

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING

MINUTES

February 3, 2010

7:30 P.M.

Room 206, Town Hall

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

Commission Members Present: Peter Hillman, Michael Tone, Susan Cameron, Rick Rohr and Craig Flaherty

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman called the first agenda item:

P&Z Referrals:

16 Cross Road, Real & Tara LeClerc, Flood Damage Prevention Application #256-A and Land Filling & Regrading Application #201-A

Mr. Jacobson provided a description of the proposal. Mr. Hillman requested Mr. Rohr review the application and provide comments to the P&Z Commission.

Proposed Amendments to the Darien Zoning Regulations (COZR #1-2010) relative to Flood Damage Prevention

Mr. Flaherty provided a summary of the proposed regulation changes which were discussed at the Flood Mitigation Committee meeting. Mr. Flaherty and Ms. Cameron will review the proposed changes and provide comments before the P&Z hearing.

Mr. Hillman called the next agenda item:

Minutes of previous meeting: December 2, 2009

Mr. Hillman made a motion to approve the minutes of December 2, 2009 as amended. Mr. Tone seconded the motion and it passed 4-0. Mr. Rohr abstained.

Mr. Hillman called the next agenda item:

Discussion of checklist for Inland Wetland Applications

Mr. Jacobson said the draft checklist was provided for review and comment. The Commission provided suggestions for the next draft. Mr. Tone will review the checklist and provide additional comments.

Mr. Hillman called the next agenda item:

Update on schedule for revisions to Inland Wetland Regulations and Wetland Map

Mr. Jacobson said the regulations will need to be updated to reflect changes made to the DEP model regulations and statutory changes since the last update. The Commission discussed the possible inclusion of the Agent Approval section of the model regulations. The Commission will continue to review this matter and will seek to have Town Council review regulations and schedule a public hearing in the near future. The Commission requested staff investigate possible fee changes for recommendation to the RTM.

Mr. Hillman called the public hearing to order at 8:00 p.m.

EPC-37-2009, 19 Holly Lane, Lance E. Zimmerman on behalf of Daniel and Jennifer Anderson, proposing house demolition and new house construction within an upland review area.

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

Lance Zimmerman, Architect, represented the applicant. He introduced Mr. Anderson, the property owner and applicant, Steve McAllister, P.E., and Tom Pietras, Soil Scientist.

Mr. Zimmerman provided copies of a plant list and a description of trees outside the upland review area that will be removed and additional trees to be planted along the property line.

Mr. Anderson described the process of developing the current site plan and said they intend to move back into the new house when it is complete.

Mr. Zimmerman said the proposal is for a tear down and re-build of the house. He said there will be a reduction in the house size and a net increase in hardscape of 600 to 700 square feet. He said the proposed crawlspace will be above the existing watertable and will be waterproof. There will be an emergency pump inside the crawlspace. He said they have moved the house forward and increased the separation distance to the wetland. There will be 1800-2000 square feet of lawn removed and restored to wetland vegetation.

Steve McAllister reviewed the drainage analysis. He said there will be an increase of 540 sq. ft. of impervious surface area. He said they can meet the Town regulation requirement for a tear down and re-build with the proposed rain garden. He said that they could eliminate the rain garden, as recommended by Mr. Oley and Mr. Jacobson. He said the revised calculations submitted demonstrate the alternative of removing the rain garden and show that they will still provide stormwater attenuation. He described the stormwater detention system.

Mr. Hillman asked about maintenance required for the system. Mr. McAllister said they have proposed a maintenance plan and described the proposed isolator row and cleanouts.

Mr. McAllister said there will be a small reduction in peak flows for all storms, 2-50 years, without the rain garden which is 10% of the total detention volume.

Tom Pietras described the wetland system and wetland functions.

Mr. Hillman asked what percentage of the site is wetland. Mr. Pietras said he would provide that number.

Mr. Pietras said the proposed plantings will enhance the wetland wildlife function. He said he did not think the rain garden would be the most effective located in the wetland. He said there is a sandy layer of soil below the organic layer which drains but certain times of the year there would be ponding.

The Commission discussed the various alternatives for grading and filling in the rear yard.

Mr. Hillman asked if the existing house has a sump pump. Mr. Zimmerman said yes. Mr. Hillman asked if the new house will have a sump pump. Mr. Zimmerman said no.

Mr. Hillman asked for public comment.

Chris Rowland, 136 West Avenue, asked the depth of the existing house crawl space. Mr. Zimmerman said three feet. Mr. Rowland asked if the garage would be on slab. Mr. Zimmerman said yes.

Mr. Rowland said he is concerned with grade changes around the house impacting flooding. Mr. McAllister said they reviewed the Milone & MacBroom flood plain, which is more extensive than the FEMA flood plain, and they are not proposing any fill within that floodplain.

Lane Russell, 18 Holly Lane, said he was concerned with opening an existing 12" pipe on the Mayhew property creating additional flooding on his property.

Mrs. Mayhew, 21 Holly Lane said the Town had investigated the pipe and they are not sure where it goes.

Mr. Hillman suggested the public hearing be continued to provide the applicant an opportunity to address the 12' pipe and revise the planting and grading plan.

Mr. Anderson said he was concerned that the pipe is a new issue will hold up the application.

Mr. Hillman said the pipe may serve a function that the EPC needs to know about.

Cheryl Russell said that the Town had forced air through the pipe at one time after a storm to open it up.

Mr. McAllister said there is no runoff directed to the pipe. It was proposed to be open to possibly act as a safety valve. He said they will leave it as is if the Commission preferred it.

The Commission decided to discuss this during deliberations.

Mr. Tone made a motion to close the public hearing. Mr. Hillman seconded the motion and it passed 4-0.

The Commission proceeded to deliberate on the application.

Mr. Hillman made a motion to adjourn. Mr. Tone seconded the motion and it passed 4-0.

The Commission proceeded to deliberate on the application.

Mr. Hillman said that a waiver of Section 880 relating to teardowns would seem to be in order. He said the exceptions to the regulations apply to a unique property and site characteristics.

Mr. Flaherty said the Town set more stringent standards for a tear down to try and improve conditions where possible. He said the applicant set out to meet the spirit and intent of the regulations. The waiver provision was created for situations like this. The proposed drainage still does something positive.

It was the consensus of the Commission that the applicant be allowed to waive the pre-existing undeveloped requirement for this project.

The Commission discussed the merits of the application.

Mr. Tone said the proposal is acceptable. He said the expert opinions are that it will have a beneficial affect and enhance the wetland. He said he does not believe the existing 12” pipe will exacerbate the flooding conditions off-site.

Mr. Flaherty said that Mr. Oley agreed with the applicant that the proposal will not have an impact on neighbors or compound flooding problems downstream. He said there is no basement sump or footing drains. Mr. Flaherty said he may prefer to have the 12” pipe opened and the inlet stabilized. He is in favor of not having a wall in the rear yard and the grading will be enough of a visual barrier.

Mr. Tone said the applicant moving the house forward was a significant benefit to the wetland.

Mr. Hillman commended the applicant’s approach to the application and the Commission’ suggestions by increasing the house distance from the wetland and improving wetland functions.

Ms. Cameron said she concurred with the previous statements. She would like to add additional plantings in the upland. The maintenance plan should be part of the decision.

Staff was requested to draft an approval for the next meeting.

The meeting adjourned at 9:45 P.M.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer