

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES
October 17, 2007
Town Hall Auditorium

Chairman Hillman called the meeting to order at 7:00 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Alan Armstrong, Reese Hutchison, Pete Kenyon, and Ellen Kirby.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-60-2007, Reidel Enterprises, Inc. 68 Stony Brook Road, proposing new house construction

Mr. Hutchison recused himself for this application.

Mark Lebow represented the applicant. He said no activities are proposed within the regulated area.

Mr. Hillman said additional materials have been submitted. He said the public comments and comments by Mr. Reidel are in contrast. Mr. Lebow said he is not aware that any of the activities are in an upland review area as delineated by the soil scientist.

Mr. Smith, Stony Brook Road said the fill has not been removed.

Mr. Reidel said he brought in fill and stored it there, approximately 10 loads. 10 -15 yards of topsoil are remaining. He said the other material was all removed in excavating the foundation.

Mr. Lebow said the grading on the rest of the site will require a P&Z application and may require a public hearing.

The Commission continued the application to November 7 to review the new material.

Mr. Hillman read the next agenda item:

EPC-65-2007, Kevin and Allison Gasvoda, 40 Maywood Road, proposing new house construction

The Commission reviewed the draft resolution.

Mr. Hillman made a motion to approve the application. Mr. Kenyon seconded the motion and it passed 5-0. Mr. Hutchison abstained.

Mr. Hillman read the next agenda item:

EPC-66-2007, Elizabeth and Peter Moley, 19 St. Nicholas Road

The Commission reviewed the draft resolution.

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Mr. Kenyon made a motion to approve the application. Ms. Cameron seconded the motion and it passed 5-0. Mr. Hutchison abstained.

Mr. Hillman read the next agenda item:

EPC-68-2007, Daniel and Patricia Carey, proposing pond dredging.

Richard Windels represented the applicant. He said they submitted a revised plan. He said they are proposing to restore a portion of the lawn with new topsoil created from the dredge spoil.

Ms. Cameron requested a planting list with the number and variety of plant material. She also wished to specify that the depth of the topsoil be no greater than 6".

Mr. Hillman made a motion to approve the application. Mr. Armstrong seconded the motion and it passed unanimously.

New Business:

44 Andrews Drive, review of proposed request from Attorney Alfred P. Tibbetts for conservation easement land swap.

Attorney John Ryan presented the request to revise the easement. He said there will be an increase in easement area and it will connect to another existing easement.

Ms. Cameron asked what the practical advantage to the revised easement would be. Mr. Ryan said it provide a connection of two easement areas.

The Commission requested the applicant provide a history of the decision by P&Z creating the easement to determine if the request is consistent with the original intent.

Public Hearing:

Mr. Hillman read the first hearing item:

EPC-56-2007, Danielle Cambridge, 19 Renshaw Road

Mrs. Cambridge and Tuon Nguyen, P.E. represented the applicant.

Mr. Hillman asked Mrs. Cambridge if she was intending to sell the property. Mrs. Cambridge said she would like to have the permits in place to enable her to sell the property.

Mr. Nguyen said the property has an existing residence and storage buildings. There are no wetlands on the property. Stony Brook is on the property and the 100 foot upland review area. He said they are proposing to replace the existing buildings with a modular building. He said they are proposing to raise the first floor to get it above the FEMA flood elevation. They are replacing equal impervious area and an equal volume of work in the floodplain. Rain gardens are proposed to receive the driveway and roof runoff.

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Mr. Hillman asked if there were trees to be removed. Mr. Nguyen said an 8" Norway Maple and one other tree. Ms. Cameron asked if it is a Norway Maple. Matt Popp, Environmental Land Solutions said it was.

Mr. Hutchison asked how high the flooding was on the property during the October 11 storm. Ms. Cambridge said the water level was below the first floor elevation.

Mr. Hillman said it seemed prudent to build a modular on the site.

Mr. Hutchison said the new house would create safer conditions for a new owner. Mr. Hillman said it would be buyer beware buying a new house in the floodplain.

Mr. Hutchison said he would like to see the new house comply with all codes. He asked if there would be breakaway foundation walls. Mr. Nguyen said no, there would be a crawlspace.

Ms. Cameron asked about the purpose of the easement. Mr. Nguyen said it is a sanitary sewer easement.

The Commission asked staff to ask Mr. Steeger if the Town would desire an easement on the property or any drainage purpose.

Mr. Hillman noted that Mr. and Mrs. Wood submitted a letter for the record. They requested that there be no approval of a building on the property while the flooding issues are being addressed. Mr. Hillman said the Commission has no authority to put a moratorium on building.

Mr. Hillman asked if there were any members of the public who wished to comment. Seeing none the Commission continued the hearing until November, 7 to receive information about a potential easement.

Mr. Hillman read the next hearing item:

EPC-53-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing golf course improvements and mitigation measures to address wetland violation

Attorney Edward O'Hanlan represented the applicant.

Mr. Hillman asked Mrs. Bumgardener to speak since she had to leave early.

Mrs. Bumgardner, 64 Hanson Road said they experienced extreme flooding on Thursday the 11th. She described the flooding of the brook on the property and said it has gotten worse over the past year.

Mr. O'Hanlan provided information from the Jelliff Mill weather station in New Canaan to illustrate the severity of the storm. He submitted photos of flooding on the golf course property.

Mr. Hillman asked if they compare to the photos submitted of previous storms. Mr. Drugo said they are similar but they are from the next morning, while the others were taken during the storm.

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Mr. Hillman asked Mr. Beckman if, from a hydrologic standpoint, a storm produces more runoff after a drought. Mr. Beckman said that if the initial soils are very dry it may create more runoff since it takes some moisture to facilitate infiltration. He said the intensity of the October 11 storm did not allow for infiltration.

Mr. Hutchison asked if there were opportunities on site to improve flooding and erosion problems. Mr. Beckman said yes.

Mr. O'Hanlan said they were addressing work done inadvertently without a permit. He said it is not a flooding issue. He said the conclusion of the consultants is that there is no significant impact.

He said they have reached an agreement with Mr. van der Kieft. He said they have agreed to disagree about the impact but they have incorporated the comments from Mr. van der Kieft's consultants.

John Anderson, Robinson & Cole, submitted a letter from Tom Ryder, Land-Tech, showing an enhancement of the plan submitted on October 10.

William Beckman, P.E., Leggette, Brashears and Graham, said the area above the tee boxes is a 25 acre watershed. He said there was sheet flow prior to the construction of the tee boxes. Post construction, there would be some channelization between the tee boxes. He said none of the activities on Wee Burn, or the proposed activities, will impact flooding events.

Mr. Hillman asked about the impact of the trees removed. Mr. Beckman said there were trees removed but they substituted vegetation with a similar runoff coefficient.

Mr. Hillman said that as a lay person he thought trees would provide more storage.

The Commission had a discussion regarding runoff curve numbers with the engineers.

Barry Hammons, P.E., said Mr. Beckman was correct. He said the curve numbers were developed through decades of study.

William Kenny, William Kenny Associates, described the upland soils as in the Class A or B Hydrologic group.

Mr. Hutchison asked Mr. Hammons if there would be an adverse impact from the berm. Mr. Hammons said a 6" berm would be breached in a two year storm. He said an 18" berm would divert more water. He said the berm is more of a political than scientific issue.

Matt Popp, Environmental Land Solutions said approximately 20-25 trees were removed in the upland review area. He said they are planting 28 in the buffer in addition to the 20-29 already planted.

Mr. Hillman asked if anyone else from the public wished to speak.

Mr. Brunner, 5 Hummingbird Lane, said their pond was cleaned just before the April storm. He said there were huge amounts of sand the next day.

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Mr. O'Hanlan said the sand was not an issue for the EPC. He said Mr. Brunner could bring a civil suit if he believes it is Wee Burn's sand.

Mr. O'Hanlan described the 10th hole pond remediation plan and the Army Corps of Engineers process.

Mr. Hillman asked for comments from the public.

John van der Kieft, 75 Hanson Road read a prepared statement. He thanked the Commission for requiring Wee Burn to mitigate impacts from tree clearing on flooding. He said there were two misstatements. He said Mr. Kenny's report said they requested the sump pumps. He said they requested the pumps be directed away from them. He said he issued an invitation to Mr. Hillman to inspect his property one week after the Commission's reminder to respond to the violation.

Mr. Bumgardner said he did not know the flow from Wee Burn was directed at his property. He said the same volume would have greater velocity and more impact.

Mr. Hillman asked Mr. O'Hanlan if there was a way they could do more to help the problem. Mr. O'Hanlan said it is not in the purview of the Commission to prescribe flood control.

Ms. Cameron said other country clubs have done more.

Mr. Bumgardner said they had no contact from Wee Burn. He said he would like to have had a conversation with the club.

Susan Wilson 24 Hanson Road said the Club has not contacted the neighbors.

Mr. Kenny reviewed his letter in response to previous questions. He said he recommends removing the sump pits. He said that retaining water behind the berm was a good idea and suggested a rain garden. He said the berm would not impact off site drainage. He said the proposed mitigation is appropriate and will not impact the wetlands.

Mr. Hammons asked for a clarification of what is being requested in the application. He also suggested the sediment pond on the 10th hole should be cleaned out. The Commission authorized Mr. Drugo to clean the pond as a maintenance activity.

The Commission continued the public hearing to November 7.

Mr. Kenyon made a motion to adjourn. Ms. Cameron seconded the motion and it passed unanimously. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer