

**MINUTES
WESTPORT CONSERVATION COMMISSION
MARCH 20, 2019**

The March 20, 2019 Public Hearing of the Westport Conservation Commission was called to order at 7:00 p.m. in Auditorium of the Westport Town Hall.

ATTENDANCE

Commission Members:

Anna Rycenga, Chair
Paul Davis, Vice-Chair
Donald Bancroft, Secretary
Tom Carey
Paul Lobdell
Mark Perlman

Staff Members:

Alicia Mozian, Conservation Department Director
Colin Kelly, Conservation Analyst

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the March 20, 2019 Public Hearing of the Westport Conservation Commission pursuant to Section 1-225 of the Freedom of Information Act.

Alicia Mozian
Conservation Department Director

Ms. Rycenga opened the hearing by reading a statement as to the Order of Business as follows:

"I just want to go over the Order of Business for this hearing tonight to keep this meeting on track. There are agendas here if anyone needs them to follow along.

So, the Order of Business will be as follows:

- 1) The Chair will open the public hearing.
- 2) Staff will present some Housekeeping Items
- 3) Applicant's will provide their Presentation
- 4) Peer Review Team
- 5) Staff Report and Input
- 6) Public Comment
 - a) (If an Attorney, team of experts are present representing someone or if a CEPA intervention is filed, I will allow them to speak first and allow time for full presentation)
- 7) Commission's Input and Questions
- 8) Applicant's Rebuttal or Closing Remarks
- 9) Recess the hearing to a later date. Extensions (if necessary.)
 - a) If the applicant's doesn't extend, the Commission will make its decision based on what it has in front of them or call special meeting within the statutory time limit.
- 10) Close Hearing (if determined appropriate)

I am suggesting that the Commission Members and Staff present this evening allow the applicant and his full team of representative(s) provide us with their full presentation without interruptions to the Commission unless there is an immediate clarification. I suggest that the Conservation Members and staff please write down your questions to be asked and they will be answered by the applicant or the appropriate person when we get to the Commission's Input & Questions.

We need to keep this hearing moving forward to properly allowing everyone a reasonable opportunity to speak and be heard. This is due to the amount of significant public interest in this application and all who are present this evening.

We are requesting members of the public to kindly "sign in" on the sign up sheet that is being passed around so I will call upon you to speak at this public meeting. This will also assist us in keeping the meeting in order and the secretary in preparing the minutes.

Also, it is expected that this meeting will run approximately 4 hours or longer and would put us past the 11 pm deadline. I just want to make sure all the members are aware that are present this evening. We hope not to go past 11:30 pm.

I also ask that each person while speaking, if you need to reference a plan and or map to please refrain from using the word "here" to point out a location and to identify the specific location by a wetland flag number, unit number, easterly portion of the site, etc. and identify the sheet or plan number. If you have a question or comment related to a specific report, please make reference to that report, date and who has prepared it.

In keeping the record, I know this may be a nuisance but I am asking that everyone taking part in this hearing, including myself and commission members to identify yourself each time we speak. This will assist staff in the minutes."

It was noted that all members have visited the site by roll call.

Changes or Additions to the Agenda. The Commission may amend the agenda by a 2/3 vote to include items not requiring a Public Hearing. – There were no changes.

Public Hearing: 7:00 p.m., Auditorium.

- 1. 20-26 Morningside Drive South:** Application #IWW,WPL/E-10768-19 by Morningside Drive Homes LLC on behalf of Green Farms Developers LLC & Morningside Drive Homes LLC for a set-aside development pursuant to CGS Section 8-30g of 16 townhouse-style condominiums and related site improvements. Portions of the work are within the upland review area setback.

Ms. Mozian submitted a list of items that were submitted into the record, including contents of the last application #IWW,WPLE-10699-18, which was withdrawn and resubmitted. The applications previously approved by the Commission:

- **20 Morningside Drive South:** Application #AA,WPL-10544-18 for a new single family residence; and
- **26 Morningside Drive South:** Application #IWW,WPL-10569-18 for a 3 lot subdivision.

In addition, she submitted into the record, including letters from neighbors, an initial staff report, and the findings and resolution.

Ms. Rycenga noted that there were several emails that were sent with private links or labeled private that only the commission members could view. She noted that any information that is submitted to the Conservation Department and or staff is subject to FOI. It must be made available for everyone to view. She further noted that we don't want to violate any FOI laws.

David Hoopes, Attorney for the applicant, stated the project has no significant impact. He noted the Conservation granted approval from four houses in the past but this new proposal actually results in less runoff. They submitted a packet dated March 14, 2019 that responds to Triton Engineering, GHD, Ms. Rycenga's questions/comments and REMA's first report. They have not yet responded to REMA's report of March 14, 2019. There is no work proposed within the wetland or within the 50-foot upland review area of the wetland. This proposal will not cause a flooding impact.

Lou DiMarzo, PE discussed the pre-construction conditions:

- 26 Morningside Drive South – is on public water and cess pool
- 20 Morningside Drive South – is on public water and septic system
- Wetlands have been identified by Jay Fain Associates
- A portion of the property lies within the 100-year flood zone AE
- A portion of the property lies within the 25-year flood
- Water runs in 2 directions; east and west

Based on Mr. DiMarzo's analysis, runoff in the Easterly direction will be reduced by 3.1% and runoff in the Westerly direction will be reduced by 33% under the applicant's design.

He stated that when doing the drainage analysis, there is no credit given for the existing impervious conditions. They are proposing to relocate the existing house for a community center, private roadway, build 16 new townhouses with terraces and driveways, the shed and studio would remain. The impervious coverage will increase over existing impervious coverage. There are 9 raingardens proposed to treat 95% of the impervious cover and are sized to contain a 25-year storm event in accordance with the Westport Stormwater Guidelines. Flooding conditions have been accounted for. Sediment and erosion controls have been submitted for a detailed system for temporary and permanent measures but a phasing plan will be prepared as the Flood and Erosion Control Board requested as well in response to the Triton Engineering report, neighbor's consultant and Ms. Rycenga's comments. He noted that many residents have voiced their concerns over flooding and the 25-year storm event drainage analysis. He referenced storm events from September and October 2018 that included the highest 24 hour rain fall total on September 25, 2018 of 5.3". The Mr. DiMarzo referenced the GZA Flood Study of 8 major streams dated May 30, 2018, which mapped the 10, 25, 50 and 100-year flood events. He presented Map 5 of 15 from the GZA report flooding from Muddy Brook and submitted it into the record. The study shows four houses near the culvert and the map is done in a color key. The flooding area is reflected on this plan with a color key with the 10-year storm event in blue, 50-year storm event in orange and 100-year storm event in yellow. The site is located

on this map and most of the site and abutting parcel 28 Morningside Drive South parcel is outside of the flooding and the 100-year storm flood boundary limits are terminus with the 10-year flood limits upstream from the Hillandale Road culvert. He blames back water created at the Hillandale Road culvert for flooding conditions for different storm events. In a 10-year storm, the maximum depth over Hillandale Road is 6" and then in a 100-year storm, the maximum depth over the road is 12". He explained that it is not a significant change compared to the significant change in storm events. He explained that flooding problems occur at the 10-year storm event well before the 100-year storm event. He stated that his analysis shows we are decreasing runoff volumes and peak rates in a 25-year storm event. It is his professional opinion, the drainage design is in compliance with the Town of Westport Stormwater Management Plan.

Jay Fain, Soil and Wetland Scientist with Jay Fain and Associates stated he is a registered Soil and Wetland Scientist, Erosion Control Professional, Professional Ecologist and Certified Professional Erosion and Sedimentation. He noted REMA's comments are both professional and thorough. He acknowledged REMA's report of March 14, 2019. He stated he received a letter dated March 19, 2019 from CT DEEP regarding the National Diversity Database (NDDDB) that there are no endangered, threatened or species of special concern on the property. Mr. Fain reviewed the soils on the site noting there are glacial fluvial and Hinckley. NRCS indicates there are Pootatuck soils in the area. He will do additional soils investigation to verify the hydrological soils. He stated the GZA study is very relevant to the watershed and this project. He stated he could provide the relevant copies for the record. He noted that the GZA Study is a total of 300 pages, 20 relevant pages and 1 page of Muddy Brook.

Ms. Rycenga asked if there is a copy in the file. Ms. Mozian noted that it is not but would discuss it later in the meeting under staff input. Mr. Fain stated he would submit it into the record.

Mr. Fain discussed the Conservation Easement Area. The Management Plan should be recorded on the land records and the Homeowner's Association should follow it. He would like to use Fescue grass, as it is drought resistant and disease resistant but can use a low-nitrogen fertilizer. He acknowledged the REMA report conclusions. Light pollution can be down directed. They will respond to REMA's comments further for the next meeting.

Mr. Fain went over the existing conditions. There are two lots with 24% of the properties being wetlands. Combined the properties total 3.1 acres. Some of the wetland-designated soils are actually floodplain soils. The emergent marsh is an actual floodplain. It is a braided stream with erosion and sediment deposits. Further south, the changes are dramatic. There is more bank erosion and more sediment deposit. What you are seeing in the stream from 3A, 5 and 7 Iris Lane is typical of a floodplain. It is a warm water fishery. Great Blue Heron has been observed, which is not surprising as it is more movable. He noted this property will become one parcel, which will provide better site management controls. Mr. Fain looked at the property from a watershed perspective. The watershed is 2.8 sq. miles versus the property, which is 3.1 acres. This property is 0.02% of the entire watershed. The proposal is to be 45% developed, 27% turf grass, 24% forest and 2% other.

Mr. Fain noted the insects found are typical of a polluted stream. HarborWatch shows high bacteria (E-coli) counts in Muddy Brook. E-coli is the highest pollutant of concern followed by nitrogen. He believes Muddy Brook does not have a flooding problem. It is a floodplain, so it floods. It has a people problem; an increase in impervious surfaces throughout the watershed, the highway and railroad crossing, which acts as blockages. He referred to Table 13 of the GZA Study. He firmly believes the wetlands should be improved by the enhancement efforts they are proposing. For example, the sanitary sewer crossing is the first opportunity for invasives to move in. His plan is to remove invasives. This needs to be done in stages so as to not expose a large area all at once. They will also establish a riparian zone up to the WPLO boundary. This will give three levels of filtering before the wetland. The proposed improvements should have a positive impact on reducing the E-coli levels.

Ms. Rycenga requested the Peer Review team comment on the proposal.

Stuart Manley, LEP and Certified Hazardous Materials Manger and John Abbatangelo, PE, both of GHD were present.

Mr. Manley stated his credentials and noted there were two reports submitted dated March 7, 2019 and March 11, 2019 in which both were similar. The March 7, 2019 memo had only a typo correction. The correction was on Table 5.1 under the Water Quality Volume should read "adequate" and not inadequate.

Mr. Abbatangelo discussed the time of concentration values. He feels the applicant assumed a lower time of concentration and therefore the design is inadequate. The catchbasin design is questionable. The percolation rate is too quick at 5" per hour would not conform. It could lead to higher erosion. They need more information on the area drains. They act as overflows, which can lead to scour. A scour protection plan should be submitted and reviewed.

Mr. Abbatangelo stated they requested the applicant show a 2 feet GIS contour topography map for north of the site and summarize the impacts of the design storms on the site.

Mr. Abbatagelo noted with respect to the 2004 CT Stormwater quality, that the catch basin details show the dimension from the sumps to the invert of the system. The minimum is 4' and they are unsure of the dimension proposed on the revised plans.

George Logan, Sr. Ecologist and Biologist with REMA, noted two reports submitted dated December 14, 2018 and March 14, 2019. He discussed the wetland assessment tool used. He noted for the record that they are an objective reviewer and not supporting or supporting of the project. He stated that soil type confirmation is very important. Determining which type is imperative to analyzing the drainage system function. The soils seem to be fast and sandy. If they are too fast, the infiltrators cannot function efficiently and water quality treatment is compromised. He questioned if the raingardens will retain/detain or renovate runoff effectively if the soils are too fast. He noted he will be doing more detailed analysis to determine if the riparian buffer zone width, quality and structure is sufficient to protect the existing wetlands. He will use the study REMA has authored to assist. He will also look at Sections 5 & 6 of the Conservation Commission's Inland Wetlands & Watercourse Regulations and how they apply to determine if there will be a potential significant impact. He asked what is the cut and fill volume for a balanced site. He also asked about the snow removal plan to be added to the record by the applicant for review. He asked about a Turf Management Plan to be submitted by the applicant for review.

Segrin Gadwa, Soil Scientist and Professional Wetland Scientist with REMA, stated that if Mr. Fain is a certified Sediment and Erosion Control Inspector, he should report to the Town, not the applicant. She noted there is no place on the plans to filter/hold groundwater during construction. Using the areas for raingardens is not good for sediment traps. They should use area for the drainage galleries instead. She questioned whether the buffer width is adequate. She asked what will it be used for. She asked what is the source of pollutants. She stated the slow release of fertilizer is good. She noted there may be pressure to use insecticides to control mosquitos, which are bad for the wetlands. Instead, they could install bat houses. There needs to be clear rules for applying pesticides and insecticides. She noted the wetland function. The tree roots are taking up nitrogen. The riparian buffer-planting plan includes trees, which is good. The trees, which were removed from the upland review area, need to be replaced. Norway Maples are invasive but they should not be removed until native trees are planted.

Ms. Gadwa stated that it was unclear on the landscaping plan during their review regarding the invasive mile a minute would also take place within the wetlands. She suggested that it should be made clear in the notes on the plans.

Ms. Rycenga asked for Staff comments.

Mr. Kelly discussed his first staff report dated February 20, 2019.

Ms. Mozian discussed the peer review and the applicant's responses and noted the hearing will continue. She also gave a history of the Leonard Jackson Study from 1975 and the recent GZA Flood Study that was finalized. However, the Town Engineering Department has not adopted and/or determined how to use the GZA Study. She noted that the Engineering staff will be reviewing and will attempt to get the Town Engineer to next meeting.

Ms. Rycenga opened the hearing to the public.

Patricia Sullivan, Attorney, with Cohen & Wolf, submitted an intervention pleading on behalf of 8 neighbors called Greens Farms United.

Steve Benben, PE of Triton Environmental spoke on behalf of Greens Farms United. He stated he was talking about the flooding concerns as they relate to the wetlands. Given the flooding issues, it is not enough to meet the standards and regulations. They need to go beyond to be a good neighbor. Triton submitted a report at the Flood Board meeting dated March 6, 2019. They are awaiting a response from the applicant. The applicant says there is no disturbance within the 50-foot upland review area. There are terraces and galleries. He stated time of concentration is very important. If runoff is getting there too fast, it means the drainage system is undersized. It may in fact equal or exceed the rate of what is happening there now. Also, if water is getting into the ground faster, infiltration rate is higher and therefore results in flooding. The Town Drainage standard says it must meet the 25-year flood. Study shows, though negligible, it exceeds the runoff rate. Perc tests were done but no groundwater wells were installed. They took only a snapshot in time on one particular day. The plan meets the Town standard but not the State standard. He stated that because no monitoring wells were installed, you do not know where the groundwater elevation is. Infiltration #6 in front of the community center looks like both discharges will equalize. There is no place for the water to go except into loop of the road. The catchbasin design will overflow into the raingarden. Most likely, there will be water sitting there all the time. Mosquito breeding will occur. The site is in the flood zone. The basements in Units 10 through 16 are below the base flood elevation. They are too deep. Also some of the infiltration gardens are set below the bfe. The raingardens are too close to the house. With regard to erosion controls, there is a high likelihood they will encounter groundwater during construction. There are no provisions for dewatering. He stated the plans are well done but very aggressive for this site.

Mr. Perlman questioned if Mr. Benben could quantify how much more could be done beyond the Town standards and regulations as he stated.

Mr. Benben stated the applicant should revise the plan to meet the neighborhood concerns would be appropriate.

Ms. Rycenga stated the Commission did not officially receive Mr. Benben's report dated March 6, 2019 but saw it as a part of Mr. Hoopes's response documentation dated March 14, 2019.

Roger Gibson, Professional Wetland Scientist and Certified Professional Erosion and Sedimentation with Gibson Environmental Services submitted comments. He used the 2004 CT Stormwater Quality Manual and Best Management Practices. He noted the CT Stormwater Manual says the bottom of the infiltrator to be 3 feet above the groundwater. He asked if any test pits were done in the locations of the infiltrators. Regarding the raingarden locations, they are supposed to be placed at least 100 feet upgradient and at least 25 feet downgradient from the building foundations. They are not. He discussed the Town of Westport Storm Water Drainage Design Standards as described on Page 2, Paragraph 3 for the minimum factor of safety of 1.5 shall be used for all percolation rates. He discussed the pollutant treatment train and best management practices. The raingarden should not be used as a temporary sediment basin. Groundwater management during construction is going to be a concern. MS4 compliance is mandatory. Design should use Best Management Practices in the CT Stormwater Manual.

Catherine Carr, 87 Hillandale Road, spoke in opposition to the project. She submitted and read her letter into the record. She spoke of terrifying flooding event when she and her family had to be rescued from their home. They spent \$35,000 on repairs. She opposed the project.

Bitsy Higgins, 3A Iris Lane, submitted photos of what is going on in the neighborhood. She read a statement from her husband, a letter of opposition. They are concerned about all this development and since the trees were removed in August 2017, the flooding has increased. The red light alarm at the sewage treatment plant pump station nearby goes off frequently. She asked what does that mean. She counted 45 tree stumps removed. She submitted Google Earth images of before and after. She questioned whether the water table has changed. She asked if the floodplain has changed. She is concerned with the chemicals that will be used for snow melt. She noted what she heard during the evening. The GZA report was from May 2018 prior to the fall storm events. There have been significant tree loss in the wetlands since then. She stated it does not matter what percentage of the watershed this area takes up, they live here. She heard the applicant say they want to make things better but there has been tree loss that was significant and most was done by the applicant. She noted Sigrin Gadwa's comments about tree removal as it relates to nitrogen removal.

Ms. Rycenga asked for dates of the photos and the videos submitted into the record.

Mark Melhuish, 10 Center Street, stated he is two houses down from the subject property. He submitted a letter. He has experienced 25-year storm events. This proposal will exacerbate the problem. A 2015 DEEP study determined Muddy Brook is an impaired waterway. Construction throughout the watershed has resulted in increased runoff and aggravates flooding throughout the watershed.

Heidi Palmer, 85 Hillandale Road, has been a resident for 35 years and lives next to Muddy Brook. She has observed oil slicks. She actively controls invasives by hand. She has had to routinely remove debris from her property that flows downstream during flooding events. This is all pre-existing. Viable aquatic wetland has deteriorated over the years especially since the trees were removed. She is a State licensed wildlife rehabilitator. She stated people are the problem; it is too dense.

Richard Bentley, 88 Hillandale Road, had a letter but did not read into the record. House was built in 1870. He has lived here for 23 years. The September 2018 storm had the most flooding he has witnessed. The next time was one week later. He is concerned about making sure the proposed basements do not exacerbate the flooding. A street storm drain was dislodged and wound up on his property. This was an example of the flood amount and velocity that has occurred in the neighborhood.

David Beers, 13 Morningside Drive North, stated he moved here in 1975 and noted his mother lives at 16 Morningside Drive South. He spoke in opposition of the proposal. There is over development in the watershed. The property owners had permission to remove 12 trees but cut down over 45 trees. He said Philip Morris, a builder in town, got fined for tree removal for trees cut down on Greens Farms Road so why did these people not get fined.

Greg Kraut, 60 Center Street and RTM member, indicated he was speaking as an individual resident. Since 2017, the developer has tried and failed to develop the property and now it has resulted in this concept. The area is surrounded by large development. A large amount of property will be built upon. The fact that no fines were levied deserves an inquiry. More trees have fallen due to flooding. Muddy Brook's e-coli counts are very high – the second highest in the county. He also submitted a letter from 51 Center Street.

Nathaniel Martin, 135 Hillandale Road, stated the HarborWatch sampling of Muddy Brook show 100% exceedance of E-coli standards. The trajectory shows results are getting worse, not better. He says the worst levels of the entire stream are at this project. Rate of increase at his site is higher than at other locations on the brook. He feels this is attributable to the tree cutting. Conductivity rates are

higher as you go downstream. You cannot rely fully on infiltration units; you also need to rely on open space in its natural state to serve as flood storage and pollutant renovation.

Aurea De Souza, 5 Iris Lane, submitted packets of photos. She stated in August 2018, she woke up to the sound of trees falling around her. It was because the owners of applicant's property were cutting down trees. She filed a complaint with the Conservation Department. She was told they were in compliance as of Friday but there was cutting that occurred over the weekend. She showed photos of before and after. By November 2018, she started seeing erosion. She was able to see the school whereas before she could not. Banks of sand started to pile up and blocking the flow of Muddy Brook. She acknowledged that Muddy Brook always floods but not this bad. Now she is seeing flooding in her basement. She showed several videos. She noted she has spent \$8,000 on repairs so far. She referenced a letter from Charles Bralver of 52 Morningside Drive South.

With no other comment from the public, Ms. Rycenga asked for Commission comments and questions.

Mr. Davis asked about the time of concentration numbers. He asked what the confidence level is.

Mr. DiMarzo stated he relies on the the NRCS Technical Bulletin and their limitations. That bulletin says that it is 6 minutes and he used 5 minutes. It is an accepted practice.

Mr. Davis wants to know what the confidence level is of his estimates of runoff reductions of 3.1% to the East and 33% to the West.

Mr. DiMarzo stated it is 0.02%; the number is based on the entire watershed.

Mr. Davis asked what is the percent for the area downstream from the property.

Mr. Fain stated he will provide the percent for the area both above and below the property.

Mr. Carey asked how many sump pumps there will be.

Mr. DiMarzo stated there will be 16; one for every unit.

Mr. Carey asked if there will be a backup generator and how it will be fueled.

Mr. DiMarzo stated there will be a backup battery for each sump pump.

Annette Perry, Project Manager for the applicant stated the backup battery for each unit will last for several hours.

Mr. Carey stated he wants a more robust backup system because of long-term power outages. He wants a deed restriction that there are no ejector pumps installed in any basement. He asked if there has been any long-term analysis of the effectiveness of raingardens in condo projects.

Mr. Fain stated there are no studies that he is aware of.

Mr. Carey is concerned that they will not be maintained over the long term.

Mr. Fain agreed that all the drainage appurtenances need to be maintained.

Mr. Carey noted the groundwater data in test pits for Units 7, 8, 11 and 12. The basements are 8.5 to 9 feet deep which is significantly below the water table in that vicinity.

Mr. DiMarzo stated the sump pumps will handle the water. The sediment basins will handle the dewatering issues.

Mr. Bancroft discussed Units 8 & 9 and the stormwater runoff is directed to a splash pad rather than into drainage units.

Mr. DiMarzo stated it was not necessary to retain that stormwater to meet the Town standards.

Mr. Bancroft noted there seems to be a discrepancy of the standards for separating distance above groundwater for the infiltrator between the Town and the State. He questioned whether the 3 feet standard by the State is more appropriate.

Mr. DiMarzo stated the Town standard of 12 inches is appropriate with the sump pumps and raingarden treating before entering the system.

Mr. Bancroft noted that Units 1, 2 and 3 have drainage. He questioned whether a raingarden would be appropriate.

Mr. DiMarzo stated he felt the drainage was appropriate to by-pass the system and raingarden.

Ms. Rycenga stated she would like resumes of all the experts, who testified, submitted into the record. She asked what is the structural integrity of the old house that will be used as a community center and which will be moved to a more central location on the lot.

Ms. Perry state there are differing opinions. She said moving the house will include shoring up the foundation, correcting the current deficiencies.

Ms. Rycenga asked how the studio will be used.

Ms. Perry stated it will not be a dwelling unit. The space will be used however, the Homeowner's Association wants it to be used.

Ms. Rycenga asked if the shed will remain.

Ms. Perry stated it will remain. It will not be used but is being left to appease the public.

Ms. Rycenga asked about groundwater flow rate fluctuation.

Mr. DiMarzo stated the sump pumps will be triggered with fluctuations.

Mr. Lobdell asked where they will pump to.

Mr. DiMarzo stated they will pump to infiltrators throughout the site.

Ms. Rycenga noted the test pits are two years old. She questioned whether in his professional opinion they are still appropriate.

Mr. DiMarzo stated they are still perfectly fine to use.

Ms. Rycenga noted need for scour protection from stormwater runoff in case of overflow from the drainage system.

Mr. DiMarzo stated they provided calculations for overflow and they are within Town drainage standards.

Ms. Rycenga suggested they address the inaccurate design for storms as noted in the comments.

Mr. DiMarzo indicated he feels his calculations were not too liberal and they used the University of Cornell precipitation data.

Ms. Rycenga asked that they address the lighting proposed with detail and a mosquito spraying plan for the next meeting.

Mr. Fain stated that in the Management Plan, he says no mosquito spraying is necessary and should not be done.

Mr. Perlman asked if the applicant has considered the possibility that the application will be denied.

Ms. Perry stated she feels that evidence has been submitted to support an approval based on engineering information.

Mr. Perlman asked if it is denied, what would be the alternative.

Ms. Perry stated they are in litigation now over the subdivision denial by the P&Z Commission, so she would prefer not to comment.

Mr. Perlman noted concerns with the tree clearing that was not permitted.

Ms. Perry stated 17 trees were taken down that were decayed.

Mr. Perlman asked what the purpose of the community center is.

Ms. Perry stated she is unsure. It will be up to the HOA.

Mr. Perlman asked about the planting sizes.

Mr. Fain stated he will get the Commission information related to plant sizes.

Mr. Perlman mentioned the FEMA regulations and that the basements are designed to be below the base flood elevation.

Mr. DiMarzo stated the building development is outside the FEMA 100-year flood and do not have to comply with FEMA regulations.

Mr. Perlman stated the test pits were done two years ago. All the new construction in the neighborhood was done after the test pit data.

Mr. DiMarzo noted 1141, 1135 and 1177 Post Road East were all designed to the 25-year storm events. Therefore, he has faith they will be done appropriately.

Ms. Rycenga asked when the sewer line was installed.

Ms. Mozian stated in the 1970's. There were private lines installed for 8 and 16 Morningside Drive South.

Ms. Mozian asked for more explanation about the sewer installation.

Mr. DiMarzo stated the WPCA analysis is ongoing. The sewer main line extension will be along the entrance and exit drive.

Ms. Mozian submitted rainfall amounts information from Connecticut between 1970 and 2018. She stated the basements are outside the 100-year flood boundary and she knows the Commission does

not have the right to limit basements. However, she is not convinced that the basements will not flood as demonstrated by the proposed sump pumps.

Mr. DiMarzo agreed during a 100-year flood event, the basements will flood 0.3 feet.

Ms. Mozian stated the Town had back-to-back 100-year storms in September and October 2018. If the sumps go into the infiltrators, they will overflow.

Mr. DiMarzo agreed that it is possible.

Ms. Mozian addressed Mr. Fain. She noted when speaking of the Integrated Pest Management Plan (IPM) there is no need to apply an excess of fertilizers and pesticides. She asked what the best way to enforce this is.

Mr. Fain stated that it should be a part of the HOA documents.

Ms. Mozian asked if Mr. Fain would be retained to oversee the wetland restoration and invasive removal.

Ms. Perry indicated they are willing to use Mr. Fain.

Ms. Mozian noted that a feasible and prudent alternative is to abandon the basement in the design.

Ms. Perry noted the basements have been engineered in the design.

Ms. Mozian asked what the use of the basements is.

Ms. Perry indicated it is office, storage, and miscellaneous use.

Ms. Mozian noted that there is living space with the possibility of flooding.

Ms. Perry stated they have been building for 14 years with proper engineering controls.

Mr. Fain added that water flow in the soils will follow Darcy's Law.

Mr. Kelly submitted rainfall data from Norwalk's rain gauge:

- September 6, 2018 – 1.82"
- September 10, 2018 – 1.6"
- September 18, 2018 – 2.01"
- September 25, 2018 – 5.34"
- October 2, 2018 – 3.68"

Mr. Kelly submitted photos taken on November 21, 2017 once the trees were removed. The photos depict where the 20-foot setback is in the field.

Ms. Rycenga submitted 45 photos she took during the March 15, 2019 field trip.

Mr. Lobdell asked what the Town is doing about the flooding of Muddy Brook.

Ms. Mozian stated the GZA report was a first step. She would ask the Town Engineer to attend the next meeting.

Mr. Fain stated a second study has also been done.

Ms. Rycenga asked Mr. Hoopes if he would like to summarize his closing remarks for the evening.

Atty. Hoopes made note of the neighbor's remarks about the contaminants in Muddy Brook. They are not contributing to the contamination of Muddy Brook with their design. The flooding of the brook is due to building along that stream.

Ms. Rycenga asked Mr. Hoopes to hold that argument to the next meeting.

Atty. Hoopes stated that 17 dead trees did not cause an increase in flooding. There is extra design following Town standards. The basic point of the flood study is that it floods in a 10-year storm. The problem occurred way before the storm event they are designing for.

Ms. Mozian asked the applicant to clarify the 17 dead trees removed outside the wetland buffer versus the 50 trees the neighbors are claiming were removed at the next meeting.

Motion to continue the hearing to April 10, 2019.

Motion:	Rycenga	Second:	Davis
Ayes:	Rycenga, Davis, Bancroft, Carey, Lobdell, Perlman		
Nayes:	None	Abstentions:	None
		Vote:	6:0:0

Mr. Lobdell left after the Public Hearing and did not participate in the Work Session.

Work Session II:

1. Receipt of Applications

Ms. Mozian noted there were three applications to officially receive including:

1. **58 Turkey Hill Road South:** Application #IWW/M-10776-19 by Richard Gordon c/o John F Fallon, Esq. to amend wetland boundary map # G7.
2. **300 Post Road West:** Application #IWW/M-10772-19 by Barr Associates on behalf of 300 PRW LLC to amend wetland boundary map #B8.
3. **3 Lakeview Road:** Application #IWW,WPL/E-10782-19 by Peter Romano of LandTech on behalf of James Franco for a proposed single family residence, driveway and stormwater improvements. Work is within the upland review area setbacks.

Ms. Mozian reported that she proposes to place 58 Turkey Hill Road South and 300 Post Road West on the April 17, 2019 Public Hearing along with 2 WPLO applications and hold the hearing for 3 Lakeview Road on May 15, 2019. The Commission also has the Public Meeting for 107 Old Road coming up.

Motion to receive the three noted applications.

Motion:	Rycenga	Second:	Carey
Ayes:	Rycenga, Carey, Bancroft, Davis, Perlman		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

2. Report by Colin Kelly, Conservation Compliance Officer on the status of existing enforcement activity. – None

3. Approval of February 20, 2019 meeting minutes.

Motion to approve the February 20, 2019 meeting minutes as amended.

Motion:	Rycenga	Second:	Bancroft
Ayes:	Rycenga, Bancroft, Carey, Davis, Perlman		
Nayes:	None	Abstentions:	None
		Vote:	5:0:0

