

15-0173-002
August 10, 2021

Mr. Michael Conklin
Director of Environmental Affairs
Town of Wilton
141 Danbury Road,
Wilton, CT 06897

Re: **Inland Wetlands Commission Staff Comments**
WET#2714 (S) – FDSPIN 141 DR LLC
141 Danbury Road, Wilton, CT (Accessor's Map 70, Lot 2)

Dear Mr. Conklin:

Thank you for the opportunity to address your comments for the above referenced application with the Town of Wilton Inland Wetlands Commission. The following summarizes your comments in *italic* and our responses in **bold** text. Should you require additional information or materials, please let us know.

Staff Comments:

1. *"I would like to clarify the terms "regulated area" and "regulated activity" and how they apply to this application. As taken directly from the Town of Wilton, Inland Wetlands & Watercourses Regulations Section 2.1.aa..."(continued in staff memo)*

It is important for the Commission to understand that while the focus is typically on activities proposed within the regulated area, this application presents activities outside of the regulated area that may impact or effect the Norwalk River, a watercourse. These proposed activities include the discharge of stormwater to the river, during construction and post construction, along with earth work and construction that has the potential to cause the pollution of this watercourse. The Commission may wish to rule these proposed activities located outside of the regulated area as regulated activities"

Response: The applicant acknowledges this comment. The plans submitted for approval are designed to both protect and improve the Norwalk River and surrounding wetlands both during construction and post construction. Please let us know if you have any additional questions or concerns.

2. *A thorough review of the potential contaminants contained in the stormwater report should be conducted by a third-party professional engineer. The third-party engineer should also review the proposed plans to confirm how the applicant plans to prevent substantial turbidity, siltation or sedimentation, and thermal pollution of the Norwalk River.*

Response: Pollutant loading and removal calculations are provided in the engineering report for the third-party engineer to review. A treatment train approach to pollutant renovation was implemented under the project proposal with several different types of Best Management Practices

(BMP), including: infiltration (porous pavement and subsurface retention), gross-particle separators, catch basins with sumps, a stone filter strip, level spreader discharge, vegetated watercourse buffer, and a maintenance plan to ensure the proposed BMP's are maintained and functioning as designed. These measures combined will ensure the runoff sees significant improvements from the current condition for water quality, turbidity, and thermal pollution. A phased erosion control plan and construction narrative was also provided to address sedimentation and erosion control during construction (See sheets C-501 to C-503). Please let us know if additional details are needed or you have any other questions or concerns.

3. *On July 22, 2021 during the opening night of the public hearing, Commissioner Dr. Pinou asked the applicant about a concrete subsurface structure located between the existing building and the northern property line. The engineer had no information on the structure and Mr. Fuller seemed to be guessing that it was a well that receives stormwater and is possibly used for irrigation. This structure and any other subsurface structures located on the site should be identified on the site plans and should be investigated to determine their past and current function as it relates to the site.*

Response: The structure in question is shown on the survey and site plan. It is noted as concrete cover and is located along the northern property line 20-feet north-northeast of the existing transformer and generator enclosure. The structure was originally used as a well and is currently being used as a discharge for roof leaders on the north face of the building. The structure will be removed and filled as part of the project proposal as it will no longer be needed. Please let us know if you have any additional questions or concerns.

4. *On July 22, 2021, Mr. Fuller shared with the Commission a Phase II environmental site investigation has been completed at the site. He explained elevated levels of contaminants were discovered and the site will ultimately be cleaned up because the Connecticut Department of Energy and the Environment (CT DEEP) is requiring remediation. Mr. Fuller agreed to share that report with the Commission.*

It is important to understand the current site conditions, the extent of any on-site contamination and how it will be cleaned up. A remediation plan prepared by a Licensed Environmental Professional (LEP) should be provided to the Commission to ensure the applicant will handle the contamination. If the contamination is limited to the soil, then the applicant should show how the contamination will be remediated prior to construction. If the contaminants are in the groundwater, the applicant should be able to present a remediation plan which explains if the remediation will be a short duration or an ongoing program that will last post-development.

Response: Please see the response letter from LEP, GZA GeoEnvironmental Inc. dated 8-3-21. A link to the referenced environmental reports is also provided.

5. *The topic of subsurface environmental contamination is quite concerning as it relates to stormwater infiltration on the site. Is it possible for infiltrated stormwater to come in contact with contaminated soils and possibly leach pollutants into the groundwater or the stormwater management system?*

Response: Please see the response letter from LEP, GZA GeoEnvironmental Inc. dated 8-3-21.

6. *Note 1 under Tighe & Bond sheet C-503 explains the limits of construction, construction procedures and material stockpile areas will be determined at a pre-construction meeting. Those items should be determined now during the public hearing process and added to the plans and not designed at a later time.*

Response: Note 1 on sheet C-503 summarizes standard industry practices in order to confirm the contractor is establishing the limits of construction, stockpile locations, and construction procedures according to the plans and all other contract documents. The meeting is intended to make sure that everyone is on the same page before commencing work and following all associated project approvals. The items requested are shown on plan sheets C-501, C-502 and C-503. Please let us know if you have additional questions or concerns.

7. *The soil stockpile area shown on Tighe & Bond sheet C-501 seems small in comparison to the large site area of disturbance. The engineer of record should determine the area required for material storage on the site and add those areas to the plan at this stage of permitting. Proper sediment and erosion control measures should also be added around any additional stockpiles.*

Response: The design intent is to minimize the amount of stockpiling on site. If a larger pile is needed than anticipated, it would be provided in the same general location and extend towards the building in order to ensure it stays out of the floodplain, building footprint, and areas for future infiltration. As noted in our response to comment 8, the project will be maintaining the westerly paved areas, which provide excellent protection from erosion, for as long as possible until final work occurs in these areas. Also it should be noted that a design goal for the site is to balance material import and export and minimize stockpiling as much as possible. The materials from the building foundation excavation and storm drainage installation will be re-used toward the front of the site, further from the river, to establish finished grade. All stockpiles will have sedimentation and erosion control measures vigilantly maintained throughout the construction process. Furthermore, the owner will provide a compliance check list, developed by Tighe & Bond, for the construction manager to fill out and submit to the IWC staff on a monthly basis, and after a 1/2" or more rain event, during the construction phase. These check lists will be completed and submitted to the town staff to confirm they are adhering to outlined measures. Please let us know if you have additional questions or concerns.

8. *The temporary sediment trap portrayed on Tighe & Bond sheet C-501 seems like it is designed to address the sediment from the eastern portion of the site and the plan relies on a row of hay bales and silt fencing to protect the Norwalk River from sedimentation from the rest of the site. I have seen the silt fencing & hay bale protection fail on many different construction sites. Given the size of the area uphill of those protections, I would recommend additional layers of protection for the river in the form of more temporary sediment traps and additional sediment and erosion control measures.*

Response: The proposed sediment trap is intended to be for protection against sedimentation and erosion on the eastern portion of the site as noted; however, the project plan is to leave as much of the existing pavement in place as possible along the western portion of the site to stabilize and protect the upland areas adjacent to the river. The western portion of existing pavement will be removed just before the work in this area is undertaken and finished to minimize the opportunity for erosion and sedimentation adjacent to the river. The best erosion control is to maintain the paved surface for as long as possible prior to finishing these areas. Additionally, we have specified heavy duty silt fence with reinforced stakes and wire backed geotextile fabric for installation at the back of pavement along the river with a row of haybales. This is a much more robust erosion control measure than standard silt fence installations provide. See the detail on Sheet C-503. Providing a sediment trap within the flood plain would not be recommended by this office because of the need to remove the stabilizing pavement for an extended period of time, as well as the risk for reanimating settled solids into the river in the event of potential flooding. Please let us know if you have any additional questions or concerns.

9. *Since the parking lot takes up the majority of the site, I recommend the applicant provide a detailed snow storage plan. The plan should address where snow will be stored on-site and how the melting snow runoff will be treated prior to entering the Norwalk River.*

Response: The proposed plan will have less proposed surface parking exposed to snow than the existing site currently does. The proposed building is designed with a flat roof and the snow that falls on the building will not need to be stored. For the snow which collects on the surrounding parking (an area smaller than what currently exists), the proposed site plan shows the areas of snow storage and they are noted with a dot hatch around the surface parking areas (see Site Plan and Legend on sheet C-101). The project does not propose to store snow or stockpile it adjacent to the river. Snow melt will be addressed in the same way all runoff from the site is. The treatment train of BMP's proposed on site will collect and treat the melting snow since the snow removal areas are located immediately adjacent to the proposed paved surfaces. Please let us know if you have additional questions or concerns.

10. *I recommend the applicant submit a draft Declaration to Maintain Stormwater Drainage Facilities that includes a maintenance plan and schedule for the stormwater managementsystem. If an approval is granted by the Commission, I recommend this declaration be memorialized by the applicant filing it on the Wilton Land Records.*

Response: The proposed maintenance plan is included in the Engineering report and was subsequently submitted to your office as a standalone document for review, a copy is also attached hereto for your convenience. A draft Declaration to Maintain Stormwater Drainage Facilities has been included with these responses. The applicant is happy to record same prior to issuance of a certificate of occupancy. Please let us know if you have any additional questions or concerns.

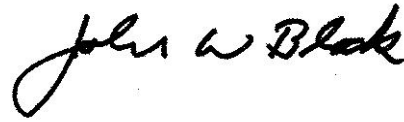
If you have any questions, please feel free to contact us at 860-852-5219.

Very truly yours,

TIGHE & BOND, INC.



Erik W. Lindquist, P.E., LEED AP
Project Manager



John W. Block, P.E., L.S.
Senior Vice President