residential Dock, Darien, CT.

We have reviewed your proposal to perform work within Corps of Engineers jurisdiction. We have assigned this file number **NAE-2020-00275**. Please reference this number in any future correspondence with us.

Since your project may have only minimal individual and cumulative impacts on waters and wetlands of the United States, it is authorized by the Corps of Engineers under the Connecticut General Permits (GPs). This authorization does not obviate the need to obtain other federal, state, or local approvals. You are responsible for ensuring that the work meets the terms and conditions of the CT GPs. We have recorded this project as permittee self-verification of the CT GPs in our database.

Please contact me at (978) 318-8703 if you have any questions.

Sincerely,

Kevin R. Kotelly, P.E.
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosure (plans)