

ENVIRONMENTAL PROTECTION COMMISSION



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

CERTIFIED MAIL RETURN RECEIPT REQUESTED

August 9, 2018

Mr. David Genovese
Baywater Corbin Partners, LLC
1019 Boston Post Road
Darien, CT 06820

Dear Mr. Genovese:

The Environmental Protection Commission voted on the following application at its August 8, 2018 meeting:

**CONDITIONAL APPROVAL
PERMIT TO CONDUCT A REGULATED ACTIVITY
EPC APPLICATION #18-2018
EFFECTIVE DATE: August 8, 2018
EXPIRATION DATE: August 7, 2023**

Applicant: Baywater Corbin Partners, LLC

Property Address of Proposed Activity: 1020 Post Road, 36 & 33 Old Kings Highway South

Shown on: Assessor's Map # 72 as Lot #s 12 & 28 & Map #38 Lot #19

Proposed Activity: Piping a watercourse and constructing a water treatment basin in an upland review area

Approved Plans:

Baywater Corbin Partners, LLC: "General Notes, Legend, and Standard Abbreviations" (C1.0); "Grading Plan-1" (C-3.1); "Drainage Plan-1" (C4.0); "Drainage Plan-1" (C-4.1); "CTDOT Drainage Easement Improvement Plan" (C-4.3); "Soil Erosion And Sediment Control Plan-1" (C-6.0); "Soil Erosion And Sediment Control Plan-2 (C-6.1)"; "Storm Details-1" (C8.2); Storm Details-2" (C8.3); Storm Details-1" (C8.4); "Storm Chamber Details"(C-8.5); "Stormwater Quality System #1-Details" (C.8.6); "Stormwater Quality System #2-Details" (C.8.7); "Stormwater Quality System #3-Details" (C.8.7); "Water Quality Basin Details"(C8.9) by Tighe &

Bond and dated 5/25/2018.

“Planting At Stormwater Quality Basin” by Towers & Golde, Landscape Architects.

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 Applicant’s 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 Applicant. 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 opened and closed on July 11, 2018. During the Commission’s hearing, the Applicant and the Applicant’s 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 regulated activities include the piping of the watercourse adjacent to 1020 Post Road and behind a Corbin Drive property, and the construction of a water quality basin at 33 Old Kings Highway North.

Eric Lindquist, P.E. of Tighe & Bond described the proposed “treatment train” approach for water quality. The stormwater detention system is also designed to reduce peak flows for all storms up to the 100 year storm event. The Commission took notice that the design was peer reviewed by Redniss & Mead.

The Commission heard testimony from Rick Canavan, P.W.S., regarding the minor wetland functions and values that the existing watercourse provides. The mitigation for the loss of this wetland is the creation of a water quality basin, with native plantings, adjacent to the Goodwives River. The purpose of the water quality basin is to treat stormwater runoff from off-site areas before it discharges to the Goodwives River. The Commission finds that treating this additional runoff,

combined with the stormwater treatment benefits on the subject site itself, will have a positive impact on the Goodwives River.

II. Decision

The Applicant asserted that there will be no likely adverse impacts inland on wetlands or watercourses which cannot be mitigated. The Commission agrees that a feasible and prudent alternative does not exist 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 #18-2018 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. The Professional Engineer shall inspect the construction as necessary to witness the installation of the storm water treatment and detention system components and shall certify in writing to the Commission that they were installed in accordance with the approved plans.
2. The Applicant's environmental consultant shall inspect the plantings within the water quality basin after a full growing season, and provide a report to the Commission's staff on their status. Any dead plants shall be removed and replaced after one growing season.
3. An inspection for invasive species shall take place annually for three years, and their removal shall be supervised by the environmental consultant, with written confirmation provided to the Commission's staff.
4. **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.**
5. The Applicant 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 assure 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.
6. 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.

7. 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.

8. 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.

9. 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.

10. 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 Commission

cc: John Block, P.E., Tighe & Bond
Attorney Robert Maslan, Jr.
Planning & Zoning Commission