

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES

October 22, 2008

7:00 P.M.

Auditorium, Town Hall

Chairman Hillman called the meeting to order at 7:05 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Rick Rohr, Michael Tone, Ellen Kirby, and Pete Kenyon.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item.

EPC-50-2008, Jenny and Mike Doyle, 95 Mansfield Avenue, proposing to replace retaining wall within an upland review area. The site is shown on Assessor's Map #17 as Lot #28.

Jeff Sibilio represented the applicant. He said they are proposing re-construction of a retaining wall and have submitted an engineer's plan. He said they will provide plantings after they have removed the debris and finished construction.

Mr. Hillman asked him the difference between the new plan and the previous plan. Mr. Sibilio said the wall is stepped back and the blocks are larger.

Mr. Rohr asked if they will provide filter fabric and drains behind the wall. Mr. Sibilio said yes.

Mr. Kenyon asked if there were weep holes provided. Mr. Sibilio said yes.

Ms. Cameron made a motion to approve the application with a stipulation that staff approve a planting plan. Mr. Hillman seconded the motion and it passed unanimously.

Mr. Hillman read the public hearing item.

EPC-35-2008, Oakview Housing Trust, LLC, 26 Oak Crest Road, proposing demolition of existing residence, construction of 10 condominium units in two buildings, and related site development activities within an upland review area. The site is shown on Assessor's Map #15 as Lot #101. (Continued from September 18).

Attorney Matthew Ranelli represented the applicant.

Mr. Hillman said there were new materials from the parties involved.

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Mr. Ranelli described the changes made in the plan since the last hearing. He submitted a letter in response to Mr. Golden's letter of October 20.

William Carboni, P.E. described changes made in response to the Commission's questions and Tighe & Bond including the swale, the retention basin bottom, the text of plan notes, and a drainage analysis of the facilities in Oak Crest. He described the modified snow storage areas. Ms. Cameron said she thought the trees in the snow removal area would get knocked over. Mr. Carboni said they would be staked down when first planted.

Mr. Hillman asked if they needed permission to work in a Town easement area. Mr. Ranelli said there would be some work on the Town property. He said the proposed overflow pipe is on their property. He said it is not an easement area.

Mr. Tone asked at what point the does the Town system overflow onto the property. Mr. Carboni said the Town system is substandard and overflows after less than a 25 year storm.

Mr. Rohr said there were both concrete and bituminous curb details and asked where it is shown on the site plan that each would be used. Mr. Carboni pointed out the locations on the plan.

Mr. Golden asked when they discovered the additional runoff onto the property. Mr. Carboni said when they were asked to review it by Tighe & Bond. Mr. Golden asked if he had spent time on the site. Mr. Carboni said not personally. Mr. Golden asked about the location of the additional retention tanks. Mr. Carboni pointed it out on the plan. Mr. Golden asked if they did test holes in that area. Mr. Carboni said yes.

Phil Moreschi, P.E., Fuss & O'Neill said they were asked to review the latest submittal on behalf of the Friends of Goodwives River. He provided a summary of his comments and reviewed the items in his October 22 letter. He provided calculations of the treatment required in their opinion. Mr. Hillman asked if it was still their opinion that there were certain components of the system which are not designed in accordance with the DEP guidelines. Mr. Moreschi said yes. Mr. Hillman asked him if he thought there would be a likely adverse impact on the Goodwives River. Mr. Moreschi said yes.

Mr. Rohr asked how his statement on page 2 of the October 1 letter regarding how peak rate will be affected. Mr. Moreschi said the change in the increase will need to be managed.

Mr. Tone asked if there are reasonable measures to address stream channel erosion described in their October 22 letter. Mr. Moreschi said the applicant could provide infiltration. Mr. Tone asked if the applicant's stream channel erosion measures were adequate. Mr. Moreschi said there is no evidence it has been addressed. Mr. Tone asked his opinion on the validity of the test hole data and what would be appropriate. Mr. Moreschi said if there was a question they could monitor test wells during the three wettest months of the year.

Mr. Ranelli asked Mr. Moreschi if he has visited the site. Mr. Moreschi said he visited the site after the last hearing and viewed the property from the Adams and Golden properties.

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Mr. Ranelli questioned Mr. Moreschi about his methods for determining the adequacy of the drainage system. Mr. Ranelli asked him if he was aware of instances of historic mottling in Connecticut. Mr. Moreschi said he was not familiar with the term. Mr. Ranelli asked if he knew of instances of soil not inundated annually but are mottled. Mr. Moreschi said yes. Mr. Ranelli asked if he had reviewed the USGS data. Mr. Moreschi said no. Mr. Ranelli asked if the basin was covered by the health code. Mr. Moreschi said no, he said he used the health code for its mottling definition. Mr. Ranelli asked if the discharge to the box culvert with a concrete floor would have any impact. Mr. Moreschi said if there was a concrete floor, no.

Ms. Cameron asked what the time frame would be for the soil to become mottled. Mr. Moreschi said he did not know.

Mr. Hillman asked Joe Canas, P.E., Tighe & Bond, if there was anything he wished to add based on the subsequent materials submitted since October 2. Mr. Canas said the proposed drainage on Oak Crest and the new double catch basin was conceptually acceptable but he did not have any topographic information and could not verify the data inputs. He said he was concerned with the added discharge to the detention basin not being pre-treated. Mr. Hillman asked if in his opinion there would be a likely adverse impact on the Goodwives River. Mr. Canas said there is a greater risk of compromise which could harm Goodwives River.

Mr. Canas said he was asked to look at the flood frequency and the flood study elevations compared to the photos showing water within 16 inches of the top of the culvert. He said the flood study shows it to be within three feet for a 100 year storm. He said there was a question of what storm frequency would create a tail water affect. He said the observed water elevation differs from that provided by the applicant.

Mr. Canas said that snow has a higher moisture content in the east than that of British Columbia (relied upon by the applicant). He said the snow areas appear adequate for one major snowfall.

Mr. Hillman asked if he had any conclusion regarding the impact on Goodwives River. Mr. Canas said that he did not have enough definitive information. He said he needed more topographic information and the analysis of Granaston Lane. He said the flood insurance study may not be correct.

Ms. Cameron asked about the life span of the infiltration system and what kind of pre-treatment could be added. Mr. Canas said possibly more infiltrators. He said the lifespan depends on the maintenance. Ms. Cameron asked if the soil mottling is a concern. Mr. Canas said that there was some comfort that the testing was done at the right time of year. He said a monitoring well should be installed.

Mr. Rohr asked if he had reviewed the Fuss & O'Neill letter of October 1. He asked if Mr. Canas agreed that the applicant incorrectly calculated the water volume to the basin. Mr. Canas said he agrees with the statement that roof area should be counted. Mr. Rohr asked if he agreed that groundwater recharge volume cannot be subtracted. Mr. Canas said groundwater recharge volume can be subtracted.

Mr. Ranelli showed Mr. Canas previously submitted photos taken during storms and asked him questions about the water levels. Mr. Ranelli submitted the labeled photos. Mr. Ranelli asked if the

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first flush of runoff would still flow through the existing pipe from Oak Crest. Mr. Canas said yes, the pollutants would exist to a lesser extent but still present.

Chris Whitney, Oak Crest Road, said he has groundwater on his property and he is upstream from the applicant.

Mark Spar, Oak Crest Road, said there will be non-natural material in the system.

Mr. Hillman asked Michael Aurelia, Applied Ecology Research Institute, to speak about his October 2 letter. Mr. Aurelia provided a summary of his qualifications.

Mr. Ranelli said he had no objections to Mr. Aurelia's testimony and reserved his opinion on his expert status.

Mr. Hillman said Mr. Aurelia's report concluded that there are feasible and prudent alternatives. He said Mr. Aurelia's report concluded there will be an impact on the Goodwives River.

Mr. Aurelia summarized his report and submitted additional comments for the record.

Mr. Ranelli asked Mr. Aurelia if he received and reviewed all of the documents submitted. Mr. Aurelia said he reviewed a set of full sized maps he received. Mr. Ranelli asked if he had reviewed the pollutant removal calculations. Mr. Aurelia said no. Mr. Ranelli asked if he had performed any pollutant removal modeling. Mr. Aurelia said no.

Richard Windels, Friends of Goodwives River, said the storm photos submitted with an earlier letter were taken during the April 17th storm. He said the project will exacerbate flooding and impact water quality.

Mr. Golden provided a summary presentation including a map showing the subject property, the September 12 letter from Town Counsel, photos from a previously submitted letter, and a Goodwives River watershed map. He provided a copy of his slide presentation.

Mr. Ranelli said they would like to summarize their application.

Mr. Carboni said that, with respect to Mr. Spar's comment about debris collecting in the basin, the basin will have to be maintained. He discussed groundwater quality vs. groundwater flow. He said the DEP criteria is to remove 80% of suspended solids. They are removing 98% and exceeding the State guideline. He said the Goodkind & O'Dea study of 2001 said the bridge can handle the 500 year storm. He said they are willing to accommodate the flow from undersized Town drainage structures.

Michael Klein said he would like to provide a rebuttal to Mr. Aurelia's testimony. He said there is a detailed erosion and sediment control plan. He said the stormwater system will work if it is maintained. He said groundwater monitoring is not done for stormwater basins.

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Mr. Ranelli said that, in summary, the site is 1.2 acres with 61 square feet of wetlands. He said a portion of the detention basin is in the upland review area.

Mr. Hillman made a motion to close the public hearing. Mr. Tone seconded the motion and it passed 4-2 (Mr. Rohr and Ms. Cameron were opposed).

Ms. Cameron made a motion to adjourn. Mr. Rohr seconded the motion and it passed unanimously. The meeting was adjourned at 11:40 p.m.

Respectfully submitted,



Richard B. Jacobson
Environmental Protection Officer