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VIA EMAIL

Wilton Water Pollution Control Authority
Wilton Town Hall
238 Danbury Road
Wilton, CT 06897

Re: February 14 Meeting - Agenda Item No. 3 (Discussion and possible vote on policy revisions)

Dear Authority Members:

We are writing to you on behalf of our client, 131 Danbury Wilton Dev AMS, in order to provide you with comments regarding agenda item no. 3 (discussion and possible vote on policy revisions) that you will be addressing at your meeting later today. The proposed draft Appendix V to the Wilton WPCA Regulations which is the subject of agenda item no. 3 appears to be relevant to the request for additional capacity submitted by our client in connection with its proposed residential development project at 131 Danbury Road (agenda item no. 6).

Paragraph 1 of Draft Appendix V

This paragraph would afford priority status for allocations of sewer capacity to certain companies/businesses located in Town which are engaged in manufacturing and research with respect to scientific and technical equipment and which the WPCA deems to be “critical to the well-being of the Town, State and United States.” Allocation requests related to an expansion of such a company would be moved to the front of the sewer capacity allocation line ahead of previously allocation requests filed by others. This proposed policy presents a number of issues, including the following:

- The proposed policy, which appears to be directed to ASML and its application for connection and additional capacity at 77 Danbury Road, is outside the scope of the WPCA’s jurisdiction, authority, and decision-making criteria because it would make capacity allocations based on land use considerations and preferences. Priority would be given based on the type of business, identity of the applicant and a judgment by the WPCA that the particular business or land use should be afforded capacity over other land uses and applicants. Judgments regarding the potential benefits of particular land uses, including, for example, job creation or tax revenue generation, and facilitating particular land uses are within the jurisdiction of the Planning and Zoning Commission and are addressed in the Town’s Zoning Regulations, Zoning Map, and Plan of Conservation and Development. These factors, as well as determining whether a particular applicant and its operations are “critical to the well-being of the Town of Wilton, State of Connecticut and United States of America,” are not relevant to and may not properly be

considered in a water pollution control authority's review and determination of an application for a sewer connection capacity allocation.

- If the preference policy were to be adopted, it cannot be applied retroactively to the allocation request for 131 Danbury Road which was submitted on November 17, 2023, and under review by the WPCA prior to consideration or potential adoption of the policy. The submission of the 131 Danbury Road application was also prior to the January 5, 2024, submission of the ASML allocation request. Further, allocating remaining capacity to a later filing applicant ahead of an applicant who filed prior to the enactment of the "leap-frog" preference and policy has the potential to adversely impact the determination of the first applicant's request.

- Both 131 Danbury Road and 77 Danbury Road are in area 3 under the priority policy enacted last fall by the WPCA, and decisions on connection and allocation requests must be determined based on the same standards.

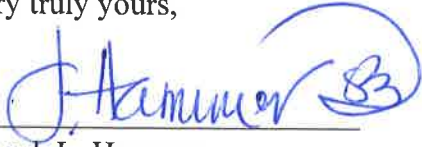
- The Water Use Study prepared by Redniss & Mead, with actual water use data, demonstrates that there is ample remaining capacity under the current Interlocal Agreement with Norwalk to accommodate both 131 Danbury Road and 77 Danbury Road, as well as many other potential developments in Town.

- Wilton can seek additional capacity from Norwalk to ensure that development in Town will not be precluded due to a lack of contractual capacity in the future.

Paragraph 5 of Draft Appendix V

The Interlocal Agreement with Norwalk measures flow based on actual flow as measured at the meter on the Wilton/Norwalk town line. Average annual water use is the measuring standard (total metered use for one year divided by the number of days in the year). The proposed residential flow standards that would be used in determining capacity limits under the Interlocal Agreement are premised on assumptions as to how many persons might occupy various size apartment units (1, 2 and 3 BRs). These assumptions are not supported by data. The most relevant and probative data regarding expected sewage flow from apartment complexes for purposes of determining capacity allocations is actual metered flow data from these types of residential complexes. As part of its connection and allocation application, the applicant for 131 Danbury Road submitted a Water Use Study dated November 3, 2023, prepared by Redniss & Mead which includes *actual average annual water use* data per bedroom per day measured at 15 different residential apartment buildings containing 1,784 apartments and 2,428 bedrooms. Average annual water use is the measuring standard under the Wilton/Norwalk Interlocal Agreement. This study shows that the average annual gallons per day per bedroom is 55 gallons. The draft flow standards in Paragraph 5 are not supported by data and if adopted could have serious impacts on development potential in the Town of Wilton. This is demonstrated by the appended calculations of contemplated future flows should the policy language be adopted (Tables 2A, 2B, and 2C prepared by Redniss & Mead, Inc. and dated February 14, 2024).

Very truly yours,



Joseph L. Hammer

JLH/sbo
Enclosures

TABLE 2A: CONTEMPLATED FUTURE PROJECTS ASSEMBLED FROM AVAILABLE PUBLIC RECORDS

version updated February 14, 2024

**PROJECT LIST INCLUDES PZC APPROVED, PENDING, AND PRE-APPLICATION REVIEWS
ALLOCATIONS BASED ON REDNISS & MEAD WATER USE STUDY (BASED ON 15 PROPERTIES AND 1,784 APARTMENTS)**

Project Address	Status	Units	Studios & One Bedrooms	Two Bedrooms	Three Bedrooms	Total Bedrooms	Other Flow Health Code Max Day (GPD)	Projected Flow per R&M Study (AAGPD)	COMMENTS
141 Danbury Road Residential	Construction	173	44	113	14	312		17,160	55 gpd/bedroom
300 Danbury Road Residential	Approved	74		74		148		8,140	55 gpd/bedroom
300 Danbury Road Commercial	Approved						2,300	1,150	50% of 23,000sf at .1gal/sf for retail
12 Godfrey Place Residential	Approved	42	13	19	10	81		4,455	55 gpd/bedroom
1 Cannondale Way, Hotel	Approved	120	87	33		153		8,415	King Rm = 1; Queen/Queen Rm = 2
241 Danbury Road, Church	Construction					-	2,429	1,215	50% of value used in WPCA presentation
ASML Expansion, Industrial	Pending							18,883	<i>Tighe & Bond Application 1-5-24</i>
131 Danbury Road Residential	Application Filed	208	95	105	8	329		18,095	55 gpd/bedroom
64 Danbury Road Residential	Application Filed	93	31	55	7	162		8,910	55 gpd/bedroom
15 Old Danbury Road Residential	Pre-Application	207	85	95	27	356		19,580	55 gpd/bedroom
5-21 River Road Front Residential	Pre-Application	100	45	45	10	165		9,075	55 gpd/bedroom
5-21 River Road Front Commercial	Pre-Application						2,800	1,400	50/50 split retail/restaurant in 10,000sf gross
5-21 River Road Rear Residential	Pre-Application	72	31	31	10	123		6,765	55 gpd/bedroom
Totals		1017	400	539	76	1706		123,243	Total Contemplated Future Flows
								125,000	<i>Remaining available per current interlocal agreement if unchanged</i>



TABLE 2B: CONTEMPLATED FUTURE PROJECTS ASSEMBLED FROM AVAILABLE PUBLIC RECORDS

version updated February 14, 2024

**PROJECT LIST INCLUDES PZC APPROVED, PENDING, AND PRE-APPLICATION REVIEWS
ALLOCATIONS ARE BASED ON PROPOSED POLICY CHANGE (Appendix V, Item 5)**

Project Address	Status	Units	Studios & One Bedrooms	Two Bedrooms	Three Bedrooms	Total Bedrooms	Projected Flow per Proposed App V-5	COMMENTS
141 Danbury Road Residential	Construction	173	44	113	14	312	31,525	65 gpd/bedroom + 65 gpd/apartment
300 Danbury Road Residential	Approved	74		74		148	14,430	65 gpd/bedroom + 65 gpd/apartment
300 Danbury Road Commercial	Approved						2,300	23,000sf at .1gal/sf for retail
12 Godfrey Place Residential	Approved	42	13	19	10	81	7,995	65 gpd/bedroom + 65 gpd/apartment
1 Cannondale Way, Hotel	Approved	120	87	33		153	18,000	150 gpd/room
241 Danbury Road, Church	Construction					-	2,429	WPCA presentation for application
ASML Expansion, Industrial	Pending						18,883	Tighe & Bond Application 1-5-24
131 Danbury Road Residential	Application Filed	208	95	105	8	329	34,905	65 gpd/bedroom + 65 gpd/apartment
64 Danbury Road Residential	Application Filed	93	31	55	7	162	16,575	65 gpd/bedroom + 65 gpd/apartment
15 Old Danbury Road Residential	Pre-Application	207	85	95	27	356	36,595	65 gpd/bedroom + 65 gpd/apartment
5-21 River Road Front Residential	Pre-Application	100	45	45	10	165	17,225	65 gpd/bedroom + 65 gpd/apartment
5-21 River Road Front Commercial	Pre-Application						2,800	50/50 split retail/restaurant in 10,000sf gross
5-21 River Road Rear Residential	Pre-Application	72	31	31	10	123	12,675	65 gpd/bedroom + 65 gpd/apartment
Totals		1017	400	539	76	1706	216,337	Total Contemplated Future Flows
							125,000	<i>Remaining available per current interlocal agreement if unchanged</i>



TABLE 2C: CONTEMPLATED FUTURE PROJECTS ASSEMBLED FROM AVAILABLE PUBLIC RECORDS

version updated February 14, 2024

**PROJECT LIST INCLUDES APPROVED OR PENDING WPCA REQUESTS AND REMOVES EXPIRING REQUESTS
ALLOCATIONS BASED ON PROPOSED POLICY CHANGE (Appendix V, Item 5)**

Project Address	Status	Units	Studios & One Bedrooms	Two Bedrooms	Three Bedrooms	Total Bedrooms	Projected Flow per Proposed App V-5	COMMENTS
141 Danbury Road Residential	Construction	173	44	113	14	312	31,525	65 gpd/bedroom + 65 gpd/apartment
300 Danbury Road Residential	Approved	74		74		148	Expires 7/19/24	65 gpd/bedroom + 65 gpd/apartment
300 Danbury Road Commercial	Approved						Expires 7/19/24	-23,000sf at .1gal/sf for retail
12 Godfrey Place Residential	Approved	42	13	19	10	81	7,995	65 gpd/bedroom + 65 gpd/apartment
1 Cannondale Way, Hotel	Approved	120	87	33		153	18,000	150 gpd/room
241 Danbury Road, Church	Construction					-	2,429	WPCA presentation for application
ASML Expansion, Industrial	Pending						18,883	Tighe & Bond Application 1-5-24
131 Danbury Road Residential	Application Filed	208	95	105	8	329	34,905	65 gpd/bedroom + 65 gpd/apartment
64 Danbury Road Residential	Application Filed	93	34	55	7	162		65 gpd/bedroom + 65 gpd/apartment
15 Old Danbury Road Residential	Pre-Application	207	85	95	27	356		65 gpd/bedroom + 65 gpd/apartment
5-21 River Road Front Residential	Pre-Application	100	45	45	10	165		65 gpd/bedroom + 65 gpd/apartment
5-21 River Road Front Commercial	Pre-Application							50/50 split retail/restaurant in 10,000sf gross
5-21 River Road Rear Residential	Pre-Application	72	34	34	10	123		65 gpd/bedroom + 65 gpd/apartment
Totals		543	239	270	32	875	113,737	Total Contemplated Future Flows
							125,000	<i>Remaining available per current interlocal agreement if unchanged</i>

