

November 25, 2014

The Stonington Board of Selectmen held a special meeting on this date at Stonington Town Hall at 2:00 p.m. Present were First Selectman Edward Haberek, Selectman George Crouse and Selectman Rob Simmons. Also present were members of the public and press.

(1) **Call to Order**

Mr. Haberek called the meeting to order at 2:06 p.m.

(2) **Approval of the Minutes**

- A motion was made by Mr. Haberek and seconded by Mr. Crouse to approve the November 10, 2014 Board of Selectmen special meeting minutes.
- A motion was made by Mr. Haberek and seconded by Mr. Crouse to approve the November 12, 2014 Board of Selectmen regular meeting minutes.

(3) **Comments from the Public**

None

(4) **Correspondence**

Mr. Haberek took in correspondence from Michael Fauerbach expressing his interest in serving on the K-12 School Building Committee.

(5) **New Business**

Street Number for Map 57, Block 3, Lot 2 – 168 Palmer Neck Road

A motion was made by Mr. Haberek and seconded by Mr. Crouse to approve the recommendation by Candace Palmer, ZEO to assign the address of 168 Palmer Neck Road to Map 57, Block 3, Lot 2.

Street Number for Map 25, Block 1, Lot 5 – 100 South Broad Street

A motion was made by Mr. Haberek and seconded by Mr. Crouse to approve the recommendation by Candace Palmer, ZEO to assign the address of 100 South Broad Street to Map 25, Block 1, Lot 5.

Acceptance of Off-Site Stormwater Maintenance Resolution

- Joseph Williams, Esq. spoke on behalf of his client, Toll Brothers. He stated that the subdivision that Toll Brothers has renamed Old Mystic Estates was approved about ten years ago. He stated that before construction could get underway it was discovered that there was an error in the original drainage plan. Attorney Williams further stated that the prior engineering firm said that a pipe that's in Whitehall Pond across the street was an outlet and it was then discovered by the Town Engineer that it's an inlet. He stated that the folks who live on that property, Whitehall Pond Condo, have experienced some flooding from the pond. Attorney Williams also stated that the pond already receives stormwater from town property, state property and other businesses. He stated that it was already flooding and the town engineer put the brakes on Toll brothers completing its subdivision at that time until that drainage situation could be worked out. He stated they thought they had a solution in building retention ponds on the property and Toll Brothers had volunteered to eliminate one of the lots from the subdivision to do that but the Zoning Commission had some concerns with that proposal and denied the application. Attorney Williams

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stated that they have an appeal pending in Superior Court from that denial and what they are pursuing now is an effort to reach a compromise and dispose of the lawsuit. He stated that Milone and MacBroom has designed an engineering plan that would get rid of the retention basins, pipe the stormwater under Rt. 27 into Whitehall Pond and then install a new larger sized outlet pipe that would go from the pond to the Mystic River and in doing so it will allow Toll Brothers to complete its subdivision. He further stated that it will resolve the lawsuit and it will also take care of the flooding that's been plaguing Whitehall Pond Condo. Attorney Williams stated that to be able to put that into place they've already had a preliminary discussion with the Planning & Zoning Commission and they are interested in us pursuing that plan as a settlement. He stated that they have several preliminary steps that they would need to go through before they go to back zoning and the Board of Selectmen is really the first one because a key question is who will accept the responsibility for maintenance of that offsite drainage system because Toll Brothers will complete the subdivision, sell the lots but won't remain on the site. He stated the town has already accepted the stormwater from the subdivision and has already accepted responsibility of maintenance of a portion of the offsite system. He further stated that what they're asking the board now is if they build this improvement to the offsite system out to Mystic River will the town accept extend acceptance of the maintenance responsibility from the pond out to the river.

- Mr. Crouse asked what is the 100 year worse scenario of the Mystic River backing up in the pipe and flooding Whitehall Pond.
- Dan Gruber from Milone and MacBroom stated that it has all been accounted for.
- Barbara McKrell, Director of Public Works stated that Scot Deledda, Town Engineer has verified that Milone and MacBroom's calculations are correct.
- Mr. Crouse asked if DEP is going to look at this.
- Mr. Gruber stated yes.
- Mr. Crouse asked if this is a standard type situation that is put in to solve the problem.
- Mr. Gruber stated that yes, there aren't any special mechanical structures, no pumps, this is a gravity pipe fed system. Mr. Gruber stated that this is pretty straight forward stuff to understand and they feel very, very comfortable with this engineering system.
- Mr. Haberek stated that none of this is effective until Inland Wetlands, Planning and Zoning, the Town Engineer and DEP find this satisfactory.
- Mr. Simmons stated that the area south of Pequot Trail has generally been wooded in the past and if they build out the complete subdivision of roads, drainage, driveways, gutters on roof tops it seems to him that we are going to get a fairly substantial watershed off of that hill and off of that subdivision. Mr. Simmons asked why do they even bother going into Whitehall Pond. He asked why not have a closed system that has the capacity to handle this amount of water that bypasses Whitehall Pond all

together instead of dumping into the pond and draining out of the pond. He stated it seems to him that it creates an unnecessary hazard.

- Mr. Haberek stated that the closed system was denied by Planning and Zoning and this is their alternative.
- Mr. Simmons asked if Mr. Haberek knew the basis for the denial.
- Mr. Gruber stated the plan that was denied was a series of retention basins.
- Mr. Simmons stated that although retention basins can perform a certain function essentially what they are doing is dumping a whole lot of volume of water into Whitehall Pond expecting it to transit the pond and go out the other end. He stated that systems fail we all know that. Mr. Simmons further stated that he is not confident of just how much water might be generated by this development on this watershed and he is not confident that a system that dumps into an open pond and then relies on an open drain out the other side is the safest way to deal with the problem.
- Mr. Gruber stated that this plan was approved back ten years ago so they're not changing anything on-site. He stated that Whitehall Pond is now on board, their engineers have reviewed it they feel like this is going to solve a preexisting condition that they have now.
- Mr. Deledda stated that this is a very simple design by nature. He stated that there are many safety factors built into it. He also stated that it really solves multiple problems and providing Whitehall Pond with an outlet is a huge benefit. Mr. Deledda stated that this seems like a win-win situation.
- Mr. Simmons stated that he has no problem with the outlet. He stated that it makes a great deal of sense. He stated his concern is the volume of water in an area where people have complained in the past about the flooding. Mr. Simmons stated that his thought is there is still time that has to play out with this and there are certain hoops that have to take place. He stated whether it is through the court judgment or through the sale of the last lot that sets a time frame. He stated that the Town Engineer has to approve the acceptance of the final plans but he would vote no simply to mark this as an issue for which he has some concerns.
- Mr. Haberek stated that the Town Engineer and the Director of Public Works along with the engineers said that for them to go the next level they need to have the resolution so he is comfortable approving it so they can go the next level.
- A motion was made by Mr. Haberek and seconded by Mr. Crouse to adopt the Resolution of Stonington Board of Selectmen Acceptance of Off-Site Stormwater Maintenance including all eight points and contingent to Planning and Zoning, Town Engineer and DEP approval. The vote was 2-1 in favor of adopting the resolution.

2015 Regular Meeting Schedule

A motion was made by Mr. Crouse, seconded by Mr. Simmons and voted unanimously to approve the 2015 Regular Meeting Schedule.

(6) **Comments from the Public**

None

(7) **Comments from the Selectmen**

None

(8) Adjourn

There being no further business to come before this Board, the meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Kristine Bell
Recording Secretary

