

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
September 1, 2010
7:30 P.M.
Room 206, Town Hall

Commission Members Present: Craig Flaherty, Michael Tone, Wynne Shapiro, Ed Sweeney, Pete Kenyon, Rick Rohr

Staff Present: Jacobson

Court Reporter: Syat

Recorded by Channel 79

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

Mr. Flaherty was recused for the first agenda item.

Mr. Kenyon read the following item:

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

William Hancock represented the himself. He said he has revised the fence design to eliminate the portion within the front yard setback. He said he increased the number of breaks in the fence to 5 and the height off the ground to one foot. He showed the Commission the fence posts proposed to be used.

He said Mr. Risoli offered to answer questions if the Commission contacted him.

Barry Grandon, 1 Old Parish Road, said he still has concerns about the proposed fence design. He would prefer to see natural vegetation and is concerned about any structures installed in the flood plain. He said a structural engineer should certify the fence.

Cheryl Russell, Holly Lane, said she agreed with Mr. Grandon's concerns and would prefer a natural buffer.

Chris Rowland, West Avenue, said he agreed with the previous comments and the potential damage that would occur if the fence were dislodged.

Mr. Tone said the Commission had requested an engineering report at the two previous meetings and had not received anything. He said he would be inclined to deny the application without prejudice.

Ms. Shapiro said she agreed with Mr. Tone's statement.

Mr. Rohr said the Milone & MacBroom report described the problems in this stretch of the Stony Brook as related primarily to manmade obstructions. He said adding a fence would be another potential obstruction.

Mr. Kenyon asked if the application should be continued to October to allow for an engineering report. Mr. Jacobson said the no additional extension time is available to continue the application.

Ms. Shapiro asked Mr. Hancock why he did not consider just plantings to create a privacy screen. Mr. Hancock said it would take a long time to establish. Mr. Kenyon disagreed with Mr. Hancock, saying appropriately sized plants would work.

Mr. Sweeney made a motion to deny the application without prejudice. Mr. Rohr seconded the motion and it passed 5-0.

Mr. Flaherty read the next agenda item:

EPC-21-2010 Susan & Timothy Collier, 26 Stony Brook Road South, proposing a house addition within an upland review area.

This application was withdrawn by at the request of the applicant.

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.

Mr. Flaherty said he had viewed the Channel 79 coverage of the public hearing.

The Commission reviewed the draft resolution and made corrections.

Mr. Tone made a motion to adopt the resolution of approval as corrected. Ms. Shapiro seconded the motion and it passed 4-0. Mr. Flaherty and Mr. Kenyon abstained.

Mr. Flaherty read the next agenda 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. Flaherty said he had viewed the Channel 79 coverage of the public hearing.

The Commission reviewed the draft resolution.

Mr. Tone made a motion to adopt the resolution of approval Ms. Shapiro seconded the motion and it passed 4-0. Mr. Flaherty and Mr. Kenyon abstained.

Mr. Flaherty 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.

Ms. Moch described the previously approved plans and existing wetland conditions. She said the requested amendments are the deer fence, the bridge and the utility crossing.

Mr. DiVesta provided photos of the site before and after the repairs to the erosion controls. He described the regulated area and the installation of the driveway and utilities across the watercourse. He described the proposed deer fence within the floodplain area.

Mr. Flaherty asked about the joint size between the stones in the patio. Peter Cummins, Landscape Architect said the spacing would be ¼ inch.

Mr. DiVesta described the deer fence and high tensile wire design.

Mr. Rohr said he would be concerned that the wires could pose an unnecessary hazard to the deer. Mr. DiVesta said it would not be a fine gauge wire. Mr. Rohr requested more detail of the wire specifications.

Mr. Kenyon asked how they would maintain the tension on the wires. Mr. DiVesta said there could be strands between the wires.

Mr. Tone asked about the impact of the fence on flooding. Mr. DiVesta said he was highly confident there would be no impact.

Mr. Tone asked how the well would be abandoned. Mr. DiVesta said in accordance with State regulations.

Mr. Rohr asked for more detail on the wire fence and gauge of the wire and a correction of the note regarding the driveway base.

Mr. Flaherty asked for the increase in driveway area, additional copies of the bridge detail and photos, and a more definitive statement in the engineering report regarding no impact on flooding.

Mr. Tone asked for any additional information that may be available on deer fences of this kind.

Mr. DiVesta asked the Commission to consider approving the utility crossing because the time of year and low flow conditions. The Commission members did not have objections to allowing the crossing.

Mr. Flaherty made a motion to approve the utility crossing. Mr. Tone seconded the motion and it passed 6-0.

Mr. Kenyon read the next agenda item. Mr. Flaherty was recused for this item:

EPC-32-2010, Dale & Hillary Miller, 5 Tokeneke Beach Drive, proposing to amend the Regulated Wetlands and Watercourse Map.

The Commission received the application and determined that the map amendment request requires a public hearing. The Commission scheduled the hearing for October 6, 2010.

Mr. Flaherty read the next agenda item:

EPC-36-2009, Michael Loura, 4 Scout Trail, requesting amendment to allow for a generator and propane tank in an upland review area.

Mr. Loura represented the himself. He said he is requesting a generator, propane tank and air conditioner unit in the upland review area.

Mr. Flaherty asked if the tank could be located on the other side of the garage. Mr. Loura said the grade was too steep there.

Mr. Tone asked the size of the slab for the generator. Mr. Loura said approximately 30" by 50"

Mr. Flaherty made a motion to approve the amendment request. Mr. Kenyon seconded the motion and it passed 6-0.

Mr. Flaherty read the next agenda item:

EPC-02-2008 Jeff Scoffed, 65 Goodwives River Road, requesting amendment to approved house additions within an upland review area.

Jeff Scoffed represented himself. He described the proposed amendments and answered the Commission's questions.

Mr. Kenyon made a motion to approve the amendment request. Ms. Shapiro seconded the motion and it passed 6-0.

Mr. Flaherty read the next agenda item:

EPC-77-2007, Artemis Landscape Architects, 7 Buttonwood Lane, requesting amendment to modify driveway and construct stone wall within an upland review area.

There was no one present to represent the applicant.

Mr. Rohr said there was an 8" tree that would need to be removed. The Commission discussed a replacement tree.

Mr. Flaherty made a motion to approve the amendment with a replacement tree. Ms. Shapiro seconded the motion and it passed 5-1. Mr. Rohr was opposed.

Mr. Flaherty read the next agenda item:

EPC-28-2010, Dawn & Dickson McIntire, 110 Hansen Road, proposing a house addition in an upland review area.

Chris Carpinello, Architect described the proposed addition and rain garden.

Mr. Flaherty asked if there was a percolation test done in the rain garden area. Mr. Carpinello said no but they proposed to keep the depth very shallow with a slight cut and fill.

Mr. Rohr asked about tree removal. Mr. Carpinello said one Norway Spruce would be removed.

Mr. Kenyon asked about alternatives. Mr. Carpinello described the driveway and garage on the other side of the property and how they arrived at the proposed location.

Mr. Tone made a motion to approve the application. Ms. Shapiro seconded the motion and it passed 4-1-1. Mr. Flaherty abstained and Mr. Rohr was opposed.

Mr. Flaherty read the next agenda item:

EPC-29-2010, Steve & Mary Zamsky, 15 Half Mile Road, proposing driveway modifications and terrace construction in an upland review area.

Brandon Jones, Glengate Landscape Design, represented the applicant. He described the proposed terrace and modifications to the driveway.

Mr. Flaherty asked the amount of increase to the hardscape on the property. Mr. Jones said about 730 square feet.

Mr. Flaherty asked what the surface of the drive would be. Mr. Jones said oil and stone.

Mr. Flaherty said he is not sure there is enough mitigation provided. He would like to see more topographic information and more detail regarding the proposed drainage and rain gardens. He asked them to consider a more permeable driveway surface.

Mr. Kenyon asked them to provide the disturbance area in the upland review area on the site plan.

Ashley Pelletier said the rain gardens were sized in accordance with the UConn guidelines.

Mr. Flaherty requested a percolation test in the rain garden area.

Mr. Flaherty listed the information requested during the Commission's discussion of the project: existing and proposed topography; cuts and fills; water movement on the site; grading in the rain garden area; consider additional mitigation such as more planting and more permeable surface area; calculate the upland disturbance area; and provide more detail for the driveway drains.

Mr. Flaherty read the next agenda item:

EPC-31-2010, Carmen & Mark DeAngelis, 16 Stony Brook Road, proposing removal of a tree within an upland review area.

Jacek Bigosinski, Architect said the tree is too closed to the house and provided an arborist's letter recommending its removal. He said the owners were concerned it would damage the house in a storm.

Mr. Rohr made a motion to approve the application. Mr. Kenyon seconded the motion and it passed 6-0.

Mr. Flaherty read the next agenda item:

Country Club of Darien, 300 Mansfield Road, Request to modify an existing conservation easement to allow an application for an Inland Wetland Permit.

Mr. Jacobson said the request at this time is to allow a wetland permit application to proceed with the understanding that no changes would be allowed to the easement unless the permit were granted.

Mr. Rohr questioned the purpose of the request to improve safety when the easement and shared driveway was in place when the owner's purchased the property.

The consensus of the other Commission members was to allow the application and give the applicant an opportunity present their plans and proposed mitigation measures.

Mr. Flaherty read the next agenda item:

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

The Commission discussed comments provided by Ms. Shapiro and Mr. Sweeney and responses from Attorney John Casey.

Mr. Flaherty said it was out of the norm for the EPC to comment to the DEP on tidal wetland applications. He said the Commission can monitor the DEP process and comment further on the CAM application to the Planning & Zoning Commission at the appropriate time.

Mr. Casey answered a question from Ms. Shapiro regarding clearing vegetation. Mr. Casey said it is their intent to minimize disturbance to any vegetation. This would be subject to a CAM application and the EPC can comment further.

Mr. Flaherty asked Mrs. Markowski if she would like to speak briefly and she described her concerns with the dock.

The Commission will defer on commenting to the DEP and will revisit the dock if it is referred as a CAM application.

Mr. Kenyon read the next agenda item. Mr. Flaherty was recused for this item:

Planning & Zoning Commission Referral:

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

The Commission requested staff send a memo to the Planning & Zoning Commission asserting jurisdiction over the area on the Regulated Wetlands and Watercourses Map as a pond and the grading activity within 50 feet of the pond and septic system installation within 150 feet of the pond.

Mr. Flaherty read the next agenda item:

Planning & Zoning Commission Referral:

16 Linda Lane, Paul & Karen Clifford, Flood Damage Prevention

The Commission requested staff send a memo to the Planning & Zoning Commission about the EPC's concerns, in general, with structures in the floodplain. The fence labeled as "potential" would require a wetland permit.

Flood Mitigation Committee Recommendations Review of recommendations and possible endorsement by Environmental Protection Commission

The Commission will discuss this at the next meeting.

Minutes of August 4, 2010: Mr. Sweeney made a motion to approve the minutes. Mr. Tone seconded the motion and it passed 4-0. Mr. Flaherty and Mr. Kenyon abstained.

Mr. Tone made a motion to adjourn. Mr. Flaherty seconded the motion and it passed unanimously. The meeting adjourned at 10:35 P.M.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer