

INLAND WETLANDS
COMMISSION
Telephone (203) 563-0180
Fax (203) 563-0284



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

MEMORANDUM

TO: Michael Wrinn, Town Planner

FROM: Michael Conklin, Director of Environmental Affairs

DATE: October 29, 2021

RE: **Wetlands Permit Application #2724 – CT HUMANE SOCIETY**
863-875 Danbury Road, Wilton, CT Map#11, Lot#47

At the October 28, 2021 regular meeting of the Inland Wetlands Commission, Commissioners voted to approve WET#2724 CT Humane Society Inland Wetlands Application for redevelopment of premises to include demo of existing on-site structures and construction of a new single-story commercial building, parking, driveways, walkways and associated site improvements at 863-875 Danbury Road. The vote to approve was carried by a 3-1-0 vote and the resolution is attached for your reference.

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October 29, 2021

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Connecticut Humane Society
c/o Gregory & Adams, P.C.
190 Old Ridgefield Road
Wilton, CT 06897

Subject: Wetlands Permit Application #2724 - **CONNECTICUT HUMANE
SOCIETY**
863-875 Danbury Road, Wilton, CT, Map#11 Lot#47

Dear Mr. Murphy:

The Inland Wetlands Commission of the Town of Wilton has **GRANTED** your application to conduct significant "regulated activities" within the Town of Wilton. Your attention is directed to the enclosed Resolution #1021-81 WET. It contains a description of the permitted work and the terms and conditions attached. Please review it carefully. Your work must conform to your permit. This permit is valid for five years. Refer to General Condition #2 for additional information. The Director of Environmental Affairs must be notified 24 hours prior to commencing on-site work.

If you have not already done so, you should contact the State of Connecticut, Department of Energy and Environmental Protection, Bureau of Water Management, to determine the requirement, if any, for State authorization. If your project involves filling of, or discharge to, Federally regulated wetlands or watercourses, you should contact the U.S. Army Corps of Engineers in Waltham, Massachusetts.

For your records, a copy of the Legal Notice of the Commission's decision is enclosed. If you have any questions or comments regarding your permit, please contact this office. Thank you for your cooperation in protecting the valuable natural resources of the Town of Wilton.

Sincerely,

Nick Lee
Chairman

Encl. Resolution #1021-81WET
General Conditions
Legal Notice of Publication

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Resolution#1021-81WET
Permit WET#2724
October 29, 2021

Upon Public Hearing, duly noticed and held and upon MOTION duly made, seconded, and carried, the following decision was made:

RESOLVED:

that Wetlands Application #2724 to conduct "Significant Regulated Activities," as defined by Section 2.1.x of the Wilton Wetlands and Watercourses Regulations be granted to Connecticut Humane Society for a proposed redevelopment of premises to include demo of existing on-site structures and construction of new single-story commercial building, parking, driveways, walkways, and associated improvements at 863-875 Danbury Road, Wilton, CT (Assessor's Map #11, Lot #47) as described in documents entitled:

1. Application for a Significant Regulated Activity, with supporting documentation, dated July 15, 2021, signed by the Agent
2. Letter from Gregory & Adams, dated July 15, 2021, signed by James Murphy
3. Location Map, undated, prepared by Harbor Publications
4. Property & Topographic Survey, dated January 20, 2021, prepared by Ryan & Faulds Land Surveyors, signed by Douglas Faulds, unsealed
5. 500' Vicinity Map EXH-1, dated July 1, 2021, prepared by Redniss & Mead, unsigned, unsealed
6. Site Development Plan SE-1, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
7. Site Grading Plan SE-2, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
8. Site Utility Plan SE-3, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
9. Sediment & Erosion Control Plan SE-4, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
10. Site Septic Design Plan SE-5, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
11. Notes & Details SE-6, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
12. Details SE-7, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149

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13. Details SE-8, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
14. Soil Data SE-9, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
15. Site Engineering Report, dated July 1, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
16. Landscape Plan LP.1, dated July 1, 2021, prepared by Environmental Land Solutions, signed and sealed by Kate Throckmorton, LA, CT Lic#635
17. Landscape Plan LP.2, dated July 1, 2021, prepared by Environmental Land Solutions, unsigned, unsealed
18. Letter from Environmental Land Solutions, dated July 1, 2021, signed by Kate Throckmorton
19. Alternate #1, located on Property & Topographic Survey, dated January 20, 2021, prepared by Ryan & Faulds
20. Alternate #2, dated December 11, 2019, prepared by Amenta Emma
21. Alternate #3, located on Site Development Plan, dated February 19, 2021, prepared by Redniss & Mead
22. Alternate #4, Concept Plan 4, dated July 2021, prepared by Environmental Land Solutions
23. Wetland Delineation Report, dated July 31, 2020, prepared by Pfizer-Jahnig, signed by Mary Jahnig
24. Letter from Gregory & Adams, dated July 14, 2021, signed by James Murphy
25. Notice for Land Records, dated July 13, 2020
26. Certificate Releasing Leans, dated March 31, 2020
27. Court of Probate Certificate, dated May 14, 2021
28. List of Project Professionals
29. Referral Memo to Dept. of Public Works, Health, and Conservation, dated July 16, 2021
30. Email from Frank Smeriglio, dated August 5, 2021
31. Memo from Town Engineer, Frank Smeriglio, dated August 5, 2021
32. Email from Staff to Agents, dated August 5, 2021
33. Email from Staff to Commissioners, dated August 5, 2021
34. Legal Notice for Public Hearing, dated August 24, 2021
35. Email from Staff to Commissioners, dated September 1, 2021
36. Staff Report, dated September 1, 2021
37. Letter from Gregory & Adams, dated August 31, 2021, signed by James Murphy
38. Existing On-Site Drainage Basin Exhibit, dated August 16, 2021, prepared by Redniss & Mead, unsigned
39. Proposed On-Site Drainage Basin Exhibit, dated August 16, 2021, prepared by Redniss & Mead, unsigned
40. Site Grading Plan SE-2, dated July 1, 2021, last revised August 24, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
41. Site Utility Plan SE-3, dated July 1, 2021, last revised August 24, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
42. Site Septic Design Plan SE-5, dated July 1, 2021, last revised August 24, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149

43. Notes & Details SE-6, dated July 1, 2021, last revised August 24, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
44. Details SE-8, dated July 1, 2021, last revised August 24, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, PE, CT Lic#21149
45. Referral Memo to Dept. Public Works, Health, and Conservation, dated September 2, 2021
46. Email from Staff to Commissioners, dated September 2, 2021
47. Email correspondence between Staff and Agent, dated September 2, 2021
48. Email from Town Engineer, Frank Smeriglio, dated September 9, 2021
49. Memo from Dept. of Public Works, dated September 9, 2021, signed by Frank Smeriglio
50. Email from Staff to Commissioners, dated September 9, 2021
51. Email from Staff to Agents, dated September 9, 2021
52. Memo from Conservation Commission, dated September 9, 2021
53. Email from Staff to Commissioners, dated September 9, 2021
54. Email from Staff to Agents, dated September 9, 2021
55. Email correspondence between Staff, Agent and Commissioners, dated September 9, 2021
56. Affidavit of Publication, dated August 30, 2021, prepared by Hearst Media
57. Email from Merima Peterkin, neighbor, dated September 15, 2021, forwarded to Commissioners on September 27, 2021
58. Email from Staff to Agent, dated September 27, 2021
59. Email from Vincent Hayes to Frank Smeriglio, dated September 30, 2021
60. Memo from Redniss & Mead, dated September 29, 2021, prepared by Craig Flaherty
61. Email from Staff to Commissioners, dated September 30, 2021
62. Email from Dr. Pinou to Staff, including two photos, dated October 5, 2021
63. Email from Staff to Agent, dated October 6, 2021
64. Email from Staff to Commissioners, dated October 6, 2021
65. Email from Agent to Staff, dated October 7, 2021
66. Letter from Gregory & Adams, dated October 6, 2021, signed by Jim Murphy
67. Email from Staff to Commissioners, dated October 12, 2021
68. Email from Agent to Staff, dated October 8, 2021
69. Letter from Gregory & Adams, dated October 8, 2021, signed by Jim Murphy
70. Email from Staff to Commissioners, dated October 8, 2021
71. Letter from Animal Arts, dated October 8, 2021, signed Heather Lewis
72. Letter from Gregory & Adams, dated October 7, 2021, signed by Jim Murphy
73. List of Project Professionals, dated October 5, 2021
74. Resume for Craig Flaherty, P.E.
75. Resume for Vincent Hynes, P.E.
76. Resume for Kate Throckmorton, LA
77. Resume for Matthew Popp, LA
78. Resume for Michael Galante, Traffic Planner
79. Resume for Steven Cipolla, Traffic Analysis
80. Resume for Thomas Quarticelli, AIA
81. Resume for Michael Tyre, AIA
82. Resume for Kevin Peterson, Acoustics

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83. Resume for Heather Lewis, AIA
84. Addendum #1 Site Engineering Report, dated September 29, 2021, prepared by Redniss & Mead, signed and sealed by Craig Flaherty, P.E., CT Lic#21149
85. Policy & Position Statement, Cleaning Cat Condos, undated, prepared by Connecticut Humane Society
86. Referral Memo to Dept. of Public Works, Health, and Conservation, dated October 13, 2021
87. Email from Town Engineer to Agent's Engineer, dated October 14, 2021
88. Memo from Dept. of Public Works, dated October 14, 2021, signed by Frank Smeriglio
89. Email from Staff to Commissioners, dated October 14, 2021
90. Email from Staff to Agent, dated October 14, 2021
91. Letter from Gregory & Adams, dated October 14, 2021, signed by Jim Murphy
92. Sanitary Sewer Trench & Grading Exhibit SK - 1.0, dated October 12, 2021, prepared by Redniss & Mead, unsigned
93. Sanitary Sewer Trench Repair Details SK - 1.1, dated October 12, 2021, prepared by Redniss & Mead, unsigned
94. Site Utility Plan SE-3, dated August 24, 2021, prepared by Redniss & Mead, unsigned
95. Site Septic Design Plan SE-5, dated August 24, 2021, prepared by Redniss & Mead, unsigned
96. Letter from Redniss & Mead, dated October 12, 2021, signed by Craig Flaherty
97. Portion of Aquifer Protection Area Program Map, undated, unknown preparer
98. Page 15 of Wilton POCD, dated 2019
99. Water Quality Classifications Map, dated October 2018, prepared by CT DEEP
100. Excerpt from Aquifer Protection Agency, dated October 7, 2021
101. Two (2) photos, undated, unknown preparer
102. Portion of Wilton GIS Map, undated, unknown preparer
103. Email correspondence between Agent and Staff, dated October 14, 2021
104. Email from Staff to Commissioners, dated October 14, 2021
105. Referral Memo to Dept. of Public Works, Health, and Conservation, dated October 14, 2021

The permit is subject to the attached General Conditions and the following normal Special Conditions:

1. Prior to the commencement of any on-site permit related activity, the applicant shall submit photo documentation of the site. The photos shall be both wide angle and close up shots. They shall be labeled and cross referenced on a site plan.
2. Prior to the commencement of any on-site permit related activity, the applicant shall submit a "Declaration to Maintain Stormwater Management Plan" to the Office of the Commission for review and approval by Commission Staff and Town Counsel. The final approved "Declaration to Maintain Stormwater Management Plan" shall be filed on the Wilton Land Records.

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3. Prior to the commencement of any on-site permit related activity, the applicant shall submit an estimate for the cost of the planting plan and the erosion and sedimentation control plan for approval by this commission or its staff for the purpose of determining a bond amount.
4. Prior to the commencement of any on-site permit related activity, the applicant shall post a bond in a form and an amount acceptable to this commission and town counsel. The portion of the bond attributed to the planting plan shall be eligible for release at the end of the second full growing season after the planting plan is fully implemented. No portion of the bond is eligible for release until Special Condition #8, and Special Condition #11 below is satisfied. In the event the applicant fails to properly implement and maintain the planting plan or the erosion and sedimentation control plan, the Town reserves the right to use the bonded funds to correct such deficiencies.
5. Prior to the commencement of any on-site permit related activity, the applicant shall complete the clean-up of debris on the site, including any pollutants and potentially harmful material, using proper disposal procedures. The applicant shall coordinate with commission staff both prior to and upon completion of the initial debris clean-up so the site can be inspected by commission staff.
6. The applicant shall cause to have weekly construction site monitoring reports submitted to the office of this commission. The reports shall at a minimum be performed by a professional approved by Commission staff and address the site work just completed, work anticipated for the coming week, condition of the stormwater management system, and the condition of the erosion and sedimentation controls. These reports shall be delivered to the Office of the Commission each Monday by 4 p.m. until the site is completely stabilized.
7. The applicant shall coordinate with commission staff prior to, during and upon completion of the streambed restoration and watercourse daylighting work as described in the final and approved Landscape Plan filed by Environmental Land Solutions, LLC dated July 1, 2021.
8. The applicant shall complete the removal of the unconsolidated gravel fill and restore and stabilize the grade as described in the Redniss & Mead Sanitary Sewer Trench & Grading Exhibit dated October 12, 2021.
9. The applicant shall follow the Eastern Box Turtle Protection monitoring processes and construction activity procedures as described in the report of Kate Throckmorton of ELS dated October 25, 2021 and the Report of Dennis Quinn submitted to the Commission on October 25, 2021 and those processes and procedures shall be added to the Redniss & Mead construction drawings and the ELS Landscape Plan provided to the Applicant's construction contractors. A two (2) copies of such revised plans shall be filed with the Office of the Commission prior to the commencement of any permit related activity.

10. The applicant shall provide an as-built plan of the infiltration and stormwater management system and a letter from the engineer of record attesting to conformance of the constructed system to the approved system.
11. The applicant shall cause to be prepared a foundation as-built survey that depicts the limit of disturbance, area of conservation restriction, wetlands, watercourses and their regulated areas. The survey shall also include a note directing the reader to the office of the Inland Wetlands Commission for further information regarding WET#2724. This survey shall be in a form suitable for filing on the Wilton Land Records. The applicant shall file copy of the survey on the Wilton Land Records. The applicant shall submit two copies of the filed document to the office of the Commission. No portion of the bond in Special Condition #3 above may be released until this condition is fully satisfied.
12. The planting plan shall be fully installed within six months of receiving either a permanent or temporary Certificate of Occupancy.
13. Applicant shall arrange to have the septic tank pumped monthly.

END

Res#1021-81WET

GENERAL CONDITIONS**IN THE ISSUANCE OF ALL WILTON INLAND WETLANDS COMMISSION PERMITS**

1. The permittee shall notify the Director of Environmental Affairs 24 hours prior to the commencement of work and upon its completion.
2. If the authorized activity is not completed on or before 10/28/26 said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.
3. No equipment or material including fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
4. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments 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 initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.
5. Prior to commencement of any construction, including road, accessways, drainage systems, and lots, each and every general contractor and subcontractor employed by the applicant or subsequent purchaser shall execute a document in the form annexed indicating that the contractor or subcontractor has fully familiarized itself with and understands the Wilton Inland Wetlands and Water Courses Regulations as they apply to its project, and with the terms of the permitted activity, including the general and special conditions which may pertain.
6. The permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control storm water discharges, to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Director of Environmental Affairs. The permittee shall immediately inform the Commission of any problems involving wetlands or watercourses which develop during the course of, or which are caused by, the authorized work.
7. In evaluating this application, the Commission has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.
8. Nothing in this permit shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Wilton, State of Connecticut and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.
9. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Wilton, conveys no property rights in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state and local activity affected hereby.
10. This authorization is not transferable without the written consent of the Wilton Inland Wetlands Commission.
11. Where applicable, the oil tank shall be above ground or in the basement of the dwelling.

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CONTRACTOR AGREEMENT

RESOLUTION NUMBER: #1021-81WET

WETLANDS PERMIT NUMBER: #2724

As a contractor/subcontractor engaged by _____ to perform the regulated activities described in Wilton Inland Wetlands Commission Permit referenced above, I am familiar with the applicable State and Town of Wilton Inland Wetlands and Water Courses Regulations and the Permit, and will comply with all the conditions therein.

Work will commence on or about _____ and will be completed within _____ weeks.

Name: _____

Address: _____

Telephone: _____

Signature

Date Signed

MAIL TO: Wilton Inland Wetlands Commission
Town Hall Annex
238 Danbury Road
Wilton, CT 06897
(203) 563-0180

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LEGAL NOTICE - PUBLISH ONCE

The Wilton Inland Wetlands Commission took the following ACTION on October 28, 2021

GRANTED with conditions, Wetlands Application **WET#2724 – CONNECTICUT HUMANE SOCIETY** – proposed redevelopment of premises to include demo of existing on-site structures and construction of new single-story commercial building, parking, driveways, walkways and associated improvements at 863-875 Danbury Road, Wilton, CT (Assessor's Map #11, Lot #47).

The full record of the Commission's action is available for public review at its offices in the Town Hall Annex at 238 Danbury Road, Wilton, CT.

Dated this 29th day of October at Wilton, CT

Publish in the WILTON BULLETIN November 4, 2021

Nick Lee, Chair