

MEMORANDUM

To: IWWC
From: Erin O'Hare, Environmental Planner
Date: Nov. 10, 2020

Re: IWWC #A20-10.3 / SIGNIFICANT IMPACT / 5 Research Parkway /
Muddy River – Montante Construction, LLC - (industrial development)

ENVIRONMENTAL PLANNER'S REPORT

NOTE: *This document and any document/ correspondence referenced herein as submitted to the IWWC file on the subject permit application can be viewed in the Environmental Planning Office. Digital copies are provided under the Special Meeting Notice, Nov. 10, 2020, available on the Town website.*

Status

- Oct. 5: Conference with Project Engineer & Project Attorney
- Oct. 6: Application submitted
Applicant Documents submitted (with application):
 - Site Plan Set
 - 'Erosion & Sedimentation Report', dated 10/6/20
 - Cover letter to BL Companies from Erik Davison (Wetlands Scientist), dated 10/5/20, with copy of 2018 Wetlands Report prepared by Davison Environmental
 - 'Stormwater Management Report' (with Pre & Proposed Drainage maps), dated 10/6/20
 - 'Stormwater Management Report – Appendix' (one copy); dated 10/6/20
 - 'Stormwater Summary Report', dated 10/6/20
 - 'Geotechnical Report', prepared by Terracon Consultants, Inc., dated 2/18/19
- Oct. 7: IWWC 'received' Significant Impact Application (with submittal documents) and set Public Hearing to be held Nov. 4, 8:00 p.m., at "location to be determined";
- Oct. 15: Conference with Project Engineer and Town Engineer
- Oct. 16: Environmental Planner Comments, dated 10/16/20 - forwarded (via fax) to Project Engineer;
Memorandum, dated 10/15/20, received from Erik Krueger, Water Division, regarding demolition on site approved (administratively) under IWWC #A19-1.3
- Oct. 22: Due to inadequate seating capacity in Council Chambers given Covid protocols, Chairman set a Remote Special Meeting for the re-scheduled Public Hearing, to be held Tues., Nov. 10, at 7:00 p.m.

Public Hearing Notices posted in Town Clerk's Office and on Town website

- Oct. 27: Applicant administrative documents submitted:
 - Significant Impact fee,
 - Project Team Contact Sheet
 - Abutters List for Certified Mailing Notice of Public Hearing)Applicant Revised/Requested/Required Documents submitted:
 - BL Companies Response to Environmental Planner Comments - dated 10/16/20
 - Supplemental Plan set:
 - Exhibits #1 – ‘Limit of Activity Changes’;(color) ,dated 10/6/20,
 - Exhibit 1A – ‘Limits of Activities Comparison’, dated 10/6/20
 - Exhibit 2 – ‘Proposed Impervious Surface Comparison’, dated 10/6/20
 - Exhibit 4 – ‘Overall Development Plan – Previous VS Current Permit’, dated 10/6/20
 - Exhibit 5 – ‘Overall Development Plan with Colored Stormwater Management Elements’, dated 10/6/20
 - ‘Construction Site Contingency Plan for Erosion Control & Emergency Spill’, dated 10/6/20
 - ‘Stormwater Management Basin Design Summary Report’, dated 10/20/20
 - ‘Proposed Drainage Plan – PD-1’, dated 10/6/20, rev. 10/20/20
- Oct. 29: Record Journal publication of (first) Public Hearing Notice
Town Engineer Comments received, dated 10/29/20
Applicant Revised/Requested/Required Documents submitted:
 - ‘Comparison of 2018 Development (IWWC #A18-6.2) and Proposed Development Table’, dated 10/23/20, rev. 10/28/20
 - ‘Site Demolition Narrative’; dated 10/21/20
- Nov. 2: Applicant Revised/Requested/Required Documents submitted:
 - Letter to Mr. Gagnon, BL Companies, from Michael S. Klein, Principal, Soils Scientist, Wetlands Scientist, Davison Environmental (comments & recommendations), dated 10/30/20
- Nov. 4: Conference with Project Engineer to review site plan issues
- Nov. 5: Record Journal publication of (second) Public Hearing Notice
- Nov. 6: Conference with Project Engineer to review site plan issues;
Letter submitted to IWWC from James Heilman, High Hill Road resident and former IWWC member, re: hydrogeologic issues
Memorandum submitted from Erik Krueger, Water Division re: comments/concerns/ recommendations, dated 10/6/20

Jurisdictional Areas

- **Wetlands:** Extensive wetlands systems onsite – support a range of wetland types: wooded swamp, shrub swamp, wet meadow, isolated forested wetland, riparian wetlands edging the upper Muddy River through a forested ravine, pond edges,

emergent wetlands along lower Muddy River onsite, vernal pool, small disturbed wetland - 28.5 ac. total

- **Watercourses:**
 - a. A large pond, a smaller pond, and a minor pond originally created as stormwater management facilities.
 - b. Muddy River enters the property at eastern border and travels westerly through a rocky, wooded ravine before entering the 120 ft. culvert under the main driveway, hence to a swampy wetland system where channel definition is lost and defined further south entering the large pond at its north end. Channel becomes redefined after discharging over the pond dam/spillway and flowing south exiting the site at the southern property line near the old road (named Barnes Road) via a culvert.
 - c. Unnamed perennial stream entering site from north of site under Carpenter Lane flowing south through the forested swampland on western area of site ultimately entering large pond.
 - d. Unnamed intermittent stream flowing southward discharges to large pond.
 - e. Small historic farm pond located close to Research Parkway.
 - f. Large vernal pool/shrub swamp located close to Research Parkway (just north of daycare facility).
 - g. Several rip-rapped drainage ways direct flows to receiving water bodies.
- **Upland review area (URA)** - The URA consists of the area within 50 feet surrounding the above resources where activities are proposed.

Existing Conditions

General

This 184-acre scenic, rolling site – previous headquarters of Bristol-Myers Squibb, Inc., supports several wetlands systems and is bisected by the Muddy River- a public drinking water supply tributary. The IWWC approved IWWC #A18-6.2 – an application entailing two large warehouses and a significant amount of earthwork and 24 discrete regulated activities, on Nov. 7, 2018, with numerous conditions of approval tailored to each phase of development.. However, the development proposal never went forward as the PZC denied the application. As there were no prospective buyers and the operational costs of maintaining the various buildings on the site were considerable, the owner opted to demolish all the buildings

Demolition Status

A proposed demolition plan was approved administratively under IWWC #19-1.3 (and bonded under a PZC approval for demolition). Weekly reports of progress status and condition of required erosion control measures at site were forwarded to this office by consultant, BL Companies.

A site investigation was conducted on Sept. 22 with Owner representatives and Erik Krueger, Senior Engineer, Water & Sewer Division, to observe post-demolition site conditions which indicated the proposed work was complete. The guard shack near main

entrance and rive around it, a small water chemical building near there, the helipad area, the large parking area in the northwestern corner, and most of the subsurface water and sewer utilities remain in place on site, as was understood. In the vicinity of the former headquarters building, demolition rubble was deposited in a berm-like arrangement around the bottom floor's concrete slab and in the vicinity of the generation plant, structures had been removed. Permit IWWC #A19-1.3 - issued administratively relative to the activity – was then closed.

The Water Division issued a memorandum, dated Oct. 15, 2020, to the property owner, 5 Research Parkway, stating conditions found, on-going concerns, suggested on-going erosion control on site with periodic monitoring to be conducted by Water Division personnel - to insure water quality in the Muddy River, tributary to Mackenzie Reservoir. Implementation of any issues that develop were agreed to continue to be the responsibility of the owner - *(see copy distributed at Nov. 4 IWWC Meeting and copy available posted on Town website under this Special Meeting agenda item).*

Proposal

The proposed development entails:

- 219,000 s.f. delivery station building – in northeastern portion of site
- 1,500 parking spaces – majority in southeastern portion of site
- Loading docks/staging areas
- Eight (8) stormwater basins
- Access/Egress to site from Research Parkway (in south) and Egress from site to Carpenter Lane (in north)
- Re-construction of entire existing main driveway through site.
- Water main construction in Carpenter Lane.

Several documents submitted provide requested comparative information between the current proposed development and the 2018 development for the property. This comparison is useful in both terms of the IWWC's and the public's familiarity with the previous proposal on this enormous site. According to the Applicant, the comparative picture supports their position that the current proposal exerts less of an impact both during the construction phase and going forwarded as a completed development.

Regulated Activities

(This subheading to be completed after "Wetland Impact" report is submitted by Applicant.)

Stormwater Management

(This subheading not completed. See subheading below.)

Erosion Control Plan

(This subheading not completed. See subheading below.)

Required Or Requested Information / Documents Yet To Be Submitted / Remaining Issues

Regarding information requested and concerns to be addressed, this section is in two

parts:

- I. Those requests per this office's comment letter of Oct. 16 that have not yet been submitted, and,
- II. New requests based upon review of application documents submitted to date.

I. Previously requested (per this office's comment letter of Oct. 16)

- Provide overall development project drawing with wetlands, watercourses (includes ponds, swamps, seeps, and other water bodies), Upland Review Areas, and proposed stormwater management elements (with discrete discharge locations) highlighted (in color)

NOT YET SUBMITTED

- Provide Wetlands Scientist's report on proposed development's anticipated impacts to wetlands, watercourses (includes ponds, swamps, seeps, and other water bodies), and Upland Review areas on the property and offsite (where applicable). Note: the Wetlands Report submitted with application was completed for previous project.

NOT YET SUBMITTED

- Concerning the post-demolition conditions on the property – which this office observed (and photographed) on Sept. 22, 2020:
 - a) Provide narrative of plan to address current site conditions relative to demolition areas relative to previous use of property.

APPLICANT RESPONDED NOT NECESSARY

- b) Provide findings of soil borings conducted in demolition area of the footprint of the former headquarters building.

APPLICANT RESPONDED NOT NECESSARY

- c) Provide Building Official's approval regarding contents of demolition material allowed to be left in situ.

NOT YET SUBMITTED

II. New requests based upon review of application documents submitted

1) Wetlands Impact:

Previous submittals to date are the 2018 Wetlands Report and a letter from current Wetlands Scientist indicated no direct impacts to wetlands and to watercourses on the site and recommending a few improvements to the proposed plan design. As previously requested, a Wetlands Impact report is needed that addresses specific impacts to the resources from the current proposal, to include:

- Introduction of silty flows from upgradient proposed temporary sediment

traps (and the critical importance of steady monitoring and removal of accumulated sediment from the Traps),

- Introduction of increased volumes of flows to Muddy River at various locations,
- Potential for dewatering of perched wetland, impact of the proposed drawdown of the two existing ponds (during Construction Phase);
- Impact to the wetlands and Muddy River from flocculent chemicals proposed for use to accelerate settling of suspended sediments in site flows to the 14 (contemporaneous) temporary sediment trap locations.
- Impact to the wetlands and Muddy River from de-icing chemicals to be applied over the years to large southern parking area, etc.
- Other impacts.

2) Hydrogeological Impact:

Issues concerning hydrogeological impacts to result from the proposed design which would adversely impact the large wetlands system located in the northwestern portion of the site (situated to the east of the wetlands system that runs along the western property border) have been raised previously during the review of the previous site permit in 2018 (hydrogeological report submitted) and echoed in the recent letter submitted by James Heilman, High Hill Road resident and a previous long time member of the IWWC with a background in geology. Provide information in this regard, including affirmation of the hydrogeology involved, possible impacts, description of how the current proposal differs with regard to this aspect, and alternative proposals now under consideration to address a better design – a few of which were discussed in Nov. 6th conference with the Project Engineer.

3) Impact to Perched Wetland Area:

Concerns regarding possible de-watering of the perched wetland located along its eastern property line at a higher elevation than the subject property. Provide a description of how the current proposal differs from the 2018 plan with respect to the proposed ‘cutting’ in this area, and describe alternative proposals now under consideration to address the concern.

4) Stormwater Management Maintenance Plan:

Need to address omitted elements (culverts, level spreader, gravel trenching, emergency spillway). Revise on plan sheet and submit a free-standing copy.

5) Site plan set:

Provide revised plans to address the dozens of ‘mark-ups’ as discussed in last two office conferences - which entail (some examples offered below):

- Corrections: e.g. E&S Plan elements to reflect proper elements per the respective phase in construction sequence; soils information (NRCS Survey data) is inaccurate as depicted in certain areas; eliminate stockpile in Phase 1; eliminate wash rack; depiction of incorrect symbols; etc.
- Additions: e.g. wetlands soils types to be called-out for each wetlands area (not NRCS generalized data); ‘call-out’ and provide 50-foot upland review area boundary depiction relative to intermittent watercourse depicted on existing conditions sheet (on eastern property line in vicinity

- o of former gas-generating plant); provide topo on E&S plans, etc.
 - o Suggested improvements: e.g. addition of a ‘settling basin’ below the (solitary) Anti-tracking Construction Pad on road; re-route flows not into erosion control blankets on slopes, etc.
- 6) Pre & Post Drainage Plans:
Revise to provide entire catchment area where it may extend beyond the site’s boundaries.
- 7) Comparison Table
Provide revised figures in table as per Town Engineer’s correction forwarded.
- 8) Erosion Control
- o ‘Erosion and Sedimentation Control Report’ – the purpose of the report is to provide a summary of erosion controls however all erosion controls have been omitted from report with the exception of temporary sediment traps. Phase 1 & 2 traps are discussed but Phase iii was omitted. Table #2 for Phase II indicates ‘Phase I’, in error.
 - o Applicant is requested to provide statement to support the use of temporary sediment traps (11 proposed per Phase I, 10 per Phase II, and -- ?--per Phase III) instead of temporary sediment basins – or a combination of both - on this enormous site.
 - o Applicant is requested to provide filter fabric and stone linings in proposed diversion trenches (as were proposed in 2018 plan).
 - o Clarify use of flocculants (this was a concern for Water Division in previous permit)
 - o Other - on marked-up site plan reviewed in conference.

Comments From Other Agencies/Departments

Review of stormwater management plan elements to be handled by the Town Engineer, with first comments (2 pages) received Oct. 29. Water Division comments (8 pages) received Nov. 6 will trigger a series of significant revisions.

A Peer Review is requested for review of Erosion Control Plan. A Peer Review is requested for review of hydrogeologic concerns.

Recommendation

Venue for Public Hearing

The Public Hearing, originally set at the Oct. 7 Regular Meeting to be held Nov. 4, was changed to a Special Meeting to be held remotely on Nov. 10, at 7:00 p.m. due to a venue issue. As the Council Chambers is limited to 50 persons with Covid protocols in place, alternative venues were explored including Lyman Hall auditorium which has a capacity of 75 attendees (that includes Commissioners and Applicant Team as well as the public) with Covid protocols in place which was deemed insufficient.

Site Investigation

On Oct. 22, a representative of the owners of the subject property, 5 Research Parkway,

LLC, contacted this office staff indicating that, due to security concerns, the public will not be allowed on property for site investigation as part of the Public Hearing process (as was previously requested by Commissioner Kern at Oct. 7th Meeting). Individual Commissioner site investigation dates will need to be scheduled with this office.

Overall Comments

The application would have benefitted from:

- Several pre-application conferences with departments, particularly the Water Division (as evidenced by the 8 pages of comments received) regarding this enormous site – to ‘iron out wrinkles’ and insure design compliance, and
- A careful review of the documents pre-submittal which may have picked-up - and allowed for correction of - the innumerable inaccuracies and noncompliant elements on the site plan (foremost with regard to Water Division requirements which now will require a significant revision of site plan, E&S, and stormwater-related work) as well as other documents. It makes the review process difficult when these items in need of attention overshadow the merits of the proposal.

It is suggested that the next revisions to be submitted undergo a thorough review, cross-check, and coordination with other application documents such that all tables and charts submitted don’t all have to be changed and the Wetlands Scientist’s forthcoming wetlands impact report, for example, does not have to be modified each time there is a change in the site plans.

The three largest concerns for the IWWC – which require further attention by the Applicant - are:

- Water quality concerns largely attributable to the proposed enormous parking area surfaces in a public drinking water supply watershed headwaters area as stated in the Water Division comments,
- Hydrogeologic concerns pertaining to the northern portion of the site expressed during the 2018 application review and recently again by James Heilman in his Nov. 6 letter to the IWWC, and
- Impacts to wetlands and watercourses in numerous locations around the site (Wetland Impact Report is outstanding at this time) both during the proposed Construction Phase and permanent impacts.

Suggested Action

This office recommends that the Public Hearing be opened, the Applicant’s presentation made, IWWC questions and comments aired, the public’s questions and comments be taken and responded to, and then the IWWC should take the following action:

- 1) Approve a Peer Review to be completely regarding the proposed erosion control plan and for the contingency plan for flooding/large storm events (as was completed with previous application for the development of the property).
- 2) Require a Hydrogeologic report to be completed by Applicant and/or by a Peer Reviewer (with expense to be covered by the Applicant).
- 3) Direct this office to schedule individual site investigations with Applicant for interested Commissioners.

- 4) Continue the Public Hearing. Then set a Special Meeting date for another remote meeting.

Looking ahead, if the permit is approved, the IWWC should require an Independent Project Erosion Control Plan Monitor as was approved for the previous development application. The Monitor would be on the 184-acre site - daily or weekly, depending on construction activity scheduling - focusing on implementation and adequacy of the approved Erosion Control Plan (which may possibly be modified, i.e., 'customized', by the Project Contractor). The cost would be agreed to be covered by the Permittee.

CC: Jeff Dewey, P.E., BL Companies (via facsimile)
Tom Cody, Esq., Robinson & Cole (via facsimile)