

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
June 2, 2010  
7:30 P.M.  
Room 206, Town Hall

Commission Members Present: Craig Flaherty, Michael Tone, Wynne Shapiro, Pete Kenyon, Rick Rohr, Peter Hillman (8:25)

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Recorded by Channel 79

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

Mr. Flaherty called the first agenda item.

Flood Mitigation Committee Recommendations

Review of recommendations and possible endorsement by Environmental Protection Commission

Mr. Flaherty provided a recap of the Flood Mitigation Committee work and the twelve recommendations for discussion.

Mr. Tone said the EPC should endorse the proposed recommendations and convey a sense of urgency to the Board of Selectmen.

Mr. Rohr questioned recommendation #12 regarding separating the Flood & Erosion Control Board from the EPC. He said he is opposed to that recommendation. Mr. Flaherty explained the Committee's concern for a potential conflict of interest if the F&ECB is proposing flood control projects for an Inland Wetland Permit.

Mr. Rohr asked about the Kelsey Street recommendation as a specific area for action. Mr. Flaherty said the area is unique because there is significant flooding that is not within a floodplain and the solution is entirely on Town property.

The Commission tabled the discussion to provide the members an opportunity to review the F&ECB regulations.

Villager Pond, Inc., 24 Bates Farm Road, Phillip Dolcetti, Daniel Dolcetti & Robert Bewkes, request to the EPC, acting as the Conservation Commission, to amend the conservation easement. Assessor's Map #14 Lot #28-5A

Mr. Flaherty called the next agenda item.

This item was tabled until July 7

Mr. Flaherty called the next agenda item.

EPC-02-2010, 9 Mansfield Place, 10 Brown Street, LLC, proposing house demolition and new house construction within an upland review area. The site is shown on Assessor's Map #10 as Lot #67 & 68).

The Commission reviewed the draft resolution.

Mr. Tone made a motion to approve the resolution as amended. Ms. Shapiro seconded the motion and it passed 3-0. Mr. Rohr and Mr. Kenyon abstained.

Mr. Flaherty called the next agenda item.

EPC-06-2010, Jon & Caroline Schoudel, 29 Plymouth Road, proposing a replacement house within an upland review area. The site is shown on Assessor's Map #57 as Lot #40. (Public hearing closed May 19).

The Commission reviewed the draft resolution.

Mr. Rohr made a motion to approve the resolution as amended. Mr. Tone seconded the motion and it passed 3-0. Ms. Shapiro and Mr. Kenyon abstained.

**New Business:**

EPC-16-2010, William Cary, 259 Mansfield Avenue, proposing pond maintenance. The site is shown on Assessor's Map #6 as Lot #141

Collin Gosselin, Aquatic Control Technologies, represented the applicant. He described the proposal to use a hydrorake to remove vegetation and organic deposits. The material removed from the site will be dewatered and removed from the site.

Mr. Kenyon asked if they had considered constructing a forebay. Mr. Gosselin said no.

Mr. Flaherty made a motion to approve the application. Mr. Tone seconded the motion and it passed unanimously.

Mr. Hillman arrived at 8:20 p.m.

Mr. Flaherty called the next agenda item.

EPC-17-2010, Fred & Sharon LaGreca, 5 Wilson Ridge Road East, proposing fence construction in an upland review area. The site is shown on Assessor's Map #46 as Lot #173.

Mr. LaGreca represented the applicant. He described the proposed fence.

Mr. Flaherty asked for a gap of 3-4 inches under the fence. Mr. LaGreca agreed to provide a 4" gap.

Mr. Rohr made a motion to approve the application with a condition of a 4" gap at the bottom of the fence. Mr. Flaherty seconded the motion and it passed 5-0. Mr. Hillman abstained.

Mr. Hillman called the next agenda item.

EPC-18-2010, Anup Banerjee, 1691 Boston Post Road, proposing trench installation for existing sump pump discharge within an upland review area. The site is shown on Assessor's Map #41 as Lot #111.

Mr. & Mrs. Banerjee described the proposed trench. The trench will receive water from an existing sump pump. The trench will end short of the brook.

Mr. Rohr said it is a reasonable alternative to a direct discharge.

Mr. Tone asked if the pipe will be PVC pipe. Mr. Banerjee said yes and it will be capped.

Chris Rowland asked about the location of the pipe and expressed concern that it would discharge to the Stony Brook. He was told that it will not discharge directly to the stream.

Mr. Hillman made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item.

EPC-20-2010 Adam Mobarik, 86 West Avenue, house addition within a regulated area. The site is shown on Assessor's Map #18 as Lot #2.

Mr. Mobarik represented the applicant. He described the proposed garage and addition which is partially over an existing paved driveway. There will be an additional 156 square feet of impervious surface directed to a rain garden.

Mr. Flaherty asked about the size of the rain garden. Mr. Mobarik said he is working with staff to design it.

Mr. Flaherty made a motion to approve the application with a condition that staff approve the rain garden design. Ms. Shapiro seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item.

EPC-21-2010 Susan & Timothy Collier, 26 Stony Brook Road South, proposing a house addition within an upland review area. The site is shown on Assessor's Map #19 as Lot #22.

Jacek Bigosinski, Architect, described the project. There will be no increase in impervious surface area because the garage will be over existing pavement.

Chris Rowland said the property has undergone large additions and a swimming pool in the last ten years. He is concerned that the project will take up flood storage area.

Mr. Hillman requested the applicant provide an engineer's report relative to the floodplain. Staff will research the history of the property.

The Commission continued this application until July 7.

Mr. Hillman called the next agenda item.

Planning & Zoning Commission referrals

The Commission discussed the Planning & Zoning Commission referral for the Thomas E. Golden Norton Heights Zoning Amendment. The Commission may wish to comment on the language of the proposed amendment with regard to storm water control.

Mr. Hillman called the next agenda item.

Minutes of previous meetings:

Mr. Flaherty made a motion to approve the minutes of May 5, 2010. Mr. Rohr seconded the motion and it passed 4-0. Mr. Hillman and Mr. Kenyon abstained.

Mr. Flaherty made a motion to approve the minutes of May 19, 2010. Mr. Tone seconded the motion and it passed 5-0. Mr. Kenyon abstained.

Mr. Hillman announced that the following public hearing item would be carried over to July 7

EPC-11-2010, Amendment of Wetland Boundary Map: Villager Pond Inc. 24 Bates Farm Road, Assessor's Map #14 Lot #28-5A

Mr. Hillman called the first public hearing item.

Amendment of Wetland Boundary Map for the Town of Darien, revised to incorporate specific site soil surveys approved by the Environmental Protection Commission. The Town amends its wetland boundary map periodically to reflect new information regarding soils and wetlands and watercourses collected throughout the year.

Mr. Hillman asked for public comment. There were no members of the public who wished to speak.

Mr. Hillman made a motion to close the public hearing and approve the map changes. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the next public hearing item.

EPC-19-2010, Amendment of Wetland Boundary Map: Lance Zimmerman , A.I A, on behalf of Bhinesh Patel , 22 Shady Acres Road Assessor's Map #4 Lot #6

Lance Zimmerman, Architect, represented the applicant. He described the request was to change the map in accordance with the Soil Scientist, Henry Moeller's, report and William Seymour survey.

Mr. Hillman asked for public comment. There were no members of the public who wished to speak.

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

Mr. Hillman called the next agenda item.

EPC-15-2010, William Hancock, 227 Leroy Avenue, Application in response to Notice of Violation, proposing fence construction in a regulated area. The site is shown on Assessor's Map #19 as Lot #35.

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

Mr. Hancock represented the applicant. He described the fence construction and said he did not know a fence required EPC approval.

Mr. Hillman asked why a fence. Mr. Hancock said for privacy.

Mr. Hillman asked how tall the fence would be. Mr. Hancock said it would be a six foot stockade fence.

Mr. Hillman said he was concerned with the solidity of the fence in the floodplain.

Mr. Tone asked how the fence would be anchored. Mr. Hancock said it would be attached to steel poles driven into the ground.

Mr. Rohr said he would be concerned with a fence because existing man made obstructions are already causing problems

After discussion, it was the consensus of the Commission that alternatives should be explored that and there would need to be some engineering analysis of a fence before approval could be granted.

Mr. Hillman suggested Mr. Hancock consider withdrawing the application and explore alternatives. The Commission will require the existing fence to be removed in the meantime. Mr. Hancock agreed.

Mr. Rohr made a motion to adjourn. Mr. Tone seconded the motion and it passed unanimously. The meeting adjourned at 9:20 P.M.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer