

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JULY 18, 2007

Wednesday, July 18, 2007

7:00 P.M.

Auditorium
Town Hall

Commission Members Present: Peter Hillman, Susan Cameron, Pete Kenyon, Ned Lewis, Ellen Kirby, Craig Flaherty and Reese Hutchison (arrived at 7:10 PM)

Staff Present: Jeremy Ginsberg

Court Reporter: Bonnie Syat

GENERAL MEETING

Old Business:

Public hearing items

EPC-33-2007, Jeffrey Marston, 49 Goodwives River Road, proposing a house addition and septic system within an upland review area. The site is located on the west side of Goodwives River Road approximately 1100 feet north of the intersection of Goodwives River Road and Sunswyck Road and is shown on Assessor's Map #49 as Lot #8.

Mr. Hillman itemized the materials currently in the record of this matter. Professional Engineer John Martucci then distributed minor revisions to the proposed floor plans. Mr. Martucci said that this is a Goodwives River issue and not a wetlands issue. He noted that there is now an existing two bedroom residence and he showed photographs of the residence. That house was built in 1850 +/-, and is about 20 feet from Goodwives River Road. The footprint of that house is about 1,800 square feet. The addition is about the same size as the existing house and after completed, the property will have about 14% building coverage. They will be maintaining a portion of the existing structure. This will be a two story addition behind the existing house proposed with a one car garage. They will be going from a two bedroom house to a three bedroom house. Mr. Martucci noted that the first floor library is not considered a bedroom and the upstairs office is also not considered a bedroom. This has been agreed upon by the Darien Health Department.

The existing septic system is now behind the house and is 44 feet from the Goodwives River. The proposed leaching field is 10 feet off of the south property line, 52 feet from the River. Hydrologically, it is much farther away.

Ms. Cameron had two concerns. First, the design looked like a four bedroom design. Mr. Martucci responded that in 1994, the State Health Code added an MLSS calculation. They have provided almost double the leaching square footage and it is a more compact system. The effluent is pumped and metered into the system. Mr. Hillman asked if this is a new type of septic system, has Mr. Martucci designed one before. Mr. Martucci responded that this is a proprietary system and Geomat must install it. Their system is the "Rolls Royce" of systems. It is a newly improved system. The State of Connecticut DEP has approved this system. This is the logical location for

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pond site for such a system. He noted that he is providing more than the 4 bedroom square footage required. Mr. Martucci noted it would have to be 12 feet longer for a 4 bedroom system and it is not long enough. Mr. Flaherty noted that this may not be true. Mr. Martucci responded that he would have to show a B-100 reserve area. Ms. Cameron mentioned that the septic system and leaching field is tight near the property line. Mr. Martucci noted that the property line is up gradient from the system and this is a very tight site. Ms. Cameron asked if there were any plans for a generator. Mr. Martucci responded that there will be a 1,250 gallon septic tank leading to a 1,000 gallon pump chamber. Mr. Lewis mentioned that there is no pipe shown on the plans. Mr. Martucci said that a pipe will be there and that there are safety factors built into the system. Mr. Martucci added that there will be no trees cut as part of this proposal.

Mr. Flaherty asked if there are any more test pits to be done, as only two are shown on the plans. He is concerned what might be under the knoll. Mr. Martucci responded that they can perform other test pits. Mr. Flaherty asked if any testing was done downhill of the system. Mr. Martucci said that the existing system had test pit data from the 1980s. Mr. Flaherty then asked about the garage footings. Mr. Martucci said that these footings are within the separation distance of the Health Code. Mr. Flaherty asked whether there would be a basement, and Mr. Martucci said that there would be a full basement which would be 22 feet from the septic system. Mr. Flaherty asked whether a footing drain would be necessary for the basement. Mr. Martucci said that this may be adequate if granular soils exist. Mr. Martucci said that the perc test was done between the two test pits. Mr. Flaherty questioned the need for supplemental re-certification of the soil depth based on the extreme westerly edge of the property. He also questioned the need for footing drains for a sub-grade basement by the Building Department. He also asked for a site wide estimate of the increase in impervious surface post development. Mr. Flaherty estimates that it is going from 1,700 square feet to about 2,800 square feet.

Mr. Hillman then asked about hydrology and drainage flow. Ms. Cameron asked about the potential for further erosion of the bank adjacent to the Goodwives River. Mr. Martucci replied that the water from the property will run off the property after it falls and in Long Island Sound shortly thereafter. They plan to keep the remainder of the property lawn vegetated and do not anticipate any erosion. Mr. Flaherty agreed from a flooding perspective that they are at the bottom of the watershed and do not need to be concerned about the added volume of water. But he is agreed that there is a concern of additional erosion of an already eroded bank and a cumulative effect on Gorham's Pond and Long Island Sound. It seems that there is ample ability to mitigate on site with such good soils and with volume numbers there figures to be a potential for establishing a rain garden. DEP water quality calculations would be sufficient to establish what size rain garden could be established. He believes they will have the ability to capture the existing as well as the new runoff.

Architect Howard Patterson said that this is a small house on a small lot in a one acre zone. The house, after the proposed addition, will be 2,400 square feet. Mr. Lewis asked whether there would be stockpiling of materials on site because, if so, another erosion control fence should be proposed by the stockpile base. Mr. Martucci said there would be no problem showing a silt fence around any stockpile. It was then suggested to continue the public hearing to August 1st at 8:30 p.m. in Room 206 of Town Hall. Mr. Hillman confirmed that the applicant will provide five things: 1) a verification of the land along the west side of the property near where the septic system is to be

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installed; 2) confirmation that the Building Department would not require a footing drain around the basement; 3) a design of a potential rain garden; 4) statistics on the peak flow volume; 5) a second row of silt fence near the stockpile. Mr. Hillman then suggested that the applicant make a proposal for a condition regarding periodic inspections and reporting of the septic system. A sixth item that Mr. Hillman suggested was a planting plan. He asked the applicant to have all materials in the Planning & Zoning office by July 27th in the morning, so that EPC members can have them and review them prior to the August 1st meeting.

At about 8:15 PM, Mr. Hillman then read the next agenda item:

EPC-36-2007, Peter Greenberg, 7 Buttonwood Lane, proposing demolition of an existing house and new house construction within an upland review area. The site is located on the north side of Buttonwood Lane at the northwest intersection of Buttonwood Lane and Brookside Drive and is shown on Assessor's Map #5 as Lot #7.

Tom Ryder of Land Tech Consultants, Inc was present on behalf of the applicant. He explained that the east side of the lot now has a five bedroom house served by public water and sewer. The west side of the property has upland forest and wet meadow. There is a berm north of the house which acts like a dam during storm events. It is man made. The existing house will be razed and replaced. The applicant also proposes to construct an in-ground pool. They are also looking to modify the driveway, and the garage will be on the east side of the residence. There is a proposed pedestrian bridge through the wetlands and a proposed gazebo in the northwest corner of the property.

Mr. Ryder continued by noting that relative to drainage they will be providing roofing drains into a recharger system, then a second recharger system. A footing drain on the west side of the house is also proposed. Relative to ecological improvements, most of the house is away from the wetlands. He noted that there is 740 square feet of construction within the wetlands setback. The existing house footprint is about 3,102 square feet and the new house has a footprint of 4,160 square feet. The new house will have a floor area of over 6,000 square feet

Mr. Hillman noted that the proposed gazebo is within the wetlands regulated area and this will also have some impervious surface. Mr. Ryder responded that the gazebo is about 150 square feet. Mr. Ryder added that the southerly part of the wetlands will be planted with wet meadow and new shrubs. The planting plan is shown on Sheet 2 of the plans. Mr. Ryder says the proposal is to mow the area once a year and there are shrubs along the brook proposed. He said that this is an intermittent brook and a small tributary to the Goodwives River. Mr. Kenyon asked how many trees are to be removed as part of this application. Mr. Ryder said there are 28 trees to be removed. Ms. Cameron asked whether they can make the proposed house any smaller. Mr. Ryder said that the house is proposed 22 feet from the wetlands; the patio is proposed 15 feet from the wetlands; and the pool is 23 feet from the wetlands. He said that the existing house is 18 feet to the wetlands at its closest point. Mr. Bob Oley of Land Tech Consultants Inc said that they did not include the proposed swimming pool in the impervious area calculation.

Mr. Hutchison asked how the groundwater is. Mr. Oley confirmed that prior to installation, more testing will need to be done regarding groundwater. Mr. Hutchison asked if above ground detention was considered for the property. Mr. Oley responded that they would rather put the water into the

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ground. In response to a question, Mr. Oley said that they did address volume of water and this has been designed for a 50 year storm. Mr. Flaherty asked if they haven't determined ground water depth, how will they know whether the proposed system will work. Mr. Oley responded that they can do that study prior to the next EPC meeting. Mr. Hutchison asked how flooding could be alleviated as part of this proposal. Mr. Oley suggested leaving the berm alone. Mr. Peter Greenberg said that the existing footing drain will be reused. Mr. Armando DeCunha, also one of the property owners, said that this morning, the brook was not over filled.

Ms. Cameron said that she has concern about water coming from the north. Mr. Oley responded that they will try to improve it but they cannot affect upstream properties. Mr. Hutchison asked whether they could add trees on-site to replace those trees being removed. Mr. Ryder responded that they could look at that issue. Mr. Hillman said that he would like an inventory of the trees to be removed and any new trees to be proposed. He would like to see more than seven trees put back on the property.

Ms. Cameron asked whether tree removal causes flooding. Mr. Ryder said that lots of variables are involved in answering that question. Mr. Oley added that a woodland sheds less water than a grassy field. It may be difficult to quantify the impacts unless there is a large area. He suggested that maybe 20% could be considered.

Mr. Flaherty said that he does not believe the applicant is yet "hitting the mark" with this redevelopment. There still is a lot of impervious surface, tree removal, the pool is within the wetlands setback, there is a larger patio, and the driveway is located closer to the wetlands. He questioned whether the wetlands will be better off under the new proposal. Mr. Hillman said that this is a rare opportunity. He was surprised to see the pool and patio so close to the wetlands, and in fact it appears that it is ten feet from the pool surrounding the patio to the wetlands. He could not recall ever approving a patio for a pool that close to the wetlands and he noted that pools involve risks to the environment and the wetlands. Mr. Ryder responded that he is confident about the wetlands improvements and he believed that the proposed swimming pool could be moved eastward and he could put the bulk of the patio on the other side of the pool. Mr. Lewis asked whether he could rotate the pool 90 degrees. Mr. Greenberg responded that they are trying to protect the existing stone wall. Mr. Hillman suggested that they give this a different look. Ms. Cameron suggested that in her recollection, the closest the EPC has ever approved a pool to wetlands was 45 feet. She also questioned where the proposed pool fence and pool equipment would be. Mr. Ryder noted that the existing patio adjacent to the house is 15 feet from the wetlands. Mr. Hutchison countered as this is a blank slate, as they will be razing the existing house. Mr. Greenberg mentioned that they will have a smaller patio in the new house than they have with the existing house. Mr. Oley responded that they can move the driveway further to the east to pull it further from the wetlands and they will try to hold the existing driveway in place. Mr. Kenyon said that he had the same problems about the pool location and he asked whether the applicant needs to take so many trees down. Mr. Ryder said that they could save two trees near the pool terrace. Mr. Kenyon asked whether they could save some of the trees within the driveway area. Mr. Oley said that they are looking to minimize the regrading in order to try to save the trees. Mr. Kenyon suggested that the applicant look into tree wells to save trees and regraded areas. Ms. Kirby suggested that the patio on the proposed house is all new and is not a re-use of an existing patio. She wanted to make sure that the applicant coordinates any drawings in the future.

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Mr. Jeffrey Feehan of 10 Buttonwood says he lives across the street, and adjacent to Darien Land Trust property. He then submitted a copy of a letter for the record. Mr. Hillman said that the EPC will be continuing this public hearing, but Mr. Feehan can elaborate on flooding issues. Mr. Feehan said the wetlands are frequently covered by standing water. Mr. Kenyon asked whether they have ever seen the Department of Public Works cleaning the culvert in the area. Mr. Feehan says that water sometimes now runs over the street. Mr. Ryder added that the current owner cleans out the culvert and they propose to clean it out.

Mr. Oley said that they can have revised plans available by Monday or Tuesday of next week (July 23rd or 24th). Mr. Hillman suggested submitting revised plans by Tuesday in order for Mr. Feehan to possibly hire an engineer and make headway in reviewing those revised plans. Mr. Hillman then read aloud Mr. Jacobson's comments regarding the need for a public hearing on this matter.

At about 9:10 P.M., Mr. Tom Valentino of Stonewall Lane spoke regarding this proposal. He said that the existing berm is an earthen roadway and provides a choke point for water. He is worried that the wetlands were not properly identified. Mr. Kenyon mentioned that a soil scientist's report was submitted for the record in this matter. Mr. Hutchison said that he believes the soil scientist is more accurate. Mr. Flaherty confirmed that the Town wide wetlands map is general and a soil scientist would always be more specific than that. Mr. Valentino confirmed that tree removal is a concern for him and that this house will have a four car garage. Mr. Hillman confirmed to the applicant that the EPC is looking for an over all "downsizing" of the proposed residence. He suggested also that the applicant may wish to consider a conservation easement due to the proposed wildlife in the area. He also suggested that a three bay garage rather than a four bay garage may be possible. Mr. Ryder said that they have agreed to clear the existing culvert and they will try to save more trees. Mr. Flaherty said that the 48 inch beech tree is a concern and the 30 inch beech tree near the grading is a concern as well. He said that the beech trees need a second look. He mentioned that a little flooding constricted by a pipe is a good thing and to open all the culverts could have downstream impacts. At about 9:35 P.M., EPC members agreed to continue the public hearing on this matter to August 1, 2007 in Room 206 of Darien Town Hall.

Other Business

Discussion regarding the Commission's endorsement of the need to initiate funding of an inventory of the town's storm water collection and conveyance system, and creation of working models of all watersheds, in order to prepare a watershed master plan, as described in the previously adopted "Framework to Address Flooding".

Mr. Hillman then reported on a meeting held last Wednesday, July 11th. At that meeting, Jeremy Ginsberg, Rich Jacobson, Robert Steeger, Planning and Zoning Chair Fred Conze, and First Selectwoman Evonne Klein were present. During that meeting, Mr. Ginsberg's July 11, 2007 memo was reviewed. Mr. Hillman summarized that memo, which outlines three flood-related projects. First, he noted that Town Counsel is working on Flood and Erosion Control Board Regulations. Mr. Hillman wants the ability to levy fines, and Counsel is looking into that issue. At earliest, a public hearing could be held on these Flood and Erosion Control Board regulations at a public hearing in late September. Second, a letter to property owners who live on brooks, streams, rivers, or waterways will be sent in August or September. This letter will be prepared by Planning

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and Zoning staff in conjunction with assistance from other offices. This will be both informational and educational, and regard both flooding and wetland issues. This letter may also assist in explaining enforcement provisions.

Third, Planning and Zoning Department staff will be developing zoning regulation amendments to better address stormwater regulations. Ms. Cameron suggested that these also address stormwater quality issues. Mr. Hutchison suggested the inclusion of best management practices.

Mr. Flaherty then noted that the Flood and Erosion Control Board should be closely linked to the Public Works Department. That Department should have a person on-staff dedicated to this issue. Mr. Hillman agreed that this would be ideal. Mr. Hillman then referred to a press conference which was held in Ms. Klein's office on July 17th. He also noted the upcoming meeting at the Darien Library at 7 PM regarding flooding.

Mr. Hillman said that he and Mr. Conze feel strongly about the need for a Town-wide Drainage Plan. Mr. Hillman said that some funds may be available. Mr. Steeger of the Public Works Department was going to call some consulting firms to get prices for this work. Mr. Flaherty said that he fully supports better GIS mapping, and the Town of Greenwich could be consulted for ideas. Mr. Hillman then asked EPC members if he is authorized to send an e-mail regarding the need and support from EPC for a Town-wide Drainage Plan. Mr. Flaherty then added his desire for priority on mapping.

There being no other business, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Jeremy B. Ginsberg

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