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May 22, 2024

Daniel Radman, Chair
Planning & Zoning Commission
77 Main Street
New Canaan, CT 06840

RE: 672 Oenoke Ridge – Application to Planning and Zoning Commission for a Site Plan and Special Permit Approval Pursuant to Section(s) 6.4.G.1, 6.4.G.2, 6.5.b.4 to Allow Grading in Excess of 1,000 Cubic Yards, Soil Disturbance over 10,000 Square Feet and to Install Retaining Walls in Excess four (4') feet (the “Application”).

Dear Mr. Radman and Members of the Commission:

I have been retained by George P. Russell of 467 Country Club Road in New Canaan (the “Russell Property”) in connection with the above referenced Application concerning the property at 672 Oenoke Ridge in New Canaan (the “Kelly Property”).

My client’s interest in the Application is in response to the recent flooding of the Russell Property and the resulting soggy condition of his yard, the deposition of silt and mud, damage and related impacts.

By way of background, the Russell Property is bounded to the east by the property at 433 Country Club Road owned by Mr. William Parrett located (the “Parrett Property”). The Parrett Property is positioned uphill and between the Russell Property and the Kelly Property. The Kelly Property is, in turn, just to the east and uphill from the Parrett Property. As a result, stormwater and silt flow from the Kelly Property downhill onto and over a narrow portion of the Parrett Property and then from the Parrett Property downhill onto the Russell Property. Another recent source of flooding is from new groundwater daylighting up from the surface of the Russell Property that likely originates from curtain drains upon the Kelly Property.

Issues involving the discharge of stormwater from the Kelly Property are not new and have been a matter that had been previously resolved by and between the owners of the three

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properties including the predecessor in title to the Kelly Property. In 2008, my client, Mr. Parrett and the then owner of the Kelly Property agreed upon the installation upon the Kelly Property of an elaborate stormwater discharge plan designed by McChord Engineering Associates, a copy of which I have attached for your reference (the "Stormwater System"). This plan specifically addressed stormwater discharge issues that had previously arisen and effectively remediated them including, explicitly and most pointedly, the discharge of stormwater from the Kelly Property and its adverse impacts on the Parrett Property and, in turn, the Russell Property.

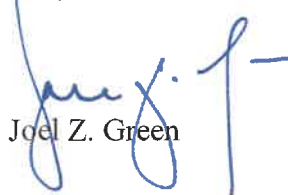
In the course of the work that has recently been performed on the Kelly Property, the Stormwater System has been compromised and damaged as a result of the grading, excavating and construction activities there and is no longer functioning properly during storm events.

I have written to Attorney Rucci, as counsel for the Applicant, to demand that immediate measures be taken to address the present and on-going illegal discharge of stormwater and silt from the Kelly Property onto the Parrett Property and the Russell Property. In response, I received from Attorney Rucci a letter prepared by Leonard D'Andrea of D'Andrea Surveying & Engineering, PC, a copy of which I've also enclosed for your reference. We are not aware of any report or response by McChord Engineering, to date, as described in Mr. D'Andrea's letter.

Under the circumstances, it is the reasonable expectation of my client that any work to be performed upon the Kelly Property, subject to the approval of this Commission, will restore the integrity of the Stormwater System and address the groundwater issue and that the flooding condition and resulting deposition of material, damage and related impacts shall cease. There can be little doubt that the construction activities upon the Kelly Property have compromised and affected the proper functioning of the Stormwater System that had functioned, without incident, for over fifteen (15) years and altered the flow of groundwater upon the properties. My client and I respectfully request the Commission's assistance in assuring the proper measures are implemented and conditions imposed by the Commission in this regard as part of any approval of the Application.

My client and I thank the Commission for your time and consideration.

Very truly yours,



Joel Z. Green

JZG:laf

Enclosures

cc: David Rucci, Esquire

Joseph Rucci, Esquire

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May 16, 2024

David J. Rucci, Esquire
Lampert Toohey & Rucci, LLC
46 Main Street
New Canaan CT 06840

Re: 672 Oenoke Ridge, New Canaan CT
Response to Letter of April 29, 2024
Attorney Green to Attorney Rucci

Dear Attorney Rucci,

We have reviewed the above referenced letter you provided us from Attorney Joel Green to you dated April 29, 2024. We found some of Attorney Green's comments to be incorrect and we feel compelled to respond so that the New Canaan Planning and Zoning Commission have a clear and correct understanding of post-development conditions as well as a clear understanding of the improvements our proposed site development design will provide relative to stormwater management.

We recognize that in an earlier storm event of significant intensity, there was a breach of certain sedimentation and erosion control measures that caused a temporary undesirable turbidity of the stormwater runoff across portions of the westerly half of the subject property from exposed soil. We responded quickly to a call from the contractor during the rain event by immediately visiting the property, instructed the site contractor on the implementation of immediate repairs to certain existing measures, and requested the installation of additional soil containment measures. The contractor responded quickly to our requests and the site was contained. This is not an unusual occurrence on such site improvement developments during the construction period. In this situation, the contractor was concerned and responsive to our requests.

Attorney Green speaks of an "elaborate stormwater detention and discharge plan designed by McChord Engineering Associates". We are in receipt of the plan and want to correct Attorney Green's statement. The proposed design, which we believe was implemented circa 2008, provided absolutely no stormwater detention.

Instead, the proposed drainage improvements included the installation of a drainage pipe from the northerly side of the previous dwelling, then running diagonally across the rear yard and connecting to the rear of an existing catch basin located on the north side of Country Club Road opposite the southwest concern of the subject property. The McChord design calls for the roof leader to be connected to the drain. Two yard drains were added to serve as junction boxes for inspection and pipe cleaning. The basins would have intercepted a very limited runoff area.

We note that there were no stormwater measures proposed that would have intercepted runoff generated across the northerly three-quarters of the property. Stormwater runoff would continue as sheet flow across the subject property, then across the 433 Country Club Road where other stormwater measures were proposed by McChord.

The McChord design included a curtain drain having a length of about 130-feet running within and parallel to the westerly property line of the subject property north of Country Club Road. The curtain drain was also connected to the catch basin in Country Club Road. Having most likely been installed in 2008, we found the top of the curtain drain to be covered with leaf litter and believed it less effective than originally designed as a result.

The stormwater management system that we have proposed includes a significant subsurface infiltration system that will provide retention of the first inch of rainfall and detention of the higher intensity storms. We proposed the reconstruction of the curtain drain, and we have introduced a 130-foot-long rain garden that will be constructed alongside the curtain drain. The rain garden will provide pre-treatment of stormwater and will complement the treatment offered by the infiltration system. The measures we have propose will be an enhancement of the previous system that offered no treatment for water quality.

The proposed grading plan will serve to reduce the gradient of the rear yard that results in slowing down the conveyance of stormwater in the form of sheet flow. Below the grading, a retaining wall is proposed that will further interrupt the movement of stormwater and encourage infiltration. Behind the wall will be a wall drain that will convey collected groundwater, if any to the street system. This collected water will be very clean.

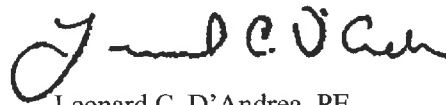
Attorney Green states that there is "present and ongoing illegal discharge of stormwater and silt from the Kelly Property...". Although there have been past occasions where there was a breach of the sedimentation and erosion controls, the breaches were quickly repaired, and there is presently no discharge of silt or an adverse altering of existing drainage patterns. The contractor and this firm will, of course, continue to monitor the construction site.

It should also be noted that in the spirit of cooperation, we meet Tom Nelson with McChord Engineering via video conference on April 15, 2024 to discuss our design plan. At that meeting, he also summarized the intent of the McChord 2008 site drainage plan. It was agreed during the meeting that Mr. Nelson would summarize for us in a letter, any other drainage enhancements he would like us to consider on behalf of his client. We are not sure if he was representing Mr. Russell (467 Country Club Road) or Mr. Parrett (433 Country Club Road). To date, we have not received any additional review or comments from Mr. Nelson.

The site design, including site grading, drainage management, and landscaping will improvement stormwater quality, will not adversely impact drainage patterns, and will enhance the wildlife benefits of the property.

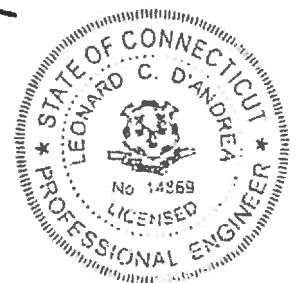
Sincerely,

D'Andrea Surveying & Engineering, P.C.



Leonard C. D'Andrea, PE

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D'Andrea Surveying & Engineering, P.C.