

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING

MINUTES

November 5, 2014

7:30 P.M.

Room 206, Town Hall

Chairman Riccardo called the meeting to order at 7:30 P.M

Commission Members Present: Vickie Riccardo, Jim Millard, Eric Joosten, Keith Kearney, and Rick Rohr

Staff: Jacobson

Reporter: Syat

Channel 79 recorded

Ms. Riccardo called the following agenda item:

122 Delafield Island Road, LLC, 122 Delafield Island Road, property owner's response to Notice of Violation, and Commission's directive to submit an after the fact application for clear cutting. The site is shown on Assessor's Map #70 as Lot #39.

Mr. Rohr was recused for this application and left the meeting room.

Attorney Robert Maslan represented the property owner. He said he submitted several expert reports and a survey and their conclusion is that the wetland on the property is tidal.

Ms. Riccardo asked Mr. Jacobson if the consultants hired by the owner are qualified. Mr. Jacobson said they are all highly qualified.

Mr. Maslan described the applications and agencies that they will still be involved in the property. He said Planning & Zoning will require CAM and Flood Damage Prevention. He said the DEEP and State Health Department will also be involved.

Ms. Riccardo asked about the CAM violation that currently exists on the property. Mr. Maslan provided a copy of Mr. Ginsberg's letter about no additional work on the property. He said they will continue to dig test holes for the septic system as necessary.

Mr. Joosten asked about the demolition of the house. Mr. Maslan said the owner would have to discuss demolition with Mr. Ginsberg before doing anything.

Mr. Gleason said the Commission should not give up jurisdiction. He asked for a continuation to have experts review the reports. He provided a list of recommendations to P&Z for the EPC to make as the Conservation Commission.

Mr. Kearney the Commission has not given up jurisdiction and that if the elevations are high enough it will have inland wetland jurisdiction.

Ms. Riccardo asked Mr. Maslan if the owners will honor the request from Mr. Ginsberg. Mr. Maslan said they would.

Ms. Riccardo asked for a motion to add the discussion of 122 Delafield Island Road as the Conservation Commission to the agenda. Mr. Joosten made a motion to add the discussion to the agenda. Mr. Millard seconded the motion and it passed 4-0.

The Commission discussed sending recommendations to P&Z that they take notice of the seriousness of the CAM violation and issue a notice of violation and take appropriate action. The Commission agreed to the content of a letter to P&Z.

Ms. Riccardo called the following agenda item:

EPC-25-2014, Ellie Eglin, 210 Leroy Avenue, proposing a swimming pool within an upland review area. The site is shown on Assessor's Map #6 as Lot #3.

Mr. Rohr returned to the meeting.

Doug DiVesta, P.E., represented the applicant. He said the owners are constructing a new house. The permit they are requesting is for the pool and associated grading. He said the stockpile which was in the upland review area was removed and the site stabilized with seed and mulch. He said Matt Popp of Environmental Land Solutions prepared a planting plan. He provided photos showing the disturbed area before work on the property started as ground cover with no trees or shrubs.

Mr. Rohr asked about the discharge of the sump pump at the edge of the upland review area. Mr. DiVesta said they could provide a level spreader or cul-tec unit.

Mr. Rohr suggested they place boulders at the toe of the new slope. The distance between the boulders was discussed and 25 feet was determined to be appropriate.

Mr. Kearney made a motion to approve the application with the level spreader and the boulder demarcation. Mr. Joosten seconded the motion and it passed 5-0.

Ms. Riccardo called the following agenda item:

EPC-26-2014, Elliot Jacobs, 95 Brookside Road, proposing a spa and stone wall within an upland review area. The site is shown on Assessor's Map #34 as Lot #35.

Wayne Dimm, contractor, represented the applicant. He said they are proposing a 7' x 7' spa and continuation of a stone wall in the upland review area. All of the work will be in the existing lawn area.

Mr. Rohr requested a silt fence below the proposed spa.

Mr. Rohr made a motion to approve the application. Mr. Joosten seconded the motion and it passed 5-0.

Ms. Riccardo said the following application was withdrawn:

EPC-27-2014, Martin Canellakis, 54 Nearwater Lane, proposing house additions and patio within and upland review area. The site is shown on Assessor's Map #51 as Lot #74.

Ms. Riccardo called the following agenda item:

200 Long Neck Point Road, John and Charlotte Suhler, requesting permission to work within a conservation easement to prevent erosion.

The Commission discussed the request outlined in the letter and plans from John Lust. It was the consensus of the members that the work is consistent with the language of the easement.

Mr. Kearney made a motion to allow the work to be done and allow Mr. Lust to apply for necessary permits. Mr. Joosten seconded the motion and it passed 5-0.

Ms. Riccardo called the public hearing to order:

EPC-24-2014, Sun Homes Darien, LLC, 36, 42 & 48 Wakemore Street, proposing expansion of a residential community and construction within an upland review area. The site is shown on Assessor's Map #8 as Lot #'s 226, 227, 228, 229 & 230.

Attorney Bruce Hill represented the applicant. He introduced John Watson, P.E and Michelle Ford, Professional Wetland Scientist. He provided an overview of the project. He said Joe Canas and John Watson have been in discussions regarding the engineering of the project. He said they have been discussing the existing flooding conditions on Wakemore Street. He said Kensett does not believe the flooding is related to their project. He said solving the problem would involve significant Town involvement.

Ms. Ford said she worked on the wetland restoration on Phase I of the Kensett project. For Phase II, she said she recommends continuing with the restoration and enhancement begun with phase I. She provided a report on the history of the previously mapped wetland with aerial photos.

Mr. Rohr said the existing condition is a violation and asked Mr. Hill why the Commission should not require correction before continuing with the application. Mr. Hill said he thought it would be an extreme measure to bring in the current owner on a violation.

Bill McGuinness, project manager said Sun Homes has restored a four acre conservation easement area and would like some consideration for that work.

Ms. Ford described the improvements made to the conservation area. She said the filled area was not connected to the larger wetland and she does not think it would be a high value wetland. She said the proposed mitigation would have more benefit.

Mr. Millard asked where the wetland was. Mr. Watson said the wetland does not appear on their map. Ms. Ford indicated the approximate area on the map.

Ms. Riccardo asked about the proposed work in the upland review area. Ms. Ford said parts of two buildings and four units would be built in the upland review area.

Mr. Watson described the proposed stormwater treatment. He said the plan there will be no impact on downstream flooding. He said the Applicants are proposing to attenuate peak flows and also reduce volume. He said all impervious surfaces will be directed to infiltration, porous pavers or porous pavement.

Mr. Riccardo asked how the porous pavement will be maintained. Mr. Watson said no sand or sealers will be used.

Joe Canas, P.E reviewed his October 16 letter. He said his comments are in three categories: additional data requested; resolve conflicts on the plans; and make modifications.

Mr. Rohr asked if they have done test holes. Mr. Watson said they are scheduled.

Mr. Rohr asked about the design storm. Mr. Canas said the system was designed for a 25 year storm with a check for 50.

Mr. Canas said the scope of the review has expanded to include a review of the 2007 plans vs. what was constructed.

Mr. Hill said there were changes approved in 2011 which will be reviewed with Mr. Canas.

Mr. Riccardo opened the hearing to the public.

Oleg Starovoirov, 22 Wakemore Street submitted a letter regarding flooding issues on the street. He said there should be a commitment to fixing existing drainage issues with Kensett I.

Christian Green, 35 Wakemore Street said he is concerned that additional pavement allowed by rezoning the property from R1/3 to a denser zone will create more runoff. Ms. Riccardo said the re-zoning of the property will be up to the Planning & Zoning Commission.

Robert & Michelle Eilertson, Wakemore Street said the flooding comes faster since the new piping was installed.

Nicola and Cornelius Perkins, 25 Wakemore Street, said they are concerned about more water coming from a large area upstream and they are concerned that Kensett II will add to it.

Mr. Hill said Kensett is a pass through for a much larger drainage area. He said the 2010 study of the Noroton River flooding describes a much broader approach that the Town would need to take to address flooding.

Mr. Rohr asked for more specific information on where the mitigation will take place. He asked how much of the upland review area will be lawn.

The Commission continued the public hearing to December 3.

Ms. Riccardo asked the Commission to consider the minutes of the November 5 meeting after discussing changes. Mr. Joosten moved to approve the Minutes of November 5 as amended. Mr. Kearney seconded the motion and it passed 4-0. Mr. Millard abstained.

Mr. Rohr made a motion to add discussion of the wetland violation on the Procaccini property to the agenda. Mr. Joosten seconded the motion. Mr. Rohr, Mr. Joosten, and Mr. Millard voted in favor. Ms. Riccardo and Mr. Kearney opposed the motion. Failing to receive a two-thirds vote, the motion failed.

Mr. Kearney made a motion to adjourn. Mr. Joosten seconded the motion, and it passed 5-0.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer