

**STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL**

IN RE:

APPLICATION OF GLOBAL SIGNAL  
ACQUISITIONS II FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY AND  
PUBLIC NEED FOR THE RE-LOCATION,  
CONSTRUCTION, MAINTENANCE AND  
OPERATION OF A TELECOMMUNICATIONS  
FACILITY AT 1919 BOSTON POST ROAD,  
GUILFORD, CONNECTICUT

DOCKET NO. 349

DATE: JANUARY 8, 2008

**PRE-FILED TESTIMONY OF WILLIAM FRIES**

Q1. Mr. Fries, please state your name and position.

A. William Fries and I am the Manager of the Civil Department and a Principal at BL Companies ("BL"). BL is located at 355 Research Parkway, Meriden, Connecticut. BL is the engineering and surveying company retained by Developers Diversified Realty ("DDR") to provide the engineering, oversee the wetlands delineation (Done by Environmental Planning Services), and other design services for the proposed retail development at 1919 Boston Post Road in Guilford (the "Property").

Q2. Please state your qualifications.

A. I have a Bachelors of Science degree in Technology from Keene State College. I have worked in the field of engineering for 15 years and have been employed by BL for all of that time. I have assisted in the development of hundreds of retail projects over the last 15 years, with work ranging from Concept layout to all aspects of detailed site designs, such as Grading, Stormwater

Management, Water Quality and Erosion and Sediment Control. Most of the projects that I dealt with over the last 15 years consisted of very challenging issues as the site before you have. I have served on the management team for BL Companies for the last 10 years and became a Principal of the company in 2007. I am responsible for the Management of approximately 14 people and supervise different aspects of their work.

Q3. Please describe your involvement in this matter.

A. BL was responsible for designing and preparing the site plans for the proposed retail development at the Property, which necessitated the re-location of the existing telecommunications facility (the "Existing Facility"). BL has been involved in the design and local and State permitting process for the proposed retail development at the Property since 2004. In addition, BL supervised the wetlands evaluation and archeological investigation at the Property.

Q4. Please describe the site.

A. The site is located at 1919 Boston Post Road in Guilford and consists of three parcels (the "Property"). The Property is located in the SCW Service Center West zoning district and is located on Assessor's Map 79, Lots 34, 35 and 36A. The Property totals 28.22 acres and is currently developed with a self-storage facility, Rental Business and the existing telecommunications facility (the "Existing Facility"). Large portions of the Property are currently undeveloped but

are subject to pending development plans. The leased area is located in the northeastern portion of the Property.

Q5. Please describe the results of the wetlands evaluation at the Property.

A. At the request of DDR and the Applicant, BL supervised a wetlands inspection of the Property, the results of which are found in Exhibit K of the Certificate Application. Based upon BL's inspection, no wetlands or watercourses were located within 100 feet of the proposed Facility and leased area. The nearest wetland is approximately 128 feet east of the proposed equipment compound. Therefore, it is not anticipated that the proposed Facility will directly or indirectly affect any wetlands or watercourses. Of note, as part of the local approval process for the proposed retail development at the Property, BL was involved in a wetlands application that was filed by DDR to the Guilford Inland Wetlands agency. The Guilford Inland Wetlands agency did approve the proposed development plans, which included the location and design of the proposed Re-located Facility. A copy of the wetlands approval is attached hereto as Exhibit 1.

The statements above are true and complete to the best of my knowledge.

1/8/08  
Date

William T. Fries  
William Fries

Subscribed and sworn before me this 8<sup>th</sup> day of January, 2008.

By: Ellen M Beckwith  
Notary  
**ELLEN M. BECKWITH**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES 10/31/2011

# EXHIBIT 1



THE OLD STONE HOUSE

TOWN OF GUILFORD TOWN HALL

INLAND WETLANDS COMMISSION DEC 27 PM 3: 51

50 BOSTON STREET - TOWN HALL SOUTH

GUILFORD, CONNECTICUT 06437

SETTLED IN 1639

December 27, 2007

TELEPHONE (203) 453-8146

FAX (203) 453-8034

**CERTIFIED MAIL RRR AND REGULAR MAIL  
CERTIFIED MAIL # 7005 3110 000 01132 005**

DDR Guilford, LLC  
Hurwitz, Sagarin, Slossberg & Knuff  
Attn: John Knuff, Esq.  
147 North Broad Street  
P.O. Box 112  
Milford, Ct 06460

Re: DDR Guilford LLC, 1919 Boston Post Road, Map 79, Lots 34, 35& 36A, Zone SCW.  
Regulated Activity— Retail development and associated parking and septic system within 100' upland jurisdictional review area.

Dear Attorney Knuff,

At its December 12, 2007, regular meeting the Guilford Inland Wetlands Commission took the following action;

**RESOLUTION OF APPROVAL OF REGULATED ACTIVITIES PERMIT  
DDR GUILFORD, LLC FOR 1919 BOSTON POST ROAD, GUILFORD, CT**

On or about July 2, 2007, DDR Guilford, LLC submitted an application for a regulated activities permit in connection with a proposed retail development and associated parking for a property located at 1919 Boston Post Road, Assessor's Map 79, Lots 34, 35 & 36A, Zone SCW, in the Town of Guilford. The plans accompanying the application, including revisions, are identified as "Land Development Plans for Guilford Inland Wetlands Commission, Guilford Commons Boston Post Road (US Route 1), Guilford, Connecticut, Prepared for DDR Guilford, LLC, 300 Enterprise Parkway, Beachwood, OH 4412, Prepared by: BL Companies, 355 Research Parkway, Meriden, Connecticut, 06450. 56 sheets (list of contents

attached)" Dated June 29, 2007 revised to August 20, 2007. Landscape plan sheet LL-1A revised to 10/18/07, The color copies of LL-2 both dated 6/29/2007 and unrevised the second revised to 10/18/07, GD-0,1,&2 revised to 10/18/2007, DN-10 revised to 10/03/07, EC-1, EC-12, DN-8, DN-9, revised to 10/03/07.

The Commission conducted public hearings on August 29, 2007, September 25, 2007, September 27, 2007, October 3, 2007, October 18, 2007 and November 8, 2007. The Commission deliberated on the application at its meetings on November 13, 2007, November 14, 2007, and December 12, 2007.

In accordance with the findings set forth below, the application is hereby **APPROVED**, subject to the conditions set forth below.

**Findings:**

1. The site consists of two parcels containing 28.22 acres. The proposed development is expected to include approximately 149,049 square feet of retail development with 684 supporting parking spaces and infrastructure. The wetlands and watercourses at issue consist of Spinning Mill Brook, a watercourse that bisects the site, and wetland areas surrounding Spinning Mill Brook.
2. The regulated activities proposed include the construction of pavement, curbing, stormwater systems and discharges, construction of lateral sand filters and piping for the wastewater treatment systems, the discharge of effluent from the wastewater treatment system, grading, retaining wall construction, landscaping and the construction of fencing and guide rails.
3. The Commission had denied a previous application for this development on April 11, 2007. The reasons for the denial focused on the applicant's failure to prove that it had authority from the State Department of Transportation to access stormwater treatment basins adjacent to the I-95 southbound ramp for Exit 57; the failure of the plans to identify the location of an operations and control building; certain piping deficiencies in the proposed aerial storm sewer crossing of Spinning Mill Brook; the failure to address certain issues regarding the thermal expansion of this

pipe; the failure to demonstrate that the storm sewer crossing has adequate storage capacity for the 50 and 100-year storm events; inadequate erosion protection in certain areas; negative impact on wetlands wildlife because of light trespass within the wetlands corridor; the failure to establish that the nitrogen levels discharge from the effluent would not cause an adverse impact to Spinning Mill Brook; and other reasons set forth as of record.

4. Following the denial, the applicant re-applied to the Commission, and submitted modified plans and additional studies and information to address the reasons for denial of the initial application. The applicant presented expert evidence from engineers and consultants including William T. Fries, Manager, Civil Engineering, BL Companies; John R. Whitcomb, P.E., BL Companies; Samuel Haydock, Geologist and Licensed Environmental Professional, BL Companies; Michael Klein and James Cowen from Environmental Planning Services; and Robert Jontos, PWS, CPESC, RS, from Land-Tech Consultants, Inc. The record from the applicant's initial regulated activities application has also been incorporated into the record of this proceeding.
5. The application was reviewed by Town staff and consultants hired by the Town, including Leslie Kane, Environmental Planner; Dennis Johnson, Director of Health; Mark Davis, P.E., Westcott and Mapes, Inc., Brian Curtis, P.E., Nathan L. Jacobson & Associates, Inc., and Kenneth Stevens, Soil Scientist and Environmental Services, Robert Crelin, Crelin Creative. The Commission also heard testimony from Warren Herzig, regarding the wastewater permitting proceedings for Zenon systems conducted by Connecticut Department of Environmental Protection.
6. The Commission received two petitions to intervene pursuant to Conn. Gen. Stat. § 22a-19 in these proceedings. The first was filed by the Committee to save Guilford Shoreline, Inc., on or about August 22, 2007. The second was filed on or about August 28, 2007 by the following individuals: Sandra Wilson, Richard Wilson, Heather Fernandes, Jing Zang, Myung Arabolos, William Arabolos, Robin Campot, Diane Sholomakas, and Gerald Farina.

7. In addition to incorporating the testimony from the first hearing from Dr. Priscilla Baillie, Ph.D. (Ecologist, Botanist), the Intervenor, Committee to Save Guilford Shoreline, presented expert evidence from Dr. Gaboury Benoit, Professor of Environmental Chemistry and Professor of Environmental Engineering at the Yale School of Forestry and Environmental Studies. Dr. Benoit's testimony focused on the potential harm to Spinning Mill Brook because of the levels of nitrate discharged by the effluent from the applicant's wastewater treatment facility. The applicant disputed the claims made by Dr. Benoit, and provided opposing expert evidence by its consultants, including John Whitcomb, Robert Jontos, and representatives from Environmental Planning Services.
8. Having considered and reviewed all of the opinions from the experts, including the Commission's own consultants, and the public testimony, and having considered the criteria for decisions set forth in Section 271-38 of the its regulations, the Commission finds that, provided the conditions, set forth below are satisfied, the proposed regulated activities are not reasonably likely to cause an adverse impact to the surrounding wetlands and watercourses, and that the permit should be issued subject to the conditions set forth below. The Commission further finds that, provided the conditions are satisfied, a feasible and prudent alternative does not exist.
9. The applicant testified that it had met with the Guilford Water Pollution Control Authority (WPCA) and was willing to enter into an agreement with the WPCA regarding the operations and maintenance of the proposed Zenon wastewater treatment facility. The outline of such agreement were entered into the record, and confirmed by Dennis Johnson, Director of Health and Staff to the WPCA. The Commission finds that the compliance with such an agreement will provide assurance that the Zenon wastewater treatment system will be properly operated and maintained, thereby helping to assure that no adverse impacts occur to Spinning Mill Brook. Accordingly, the Commission, in accordance with the testimony at the public hearing, and in consultation with its professional staff, has specified certain terms to be included in the Agreement with the WPCA as



part of its conditions of approval, which terms the commission understands are acceptable to the applicant and to the WPCA.

10. In light of the foregoing, and in consideration of the interventions under Gen. Stat. § 22a-19 submitted to the Commission, the Commission finds that, provided the conditions set forth above are satisfied, the regulated activities approved are not reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the State.

**Conditions of Approval:**

1. The conditions of approval shall be printed on the approved map prior to approval of a building permit.
2. All changes and revisions described below must be included on revised plans and submitted to the Guilford Inland Wetlands Enforcement Officer prior to any work being done on the site.
3. An independent soil and erosion control expert shall be retained to monitor soil and erosion controls on site and conduct inspections at least once a week and within 24-hours of the end of a storm with a rainfall amount of ½-inch or greater and shall submit a report to the Inland Wetlands Enforcement Officer after each inspection, but not less than once a week.
4. Soil erosion and sediment control measures shall be installed as shown on the approved plan. A row of bright orange construction fencing shall be installed at the limit of landscaping/construction shown on the permit map prior to commencement of construction activities.
5. The Inland Wetlands Enforcement Officer shall be notified of such installation so that an inspection might be conducted to determine compliance and to authorize commencement of construction.
6. During construction, piles of fill, erodible material, and debris shall not be created within 100-feet of regulated inland wetland or watercourse areas, unless specific authorized in this

permit.

7. No grading, clearing, landscaping, or other ground surface disturbance shall occur within 100 feet of the regulated inland wetland and watercourse area unless specifically authorized in this permit.
8. Any material, man-made or natural, which is in any way disturbed and/or utilized during work herein authorized shall not be deposited in any wetland or watercourse, either on or off-site, unless specifically authorized in this permit.
9. Steps taken to control sedimentation, erosion, and downstream siltation shall include but need not be limited to:
  - a. The stabilization of all disturbed earth surfaces with suitable ground cover and/or hay mulch during and following construction activities.
  - b. The installation of a temporary erosion control fence or other suitable erosion control measure as indicated on the permit map or as required by the Inland Wetlands Enforcement Officer. This erosion control measure will be installed prior to the start of construction activities. Its location will be reviewed and approved in the field by the Inland Wetlands Enforcement Officer.
  - c. The limitations of all construction activities to a specified area reviewed and approved by the Inland Wetlands Enforcement Officer and as defined by the permit map.
  - d. The placement of additional erosion controls as reviewed and approved by the Inland Wetlands Enforcement Officer prior to commencement of clearing and construction activities.
10. A stone or riprap anti-tracking pad shall be installed at the entrance and exit areas of the site in order to prevent erodible material from being tracked onto paved areas and subsequently being deposited into adjacent storm drainage systems, inland wetlands, or watercourses.
11. The permit may be revoked or suspended if the permittee exceeds the conditions of approval

of this permit or has secured this permit through deception or inaccurate information.

12. This permit does not obviate the permittee's obligation to obey all other applicable federal, state, and local laws or to obtain any applicable federal, state, and local permits.
13. The permittee shall immediately inform the Inland Wetlands Enforcement Officer of problems involving sedimentation, erosion, downstream siltation, or any other adverse impacts, which develop in the course of or are caused by the work herein authorized.
14. The permittee, Developers Diversified Realty Guilford, LLC shall submit a performance bond in an amount to be determined by the Inland Wetlands Enforcement Officer prior to the commencement of clearing or construction to ensure compliance with the conditions of this permit. The bond shall be held for two full growing seasons post installation of plantings and written acceptance by the Inland Wetlands Enforcement Officer to ensure compliance with the conditions of this permit.
15. The inland wetlands boundary shall be permanently delineated by the setting of permanent 4"x 4" wooden or concrete posts. The posts shall be marked with signage indicating they are wetland boundary markers. The posts are to be located along the wetlands boundary as shown on the final plans at a maximum of 25-foot intervals and as approved by the Inland Wetlands Enforcement Officer.
16. Prior to issuance of a Certificate of Occupancy, the conservation easement boundary shall be permanently delineated by the setting of permanent 4"x 4" wooden or concrete posts. The posts shall be marked with signage indicating they are conservation easement boundary markers. The posts are to be located along the conservation easement boundary as shown on the final plans at a maximum of 25-foot intervals and as approved by the Inland Wetlands Enforcement Officer.
17. Prior to issuance of a Certificate of Occupancy, the Inland Wetlands Enforcement Office shall be notified so that an inspection may be conducted to determine that all soil erosion and

sedimentation control measures have been maintained in the manner in which they were approved on the site plan and are in compliance.

18. All soil erosion and sedimentation control measures shall be maintained in the manner in which they were approved on the site plan and are in compliance for a period of one year or one growing season after completion of the project and that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sedimentation control measures. In the event that the property/permit area is transferred to another party prior to a period of one year or one growing season after completion of the project, the following conditions shall apply:
  - a. A bond will be set by the Inland Wetlands Enforcement Officer in an amount adequate to ensure that in the event of failure of such soil erosion and sedimentation control measures or in the event that they become ineffective or in disrepair, the Town of Guilford may enter upon such property and reestablish such soil erosion and sedimentation control measures as shown in the approved plan;
  - b. The developer shall enter into an agreement with the Guilford Inland Wetlands Commission to place a bond in the form of a passbook savings account with the Guilford Savings Bank in the amount as established by the Inland Wetlands Enforcement Officer;
  - c. Such a passbook savings account shall be in the name of the developer and shall be held as bond entered into agreement with Guilford Inland Wetlands Commission for the period of one year or one growing season, to ensure that all soil erosion and sedimentation control measures shall be maintained in the manner in which they are approved on the site plan and are in compliance for a period of one year or one growing season after completion of the project and that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sediment control measures.

19. Any changes to the approved plan must be submitted to the Inlands Wetlands Commission for approval.
20. Prior to the issuance of any building permit, the permittee shall grant a conservation easement as shown on the Proposed Conservation Easement Plan (Sheet CON-0) dated January 31, 2007. Upon acceptance by the Town, the easement shall be filed on the Guilford Land Records prior to any building permits being issued. This conservation easement shall be in accordance with the standard conservation easement document of the Town of Guilford. Should the Town not accept the conservation easement, the terms of the conservation easement shall be made a restrictive covenant running with the land binding on successors and assigns.
21. The permittee shall prepare and execute a plan to replace invasive plant species with native plant species within the regulated area in both the short and long term. Such plan shall be approved by the Inland Wetlands Office.
22. The permittee shall not remove vegetation from beyond the construction limit line toward wetlands indicated on the Demolition Plan (Sheets DM-0 through DM-2) dated June 29, 2007.
23. The permittee is restricted from dumping snow over the embankment along the northeast edge of the parking area.
24. Access from the I-95 southbound ramp for Exit 57 for construction and periodic maintenance of proposed stormwater treatment and flood controls adjacent to the ramp shall meet the requirements of the CT DOT. Traffic Maintenance Plans, Highway Encroachment Permits, and other plans and permits as may be required by the DOT shall be obtained each time the highway ramp is to be used for construction or maintenance access.
25. The permittee shall submit registration for a General Permit for the Discharge of Stormwater Associated with Commercial Activity with the CT DEP. The permittee shall also submit a copy of the Comprehensive Annual Stormwater Evaluation and Inspection, which is required under

this permit, to the Inland Wetlands Office each year once it is prepared.

26. Construction of the stormwater treatment system including inlets, manholes, drains, water quality treatment structures, underground detention structures, water quality basins, and outlet protection shall be inspected by an independent professional engineer retained by the permittee and approved by the Commission, who shall be licensed in Connecticut and shall be experienced in the design and operation of these systems.
27. The stormwater treatment system shall be maintained according to the Operation and Maintenance Plan for the site submitted as part of the Site Engineering Report dated June 29, 2007.
28. The permittee must obtain final approval of the proposed wastewater treatment system and a permit to discharge wastewater from the DEP.
29. Final design of the proposed Advanced Wastewater Treatment Equipment, Ultraviolet Disinfection, Odor Control and Process Control Building shall be approved by the Town Building Official and by the DEP. The final design of this building shall also provide for an emergency station (eyewash shower) and spill containment.
30. The permittee shall obtain DEP approval of plans for the proper handling and storage of any hazardous or dangerous materials to be used on the site. The permittee shall also submit a copy of these approved plans to the Inland Wetlands Office.
31. The Connecticut Water Company shall be consulted during final design of the wastewater treatment system to incorporate acceptable crossing details for water line/sewer line crossings.
32. A waste activated sludge storage tank shall be incorporated into the construction drawings for the wastewater treatment system and its size, type, and location approved by the DEP.
33. The operations and maintenance manual for the wastewater treatment system shall be modified to incorporate the following monitoring/maintenance frequency requirements:

- a. The restaurant grease trap to be cleaned monthly.
  - b. The raw sewage pump chamber to be cleaned annually.
  - c. The effluent pump chamber to be cleaned annually.
  - d. The Zenon membrane system to be inspected weekly.
  - e. The blowers, chemical feed system, and ultraviolet disinfection system to be inspected weekly.
  - f. The raw sewage flow to the wastewater plant and the treated effluent flow to the subsurface soil absorption system to be provided with flow meters and the flows recorded daily.
  - g. Automatic test/exercise of the backup electrical generator(s) for the pump stations and wastewater treatment plant to be conducted weekly.
  - h. The slope immediately downgrade of the lateral sand filter discharge shall be routinely inspected for erosion. Necessary repair of any damage to the slope resulting from erosion shall be made under review of the Inland Wetlands Office.
34. The permittee shall enter into an agreement with the Guilford WPCA in regard to the proposed wastewater treatment system, which agreement shall include the following:
- a. The creation and maintenance of a Maintenance Reserve Fund in the amount of \$150,000 to cover the cost of ongoing maintenance and the replacement parts within the system; said fund being adjusted for inflation and replenished quarterly. The WPCA will be notified of withdrawals and deposits to this fund.
  - b. Submission of a surety bond in an amount of 50 percent of the total wastewater treatment system cost be provided to cover any costs, including repair or replacement associated with the system, that exceed \$150,000.
  - c. The name and qualifications of the selected wastewater treatment system operator, or subsequent operators, shall be provided to the WPCA and be acceptable to the WPCA.

The operator and the operator's technician operating the plant shall have a Class III Wastewater Certification and also be required to respond to system alarms and other treatment plant situations needing attention within a maximum time of two-hours. Notice shall be provided to the Guilford WPCA of wastewater treatment system alarms and other treatment plant situations that need attention.

- d. The WPCA or its designee shall receive copies of all reports, including preliminary reports, routinely provided to the DEP in regard to the system and its discharge including, but not limited to monthly discharge monitoring reports; quarterly test results from monitoring wells located along the downstream edge of the lateral sand filters, together with results from other groundwater monitoring wells that may be installed downgrade from the sand filters; and the bi-annual engineering audit report outlined in the DEP Draft Permit.
- e. The proposed system shall include all 62 alarms and notification systems specified in the attachment to the BL Companies letter dated June 29, 2007.
- f. The WPCA and any other designee shall receive notification of the triggering of any or all of the 62 alarms or notification systems.
- g. The final construction documents and the operation and maintenance manual for the wastewater treatment system shall be reviewed by an independent professional engineer approved by the WPCA, licensed in Connecticut, who is experienced in the design and operation of alternative wastewater treatment systems. In addition, the permittee shall obtain approval from the DEP of the final construction documents and the operation and maintenance manual for the wastewater treatment system prior to the start of construction.
- h. Construction of the Zenon wastewater treatment facility and lateral sand filters shall be inspected by an independent professional engineer, approved by the Guilford WPCA, who shall be licensed in Connecticut and shall be experienced in the design and operation of sand filter beds and alternative wastewater treatment systems. Frequency of inspection



shall be agreed upon between the independent engineer and the WPCA.

- i. The WPCA or its designee shall be empowered, through contractual agreement, to require the permittee or any subsequent purchaser to stop discharges from the system to the lateral sand filters and require that wastewater be hauled from the site to an approved receiving facility if the system fails to meet the DEP permit limits.
- j. The agreement shall be recorded in the Guilford Land Records and any subsequent purchaser shall be obligated to comply with the agreement provisions.

35. The wastewater treatment system shall be maintained according to the final Operation and Maintenance Manual for the system approved by the DEP.

36. The permittee shall retain the services of a qualified limnologist, experienced in the effects on aquatic life of the pollutants normally found in wastewater and approved by the Guilford Inland Wetlands Commission, to prepare a plan for monitoring and reporting on the water quality in Spinning Mill Brook. Such plan shall be approved by the Guilford Inland Wetlands Office, and implemented by the permittee. The Inland Wetlands Commission shall be authorized to require the permittee to take corrective action, should monitoring indicate that activity on the site is adversely affecting water quality in Spinning Mill Brook.

37. The permittee shall make additional application to the DEP to use the discharge from the wastewater treatment system for irrigation on-site. If application for such irrigation is approved, the permittee shall implement irrigation practices consistent with such permit.

38. This application is approved based on the representations of the permittee that it will comply with DEP wastewater standards for the discharge of nitrogen, according to levels specified in the draft permit issued for this facility, in the operation of its wastewater treatment system. The Commission finds, based on evidence in the record, that discharge of effluent containing nitrogen in excess of these levels will likely cause adverse impacts to surrounding wetlands and watercourses. Accordingly, the Commission will consider discharges of effluent nitrogen that

exceed levels specified in the DEP draft permit to be a violation of this permit for which the Commission may require corrective action and any other remedies authorized by law.

**39. Certain Conditions to Continue During Lifetime of Wastewater Treatment System.**

The Commission finds that at least some or all of the effluent from the sewage treatment system proposed by the applicant is likely to enter the watercourse (Spinning Mill Brook) and the wetlands surrounding this watercourse. The Commission further finds that, provided the applicant complies with the representations that it has made to the Commission regarding the operations and maintenance of the Zenon system, and abides by the conditions of approval regarding the operations, maintenance and monitoring of such system provided herein, that such discharge is not reasonably likely to cause an adverse impact on wetlands and water courses. Nevertheless, because this finding of no adverse impact is contingent upon the applicant's complying with its representations regarding the operation and maintenance of this system and upon compliance with the conditions regarding the operations, maintenance, and monitoring, the Commission finds that certain conditions imposed herein regarding such operations, maintenance and monitoring should be applicable for as long as the applicant or its successor operates the proposed wastewater treatment system in the manner represented by this application.

Accordingly, the Commission finds that conditions 35 and 36 shall be considered as conditions to remain in effect as long as the applicant conducts the discharge of effluent in the manner authorized by this permit. Thus, notwithstanding the expiration of this permit in accordance with Gen. Stat. § 22a-42a(d) and § 271-45 of the Regulations, the applicant shall enter into an agreement with the Commission wherein the applicant agrees abide by the aforementioned conditions of approval at all times that the applicant continues the discharge of effluent at this location in the manner authorized by this permit. Such agreement shall be recorded on the land records, run with the land, and be binding on successors and assigns. This condition shall be deemed an integral component of this permit.

40. Unless an extension is granted,

- a. Construction must begin within one year of approval.
- b. This permit expires five years from the date of approval.

This regulated activity is approved based upon the finding that there was no reasonable or prudent alternative in completion of this project.

Very truly yours,



Douglas Summerton  
Chairman, Inland Wetlands Commission

DS:sr

cc: Assessor, Environmental Planner, Town Clerk, Town Engineer, [REDACTED] Health Dept., James Grafmeyer, DDR

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DM-1,2	DEMOLITION PLAN
SP-0	OVERALL SITE PLAN
SP-1,2	SITE PLAN
GD-0	OVERALL GRADING AND DRAINAGE PLAN
GD-1,2	GRADING AND DRAINAGE PLAN
SU-0	OVERALL SITE UTILITY PLAN
SU-1,2	SITE UTILITY PLAN
EC-0	OVERALL PHASE 1 SEDIMENTATION AND EROSION CONTROL PLAN
EC-1,2	PHASE 1 SEDIMENTATION AND EROSION CONTROL PLAN
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CON-1	PROPOSED CONSERVATION EASEMENT PLAN

THE DRAWINGS SHALL NOT BE UTILIZED BY ANY PERSON, FIRM OR CORPORATION WITHOUT THE SPECIFIC WRITTEN PERMISSION OF BL COMPANIES