

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
August 1, 2007

7:30 P.M.
GENERAL MEETING
Room 206 Town Hall

Acting Chairman Hutchison called the meeting to order at 7:30 P.M. Commission Members Present: Susan Cameron, Reese Hutchison, Pete Kenyon, and Craig Flaherty, Ellen Kirby (arrived at 8:10).

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hutchison read the first agenda item:

EPC-32-2007, Ian and Lisa Webb, 33 Knollwood Lane, proposing drainage improvements within a regulated area and upland review area.

Don Ferlow, Stearns & Wheler, represented the applicant. He said the Commission had requested changes and an evaluation of the wetland. He said they are proposing a diversion of water from the lawn and expanding a wetland in a less usable portion of the lawn.

Mr. Flaherty said the Commission is being asked to drain a lawn wetland area and replace it with a better pocket area. He said he does not know if it is a favorable balance.

Ms. Cameron said the Webbs had originally cut down a number of trees. Mr. Ferlow said the replanted area has become a well established wetland habitat.

Mr. Flaherty said if the area were left alone it would remain wet lawn. The proposed re-vegetation may mean gaining wetland area. Mr. Ferlow said the edge of the mowed lawn which is to be regenerated could be increased by 10 feet.

Ms. Cameron said she would like to see additional trees planted in the lawn area mowed by the neighbors.

The Commission continued the application to the September 5, 2007 meeting to see a revised planting plan.

Mr. Hutchison read the next agenda item:

EPC #50-2007, PL Partnership, LLC, 3 Purdy Lane, proposing to subdivide the existing 2.5+/- acre property and construct four residential lots and two open space lots within the upland review area adjacent to Holly Pond.

Attorney Terry Coates represented the applicant.

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Mr. Hutchison said the application will require a public hearing. Ms. Cameron said there a potential for significant impacts to the regulated area.

Mr. Kenyon said the Commission should consider hiring an engineer and environmental consultant. He asked the applicant to consider increasing the bio-filter to 12 feet, providing open space in lieu of a conservation easement, show underground utilities, provide a double row of silt fence, and consider grass pavers in lieu of some of the asphalt.

Ms. Cameron asked the applicant to consider removing the garage near the wetland.

Mr. Hutchison said the Commission would hire an environmental consultant.

Mr. Flaherty said the Commission should also retain an engineer to review the stormwater quality engineering. He requested additional soil testing in the area of the proposed infiltration.

The Commission scheduled the public hearing for September 5, 2007. Mr. Jacobson will obtain an estimate for environmental and engineering review.

Mr. Hutchison read the next agenda item:

EPC-44-2007, Art Bellis, 19 Indian Spring Trail, proposing a house addition within the upland review area.

Brian Carney, Builder, and Art Bellis represented the applicant. Mr. Carney said the footprint of the addition will be in an existing paved area and is surrounded by existing pavement. They are proposing to plant a portion of the lawn with wetland plantings. No tree removal is proposed.

Mr. Flaherty requested that they not pipe the roof leaders directly to the wetland but allow them to flow overland.

Mr. Flaherty made a motion to approve the application with the condition that a planting plan be provided. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hutchison read the next agenda item:

EPC #46-2007, Peter Venezia, 93 Rose Lane, proposing the installation of a fence within the regulated area adjacent to the Noroton River.

No one was present to represent the applicant. The Commission continued the item to September 5, 2007.

Mr. Hutchison read the next agenda item:

EPC #47-2007, Gary & Barbara Plank, 139 West Avenue, proposing a two-story addition to the existing residence within the regulated area adjacent to Stony Brook

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Gary Plank represented himself.

He said the addition will be in the buffer and not in the wetland.'

Mr. Flaherty asked him about the extent of flooding in the April storm. Mr. Plank said the yard flooded to the line shown as the 100 year flood line.

Ms. Kirby arrived at 8:10 p.m.

Ms. Cameron asked if the roof leaders should be directed to the rain garden. Mr. Flaherty said yes. Mr. Flaherty asked about the width of the buffer between the lawn and the brook. Mr. Plank said about 4 feet. Mr. Flaherty suggested that the buffer be increased to 8-10 feet in lieu of a rain garden.

Mr. Flaherty made a motion to approve the application with the stipulation that the buffer be increased to 8 feet. Ms. Cameron seconded the motion and it passed 4-0. (Ms. Kirby abstained).

Mr. Hutchison read the next agenda item:

EPC #48-2007, Tucker & Elaine Scott, 655 Hollow Tree Ridge Road, proposing the installation of fencing within wetlands and their associated upland review area.

Scott Tucker represented himself. He said he is requesting a deer fence to protect his property from deer and to deter intruders. He said they have unusual setback requirements because they have three front yard setbacks.

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

EPC #49-2007, The Middlesex Club, 20 Echo Drive, proposing the demolition and reconstruction of an existing tennis building within an upland review area.

Mr. Flaherty was recused on this item.

Brian McMahon, P.E., Redniss & Meade represented the applicant. He said they are proposing to remove pavement in the upland review area and repave another area. There will be a 0.02 acre increase in impervious surface area.

Ms. Cameron asked if there were trees proposed to be removed. Mr. McMahon said 6 to 8 will be removed and replaced with other trees and shrubs.

Ms. Kirby asked if they would consider grass pavers in the drop off area. Mr. McMahon said they could consider it as an alternative.

Ms. Cameron said she would like the planting plan to be reviewed by staff.

Ms. Kirby asked about a stockpile area. Mr. McMahon said there is not a lot of material and they have an area available near the development.

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Doug van der Horn said that club members visited the neighbors within the 100 foot notice area and they are not aware of any problems.

Dot Kelly said there was tremendous flooding on the adjacent Land Trust property and asked if there had been flooding in the pro shop. Mr. van der Horn said there was some flooding in the patio area. He said the new building will be raised.

Mr. Hutchison asked if there was any opportunity to increase flood storage. Mr. McMahon said the use was already there and there was no storage availability.

Ms. Cameron made a motion to approve with the stipulation that a planting plan be reviewed by staff. Ms. Kirby seconded the motion and it passed 4-0.

Mr. Hutchison read the first hearing item:

EPC-42-2007, Country Club of Darien, 300 Mansfield Avenue, proposing golf course renovations within regulated areas and upland review areas.

The hearing was opened and continued to September 5, 2007.

Continuation of Public Hearing regarding EPC-33-2007, Jeffrey Marston, 49 Goodwives River Road, proposing a house addition and septic system within an upland review area.

John Martucci, P.E. represented the applicant. He said the applicant has decided to wait for the sanitary sewer; therefore the plans have been revised to eliminate the septic system. He said the test pits requested were no longer needed. He said a rain garden was provided which was increased in size by 90 cubic feet.

Ms. Cameron said the rain garden will reduce the velocity of runoff. Mr. Martucci said it was designed to hold one inch of runoff. He said the silt fence is doubled up and the plantings in the rain garden were provided.

Mr. Flaherty said all of the Commission's concerns were accounted for. He said the focus of the application should be on water quality.

Ms. Cameron made a motion to close the public hearing. Mr. Flaherty seconded the motion and it passed unanimously. Staff will prepare a draft approval.

Continuation of Public Hearing regarding EPC-36-2007, Peter Greenberg, 7 Buttonwood Lane, proposing demolition of an existing house and new house construction within an upland review area.

Tom Ryder, Land-Tech consultants represented the applicant. He said they have provided the test hole data requested. The pool was moved to be 28 feet from the wetland. Two additional trees will be saved. He said the patio size was reduced and the access drive was moved and a retaining wall added to save two additional trees. He said the reduction in the driveway is within the wetland setback.

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Ms. Cameron asked if the house size was reduced. Mr. Ryder said no.

Mr. Hutchison asked how much of the house will be in the upland review area. Mr. Ryder said 740 square feet.

Mr. Flaherty asked if all of the trees to be removed were necessary. Mr. Ryder said they will try to save the trees near the driveway if they maintain a majority of their root structure.

Mr. Flaherty asked if they considered putting the infiltrators under the driveway. Bob Oley, P.E. said the infiltrators are 36 inches deep and 4-6 feet wide. He said the ground water is higher in the southerly side of the property. He said they would consider Cultech type units for infiltration.

Mr. Hutchison asked if they considered a rain garden. Mr. Oley said they considered it but it would require losing additional trees.

Mr. Flaherty asked how much of the pool is within the upland review area. Mr. Oley said 75%. Ms. Cameron said she could not remember approving a new pool in the regulated area. She said the property is a blank slate and more should be done to reduce activity.

Mr. Flaherty said the basics of the application are there but the overall scope of the development is large.

Mr. Greenberg said they have tried to pull the house out of the regulated area and farther from the wetland.

Ms. Cameron asked if they considered removing the pool. Mr. Greenberg said they would prefer not to because a house of this caliber warrants a pool.

Mr. Flaherty asked if they could do anything to reduce flooding. Mr. Oley said that the watercourse extends to Stonewall Road and it takes a lot of sheet flow. He said in a 50 year storm the site has a peak rate of 7 cfs. The proposed peak rate will be 6.5 cfs. He said the recharge system reduces peak flow and volume. He said they have no control over runoff from the street.

Mr. Hutchison asked if they would provide demarcation of the wetland. Mr. Ryder said they would provide boulders.

Mr. Hutchison opened the hearing for public comment.

Jeff Fehan of Buttonwood Road said he had an independent engineer review the application. He said he would like to insure that flooding is not made worse.

Dot Kelly, Darien Land Trust, said she was not sure the Land Trust was given notice. Mr. Jacobson will check. She said they have owned the property since 1976. The property has a vernal pool. She said the property is getting wetter.

The public hearing was continued until September 5, 2007. The Applicant granted a time extension of the public hearing period.

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Mr. Hutchison read the next hearing item:

EPC-24-2007, Hoyt Street Partners, LLC, 285, 289 & 293 Hoyt Street, proposing condominium construction and related site development within an upland review area. (continued from July 11, 2007).

Mr. Flaherty was recused for this application.

Karl Frey, Hoyt Street Partners, represented the applicant. He said they have been continuing their dialogue with the neighbors. He said their commitment to helping the neighbors has been documented with Planning and Zoning. He said Joe Canas, P.E. of Tighe & Bond provided a report which approved the system.

Attorney Bruce Hill said he believes Joe Canas's memo has been addressed and he said they concur with his recommended conditions of approval.

Ms. Cameron asked for the definition of modified rip-rap. Denise Halstead, P.E. said it is a combination of big and small stones.

Ms. Cameron asked Mr. Canas if he was satisfied with the answer regarding time of concentration as 5 minutes versus 10 minutes. Mr. Canas said he wanted the flow calculation to be more conservative.

Mr. Hutchison opened the meeting for public comment.

Patricia Leger, 10 Spring Grove Street, asked about the Flood and Erosion Control Board creating drainage tax districts. Ms. Cameron said the regulations which might make it possible are in the works. Mr. Hutchison said the Commission has already been asking applicants for voluntary cooperation to improve flooding.

Ms. Cameron made a motion to close the public hearing. Ms. Kirby seconded the motion and it passed 4-0.

Mr. Hutchison read the next hearing item:

EPC-37-2007, Murat Akgun and Katherine Uniacke, 71 Stony Brook Road, proposing a sanitary sewer line within a regulated area.

Todd Ritchie, P.E., Stearns and Wheler represented the applicant. He said the E&S Control plan has been updated, the level spreader relocated and the biofilter located in the most practical location based on the terrain.

Mr. Hutchison asked if they would install a water line in case water is available in the future. Mr. Ritchie said yes.

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Mr. Ritchie said they are providing infiltration of roof runoff and water quality treatment for the driveway runoff. He said they are planning on removing accumulated sediment from the pipe and small ponds.

Ms. Cameron asked if the tree removal would impact runoff. Mr. Ritchie said they have taken a rigorous approach to runoff calculation. He said woodland cover has an associated runoff factor of runoff and that slope is a factor. Kate Throckmorton, Environmental Land Solutions, said that much of the site will remain wooded and there will be no increase in lawn area.

Mr. Flaherty said the majority of activity is outside of the upland review area and it is appropriate to make sure the drainage system is well designed.

Mr. Kenyon asked if the project would flood the house next door. Mr. Ritchie said that no impervious surfaces will drain toward other properties.

Ms. Cameron asked if the stormwater plan addressed volume. Mr. Ritchie said they are not detaining with a slow release. Their infiltration will take the volume. There is no increase in volume or peak rate.

Don Ferlow addressed the issue of trees versus other crops for evapotranspiration. He said the other factors are slope, soil type, existing moisture and general climate. He said the center of the forest has less evapotranspiration than the edge of the forest. He said that forest to shrubs may not increase runoff. A well maintained dense lawn may have the same runoff potential. He said a mix of ground covers and shrubs will create the full slate of runoff retention.

Mr. Flaherty said that they have the opportunity with a clean slate to try and improve conditions. Mr. Ritchie said that the existing site has no runoff controls. The new runoff will all go through a system. Darien standards of a 50 year storm exceed many other towns.

Mr. Kenyon said the neighbor commented to him that the northern pond is disgusting in her opinion. He asked how the sewer line would be insulated and will the driveway be widened. Mr. Ritchie said the line is a gravity line and no insulation is needed. There will be improvements to the headwalls but no widening.

Mr. Flaherty made a motion to close the public hearing. Ms. Cameron seconded the motion and it passed 4-0. Mr. Kenyon abstained.

The Commission proceeded to deliberate.

Mr. Flaherty said he thought the plan was respectful to the regulated areas. The drainage report shows that peak flows are maintained or reduced and the applicant has removed impervious pavement from the upland review area. He said he would like to confirm their intent to re-plant.

Ms. Cameron said there is a 50% increase in impervious surface. She said the applicant has addressed the increase in volume.

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Mr. Hutchison said the direction of water to avoid the neighbors is an important issue. He said if the site conditions allow he would like to increase the rain gardens.

Mr. Kenyon said he the dredging of the pond is a benefit and would like to see it as a stipulation.

Ms. Kirby said the dredging of the pond to act as a holding area is a benefit. The tree removal is disturbing but outside the EPC's jurisdiction.

The staff was requested to draft a resolution of approval.

Mr. Hutchison read the next hearing item:

EPC-45-2007, Robert Dickson, Jr., 50 Deepwood Road, proposing a swimming pool within an upland review area.

Jeff McDougal of Seymour Associates and Matt Popp of Environmental Land Solutions represented the applicant. Mr. Popp said they are proposing a swimming pool in the existing lawn area. He said there are two wetland corridors and some of the lawn is wetland. He said they are proposing to remove a shed in the wetland and relocate it. He said the mitigation measures include restoring 950 square feet of wetland and 2000 square feet of upland review area. They are proposing a rain garden for the driveway runoff. He provided a sketch showing increased buffer plantings.

Mr. McDougal provided a 2002 EPC permit which included an addition in the back of the house and pool approved in 1997. Matt Popp provided alternative designs including the 1997 location.

Ms. Cameron said the Commission does not normally approve pools in the upland review area.

Mr. Kenyon said the mandatory fence is not shown on the plan.

Ms. Cameron asked if the owner built the patio. Mr. Salvatore, Builder, said the patio was existing and the wall was added.

The Commission continued the hearing to September 5, 2007.

Mr. Flaherty made a motion to adjourn. Mr. Hutchison seconded the motion and it passed unanimously. The meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer