

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
March 6, 2013
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, Wynne Shapiro, Ed Sweeney, Alan Armstrong, Eric Joosten, and Keith Kearney

Staff: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Ms. Riccardo called the first agenda item:

EPC-04-2013, John & Michelle Sini, 36 Birch Road, proposing garage addition/replacement within an upland review area.

Mark Lebow, L.S., represented the applicant. He said they are proposing to demolish and rebuild a garage and second story addition, and add two parking spaces within the upland review area to comply with zoning regulations. He said the wetland is primarily maintained lawn with some trees and landscaping.

Ms. Riccardo asked if there would be an impact to two large trees along Point O'Woods Road. Mr. Lebow said they would like to save the trees if possible.

Ms. Shapiro asked about the surface of the parking area. Mr. Lebow said they would be willing to use a pervious material for the parking. He said they would replace the trees, if they are removed, with two for one.

Mr. Sweeney made a motion to approve the application with stipulations that the proposed parking be a pervious material and replacement of trees at a two for one ratio. Mr. Joosten seconded the motion and it passed 6-0.

Ms. Riccardo called the next agenda item:

EPC-05-2013, Michael & Elizabeth Gosk, 15 Winding Lane, proposing an addition and patio within an upland review area.

Ms. Riccardo said this application was withdrawn by the applicant.

Ms. Riccardo called the next agenda item:

EPC-06-2013, Country Club of Darien, 300 Mansfield Avenue, proposing maintenance dredging of two sediment basins.

Todd Tetreault, Assistant Superintendent, represented the applicant. He said they are seeking permission to clean sediment and debris from two settling ponds.

Mr. Joosten asked if they would mix the sediment removed with other material. Mr. Tetreault said they would keep it separate and use it elsewhere on the course later.

Mr. Kearney made a motion to approve the application. Ms. Shapiro seconded the motion and it passed 6-0.

Ms. Riccardo called the next agenda item:

EPC-07-2013, Woodway Country Club, 412-540 Hoyt Street. Proposing wetland and watercourse restoration activities.

Chris Allan, Wetland Scientist, represented the applicant. He introduced Jaime Kapes, Manager. He said they are proposing to remove a portion of a tee box and create a wetland area. They will also remove a berm from the water quality basin that is not functioning and restore the wetland and remove three cart path culverts and replace with bridges. The project will restore 3000 square feet of wetland and 40 linear feet of stream channel.

Mr. Armstrong made a motion to approve the application. Ms. Shapiro seconded he motion and it passed 6-0.

Ms. Riccardo called the next agenda item:

EPC-08-2013, Andrew & Melanie Wright, 5 Holly Lane, stone wall and fence construction in an upland review area.

Ms. Shapiro was recused for this application.

Greg Twardy represented the applicant.

Mr. Jacobson said he has received an e-mail requesting a public hearing. He said the property received considerable interest from the neighbors when it was developed. The Commission can decide to have a hearing if it is in the public interest.

Mr. Twardy said they have no objection to a hearing.

Mr. Joosten made a motion to schedule a public hearing for April 3. Mr. Armstrong seconded the motion and it passed 6-0.

Mr. Sweeney asked the purpose of the wall. Mr. Twardy said aesthetics. He said they have decided to eliminate the fence.

Ms. Riccardo asked about a planting plan. Mr. Twardy said they are proposing hornbeams and a perennial bed

Mr. Sweeney asked about the direction of water flow. Mr. Twardy said the property is very flat. He said he will provide elevations. He said they will include drains in the bottom of the wall.

Ms. Riccardo called the next agenda item:

EPC-09-2013, Elisabeth C. Bacon & Edwin L. Lewis, III, proposing deck replacement in an upland review area.

Elisabeth Bacon represented herself. She said they are requesting to replace a deck that was damaged by a tree during Hurricane Sandy.

Ms. Riccardo asked about the area of disturbance. Mr. Jacobson said it will be very small for the new footings. He will work with the applicant to provide it on the application.

Mr. Armstrong made a motion to approve the application. Mr. Joosten seconded the motion and it was approved 6-0.

Ms. Riccardo called the first public hearing item:

EPC-38-2012, Redniss & Mead, Inc., on behalf of Steven Payne, 5 Dogwood Lane, requesting permit to retain existing drainage structures within an upland review area.

Brian McMahon, P.E., represented the applicant. He said they are requesting permission to maintain drainage improvements that were made over a year ago, and add to the previous installation. He said the map submitted today is the same plan with the field topography overlaid on it in lieu of the Town topo.

He said the property is slightly over one acre and has over 40 feet of topographic relief from the rear of the property to the front. He said they got involved after the work was done. He has met with staff, Mrs. Berlet and her engineer.

Mr. McMahon said the Paynes purchased the property in 2008, approximately one year after the completion of the house. He said the changes they made to the property are the curtain drain installed in the driveway, the regrading of a portion of the property, and the construction of a retaining wall. He said Mrs. Berlet has voiced concerns that the Paynes have caused a drainage problem on her property. He and the Paynes do not believe that they have caused her problems. He said he met with Mrs. Berlet and her engineer, John Pugliese, staff, and Mr. and Mrs. Payne to agree on a course of action. He said the result is the current plan. He said the original plan called for a rain garden. He said the plants died and were removed. They will get more topographic data to determine if the grades are changed

Mr. Sweeney asked how the rain garden is fed. Mr. McMahon said he believes the roof runoff feeds the rain garden and they will verify this. He said this was done before the Payne's acquired the property.

Attorney Wilder Gleason said he represents Mrs. Isabelle Berlet, 1 Dogwood Lane. He said Mrs. Berlet has lived there since 1975. He said she has had no drainage problems until the Paynes made changes.

Mr. Gleason provided a copy of the EPC decision and P&Z resolution for the house construction. He said the staff approved the rain garden installation. He said the plan showing work done would require the approval of the Tokeneke Association. He said the rip and stone wall were constructed in the regulated area. He provided a drawing which he said show four unpermitted activities. He said there is an increase in impervious surface area that warrants a new drainage analysis. He provided photos of the area.

Ms. Riccardo asked when the rip rap was done. Mrs. Berlet said she was not sure.

Mr. Gleason said the Commission should require a new drainage study and a new rain garden. He said the Commission should recommend to P&Z that they require a Land Filling & Grading permit. He said the Tokeneke Association should be involved.

John Pugliesi, P.E. provided a letter with comments on the current site conditions and the proposed plan and reviewed them with the Commission.

Mr. McMahon provided the Commission with a letter from Mrs. Berlet to the Tokeneke Association in 2007 regarding previous flooding issues. He said he will review the information submitted by Mr. Gleason with the Paynes. He asked the Commission to keep an open mind regarding whether the Paynes did these activities.

Mr. Gleason said the letter to the Tokeneke Association required a problem to be corrected, which was done, and there have been no flooding problems since

Mr. Sweeney asked Mr. McMahon if they will provide a new drainage analysis. Mr. McMahon said yes.

Mr. Armstrong asked that it be compared to the approved plan.

Mr. Kearney said the study should reflect what is happening today.

Mr. Joosten asked if the swale on the Coots property is in place. He asked if the corrections made by the Tokeneke Association in 2007 were still working.

Ms. Shapiro asked if the fill is in the Commission's upland review area. Mr. Gleason said the Commission has Jurisdiction if it may affect a wetland.

Mr. McMahon said the original approved plans are vague and there were no complete as-builts of the property after development.

The Commission continued the public hearing until April 3.

Ms. Riccardo announced that the following public hearing was postponed to April 3:

EPC-03-2013, Lance Zimmerman, A.I.A., on behalf of Mark Bothwell, 19 Waterbury Lane, proposing new house construction within an upland review area. Postponed to April 3.

Other Business:

Connecticut Conference of Municipalities Meeting on FOI and Parliamentary procedures - report from members attending.

Ms. Riccardo, Mr. Armstrong, and Mr. Jacobson discussed the seminar they attended. Topics included notice requirements for meetings, FOI requirements, and e-mail addresses. The RTM and other town agencies are investigating providing Town e-mail addresses for elected and appointed officials.

Ms. Riccardo asked for a motion to add a discussion of the Flood & Erosion Control Board to the agenda. Ms. Shapiro made a motion which was seconded by Mr. Armstrong and passed 6-0.

Ms. Riccardo said she and staff met with First Selectman Jamye Stevenson, and others, to discuss the duties of the F&ECB. She said it is clear that a separate F&ECB will not be created so the EPC will be responsible for the duties of such a board. She said she will ask the Commission to review the Flood Mitigation Committee Recommendations at the May 1 meeting, to frame the Commission's discussion of their as the F&ECB.

Minutes of February 6

Mr. Sweeney made a motion to approve the minutes of February 6, as amended. Mr. Kearney seconded the motion and it passed 5-0. Mr. Joosten abstained.

Ms. Kearney made a motion to adjourn. Mr. Sweeney seconded the motion, and it passed 6-0. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer