



**DEPARTMENT OF PLANNING AND DEVELOPMENT**

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**MEMORANDUM**

TO: Board of Selectman, Planning and Zoning Commission and Conservation Commission

FROM: Jonathan Mullen AICP, Planning Director

DATE: January 22, 2025 *JEM*

RE: 111 Clark Lane

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I am writing to inform you that the Environmental Planner and the Zoning Enforcement Officer (Planning Staff) have determined the construction project site at 111 Clark Lane (the Site) to be in compliance with its approved Inlands Wetlands and Watercourses permit; approved Erosion and Sediment Control Plan; and Site Plan. Planning Staff has been and will continue to monitor the construction activities at the site on a weekly basis to ensure continued compliance with all Town approvals.

With regard to concerns raised in a letter to the First Selectman, Planning Department and Inland Wetlands Department dated January 6, 2025 regarding on site rock crushing, the Planning Department considers this to be a common construction practice throughout the town. The Planning Department, in consultation with the Town Attorney, is of the opinion it cannot require the developer to remove rocks from the site to be crushed elsewhere. Regarding the potential generation of air-borne particulates from the construction activity, the CT DEEP General Permit for Discharge of Construction Run-off requires that dust generation from any construction activity be minimized through use of wet suppression methods (see attached page 38 of 49 of the General Permit and the referenced section 22a-174-18 (c) of the CT General Statutes).

cc: Robert A. Avena Esquire, Town Attorney  
Nicholas F. Kepple, Esquire, Town Counsel  
File

(i) Waste Disposal

Best management practices shall be implemented to minimize the discharge of litter, debris, building materials, hardened concrete waste, or similar materials to waters of the State. A narrative of these practices shall be provided in the Plan. In addition, the dumping of liquid wastes in storm sewers is prohibited.

(ii) Washout Areas

Washout of applicators, containers, vehicles and equipment for concrete, paint and other materials shall be conducted in a designated washout area. There shall be no surface discharge of washout wastewaters from this area. Such washout shall be conducted: (1) outside of any buffers and at least 50 feet from any stream, wetland or other sensitive resource; or (2) in an entirely self-contained washout system. The permittee shall clearly flag off and designate areas to be used for washing and conduct such activities only in these areas. The permittee shall direct all washwater into a container or pit designed such that no overflows can occur during rainfall or after snowmelt. At least once per week, the permittee shall inspect all of the containers or pits used for washout to ensure structural integrity, adequate holding capacity, and to check for leaks or overflows. If there are signs of leaks, holes or overflows in the containers or pits that could lead to a discharge, the permittee shall repair them prior to further use.

For concrete washout areas, the permittee shall remove hardened concrete waste whenever the hardened concrete has accumulated to a height of  $\frac{1}{2}$  of the container or pit or as necessary to avoid overflows. The permittee shall remove and dispose of such hardened concrete waste in accordance with the practices developed for "Waste Disposal" (see Section 5(b)(2)(D)(i) of this general permit).

A narrative of maintenance procedures and a record of maintenance and inspections shall be included in the Plan.

(iii) Off-site Vehicle Tracking/Dust Suppression

Off-site vehicle tracking of sediments and the generation of dust shall be minimized. Wet dust suppression shall be used, in accordance with section 22a-174-18(c) of the Regulations of Connecticut State Agencies, for any construction activity that causes airborne particulates. The volume of water sprayed for controlling dust shall be minimized so as to prevent the runoff of water. No discharge of dust control water shall contain a visible oil sheen, floating solids, visible discoloration, or foaming agents or cause a visible sheen, floating solids, visible discoloration, or foaming in any receiving waters.

(iv) Cleaning

All post-construction stormwater structures shall be cleaned of construction sediment and any remaining silt fence shall be removed upon stabilization of the site.

(v) Storage of Chemical and Petroleum Products

All chemical and petroleum product containers stored on the site (excluding those contained within vehicles and equipment) shall be stored within an impermeable containment system that is free of gaps and cracks, can contain any leaks or spills and accumulated precipitation until the collected materials are detected and removed, and

- (vii) When a mobile source is in queue to be inspected by U.S. military personnel prior to gaining access to a U.S. military installation.

**(c) Control of airborne particulate matter and fugitive particulate matter.**

(1) No person shall cause or allow any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall be in accordance with good industrial practice as determined by the commissioner and shall include, but not be limited to:

- (A) The use of water or other appropriate material to prevent airborne particulate matter generated by the demolition of buildings or other structures; construction operations; the clearing or grading of land; or the grading, construction or improvement of roads;
- (B) The application of asphalt, water, suitable materials or covers to material stockpiles and other surfaces that can give rise to airborne particulate matter;
- (C) The use of hoods, fans, fabric filters or other devices to enclose and vent the handling of materials that can give rise to airborne particulate matter;
- (D) The covering, while in motion, of open-bodied trucks, open-bodied trailers and railroad cars transporting materials capable of giving rise to airborne particulate matter;
- (E) The prompt removal of earth or other material deposited onto paved streets by trucking, earth moving equipment, erosion or other means; and
- (F) The use of containment methods for sandblasting or similar operations.

(2) No person shall cause or allow the emission of visible particulate matter beyond the legal boundary of the property on which such emission occurs that either:

- (A) Remains near ground level beyond such property boundary; or
- (B) Diminishes the health, safety or enjoyment of people using a building or structure located beyond the property boundary.

(3) No person shall emit particulate matter into the ambient air in such a manner as to cause a nuisance.