

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING
April 4, 2012
7:30 P.M.
Room 206, Town Hall

Chairman Tone called the meeting to order at 7:35 P.M

Commission Members Present: Michael Tone, Pete Kenyon, Wynne Shapiro, Rick Rohr, Ed Sweeney Keith Kearney, Vickie Riccardo

Staff : Jacobson

Court Reporter: Syat

Channel 79 recorded the meeting

Mr. Tone called the first agenda item:

EPC-07-2012, Ruth & Ian Crowe, 26 Raymond Street, proposing replacement house and related site development within an upland review area.

Jacek Bigosinski represented the applicant. He introduced Mr. Crowe. He said they determined that the structure of the house was too severely damaged to build the additions previously proposed. He said they are proposing to tear the house down and build 5 feet back and to the south to allow for more room for parking. He said they are proposing to remove the old wall and build a new wall. He said there will be no increase in runoff.

Mr. Tone asked if the wall would be closer to the river. Mr. Bigosinski said yes, by 2 feet.

Mr. Tone asked if they have prepared a narrative and sequence of construction to protect the river. Mr. Bigosinski said not at this point. He described a proposed sequence. He said they will provide a written narrative.

Mr. Rohr said the channel should not be any narrower than existing. He said he would like a new section from the engineer. Mr. Bigosinski said they will redesign and build the wall in the same place.

Mr. Rohr asked if there will be any trees removed. Mr. Bigosinski said none.

Mr. Kenyon asked if they have a planting plan. Mr. Bigosinski said not at this time. He said there is no room to plant the riverbank below the wall but they will plant the area on the southerly side of the property.

Mr. Tone asked the applicant to return on May 2. The additional information requested included the construction sequence and more precise description of controls, a redesign of the wall location, a planting plan, and a confirmation regarding tree removal.

Mr. Tone called the next agenda items:

Steven J. and Tracy D. Culliton, and George & Jill Sullivan, 225 and 235 Brookside Road,
Request to install 280 square feet of paved driveway within a conservation easement area.

EPC-11-2012, Steven J. and Tracy D. Culliton, 225 and 235 Brookside Road, proposing driveway construction and related grading in an upland review area.

Attorney Wilder Gleason represented the applicant.

Mr. Tone said that the EPC has jurisdiction over the conservation easement. He said that, in his opinion, the circumstances warrant public hearing. He said he feels the Commission should establish a policy regarding requests to use an easement that a public hearing should be held. It was the consensus of the members that a hearing should be held as a policy.

Mr. Tone made a motion to hold a public hearing on May 2. Mr. Kenyon seconded the motion and it passed 7-0.

The Commission members requested additional information regarding the easement and the wetland application.

Mr. Rohr asked for a section through the rain garden and to have the trees to be removed flagged. He asked Mr. Gleason if a wall in the easement is a contradiction to the terms of the easement.

Mr. Tone said the easement allows the applicant to file a request to use the easement and it is up to the Commission to determine if it will be allowed.

Mr. Rohr asked the applicant to consider if they would separate the proposed lawn changes from the driveway construction. Mr. Gleason said he will discuss it with his client.

Mr. Kenyon asked for more detail regarding the barrier between the driveways. He asked the applicant to consider more than a 1:1 ratio of new easement area offered.

Mr. Tone called the next agenda item:

EPC-08- 2012, William Merritt, 83 Brookside Road, proposing wall construction in an upland review area.

Dan Mazabras, Contractor, represented the applicant. He said they are proposing to extend the wall along the property line for safety reasons.

Mr. Tone asked if the wall would be the same as the existing adjacent wall. Mr. Mazabras said yes. Mr. Tone asked if any cars have gone over the embankment in this area. Mr. Mazabras said yes.

Mr. Rohr asked if there would be any impact on trees. Mr. Mazabras said none.

Mr. Kenyon requested sediment and erosion controls. Mr. Mazabras said they can provide a silt fence.

Mr. Tone made a motion to approve the application with a condition of erosion controls. Mr. Rohr seconded the motion and it passed 7-0.

Mr. Tone called the next agenda item:

EPC-09-2012, Town of Darien, Mather Community Center, 2 Renshaw Road, proposing additions and related site work in an upland review area. The site is shown on Assessor's Map #41 as Lot #85.

Tom Arcari, Architect represented the applicant. He introduced Kevin McFarlan Architect, Russell Cyr, P.E., Phil Barlow, L.A., and Mark Fisher, L.A.

Mr. Arcari said they are proposing two small additions to the building. One addition is within the 100 foot upland review area. He said there will be minor revisions to the drive in front for a drop off and a patio will added.

Mr. Cyr discussed the impact on storm water. He said there will be a total increase of 2,900 square feet of impervious surface. Mr. Tone asked him to clarify the new impervious surface in the upland review area. Mr. Cyr said 1,300 square feet is in the upland review area.

Mr. Cyr said there is 2,400 acres of Stony Brook watershed in the area above the property. He said the time of concentration from the top of the watershed is 5 hours. He said the time of concentration from the site to the tidal waters is 5 minutes. He said there will be no increase in peak runoff rates for the 2-100 year storms. He said the impact is too small to chart.

Mr. Cyr discussed storm water quality. He said currently the sidewalk drain to grass area. He said there will be 90 square feet less pavement. He said most pollutants are from paved areas. He said the proposed runoff will filter through landscaping.

Mr. Rohr asked if the patio will have a curb. Mr. Fisher said the patio will be flush. Mr. Rohr said the patio could impact the tree roots and may need tree wells. Mr. Fisher said they will take measures to protect the trees.

Mr. Tone said they are proposing to remove 4 trees and add two additional trees. He asked if they would be willing to add two more. Mr. Fisher said yes.

Ms. Riccardo said the application is not signed by a representative of the Town. She said the condition of the watercourse is terrible and should be cleaned of debris.

Mr. Tone made a motion to approve the application with conditions requiring two additional trees, cleaning up the watercourse, tree well protection to be investigate if need to protect the trees, and a signature of the applicant. Mr. Rohr seconded the motion and it passed 7-0.

Mr. Tone called the next agenda item:

EPC-10-2012, Dale & Hillary Miler, 5 Tokeneke Beach Drive, proposing a septic system in an upland review area. The site is shown on Assessor's Map #67 as Lot #67.

Attorney Robert Maslan represented the applicant. He said he was waiting for Sam Northrop and requested tabling the application until he arrived.

Mr. Tone called the next agenda item:

EPC-04-2012, Alex Jackson, 180 Old Kings Highway North, proposing filling and re-grading within the upland review area. The site is shown Assessor's Map #32 as Lot #50-01.

Mr. Jackson represented himself. He said he provided a letter from John Martucci, P.E. regarding the stability of the wall. He said he will follow Mr. Martucci's recommendations for a filter fabric and a small curb.

Mr. Sweeney said he is satisfied with the engineer's signed and stamped letter.

Mr. Tone made a motion to approve the application with the condition that Mr. Martucci's recommendations be followed. Mr. Kenyon seconded the motion and it passed 6-0. Mr. Rohr abstained.

Mr. Tone called the public hearing to order:

Amendment of "Regulated Wetlands and Watercourses" map, revised to incorporate specific site soil surveys approved by the Environmental Protection Commission.

Mr. Jacobson described the map update process as periodically adding new information regarding soils and wetlands, and watercourses collected throughout the year.

Mr. Tone asked for public comment.

Attorney Maslan asked if the majority of the changes resulted in a reduction of wetlands on properties. Mr. Jacobson said yes. There are many properties showing extensive wetlands, or all wetland, which have never been surveyed to reflect that they were previously developed.

Mr. Tone made a motion to close the public hearing. Mr. Rohr seconded the motion and it passed 7-0.

Mr. Tone made a motion to approve the map amendments effective April 14, 2012. Mr. Sweeney seconded the motion and it passed 7-0.

Mr. Tone re-called EPC-10-2012, Dale & Hillary Miler, 5 Tokeneke Beach Drive

Mr. Maslan described the activity requiring a permit includes the septic system, which has a larger upland review area of 150 feet, and minor driveway work within the 50 review area. He said the Health Department issued a letter approving the system.

Mr. Northrop described the proposed septic system. He said the proposed system will represent an improvement over the existing system, which is likely in the groundwater.

Mr. Rohr asked about the pipe under the building could go around the house. Mr. Northrop said yes, but he did not think it would be a problem under the building.

Mr. Kenyon asked him to describe the construction sequence. Mr. Northrop said the system could be done first. He said the mound area is pristine, while the rear area needs to be scarified and unsuitable material replaced.

Mr. Tone asked him to provide the qualitative difference between the old system and the new. Mr. Northrop said described the new S box technology which has better filtering capacity because sewage passed through a cloth filter first.

Mr. Dave LaPierre, Architect, said the elevation of the new system will be a vast improvement. The new system will be at elevation 8.5. The existing system is 2 feet below the existing 6.8 grade, and is in the high water.

Todd Ritchie, P.E. described the minor activity in the 50 foot review area as driveway resurfacing with no grading.

Mr. Tone asked about erosion controls. Mr. Ritchie said they will protect the wetlands with silt fence and visible conduction fence.

Mr. Maslan said there is a Coastal Site Plan application pending and Planning and Zoning will also require protection of the coastal resources.

Mr. Tone said that nothing in the application or the Commission's decision can be used in the pending legal action.

Mr. Tone asked if there was public comment.

Attorney Wilder Gleason said there are interested parties who wished to comment and the Commission should have a public hearing.

Mr. Tone asked if he was prepared to present expert testimony. Mr. Gleason said they had just received the plans and he has not consulted with his client.

Mr. Tone said there are three conditions for a public hearing. Significant impact, a petition of 25 signatures, or a hearing would be in the public interest. He asked for a sense of the Commission. None of the members felt there is a significant impact.

Mr. Tone made a motion to not make a determination on the application at this time and, if a petition is received in 14 days, the Commission will consider it, and if necessary have a hearing on June 6. Mr. Rohr seconded the motion and it passed 6-1. Mr. Kenyon was opposed.

Mr. Kenyon said he was ready to approve the application.

Mr. Kearney asked if the hearing could be scheduled for May 2, if a petition is received. Mr. Jacobson said it could be noticed in time for May 2.

Mr. Rohr made a motion that, if a valid petition is received on time, to schedule the hearing for May 2, or as soon as possible. Mr. Kearney seconded the motion and it passed 6-1. Mr. Kenyon was opposed.

Minutes of previous meetings: March 7

Mr. Kenyon made a motion to approve the minutes of March 7, as amended. Mr. Kearney seconded the motion and it passed 5-0. Ms. Shapiro and Mr. Rohr abstained

Mr. Tone made a motion to adjourn. Mr. Kenyon seconded the motion and it passed 7-0. The meeting adjourned at 9:35

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer