

STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET HARTFORD, CT 06106-5127



OFFICE OF ADJUDICATIONS

IN THE MATTER OF : ***APPLICATION #200801880-KF***

ANN LUNN : ***FEBRUARY 23, 2011***

SUPPLEMENTAL PROPOSED FINAL DECISION

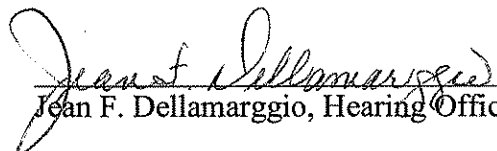
Ann Lunn (applicant) has applied to the Department of Environmental Protection Office of Long Island Sound Programs (OLISP/staff) for a permit to install a fixed pier, ramp and float for private, recreational boating access in Scott's Cove in Darien. The proposed dock would be located in coastal waters and tidal wetlands; the dock and review of this application are therefore subject to the provisions of the Structures, Dredging and Fill statutes (commonly referred to as the Structures and Dredging Act), General Statutes §§22a-359 through 22a-363f; the Tidal Wetlands Act, General Statutes §§22a-28 through 22a-35 and Regs., Conn State Agencies §§22a-30-1 through 22a-30-17; and the applicable goals and policies of the Coastal Management Act (CMA), General Statutes §§22a-90 through 22a-112.

A Proposed Final Decision was issued in this matter on February 8, 2010 following a public hearing on the application. The proposed decision recommended that the Commissioner deny the application without prejudice to the applicant to submit a modified proposal that considered alternate and possibly safer means of accessing the fixed pier portion of the proposed dock. The parties filed exceptions to this proposed decision and the Commissioner conducted oral argument on those exceptions on April 28, 2010. Following the oral argument, the Commissioner invited the parties to submit a modified dock design that could satisfy the safety concerns raised in the Proposed Final Decision.

On February 17, 2011, staff filed its Motion to Reopen the Record¹ for the purpose of admitting a revised application (Exhibits DEP-21) and a Revised Draft Permit² (DEP-22) along with the parties' Revised Agreed Draft Decision (Attachment A). Staff's motion was granted on February 22, 2011, and the proposed exhibits were admitted to the record. Regs., Conn. State. Agencies §22a-3a-6(w). The newly admitted exhibits reflect certain revisions to the dock design, which include an improved means of access to the fixed pier portion of the dock by a ship's ladder with railings in lieu of the originally proposed vertical ladder. The parties have included findings of fact that reflect these modifications to the dock design in their Revised Agreed Draft Decision.

Having reviewed the parties' Revised Agreed Draft Decision I find that it adequately sets forth findings that support the conclusion that the proposed regulated activity, if conducted in accordance with the terms and conditions of the Revised Draft Permit (Attachment B), would comply with all relevant statutes and regulations and would be "consistent with all applicable goals and policies" of the Coastal Management Act.

I therefore adopt the Agreed Draft Decision as my Supplemental Proposed Final Decision and recommend that the Commissioner issue the Revised Draft Permit.


Jean F. Dellamarggio, Hearing Officer

¹ In its motion, staff requested that the proposed exhibits be admitted for the purpose of issuing a "substitute proposed final decision". The proposed exhibits and Revised Agreed Draft Decision supplement the record including the findings and conclusions set out in the February 8, 2010 Proposed Final Decision. Therefore, I am issuing this decision as a Supplemental Proposed Final Decision.

² At the conclusion of the hearing in this matter, the parties submitted an Agreed Draft Decision and a Revised Draft Permit (Exhibit DEP-20) that incorporated certain boating restrictions that were proposed by staff during the proceedings. Exhibit DEP-22, the most recent revised draft permit, includes those restrictions. For purposes of this Supplemental Proposed Final Decision, references to the Revised Draft Permit mean the draft permit that is Exhibit DEP-22 (Attachment B).

PARTY LIST

Supplemental Proposed Final Decision In the Matter of Ann Lunn
Application No. 200801880-KF

PARTY

REPRESENTED BY

The Applicant

Ann Lunn

Robert F. Maslan, Jr., Esq.
Maslan Associates P.C.
3 Parklands Drive
Suite 207
Darien, CT 06820

Department of Environmental Protection

Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106

Krista Romero

ATTACHMENT A
REVISED AGREED DRAFT DECISION
ANN LUNN
COASTAL PERMIT APPLICATION NO. 200801880-KF
INSTALLATION OF A PIER, RAMP AND FLOATING DOCK
TOWN OF DARIEN
FEBRUARY 17, 2011

1. **Introduction:** In July of 2008, Ms. Lunn submitted an application to undertake regulated activities in tidal, coastal and navigable waters of the State waterward of the high tide line, in an area of tidal wetlands, for the installation of a fixed pile supported timber pier, ramp, and floating dock with four timber piles and a float stop support system in Scott's Cove, in the Town of Darien. The applicant seeks a permit to undertake said regulated activities under the provisions of the Structures, Dredging and Fill provisions of Conn. Gen. Stat. §§ 22a-359 through 22a-363f, in accordance with the Connecticut Coastal Management Act, Conn. Gen. Stat. §§ 22a-90 through 22a-112, and the Tidal Wetlands Act and Regulations, Conn. Gen. Stat. §§ 22a-28 through 22a-35, and Conn. Agencies Regs. §§ 22a-30-1 through 22a-30-17.

2. **Parties:** The parties included in the proceeding are the Applicant, Ann Lunn, and Staff from the Department of Environmental Protection, Office of Long Island Sound Programs ("OLISP" or the "Staff").

The parties have agreed to the admission of all the exhibits listed on the attached exhibit list comprising Application's Exhibits APP-1 through APP-10, and Staff Exhibits DEP-1 through DEP-20.

3. **Procedural History:** On February 8, 2010, the Hearing Officer issued a Proposed Final Decision adopting the findings of fact set forth in the parties' Agreed Draft Decision dated November 19, 2009, adding certain supplemental findings of fact and conclusions of law, and recommending "that the Commissioner deny this application without prejudice to the applicant to submit a modified proposal to obtain a determination of whether there are safer alternatives to the proposed vertical ladder access to the pier that would be consistent with the goals and policies of the Tidal Wetlands, Structures and Dredging and Coastal Management Acts." Thereafter, the parties filed Exceptions to the Proposed Final Decision, and the applicant filed a Memorandum of Law in Support of her exceptions. The Commissioner held a hearing on the Exceptions on April 28, 2010, and thereafter invited the parties to submit a modified design that might satisfy any concerns raised during the public hearing or through the adjudicatory review.

Thereafter, the parties filed a Motion to Open the Record, which I granted, and submitted into evidence revised plans showing a ships ladder at the landward end of the fixed pier, instead of a vertical ladder. Such revised proposal has been included both in the scope of authorization of the revised draft permit and in the associated drawings.

FINDINGS OF FACT

BACKGROUND:

1. Site Location and Character: The site is located at 9 Contentment Island Road on Scott's Cove, in Darien, Connecticut. Scott's Cove is an estuarine embayment that is subject to an average tidal cycle of approximately 7.0 feet. Tidal wetland vegetation is seen along the entire frontage of the site. In addition, an intertidal mudflat spans the site and is visible at low water. The site consists of a strip of land 50 feet in width between Contentment Island Road and the mean high water line of Scott's Cove. The Applicant's single-family home is located on the main portion of her land across the Contentment Island Road from the site. The Applicant owns title to both the land immediately adjacent to the proposed dock, and the land across Contentment Island Road.

The Applicant's upland property adjacent to the location of the proposed dock is subject to an Open Space Declaration and a Conservation Easement, both of which were dated December 22, 1987, and recorded on the Darien Land Records at Volume 571, Pages 308 and 311, respectively. (DEP-8) Pursuant to the Conservation Easement, the Appli-

cant reserved the right to apply to the appropriate authorities (including "the U.S. Army Corps of Engineers and/or State authorities") for water related uses. Accordingly, the Applicant has the right to seek approval from the Commissioner of Environmental Protection for the proposed dock.

2. **Application History:** The initial application was received on July 11, 2008, and requests authorization to install a 4-foot by 22-foot fixed pile supported timber pier, a 3-foot by 30-foot ramp to a 7-foot by 14-foot floating dock with a float stop support system. After their initial review of the application, Staff determined that the proposed work appeared to be generally consistent with applicable state policies, standards and criteria although some modifications were required. A letter dated August 27, 2008, was sent to the Applicant requesting additional information. (DEP-6) The Applicant supplied the required information in a subsequent submittal dated September 8, 2008. (DEP-7) In March 2009, OLISP recommended tentative approval of the application and on May 28, 2009, the Notice of Tentative Determination on the Application was published in the Darien Times newspaper (DEP-12) for the installation of a 4-foot by 12-foot fixed pile supported timber pier, a 3-foot by 30-foot ramp to a 7-foot by 14-foot floating dock, and a float stop support system. Because the project is in an area of tidal wetland vegetation, regulated by the Tidal Wetlands Act, Conn. Gen. Stat. § 22a-32, it required a 40-day comment period on the application and also required that a public hearing be held upon request by 25 individuals. The

public comment period closed on July 7, 2009. One comment letter was received by OLISP in response to the public notice. The letter was received on July 8, 2009, from the Darien Land Trust, and included a petition for a public hearing with more than 25 signatures. (DEP-13)

In accordance with statutory requirements, upon receipt of the petition, a public hearing was scheduled on the application. On August 27, 2009, a Notice of Public Hearing was published in The Darien Times newspaper. (DEP-15) The hearing was scheduled for September 10, 2009, and rescheduled to October 1, 2009, in Room 206 of the Darien Town Hall. The Hearing Officer conducted a public site visit on September 15, 2009.

3. **Project Description:** The Applicant sought authorization to install a 4-foot by 22-foot fixed pile supported timber pier, a 3-foot by 30-foot ramp to a 7-foot by 14-foot floating dock, and a float stop support system. The project proposal has been revised by reducing the length of the fixed pier to 12 feet, and again to 9.5 feet, with a ships ladder type stair for access from the abutting upland. (DEP-10; DEP-21)

4. **Purpose and Use of Proposed Dock:** The purpose of the proposed work is to construct a fixed pier, ramp and floating dock for the Applicant's private, recreational boating use. The application indicates that the proposed use of the dock is for launching and recovering kayaks and canoes as well as for swimming in Scott's Cove.

5. **Permitting, Compliance and Enforcement History:** On July 14, 1960, the State of Connecticut Water Resources Commission issued a Permit to the Applicant's predecessor in title to dredge material from Scott's Cove and place the dredged material on the site and on adjacent property. (APP-4) There are no other permits or certificates issued by the DEP, OLISP that authorized work waterward of the high tide line at this site. The site has not been the subject of a DEP enforcement action for unauthorized activities waterward of the high tide line. (DEP-11)

The Applicant filed a previous application for a dock on March 24, 2005 (Application No. 200500808-JW). On August 18, 2006, the application was deemed insufficient, as the materials provided did not clearly identify the applicant's right to construct a dock on the subject property.

6. **Tidal Wetlands:** On August 26, 2008, Staff conducted a site visit to verify the location of tidal wetland vegetation within the project location. (DEP-11) The inspection revealed that tidal wetlands exist along the entire frontage of the property as shown on the submitted plans. The tidal wetland vegetation in this area at the height of the growing season is approximately 2 to 3 feet in height and extends waterward from the existing high tide line approximately 12 feet. The proposed ramp and floating dock will not impact the tidal wetland vegetation on-site. Judy Slayback conducted a field survey, and the following plants were noted and are depicted on the plans: *Phragmites australis*, High Tide Bush

(*Iva frutescens*), Seaside Goldenrod (*Solidago sempervirens*), Saltwater and Salt Meadow Cordgrasses (*Spartina alterniflora* and *Spartina patens*). The proposed structure has been sufficiently elevated to minimize shading of this vegetation. The ramp and float portions of the dock structure will be installed waterward of the extent of the tidal wetland vegetation on site and therefore is not expected to impact this resource. No seasonal removal of the float and ramp is needed due to the installation of float-stops, which prevent impacts on the underlying substrate. The float-stops will keep the float from resting on the substrate during periods of low water. (DEP-10).

7. **Shellfish:** The proposed work will not significantly affect any shellfish areas. (DEP-9)

8. **Connecticut Endangered, Threatened and Special Concern Species:** No species of special concern, and no threatened or endangered species were observed during the field survey. (DEP-11)

9. **Intertidal Flats:** The location of mean low water on the project site is approximately 31 feet 6 inches from the high tide line. This is the area where the ramp and float will be installed. Tidal wetland vegetation extends out from the high tide line approximately 12 feet. The area waterward of the tidal wetland vegetation consists of intertidal flat that extends from the edge of the tidal wetland vegetation to the mean low water line at the opposite shore. The thalweg of Scott's Cove is approximately 170 feet from the waterward

end of the proposed floating dock, and the mean low water line at the opposite shore is 260 feet from the waterward end of the proposed floating dock. (DEP-10) In order to minimize contact and disturbance of the intertidal flat, the underside of the float will be equipped with a float-stop support system, thus preventing the float from resting on the bottom

10. **Finfish:** The installation of the proposed fixed pier, ramp and float will not adversely impact finfish in Scott's Cove. (DEP-11)

11. **Navigation Impacts:** This project site is located in an area of Scott's Cove that is generally navigable by only shallower draft boats during periods of high tide. At low tide, navigation in this area of the cove is virtually impossible. The length of the proposed dock structure does not restrict navigation beyond the natural restriction that already exists in the Cove. It is not anticipated that the proposed structure will present navigational conflicts. (DEP-11)

12. **Public Trust:** OLISP has found that along the Connecticut coast a fixed pier extending to mean low water with a ramp and 100 square foot float can generally achieve reasonable access for a riparian property owner. The proposed structure is smaller in design than that standard and thus conforms to this finding. Therefore, the proposed dock does not represent an unreasonable encroachment into public trust waters in Scott's Cove.

ENVIRONMENTAL IMPACTS:

Environmental impacts associated with the proposed fixed pier, ramp and floating dock have been minimized to the greatest extent practicable. The proposed pier, ramp and floating dock conform to OLISP policy of a fixed pier to mean low water and a 98 square foot float, and provides the Applicant with reasonable access to public trust waters while minimizing waterward encroachment and impacts to coastal resources. The Applicant understands that the use of this dock to launch and retrieve kayaks and canoes or otherwise access the dock may not be possible at all tidal cycles due to shallow depths in Scott's Cove. The installation of the fixed pier, ramp, and floating dock are not anticipated to have an adverse impact on any State listed endangered, threatened or special concern species, intertidal flats, tidal wetlands or finfish resources. (DEP-11)

ALTERNATIVES:

The Applicant considered the following project alternatives:

1. **Shorter Fixed Pier:** A shorter fixed pier was not considered feasible. If the dock were shorter than proposed, the pilings would be installed within the tidal wetland vegetation, instead of the proposed location, which is seaward of the tidal wetland vegetation.
2. **Longer Fixed Pier:** The Applicant initially proposed a longer fixed pier structure of 22 feet in length. The Staff recommended that the pier be shortened to 12 feet, and the Applicant agreed. This alternative would not afford any significantly longer periods of

access to navigable water during the tide cycle than the proposed dock because of the existing mudflats at and adjacent to the site.

3. **No Dock:** This alternative was considered and rejected because it would not provide the Applicant with a safe means to exercise her littoral right of access to the waters of Scott's Cove without unreasonably disturbing the existing tidal vegetation along the shoreline. The proposed dock will reduce the impact resulting from pedestrian access to the Cove through the existing tidal vegetation.

4. **Vertical Ladder Access:** The Applicant proposed a vertical ladder to provide access to the landward end of the fixed pier. In response to concerns raised by the Hearing Officer and comments made during the public comment portion of the hearing, the Applicant has modified the plan to include a ships ladder, with handrails, and a 9.5-foot fixed pier to accommodate the modified ladder without extending farther waterward than the initially proposed plan. This final proposed design of a ships ladder provides a greater level of ease of access to the fixed pier than the vertical stair, and does not involve any greater environmental impact than the 12-foot pier.

After balancing all of the relevant concerns, a dock structure consisting of a fixed pier accessed by a stair with handrails, and a ramp, float, and float stop support system, as proposed by the Applicant, will afford the Applicant with reasonable access to public trust waters for boating while minimizing both overall waterward encroachment and impacts to

coastal resources. This proposal represents the least intrusive and most environmentally sensitive of those alternatives considered.

CONCLUSIONS

1. **Environmental Impact of the Proposed Action:** The proposed project would provide the Applicant with reasonable access to public trust waters for recreational boating. 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 proceeds 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 of the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners;
- c. section 22a-92(b)(1)(H) of the General Statutes to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redeveloped areas, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas;
- d. section 22a-92(b)(2)(D) of the General Statutes, which requires the management of intertidal flats so as to preserve their value as a nutrient source and

reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation;

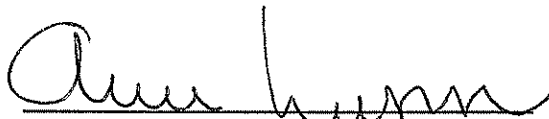
- e. section 22a-92(c)(2)(A) of the General Statutes, which policies concerning coastal land and other resources within the coastal boundary (in part) are: (A) to manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of health marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notable shellfish management, which the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational fisheries.
- f. 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 designation as essential to such species, unless such agency has been granted an exemption.

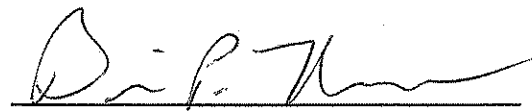
2. **Consistent with All Applicable Standards:** The proposal is consistent with applicable standards, goals and policies of section 22a-359 of the General Statutes which requires the Department to make permit decisions with due regard for indigenous aquatic life, fish and wildlife, the use and development of adjoining uplands, and the recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned.

3. **Alternatives to the Proposed Action:** There is no feasible or prudent alternative which would provide the applicant reasonable riparian access which would have less impact on the adjacent coastal resources.

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 attached Revised Draft Permit.


Ann Lunn, Applicant


Brian P. Thompson, Director
Office of Long Island Sound Programs
Department of Environmental Protection

ATTACHMENT B

Revised Draft



PERMIT

Permit No: 200801880-KF
Town: Darien
Work Area: Scott's Cove off property located at 9 Contentment Island Road
Permittee: Ann Lunn
9 Contentment Island Road
Darien, CT 06820

Pursuant to sections 22a-359 through 22a-363f and sections 22a-28 through 22a-35 of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98, and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to install a dock for recreational boating use as is more specifically described below in the SCOPE OF AUTHORIZATION, in Scott's Cove off property identified as the "work area" above. The work area is an area of tidal wetlands along Scott's Cove.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

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

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application, 200801880-KF including five sheets of plans with sheet 1 revised September 8, 2008, and sheets 2 through 5 revised August 25, 2010, submitted by the Permittee to the Commissioner and attached hereto, as follows:

construct a 4' x 9.5' fixed pier with a 2' wide x 6.5' long ships ladder, a 3' x 30' aluminum ramp, and a 7' x 14' floating dock with four timber piles and a float stop support system.

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

SPECIAL TERMS AND CONDITIONS

1. Except as specifically authorized by this permit, no equipment or material including, but not limited to, fill, construction materials, excavated material or debris, shall be deposited, placed or

stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.

2. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
3. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all contours, bathymetries, tidal datums and structures.
4. The Permittee shall ensure that all work associated with the driving of piles for construction of the dock shall be conducted by a water-based barge during periods of high water only in the area of the proposed dock. Any such barge must move to deeper waters during periods of low water in the area of the proposed dock. It shall not be a defense to this provision for the Permittee to assert that it has no control over the operation of the barge.
5. During the time that pilings are being driven pursuant to SPECIAL TERMS AND CONDITIONS paragraph 4 .,above, the Permittee shall ensure that the barge used for such work does not rest on or come in contact with the bottom of the Scott's Cove.
6. The structure authorized herein is for the purpose of accommodating canoes, kayaks and other human-powered craft. The Permittee shall not berth or operate a motorized vessel at or near the structure except during periods of high water or under other conditions such that the motorized vessel will not adversely impact the benthic substrate.
7. If the Commissioner finds that prop dredging, scour or other benthic damage associated with inappropriate use of the structure authorized herein has taken place, she shall so notify the Permittee. No later than 60 days after the date of such notification, this permit shall become null and void and the structure authorized herein shall be removed from the waters of the state according to a methodology specified in writing by the Commissioner, unless the Permittee contests in writing the Commissioner's findings, in which case the Permittee's response to the Commissioner's notification shall be considered an answer to an order in accordance with section 22a-3a-6(i) of the Department's Rules of Practice, and further proceedings shall take place in accordance with applicable law.
8. The Permittee shall install a float stop support system to prevent the entire float surface from resting on the bottom at low water. Such structure shall be maintained in optimal operating condition for the life of the structure.
9. If required by law, the Permittee shall obtain written permission from the Environmental

Protection Commission (EPC) prior to the commencement of any work authorized herein, and shall submit such authorization to the Commissioner.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five 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 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request in her sole discretion.
 - 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 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-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. 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.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.

8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with

the terms and conditions of this permit.

15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
16. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the 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.
18. The Permittee may not conduct work waterward of the high tide 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.
19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby

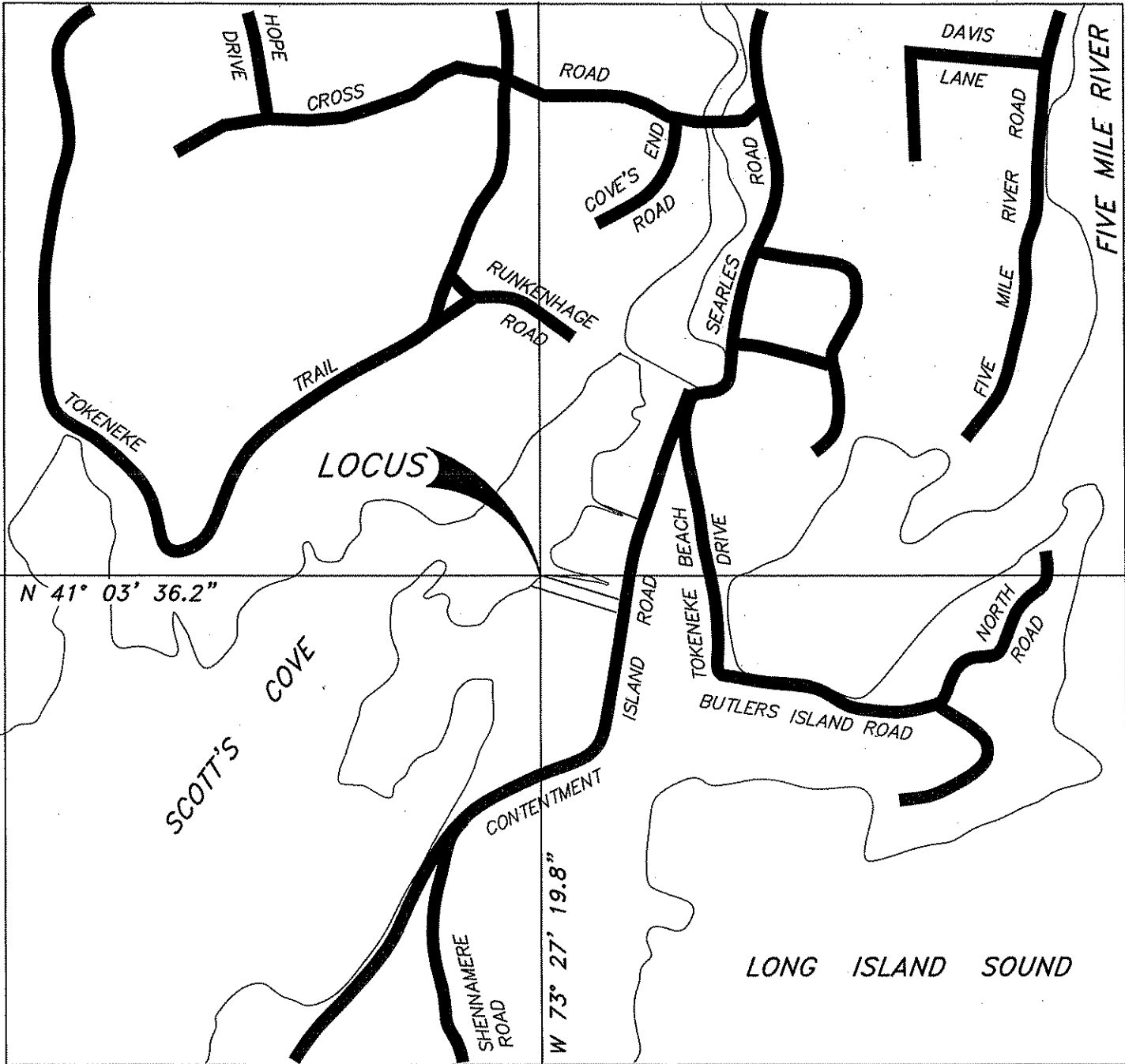
Issued on _____, 2009

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

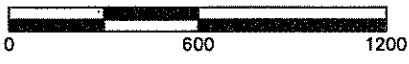
Amey W. Marrella
Commissioner

Permit Application No. 200801880-KF
Ann Lunn

KR/



LOCATION MAP



PERMITTING AGENT
 JAMES J. BAJEK, LLC
 36 POTTER ROAD
 WILTON, NEW HAMPSHIRE 03086
 PHONE 603-654-5350
 FAX 603-654-5610

LOCUS MAP
 PREPARED FOR
ANN B. LUNN
 9 CONTENTMENT ISLAND ROAD
 TAX ASSESSORS MAP 67, LOT 53
 DARIEN CONNECTICUT
 SCALE : 1" = 600' MARCH 9, 2005
 REVISED SEPTEMBER 8, 2008
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ DARIEN, CONN.
 PHONE 203-655-3331 FAX 203-656-2143

PROXIMITY MAP

PREPARED FOR

ANN B. LUNN

9 CONTENTMENT ISLAND ROAD

TAX ASSESSORS MAP 67, LOT 53

DARIEN

CONNECTICUT

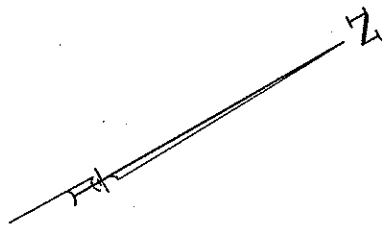
SCALE : 1" = 80'

MARCH 9, 2005

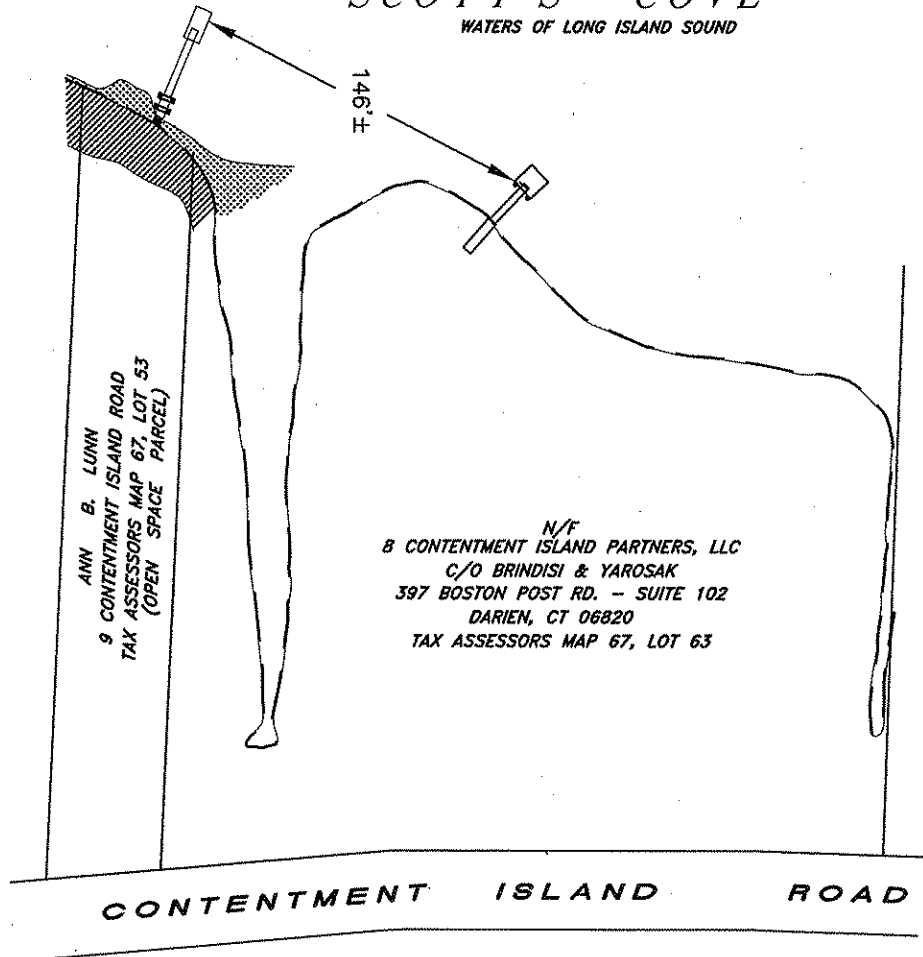
REVISED AUGUST 25, 2010

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ DARIEN, CONN.



SCOTT'S COVE
WATERS OF LONG ISLAND SOUND



N/F
LAND TRUST OF DARIEN
P.O. BOX 1074
DARIEN, CT 06820
TAX ASSESSORS MAP 67, LOT 63A

ANN B. LUNN
9 CONTENTMENT ISLAND ROAD
TAX ASSESSORS MAP 67, LOT 53
(OPEN SPACE PARCEL)

N/F
8 CONTENTMENT ISLAND PARTNERS, LLC
C/O BRINDISI & YAROSAK
397 BOSTON POST RD. - SUITE 102
DARIEN, CT 06820
TAX ASSESSORS MAP 67, LOT 63

N/F
ESTATE OF
ROBERT P. LAUGHLIN
GWENDOLYN B. LAUGHLIN
TAX ASSESSORS MAP 67, LOT 64



170'± TO THE THALWEG
OF SCOTT'S COVE
260'± TO MLW AT
OPPOSITE SHORE

PROPOSED
PILE (TYP)

PROPOSED
7'X14' FLOAT

SCOTT'S COVE

WATERS OF LONG ISLAND SOUND

← EBB
FLOOD →

PROPOSED
3'X30' RAMP

PROPOSED PILE
& DOCK SUPPORT

PROPOSED ACCESS LADDER

OPEN SPACE



PLANS ARE FOR PERMITTING
PURPOSES ONLY; NOT TO BE
USED FOR CONSTRUCTION

VERTICAL DATUM : MEAN LOW WATER

H.T.L.	HIGH TIDE LINE ELEV. 8.6
M.H.W.	MEAN HIGH WATER ELEV. 7.1
M.S.L.	MEAN SEA LEVEL ELEV. 3.5
MLW.	MEAN LOW WATER ELEV. 0.0
L.P.T.	LOWEST PREDICTABLE TIDE ELEV. -0.3

SHEET 3 OF 5

M.H.W.

EXISTING
DOCK & FLOAT

EXISTING & PROPOSED CONDITIONS MAP
PREPARED FOR

ANN B. LUNN

9 CONTENTMENT ISLAND ROAD

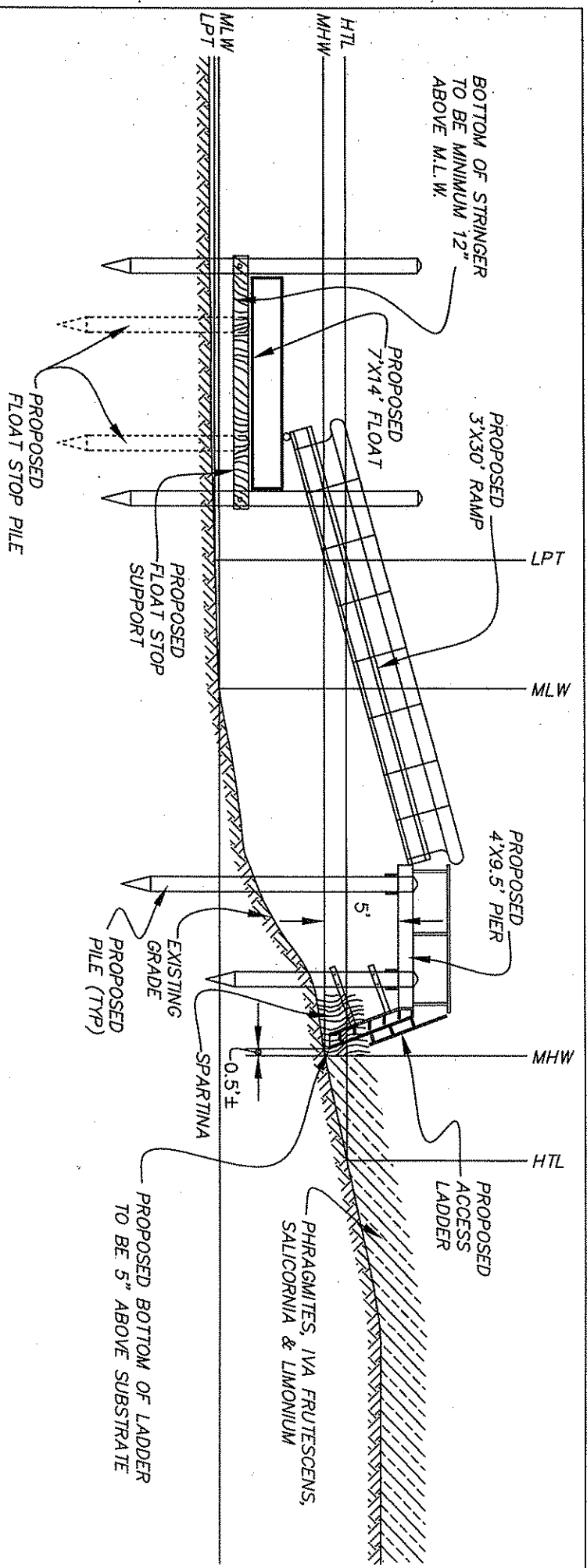
DARIEN CONNECTICUT

SCALE : 1" = 20'
REVISED AUGUST 25, 2010
MARCH 9, 2005

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.

LAND SURVEYORS ~ DARIEN, CONN.

322794400EDP



CROSS SECTION A - A

EXISTING & PROPOSED CROSS SECTION MAP
 PREPARED FOR

ANN B. LUNN

9 CONTENTMENT ISLAND ROAD

DARIEN CONNECTICUT

HORIZONTAL & VERTICAL SCALES : 1" = 10'
 REVISED AUGUST 25, 2010 MARCH 9, 2005

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ DARIEN, CONN.

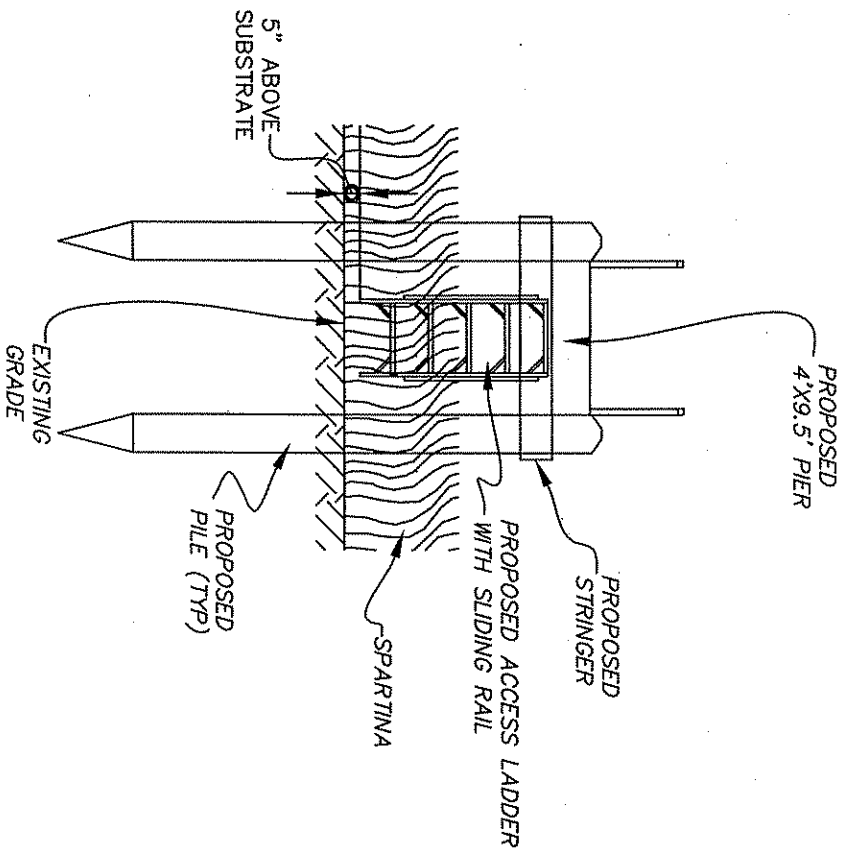
H.T.L.	HIGH TIDE ELEV. 8.6
M.H.W.	MEAN HIGH WATER ELEV. 7.1
M.S.L.	MEAN SEA LEVEL ELEV. 3.5
M.L.W.	MEAN LOW WATER ELEV. 0.0
L.P.T.	LOWEST PREDICTABLE TIDE ELEV. -0.3

VERTICAL DATUM : MEAN LOW WATER

SHEET 4 OF 5



322794A000EDP



CROSS SECTION B - B

EXISTING & PROPOSED CROSS SECTION MAP
 PREPARED FOR

ANN B. LUNN

9 CONTENTMENT ISLAND ROAD

DARIEN CONNECTICUT

HORIZONTAL & VERTICAL SCALES : 1" = 5' MARCH 9, 2005

REVISED AUGUST 25, 2010

&

LAND SURVEYORS DARIEN, CONN.

PLANS ARE FOR PERMITTING
 PURPOSES ONLY, NOT TO BE
 USED FOR CONSTRUCTION



H.T.L.	HIGH TIDE LINE ELEV. 8.6
M.H.W.	MEAN HIGH WATER ELEV. 7.1
M.S.L.	MEAN SEA LEVEL ELEV. 3.5
M.L.W.	MEAN LOW WATER ELEV. 0.0
L.P.T.	LOWEST PREDICTABLE TIDE ELEV. -0.3

VERTICAL DATUM : MEAN LOW WATER

SHEET 5 OF 5

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE: Ann Lunn
9 Contentment Island Road
Darien, CT 06820

Permit No: 200801880-KF, Darien

CONTRACTOR 1: _____

Address: _____

Telephone #: _____

CONTRACTOR 2: _____

Address: _____

Telephone #: _____

CONTRACTOR 3: _____

Address: _____

Telephone #: _____

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE: _____

(signature)

(date)