

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING
August 1, 2012
7:30 P.M.
Room 206, Town Hall

Acting Chairman Rohr called the meeting to order at 7:32 P.M

Commission Members Present: Rick Rohr, Pete Kenyon, Keith Kearney, Vickie Riccardo, Wynne Shapiro (at 8:05)

Staff : Jacobson

Court Reporter: Syat

Channel 79 recorded the meeting

Mr. Rohr called the first agenda item:

James & Hallie Palen, 45 Brookside Road, violation of Conservation Easement conditions. The site is shown on Assessor's Map #15 as Lot #17.

This item was tabled until September 5.

Mr. Rohr called the following agenda item:

VR Associates, 305-309 Middlesex Avenue, (EPC-60-2008) Violation of Conservation Easement conditions. The site is shown on Assessor's Map #9 as Lot #71 & 72

Attorney Robert F. Maslan, Jr. represented the applicant. He said one of the property owners, Victor Deyulio was also present. He said the easement was mowed inadvertently by the landscapers in May and June. He said they hired GHD, Inc. to evaluate the site, and Michelle Ford has provided a report. He provided photos of the easement area from 2008. He said the conclusion of Ms. Ford is that there is no permanent damage as a result of the mowing, and he said they would provide signs, as recommended, to prevent future unauthorized mowing.

Mr. Rohr suggested a gate be provided across the opening in the wall.

Mr. Kenyon suggested a split rail fence across the open part of the lot. Mr. Maslan said they would prefer to not have a fence across the detention basin.

The Commission determined that a gate and a minimum of two signs will be required. The owners will work out the details with staff.

Mr. Rohr called the next agenda item

EPC-23-2012 , Peter & Cora Martin, 6 Andrews Drive, proposing deck construction in an upland review area. The site is shown on Assessor's Map #64 as Lot #109

Mr. Martin represented himself. He described the proposed 16 x 24' deck and fence. He said they originally were approved for a patio but a deck would allow water that flows off the ledge to pass underneath.

Mr. Rohr asked that the fence be elevated off the ground 3-4". Mr. Martin agreed.

Mr. Kenyon made a motion to approve the application. Mr. Kearney seconded the motion and it passed 4-0.

Mr. Rohr called the next agenda item:

EPC-24-2012, Heidi & Keith Mitchell, 6 Hickory Lane, proposing house additions in an upland review area. The site is shown on Assessor's Map #26 as Lot #32

Jacek Bigosinski, Architect, represented the applicant. He said there is a previously approved application. He said the new application will not result in any additional increase in impervious surface area. He said Steve Trinkaus, P.E. has reviewed the calculations for the rain garden and it is adequate. The rain garden was previously constructed but the additions were not.

Mr. Rohr asked about maintenance of the rain garden. He said it appears to need to be restored in depth, and re-planted.

Mr. Kenyon asked if there was a test hole in the basement area. He said the Commission is sensitive about basements in high water. Mr. Bigosinski said no. He said they would make a decision about the basement at the time of the foundation excavation if they encounter high ground water.

Mr. Rohr suggested a condition of approval that the test hole results be provided to staff prior to the time the foundation is dug.

Mr. Kenyon made a motion to approve the application with the above condition. Mr. Kearney seconded the motion and it passed 4-0.

Mr. Rohr called the next agenda item:

EPC-25-2012, Eric & Jeanne Bickford, 5 Laurel Lane, proposing a house addition in an upland review area. The site is shown on Assessor's Map #27 as Lot #18

Mark Lebow, L.S. represented the applicant. He said the soil scientist concluded there are no wetlands on the site. He said the Town map is inaccurate. He said they are proposing a rain garden for the runoff from the addition. He requested the Commission update the map in the future.

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

Mr. Rohr called the next agenda item:

EPC-26-2012, Edward Y. Orenstein, 68 Stephen Mather Road, proposing installation of portions of a stormwater detention system, and utilities in an upland review area. The site is shown on Assessor's Map #1 as Lot #18

Brian Smith, P.E., said there are some minor revisions to the plan. They are proposing to remove hemlocks shown on the plans and replace them with hollies from elsewhere on the site. He said the existing wire fence along the southerly wetland boundary will be replaced with deer fence. He said they are proposing 500 sq. ft. of disturbance in the upland review area. He said the proposed activities are the level spreaders, the underground utilities and the fence. He said the proposed locations for the level spreaders are the only locations where they can discharge by gravity.

The Commission discussed proposed trees to be removed or relocated. Mr. Smith said they will replace a dogwood to be relocated, if it does not live.

Ms. Riccardo made a motion to approve the application with changes to the plan including the fence, hemlocks to be replaced, trees to remain, and the location of the proposed hollies. Mr. Kearney seconded the motion and it passed 5-0.

Mr. Rohr called the next agenda item:

EPC 27-2012, Amy & Tim Kennedy 62 Salisbury Road, proposing a house addition in an upland review area. The site is shown on Assessor's Map #5 as Lot #25

Jacek Bigosinski, Architect, said they are increasing the impervious surface area by 98 sq. ft. The entire site is regulated.

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

Mr. Rohr called the next agenda item:

EPC-28-2012, Country Club of Darien, 300 Mansfield Avenue, proposing pond spillway replacement, and golf course improvements in a regulated area. The site is shown on Assessor's Map #5 as Lot #40

Tim O'Neill, Course Superintendent, represented the applicant. He introduced Don Ferlow, Landscape Architect. He said they are proposing work along the Goodwives River to replace a leaking spillway and make improvements. He described the new replacement bridges and the proposed pond expansion. He said they are proposing mitigation plantings in the pond and upland review area.

Mr. Kenyon asked if they were planning to clean out the stream below the spillway. Mr. O'Neill said only adjacent to the spillway but not to the property line.

Mr. O'Neill said the project would take 4-6 weeks to complete.

Mr. Rohr asked about the elevation of the spillway. Mr. Ferlow said the new spillway would be at the same elevation as the existing.

Mr. Rohr asked about pumping water around the work area and the need for sediment controls. Mr. Ferlow said they anticipate pumping only clean water to lower the pond one foot. He said they would provide a sediment trap if needed.

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

Mr. Rohr called the following agenda item:

EPC-29-2012, Kaali-Nagy Partners, LLC, 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.

The Commission received the application and scheduled a public hearing for September 5, 2012

Mr. Rohr called the following public hearing item:

EPC-16-2012, Kaali-Nagy Partners, LLC, 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)

This application was withdrawn due a defect in the notice.

Mr. Rohr called the following public hearing item:

EPC-19-2012, John & Susan Wilson, 40 Hanson Road, proposing to amend the "Regulated Wetlands and Watercourses Map". The site is shown on Assessor's Map No. 9 as Lot #112-A. (Opened July 11 and immediately continued)

Mark Lebow, L.S. represented the applicant. He described the current wetland map which shows the entire parcel as wetland. He said the soil scientist's report and the revised survey reflect the accurate wetland boundary. They are requesting the map amendment only and no activity is proposed.

Mr. Rohr asked if anyone from the public wished to speak. No one wished to speak.

Mr. Kearney made a motion to close the public hearing. Mr. Kenyon seconded the motion and it passed 5-0.

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

Mr. Rohr called the following public hearing item:

EPC-20-2012, J. Baron Land Corporation, 0 Shagbark Road, proposing new house construction, septic system, and related grading within an upland review area. The site is shown on Assessor's Map #2 as Lot #21. (Opened July 11 and immediately continued)

Steve McAllister, P.E. represented the applicant. He introduced Mark Andriuk, Builder, and Applicant. He described the wetlands and tributary stream to Stony Brook. He said the regulated

activities include the septic force main, a foot bridge, and grading activity related to the house. He said they are providing storm water detention in underground storage and a rain garden.

Mr. Kenyon asked about the difference between the Kenny soil map and the site plan. Mr. McAllister said the site map reflects the actual survey location of Kenny's wetland flagging.

Mr. Rohr asked about the flow in the stream. Mr. McAllister said it is intermittent.

Mr. Rohr asked how they will handle the stream crossing. Mr. Andriuk said they will install erosion and sediment controls. He it will be a very short process to install the pipe under the stream.

Mr. Rohr said the test pit in the area of the Cul-tech units shows hardpan at a depth of 4 feet. He said the perc test is not deep enough. Mr. Andriuk said they could provide additional testing as a condition of approval.

Ms. Riccardo said she would like to see the stormwater maintenance plan written in a more prescriptive way and provided suggested language.

Mr. Rohr asked for public comment.

Janice Qualben-Shand, 15 Shagbark Road said the property is a corner lot that was originally divided from her property. She said she had hoped it would be donated to the Land Trust.

Ms. Shand said she asked Doug DiVesta, P.E. to review the plans and he provided her with an e-mail listing his concerns, including: the footing drains directed to the wetland and the Shand property should go to infiltrators; the rate of infiltration is slower than shown for the rain garden which would indicate it is undersized; runoff from the septic area should be compensated for.

Ms. Shand said she used permeable pavers and extensive plantings on her property when she constructed her additions.

Mr. Rohr asked her to request a written report from Doug DiVesta.

Mr. Rohr asked the applicant to determine if they will need a sump pump based on the proposed basement depth.

James Shand, 15 Shagbark Road, said the stream is currently low but it gushes in a heavy rain.

The Commission continued the hearing until September 5.

Mr. Rohr called the following agenda item:

Discussion of Enforcement of the proposed Plastic Bag Ordinance

Nina Miller, Choose to Re-use member addressed the Commission. She said she would like to clear up misconceptions about the proposed ordinance. She said there would be a six month lag

time for merchants to eliminate plastic bags. The enforcement would be complaint driven. She said Westport has had very few complaints.

Mr. Rohr said he would like to continue the discussion in September when the Chairman, and other members, can comment.

Mr. Rohr called the following 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 (Public hearing closed June 6)

The Commission discussed the draft approval letter.

Ms. Riccardo, Mr. Kearney, Ms. Shapiro, and Mr. Kenyon were in favor of allowing the use of the easement. Mr. Rohr was opposed.

Mr. Kearney said he thinks the proposed easement is superior to the current easement.

Ms. Riccardo said she thinks the proposed easement is better in terms of quality and quantity.

Mr. Rohr said he does not think the proposed easement is better quality.

Mr. Kenyon made a motion to approve the request to use the easement as proposed. Ms. Riccardo seconded the motion and it passed 4-1. Mr. Rohr was opposed.

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. The site is shown on Assessor's Map #5 as Lot #17-2, 17-3. (Public hearing closed June 6)

The Commission discussed the proposed draft approval.

Mr. Rohr dissented from the approval, stating his concerns for impacts to water quality from runoff from the lawn, and the alternatives available to the applicant.

Mr. Kenyon made a motion to approve the application. Ms. Riccardo seconded the motion and it passed 4-1. Mr. Rohr was opposed.

Mr. Kenyon made a motion to approve the minutes of June 6. Mr. Rohr seconded the motion and it passed 5-0. Mr. Sweeney abstained.

Mr. Kenyon made a motion to adjourn. Mr. Kearney seconded the motion and it passed 5-0. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer