

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
July 10, 2013
7:30 P.M.
Room 206, Town Hall

Vice-Chairman Rohr called the meeting to order at 7:30 P.M

Commission Members Present: Rick Rohr, Ed Sweeney, Alan Armstrong, Eric Joosten, Wynne Shapiro, and Keith Kearney

Staff: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Mr. Rohr called the following agenda item:

EPC-29-2013, Town of Darien, Department of Public Works, 95 Rose Lane, proposing to replace a storm drain with a box culvert as part of replacement of upstream drainage system. The site is shown on Assessor's Map #25 as Lot #12.

The Commission determined that there may be a significant impact and a public hearing was scheduled for August 7.

Neighbors Carrie Cardone, Louise McGowan, and Brigitte Neville expressed concerns for increased flooding. Joe Canas, P.E, Tighe and Bond was present and will be prepared to discuss their concerns at the hearing.

Mr. Rohr called the next agenda item:

EPC-08-2013, Andrew & Melanie Wright, 5 Holly Lane, stone wall and fence construction in an upland review area. The site is shown on Assessor's Map #9 as Lot #147. (Public hearing closed June 12).

Ms. Shapiro was recused for this item. Mr. Rohr and Mr. Kearney said they listened to the tapes of the meeting.

Mr. Rohr said there was nothing in the record to contradict the applicant's engineer.

Mr. Kearney said he agrees with the proposed conditions.

Mr. Armstrong said he agrees with the conditions. He said the proposal is not related to the past issues.

Mr. Joosten and Mr. Sweeney also agreed with the proposed conditions.

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

Mr. Rohr called the next agenda item:

EPC-15-2013, Urs & Amy Baertschi, 26 Stephanie Lane, proposing new house construction in an upland review area. The site is shown on Assessor's Map #8 as Lot #58. (Public hearing closed June 12).

Mr. Rohr said he listened to the tape of the public hearing. He said had no issues with the proposed house construction. The other members agreed that there were no issues.

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

Mr. Rohr called the next agenda item:

EPC-16-2013, Margaret C. Hand, 25 Brush Island Road, proposing new house and septic construction within an upland review area. The site is shown on Assessor's Map #56 as Lot #17. (Public hearing closed June 12).

Mr. Rohr said he listened to the tape of the public hearing. He said the sump pump is not an issue on this property. He said he did not see any other issues.

Mr. Joosten said he would like the planting plan to be flexible in terms of replacement trees or other plantings to be reviewed by staff.

The other members agreed there were no other issues.

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

Mr. Rohr called the next agenda item:

EPC-21-2013, Jennifer Lia, 33 Tower Drive, proposing an addition in an upland review area. The site is shown on Assessor's Map #1 as Lot #127.

Mr. Lia represented himself.

Mr. Rohr said the Commission tabled the application from the last meeting because they had just received the drainage report. He said the applicant stated that no trees were proposed to be removed. He said a planting plan for the rain garden will be required.

Mr. Armstrong made a motion to approve the application with the above conditions. Mr. Kearney seconded the motion and it passed 6-0.

Mr. Rohr called the next agenda item:

EPC-26-2013, Brian Gunn, 15 Morehouse Drive, proposing generator within an upland review area. The site is shown on Assessor's Map #15 as Lot #12.

Mr. Gunn represented himself. He said they are proposing two generators for the two zones of the house. He said the ideal location, according to his contactor, does not meet zoning setbacks. He said they will plant to screen the generators and provided a sketch by Sara McCool.

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

Mr. Sweeney left the meeting temporarily at 7:45.

Mr. Rohr called the next agenda item:

EPC-27-2013, Jacqueline Judge, 97 Nearwater Lane, proposing to raise an existing house and construct a deck within an upland review area. The site is shown on Assessor's Map #52 as Lot #3.

Derrick Schull, P.E, L.S., represented the applicant. He said the property has a history of flooding. He said the footprint of the house will remain the same. They will be adding decks. He said Erosion & Sediment Controls will be used.

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

Mr. Rohr called the next agenda item:

EPC-28-2013, Bernd Pfrommer & Claudia Veihl, 11 Nolen Lane, proposing a shed within the upland review area. The site is shown on Assessor's Map #8 as Lot #37.

Mr. Pfrommer represented himself. He said they are proposing a ready-made shed to be located within 50 feet of the wetland on the neighbor's property.

Mr. Rohr said the shed is within an existing cleared area. He said that, because of the large size of the shed, some type of runoff buffer should be provided. The Commission discussed a planted bed four feet wide and thirty feet long.

Mr. Armstrong made a motion to approve the application with the planted bed. Mr. Joosten seconded the motion and it passed 5-0.

Mr. Rohr called following public hearing item:

EPC-14-2013, Estate of Beatrice Richards, et.al., 123 Five Mile River Road, proposing construction of two residences within an upland review area. The site is shown on Assessor's Map #67 as Lot #2. (Hearing continued from June 6)

Ms. Shapiro and Mr. Kearney said they watched the DVD of the June 6 hearing.

Mr. Rohr said the Commission would continue with public comments.

Attorney Wilder Gleason represented the neighbors. He introduced the neighbors who wished to speak and Barry Hammons, P.E who also represents the neighbors.

Win Jessup, 122 Five Mile River Road discussed the CAM regulations and said the project is too intensive and overdeveloped.

Bob Gadsden discussed the alteration of the site and the extensive blasting and impervious surfaces.

Mr. Sweeney returned at 8:10 p.m.

Barry Hammons discussed the comments received from Rob Frangione. He said the activities proposed are significant. He reviewed the denial of the previous application and said, in his opinion, the application is still incomplete. He said the project will result in a diminution of flow and degradation of the off-site watercourse. He said the proposed BMP's are not appropriate for the site.

Ms. Shapiro asked him if the plans could be modified. Mr. Hammons said the applicant should consider another BMP such as a bioswale which would require less maintenance.

Mr. Kearney asked how large the bioswale would need to be. Mr. Hammons said it would need to contain the first inch of runoff.

Callie Sullivan, 118 Five Mile River Road said the Commission should be responsible for keeping track of impervious surface area. She said a much smaller development would be appropriate for the site.

Mike Cattano, 120 Five Mile River Road said the impervious surface area is not in keeping with the spirit of the zoning and environmental regulations.

Joie Gallo, 130 Five Mile River Road said she is concerned about the development and wildlife.

Attorney Gleason said the activities are significant and may affect wetlands and watercourses. He said the applicant's original misstatement of the impervious surface area goes to credibility. He said there is no information to substantiate the 80% removal rate of TSS. He said the BMP's are not the best for the site. He said the Commission has two conflicting expert opinions. He said the wildlife survey is minimal. He said he is not sure if the Leggette letter addressed the Commission's concerns about blasting. He said homeowners will not maintain the drainage systems. He said the Commission should deny the application as incomplete and inadequate. If the Commission approves it there should be a bond.

Robe Frangione, P.E. represented the applicant. He said the lots comply with coverage limits. He said the Leggette letter concluded that there will be no effect on the river from blasting. He said the Kenny study concluded there will be no impact on wildlife. He said no application to the

DEEP is required. The Commission requested the documentation from the DEEP. He said the water from storms up to the two year event does not go to the wetland. He said he has used similar maintenance agreements in Greenwich for years.

Dave Elders, 142 Five Mile River Road spoke in opposition to the project.

Mr. Rohr asked about protection of the 46" Oak. He suggested a chain link fence instead of a construction fence. Mr. Frangione said the work proposed is above the elevation of the tree where they would not expect roots.

Mr. Sweeney requested more information on how the 80% TSS removal will be achieved. Mr. Frangione said he has various references.

Joe Canas, P.E. said he reviewed the reports submitted. He said that based on the July 8 submittal the plan is in substantial conformance with the Darien stormwater regulations. He said he agrees that the removal rate is close to 80%. He said the sumps will provide 25% removal.

The Commission requested additional information to substantiate the removal rate of 80% for TSS. They requested test holes in the vicinity of the existing septic system and a response from the applicant on the feasibility of a rain garden.

Greg Richards spoke regarding the location of the off-site wetland and said it is not on the Gallo property according to the Town wetland map.

Mr. Gleason said they believe a rain garden should be the primary system. He requested that Mr. Canas review the slot drain design which Mr. Hammons said will not work. Mr. Canas said he would review it.

The Commission continued the public hearing until July 24 at 7:30 p.m.

Mr., Kearney made a motion to adjourn. Mr. Armstrong seconded the motion, and it passed 6-0. The meeting adjourned at 10:55 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer