

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES

February 6, 2008

7:30 P.M.

Room 206 Town Hall

Acting Chairman Flaherty called the meeting to order at 7:30 P.M. Commission Members Present: Craig Flaherty, Ellen Kirby, Richard Rohr, Alan Armstrong, Susan Cameron, and Pete Kenyon.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Flaherty read the first agenda item:

Election of Interim Chairman:

Ms. Cameron nominated Mr. Flaherty. Mr. Armstrong seconded the nomination and Mr. Flaherty was elected unanimously.

Mr. Flaherty read the next agenda item:

EPC-78-2007, Randall and Po Sau Tam, 11 Half Mile Road, proposing pool construction within the upland review area.

Jeff McDougal, Seymour Associates represented the applicant. He said the application is for a pool that is in the upland review area according to the Town map. The soil scientist's survey shows that the pool will be more than 50 feet from the wetland. He said the pool fence will be four feet into the upland review area and there will be plantings within the 50 foot review area.

Mr. Kenyon asked if they had a plant list. Mr. McDougal said they would be willing to work with staff on a list. Mr. Flaherty said the planting list be a condition of approval.

Ms. Cameron made a motion to approve the application with the condition that a planting list be provided for review by staff. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Flaherty read the next agenda item:

EPC-79-2007, St. Luke's Episcopal Church, 1864 Post Road, proposing residential construction and associated grading and stormwater management activities within the upland review area.

Attorney Wilder Gleason represented the applicant. He said they looked at the question of re-designing the project to save significant trees. He showed the Commission Alternate 1 and Alternate 1A. He said the preferred alternate 1A which will save the three specimen Sugar Maples.

Mr. Flaherty asked for a protective barrier of at least 6 feet around the trunks for protection. Mr. Gleason said that could be done.

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Ms. Cameron made a motion to approve the application with the condition for tree protection. Mr. Kenyon seconded the motion. Mr. Flaherty amended the motion to a condition that the infiltration system be switched to the opposite side of the driveway and a recommendation for invasive species removal. Ms. Cameron accepted the amendment and the motion passed 5 to 0 (Mr. Rohr abstained).

Mr. Flaherty asked if there were any new business items that the Commission members felt needed a public hearing.

EPC-03-2008, James Goulard, Trustee for the Estate of Marion Reed Goulard, 18 Overbrook Lane, proposing a two lot subdivision and related construction activities within an upland review area.

Mr. Flaherty was recused for this application. Ms. Cameron acted as chair.

Attorney Michael Sweeny represented the applicant.

Ms Cameron requested that any significant trees to be removed in the upland review area and on the rest of the site be flagged.

The Commission determined that a public hearing would be in the public interest and scheduled the hearing for March 5, 2008.

Mr. Flaherty read the next agenda item:

EPC-01-2008, Paul and Betsy Bigler, 63 Dorchester Road, proposing house additions, pool, driveway improvements, and related construction within an upland review area.

Jay Fain, Jay Fain Associates represented the applicant. He described the property and the upland review area adjacent to Mather's Pond and the sparsely vegetated Red Maple swamp in the front of the property. He described the work within the upland review area. He said they would be removing the garage within the upland review area.

Ms. Cameron asked to see the 100 foot review area delineated from the pond which is the Goodwives River.

Robert Frangione, P.E. described the drainage plan. He said the runoff from the increase in impervious area would be directed to rain gardens and then to Cultech units. He said the total storage needed is 600 cubic feet and they are providing 2800 cu. ft.

Mr. Flaherty asked if the runoff was being retained. Mr. Frangione said yes. Mr. Flaherty asked if they could raise the grate elevation in the rain garden and provide retention for better water quality treatment. Mr. Frangione said that could be done.

Mr. Fain said they are reducing the amount of lawn area adjacent to the pond and adjacent to the red Maple wetland in the front yard.

Mr. Rohr asked about the purpose of the rain garden on the side of the pool. Mr. Frangione said it was just to provide more storage. Mr. Flaherty asked if more of the runoff could be directed to the

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rear rain garden. Mr. Frangione said they could route the rear roof leaders to the back of the house and to the rain garden.

Ms. Cameron said she thought additional buffer area to the pond would be appropriate. Mr. Flaherty agreed that an increase in the buffer was warranted. He said he would like to see a greater width between the lawn and the pond. Mr. Fain said they are proposing low plantings in the view shed of the pond and would consider additional width of the buffer.

Mr. Flaherty asked about a sign off from the Health Department for the septic.

Mr. Rohr asked if the planting list was the total for both rain gardens. Mr. Fain said yes. Mr. Rohr asked for specifications on the size of the outfall stones.

Mr. Flaherty said there were enough items to be changed that warranted the Commission seeing a revised plan.

Mr. Flaherty read the next agenda item:

EPC-02-2008, Jeff Scofield, 65 Goodwives River Road, proposing garage and driveway construction, and tree removal within an upland review area.

Mr. Scofield and John Martucci, P.E. represented the applicant. Mr. Scofield described the project.

Ms. Cameron asked if there would be a rain on the steps. Mr. Scofield said there would be a metal rail.

Mr. Martucci described the proposed drainage plan. He said there would be a trench drain directed to a grass swale. They would re-build the stone wall to act as an additional energy dissipater.

Ms. Kirby asked about the planting list and where they would be on the plan. Mr. Scofield said the areas shown to be replanted include the area of driveway to be removed.

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

Mr. Flaherty read the next agenda item:

EPC-04-2008, David and Linda Yim, 101 Inwood Road, proposing pond dredging.

Richard Windels represented the applicant. He described the proposed dredging plan. He said there are no major streams feeding the pond. There is a series of small runoffs from other properties. He said they would repair the dam by creating a wing wall out of stone. They are proposing to re-use 300 cubic yards of material on the site. A rain garden is proposed. Mr. Flaherty requested the pipe discharge daylight into the rain garden. Mr. Windels said they do not yet have plans to add on to the home and the pipe installation to the garden will be a separate application.

Mr. Flaherty said there are several positive aspects to the application.

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Mr. Rohr said they should consider using filter fabric under the stone for scour protection. Mrs. Yim said they had previously used fabric and it washed away.

Mr. Kenyon made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Flaherty read the next agenda item:

EPC-60-2006, Baywater Post Road Associates, 1020 Boston Post Road, requesting a permit amendment to allow replacement of a pipe within the CT DOT easement.

Attorney Robert Maslan represented the applicant. He introduced Eric Lindquist, P.E. to describe the proposed pipe replacement.

Mr. Lindquist said they are proposing to replace an existing 42 inch pipe with a 47" x 71" squash pipe. Ms. Cameron asked if about the DOT time line for replacing the pipe under the Post Road. Mr. Lindquist said it is something DOT wants to do eventually. He said their pipe would not have any effect on the DOT project. They would like to do their portion now to avoid ripping up the pavers later.

Mr. Kenyon asked if there would be an effect on the flooding upstream. Mr. Lindquist said the pipe under the Post Road would still be a bottleneck. Mr. Genovese said he has seen an improvement since they removed obstructions from the drainage ditch. He said the new pipe would improve the situation since it would replace a pipe that is pitched backwards and would not be obstructed.

Mr. Flaherty asked what frequency storm the pipe was designed for. Mr. Lindquist said a 25 year event.

Ms. Cameron said she commends the applicant and Mr. Hutchison for going above and beyond what was required of them. She made a motion to approve the amendment. Mr. Armstrong seconded the motion and it passed unanimously.

Mr. Flaherty read 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. Flaherty asked if there were any members of the public who wished to speak. Seeing none he made motion to close the public hearing. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Flaherty made a motion to adopt the map changes effective on February 9, 2008. Mr. Kenyon seconded the motion and it passed unanimously.

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Mr. Flaherty read the next public hearing item:

EPC-77-2007, John Doherty and Ken Deleo, 7 Buttonwood Lane, site is shown on Assessor's Map #5 as Lot #7.

Attorney Wilder Gleason represented the applicant. He said he represents the new owners of the property and they have designed a smaller home than the previous applicants. He described the existing conditions on the site and said they have moved the proposed home as far away from the wetland as possible. He said they have moved the pool out of the upland review area and they will construct the proposed terrace with pervious pavers. They are proposing a footbridge crossing the stream.

Mr. Flaherty said he was concerned that the bridge could be dislodged and create an obstruction in a flood. Mr. Deleo said they will anchor the bridge to the footing. Mr. Flaherty said he would like a condition of approval requiring an engineer or architect's certification that the bridge is design to withstand a 100 year storm.

Doug DiVesta, P.E. described the detention system. He said the system will provide for zero increase in runoff. He said they are proposing wetland plantings and a wet meadow mix to enhance the wetland. He described the Erosion and Sediment controls planned.

Mr. Flaherty asked if there were any members of the public who wished to speak.

Tom Valentino, Buttonwood Lane, said he supports the application. He said the new plan better than the previous proposal.

There were no other members of the public who wished to speak. Mr. Jacobson noted a letter from Mr. Feehan, Buttonwood Lane, and an attached review of the project by Stearns & Wheler which did not raise any objections to the project.

Mr. Kenyon questioned the need for the gazebo within the upland review area. Mr. Deleo said it could be moved farther from the wetland but it must meet zoning setbacks. Mr. Flaherty said the gazebo represents a very small impervious area.

Ms. Cameron made a motion to close the public hearing. Mr. Flaherty seconded the motion and it passed unanimously. The Commission proceeded to deliberate on the application.

Ms. Cameron said the new proposal is much better and addresses the concerns that Commission had with the previous application.

Mr. Flaherty said the new plan is well thought out. He said he would like a condition that an engineer or architect review the bridge design to insure it is flood proof.

Mr. Rohr said the proposed elevation 96 contour line should be fixed. He said he would like to see the white pines substituted with other evergreens with staff approval.

Ms. Cameron said she had no objection to the gazebo staying in the proposed location.

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The Commission requested staff draft an approval with the above condition.

Minutes of previous meetings:

Mr. Flaherty made a motion to approve the minutes of November 7, 2007. Ms. Cameron seconded the motion and it passed 5-0 (Mr. Rohr abstained).

Mr. Flaherty made a motion to approve the minutes of November 13, 2007. Ms. Cameron seconded the motion and it passed 5-0 (Mr. Rohr abstained).

Mr. Flaherty made a motion to approve the minutes of December 5, 2007. Ms. Cameron seconded the motion and it passed 5-0 (Mr. Rohr abstained).

Ms. Cameron made a motion to approve the minutes of December 17, 2007. Ms. Cameron seconded the motion and it passed 5-0 (Mr. Rohr abstained).

Ms. Cameron made a motion to add a discussion of the proposed Flood Mitigation Strategy. Mr. Flaherty seconded the motion and it passed unanimously.

Ms. Cameron reported that the Flood Mitigation Committee has prepared materials to be presented at a special joint meeting with the BOS, BOF, and TP&Z on February 11, 2008 at 8:00 P.M.

Mr. Kenyon made a motion to adjourn. Mr. Flaherty seconded the motion and it passed unanimously. The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer