

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
August 4, 2010  
7:30 P.M.  
Room 206, Town Hall

Commission Members Present: Peter Hillman, Michael Tone, Wynne Shapiro, Ed Sweeney, Rick Rohr

Staff Present: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Mr. Hillman called the meeting to order at 7:30 P.M and read the first agenda item.

EPC-15-2010, William Hancock, 227 Leroy Avenue, proposing fence construction in a regulated area.

Mr. Hancock represented the applicant. He said he has revised the fence design to respond to the Commission's comments.

Mr. Hillman said he thought the addition of breaks in the fence was a better plan but he would like to see more breaks.

Mr. Tone said he would like to have more information from the P.E., Mr. Risoli.

Mr. Rohr asked Mr. Hancock to describe the proposed steel posts. Mr. said they would be standard metal fence stakes 2 feet long and driven two feet into the ground.

Barry Grandon. 1 Old Parish Road said he concerns about the proposed fence design. Mr. Hillman suggested waiting for the next meeting and additional information for comments

The Commission continued this item until September 1 to allow the applicant to have his engineer comment.

Mr. Hillman read the next agenda item:

EPC-25-2010, Peter Daniel, 40 Hancock Lane, proposing to install a generator within the upland review area.

Mr. Hillman said he did not see any issue with this application except the possibility of additional screening. No other Commission members had concerns with the application.

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

Mr. Hillman read the next agenda item:

EPC-26-2010, Rodney & Kimberly Miller, 326 Hollow Tree Ridge Road, proposing a pool within the upland review area.

Bruce Reinheimer, Tate Associates represented the applicant. He described the proposed pool location and the construction of a trench drain to tie into an existing drainage structure. He described the pool construction and planting plan to enhance the conservation easement.

Mr. Hillman asked if he agreed with the staff assessment that the site wetlands are very healthy. Mr. Reinheimer said he agreed. Mr. Hillman asked if there would be any change in contour of the easement or any removal of vegetation.

Mr. Hillman asked about the pool filtration system. Mr. Reinheimer said it would be a cartridge filter system.

The Commission discussed filtration systems to minimize chlorine use.

Mr. Rohr asked if the removal of the wall would impact the easement. It was the consensus of the Commission that the new wall constructed slightly in front of the existing wall would not violate the intent of the easement.

Mr. Tone asked if the existing retention system will handle the runoff. Mr. Reinheimer said that if the recharge system became full the proposed trench drain would overflow as sheet flow.

Mr. Rohr asked if the trench drain would be wrapped in filter fabric. Mr. Reinheimer said yes. Mr. Rohr said this would protect the existing drainage system.

Mr. Hillman read the next agenda item:

EPC-27-2010, Janice Qualben Shand, 15 Shagbark Road, proposing replacing driveway culvert with bridge, utility crossing, deer fencing, and landscaping within a regulated area and upland review area.

Aleksandra Moch, Wetland Scientist and Doug DiVesta, P.E. represented the applicant.

The Commission discussed erosion controls on the site and photos provided by Mr. Rohr. Mr. Hillman said the Commission will not discuss the proposed application activities until conditions of the previous approval are adhered to.

The Commission requested Doug DiVesta inspect the site and provide an accounting of site problems including silt fence, tree protection, stockpile areas, and general activity within regulated areas. Mr. Rohr requested a clearer map showing the Commission's jurisdictional areas.

The Commission continued the application until September 1.

Mr. Hillman read the following public hearing item:

EPC-23-2010, Hubert Riedel, 54 Holly Lane, proposing house construction and driveway outside the upland review area based on the soil scientist's mapping.

Mr. Reidel and John Martucci, P.E. represented the applicant.

Mr. Hillman said he thought the application materials were complete.

Mr. Tone said the Henry Moeller report was persuasive regarding the lack of wetland soils on the property.

Mr. Sweeney asked if they were proposing to connect to a storm drain. Mr. Martucci said no.

Mr. Rohr said that the silt fence may need to be extended to the south along the Noroton Avenue side of the house. Mr. Martucci said the property is swaled toward Holly Lane and there currently plantings and wood chips along the road.

Mr. Hillman asked if there were any members of the public who wished to speak. No one asked to speak.

Mr. Tone made a motion to close the public hearing. Ms. Shapiro seconded the motion and it passed unanimously.

The Commission proceeded to deliberate.

Mr. Hillman said he was satisfied that the applicant had addressed the Commission's concerns.

Mr. Rohr requested that a management plan for the stormwater controls be required.

The Commission requested staff prepare a draft approval for Sept. 1

Mr. Hillman read the following public hearing item:

EPC-22-2010, Terrance K. and Cara A. Ganser, 9 Windsor Road, application to remedy a violation, including wetland planting, and re-construction of a rain garden.

Wilder Gleason represented the applicant.

Mr. Hillman said this was one of the more serious violations he has seen while on the Commission.

Mr. Gleason said Mr. Ganser would like to make an opening statement.

Mr. Ganser read a statement regarding each of the individual violations on the property and submitted a copy for the record.

Mr. Gleason reviewed the violations including; tree removal, removal of the stream buffer, removal of the rain garden, restoration of the wetland mitigation area, the stone patio. He said the concerns raised by Mr. Schoknecht in her August 4 letter were not all EPC issues but they have discussed them with her and will correct them. Mr. Hillman asked Mrs. Schoknecht if she had additional comments. She said she did not.

Greg Lieberman, Stearns & Wheeler described the mitigation plans to restore the stream buffer, the rain garden restoration and, additional mitigation plantings within the wetland restoration and the additional trees and shrubs along the property line and wetland to the north. He said they counted the patio as impervious in the drainage calculations.

Mr. Rohr asked if they will mulch around the plants. Mr. Lieberman said yes but the plants are expected to fill in the entire area.

Mr. Tone asked for a maintenance plan. Mr. Lieberman said they will provide one.

The Commission discussed a bond amount. Mr. Tone said the amount should be to cover the cost of the work or most of it and should not be punitive. Mr. Lieberman estimated 12-14 thousand dollars would cover the work.

Mr. Hillman asked for public comment;

David Bayne asked if the rain garden near his property line would be sufficient to prevent water from flowing onto his property. Mr. Lieberman said it would work because the overflow would be directed toward the stream which is down gradient from the Bayne property.

Mrs. Ganser said she regrets her role in the violation and would like to move toward a resolution.

No other member of the public wished to speak.

Mr. Tone asked if the owner would insure that follow up inspections were welcomed. Mr. Gleason said they would welcome follow up inspections.

Mr. Hillman said he would like to thank the staff for the record.

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

The Commission proceeded to deliberate.

Mr. Hillman said he was satisfied with the statements made regarding mistakes made by the owner, and is satisfied with the remediation plans.

Mr. Tone said the tree clearing, which was the original reason the violation was found was least of the violations. He said he would like a condition requiring a maintenance plan

The Commission requested staff draft a resolution.

Request from Eugene & Bernadette Markowski for EPC review and comment to DEP on dock application for 104 Delafield Island Road

The Commission discussed the request to comment on the DEP application. Ms. Shapiro and Mr. Sweeney will visit the site and make recommendations.

Planning & Zoning Commission Referral:

5 Tokeneke Beach Drive, Dale & Hillary Miller, Coastal Site Plan Review and Flood Damage Prevention

Mr. Hillman requested Mr. Kenyon review the CAM application. The Commission will discuss the jurisdictional issues and will review any information provided by Attorney Gleason, Attorney Maslan and the Town Attorney at their September 1 meeting.

Flood Mitigation Committee Recommendations

Review of recommendations and possible endorsement by Environmental Protection Commission

Minutes of July 7, 2010: Mr. Rohr made a motion to approve the minutes. Mr. Sweeney seconded the motion and it passed 3-0. Mr. Hillman and Ms. Shapiro abstained.

Mr. Tone made a motion to adjourn. Mr. Sweeney seconded the motion and it passed unanimously. The meeting adjourned at 9:40 P.M.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer