

ENVIRONMENTAL PROTECTION COMMISSION  
Acting as the  
FLOOD & EROSION CONTROL BOARD  
SPECIAL MEETING/PUBLIC HEARING  
MINUTES  
Tuesday, November 13, 2007  
7:30 P.M.  
Room 119 Town Hall

PUBLIC HEARING:

Chairman Hillman called the meeting to order at 7:35 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Pete Kenyon, Ellen Kirby, Alan Armstrong and Craig Flaherty.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Town Attorney: Ed Schmidt

Mr. Hillman read the public item:

Discussion and public comment on the draft: "ENVIRONMENTAL PROTECTION COMMISSION FLOOD AND EROSION REGULATIONS" dated 9/20/07.

Mr. Hillman provided a context for the public hearing and described the EPC's communication to the Board of Selectman regarding flooding concerns after the major storms. He described the history of the EPC becoming the Flood and Erosion Control Board. He said the EPC has been addressing flooding on a number of fronts including recommending topographic mapping and flood modeling. He said that as a Wetland Commission they have been addressing flooding issues on wetland applications.

Mr. Hillman said the concerns in the newspaper regarding a property tax hike are not accurate. He said the regulations are in draft form. He was disappointed that enforcement provisions were not able to be included.

Mr. Hillman asked Mr. Schmidt to discuss the proposed regulations.

Mr. Schmidt addressed the draft and his memo answering anticipated questions. He described the history of Flood and Erosion Control Boards in Connecticut. He said the documents he reviewed include the State Statutes, local regulations and the DPW Stormwater and Drainage Manual.

Mr. Hillman opened the meeting for public comment.

Cheryl Russell, 18 Holly Lane said the draft regulations are disappointing because they do not give the Commission enforcement power. The Commission needs to stop the silting of streams. She said the Town needs ordinances instead of regulations and should not rely on the State. Mr. Schmidt explained that local government cannot pass regulations unless the State Statutes provide the authority for them.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 13, 2007  
PAGE 2

Sam Schoonmaker, 231 Old Kings Hwy. South, asked the Commission members to provide an indication of their attitudes about the implementation of the sections regarding assessments.

Mr. Hillman said the power of special assessments should be used sparingly if at all. It should only be used as a last resort.

Ms. Kirby said she would have many questions and concerns before using that power.

Mr. Flaherty said it should only be used as a last resort. He said he would hope that money would be allocated through the normal budget process. He said it might be possible to establish a tax district by watershed.

Ms. Cameron said the Commission would have to spell out the types of hearings necessary.

Mr. Armstrong said he concurred with the previous comments. The regulations need to be filled out. The model of how flood control will work is necessary.

Mr. Kenyon said he agrees with the previous comments. He encouraged residents to speak with their state legislators about their concerns.

Ralph Passaro, 28 Cherry Street, said that Cherry Street has already lost significant money that was appropriated in 1971.

Santo Golino, 71 Dubois Street said he is concerned about sections 2.7-2.14. He said the State Statutes should not necessarily be part of Town laws. He said elected officials should be the ones adopting regulations.

Barry Grandon, 1 Old Parish Road, read a prepared statement. He said flood control benefits are Town wide. He said the regulations should not include references to assessments.

Charlene Dale, 10 Holly Lane, said she was astounded by sections 2.7 and 2.8 regarding powers to condemn property and the powers of the Commission to make special assessment.

Laura Giobi, Kelsey Street, said she is disturbed that the regulations will allow the Commission to assess flood victims.

Seth Wood, 27 Crimmins Road, said there is no provision for appeal. He said section 3 should use the word "shall" instead of "may".

Al Hansen, 76 Dubois Street read a prepared statement.

Maryanne Morrison, 48 Raymond Street & 105 Carolyn Court described the flooding issues on the Five Mile River in Norwalk that affect her as a Darien resident.

Marty Ross, Stony Brook Road, said the Board of Finance and the Board of Selectman should be attending these meetings. He said the regulations will have the effect of establishing a class system.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 13, 2007  
PAGE 3

Andy Millar, 18 LaForge Road, said that LaForge Road residents are strongly opposed to special assessments for flooding. He said a future commission may be more likely to use assessments.

Attorney Robert Maslan submitted written comments regarding legal points he discussed. He said Flood and Erosion Control Boards were not intended to be regulatory. He said flood regulations are already in place in the zoning regulations.

Eileen Raleigh, 9 Oakshade Avenue, said there needs to be a more pragmatic approach to a global problem. She said the P&Z Commission needs to do more to protect properties from flooding. She said the Town should do more to pursue prevention, not just remedies.

Sherry Seeburg, 1 LaForge Road, said she agreed with the previous speakers. She said flooding is a problem for the whole Town.

Santo Galino said it may not be the right thing to pursue regulations. He said they need a remediation plan more quickly.

Mr. Passaro said there is nothing at this time in the Board of Finance request for Stony Brook.

Ann Boyle, 33 Cherry Street, asked why the topographic mapping has been delayed. Mr. Hillman explained the appropriation process.

Mr. Hillman said the Commission would take the public comments under advisement and work with the Town Attorney to make revisions. A public hearing will be scheduled on those revisions.

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer