

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES

October 3, 2007

7:30 P.M.
Room 206 Town Hall

Chairman Hillman called the meeting to order at 7:50 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Pete Kenyon, and Craig Flaherty, Ellen Kirby, Alan Armstrong and Reese Hutchison.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item.

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

The Commission reviewed and revised the draft resolution.

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

Mr. Hillman read the next agenda item.

EPC-59-2007, Robert Martin, 39 Blueberry Lane, proposing pipe replacement within a regulated area.

Mr. Martin represented himself. He said the driveway culverts were built in 1959 when the home was built and they have since collapsed.

Mr. Flaherty said the inverts of the new pipes should remain the same. He suggested a condition that the contractor provide an as-built of the new pipes.

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

Mr. Hillman read the next agenda item.

EPC-60-2007, Reidel Enterprises, Inc. 68 Stony Brook Road, proposing new house construction

Mark Lebow, Seymour Associates, represented the applicant. He said there was a difference between the Town Wetland Map and the soil scientist's field delineation.

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Mr. Hillman asked about the fill brought to the site. He said the neighbors were concerned about fill being brought from the high school. Mr. Lebow said the fill was not placed to be the final grade on the site. He said about 12 landscape sized truckloads were brought in. Mr. Reidel said the material was from the high school field and was screened topsoil. About eight loads were brought to a Holly Lane site.

Ms. Cameron asked if the first floor of the new home was higher. Mr. Reidel said about one foot.

Todd Smith of Stony Brook Road said the proper permits should be obtained before not after the fact.

Mr. Hickey, 76 Stony Brook Road, said the property is 4-5 feet higher than original grade. He is concerned about runoff.

Amy Powless of Kona Road said there is a mountain of dirt. She is also concerned about water runoff.

Ms. Cameron requested the applicant address runoff volume.

Mr. Lebow said they have proposed on-site storage to reduce flows to pre-construction rates.

The Commission continued the application to October 17 to allow the applicant to provide additional information.

Mr. Hillman read the next agenda item.

EPC-61-2007, Steven Cary, 21 Brushy Hill Road, proposing fence construction within the upland review area.

Mr. Cary represented himself.

Mr. Flaherty asked where the fence would be in relation to the elevation of the water in the pond when it floods. Mr. Cary said about two feet away. Mr. Cary said he will keep the fence away from the flooded area.

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

Mr. Hillman read the next agenda item.

EPC-62-2007, Thomas and Debra Ritchie, 16 Stony Brook South, proposing a house addition within the upland review area.

Kate Throckmorton, Environmental Land Solutions, represented the applicant. She said they plan to renovate the house and add one small addition. The construction of the addition is outside the upland review area. The access will involve crossing regulated areas. She said the engineering

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report describes provisions for the infiltration of roof runoff. There will be no increase in peak flows up to a 50 year storm. They are proposing to plant a portion of the lawn with wetland plants.

Mr. Hillman made a motion to approve the application. Mr. Armstrong second the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC-63-2007, Robert Dickson, Jr. 50 Deepwood Road, proposing a pool within the upland review area.

Jeff McDougal, Seymour Associates represented the applicant. He provided additional information on the type of pool filter.

The Commission decided the activity may have a significant impact on the regulated area and scheduled a public hearing for November 7, 2007.

Mr. Hillman read the next agenda item.

EPC-64-2007, Glen Gate Company, 27 Circle Road, proposing deck stairs and landscaping within the upland review area.

Nick Nelson, Glen Gate Company, represented the applicant. He said there is currently no exit from the second story deck. They are providing landscaping in the upland area adjacent to the wetland.

Mr. Flaherty made a motion to approve the application. Ms. Cameron seconded the motion and it passed 6-0. Mr. Hutchison abstained.

Mr. Hillman read the next agenda item.

EPC-65-2007, Kevin and Allison Gasvoda, 40 Maywood Road, proposing new house construction and an amendment to the wetland map to reflect that construction activities are outside the upland review area.

Derrick Danais represented the applicant. He said the soil scientist flagged the wetland which is different from the Town map. He said the proposed activities are outside the 50 foot upland review area. He said the runoff calculations assumed that the site is undeveloped.

The Commission continued the application to the October 17, 2007 meeting to review a draft resolution.

Mr. Hillman read the next agenda item.

EPC-66-2007, Elizabeth and Peter Moley, 19 St. Nicholas Road, proposing new house construction.

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Jeff McDougal, Seymour Associates, represented the applicant. He said there is a shift of about 50 feet from the Town wetland map and the actual field delineated wetland. They are providing storm water detention based on the pre-development conditions as an undeveloped lot.

The Commission continued the application to October 17 to review a draft resolution

Mr. Hillman read the next agenda item.

EPC-67-2007, Carolyn and Sam Schoonmaker, 231 Old Kings Highway South

Mr. and Mrs. Schoonmaker represented themselves.

Mr. Hillman said it appeared the application was to repair and maintain an existing wall.

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

Richard Windels appeared before the Commission and submitted a dredging application on behalf of Mr. and Mrs. Carey, 207 Leroy Avenue. The Commission requested additional information and continued the application to October 17.

Public Hearing

Mr. Hillman read the first hearing item.

EPC-53-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing golf course improvements and mitigation measures to address wetland violation.

Attorney Edward O'Hanlan represented the applicant. He introduced the consultants and Kip Koons, Club President and Doug Drugo, Superintendent. He said they were there to address wetland violations. The 2006 tree clearing and construction of the tee boxes near the 18th tee. He said a plan for mitigation for the tree clearing was submitted and withdrawn while they went to the Army Corps of Engineers and DEP. He said the construction of the tee boxes in the upland review area was not done deliberately.

Mr. Hillman referred to exhibit 2.C of the application which references a memo that all projects are to be reviewed by the building committee for regulatory authority. Mr. O'Hanlan said they made a mistake and were submitting an application after the fact.

Mr. O'Hanlan gave an overview of the exhibits provided with the application. He described the vegetation shown in historical aerial photographs. He said the golf course is good for flood control. He referred to photographs from the April storms and said there was no sand trap washout.

Mr. Hillman asked when the Environmental Responsibility Statement was drafted. Mr. O'Hanlan said September 2007.

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Mr. O'Hanlan addressed the sediment issue. Mr. Hillman asked if it was road sand. Mr. O'Hanlan said it was either road sand or natural sand.

Kip Koons said the Club has over 200 acres of which the vast majority is either open meadow or forest. He said the July statements about the Club as a violator came as a surprise. He said the Board is anxious to remedy the situation. He said they were waiting for Corps permits and made no effort to hide their activities. He said they were following a policy they thought was OK.

He said Wee Burn has the capacity to control flooding. They are willing to work with the Town to address problems.

Mr. Hillman asked for public comment.

Susan Wilson, 24 Hanson Road said that meeting with neighbors were mentioned but she has been a neighbor for 18 years and has never been consulted.

Mrs. Hearson, 8 Hanson Road, said there has been little or no communication from the Club.

John van der Kieft said he has spoken with the Club but it was precipitated by his actions, not theirs.

Barry Grandon, 1 Old Parish Road, said the Club's renovations over the past five years has had an impact on flooding.

Attorney Busch, representing Mr. Brunner, said they have met with Wee Burn and that Mr. Brunner's pond was filled with their sand.

Mr. O'Hanlan introduced William Kenny, William Kenny Associates.

Mr. Hillman asked him to describe the findings in his report and the mitigation plan.

Mr. Kenny said he recommended establishing a natural area similar in size to the area that was disturbed. He said that the wetland adjacent to Mr. van der Kieft was altered in the past and the wetland hydrology was not present.

Mr. Hillman asked about the cause of the change. Mr. Kenny said it was possible a stream was diverted many years ago.

Mr. Hillman asked about their participation in the Audubon Certification Program. Mr. Drugo said they are a member of Audubon and working toward certification.

At this time, Mr. Hillman paused to open the following public hearing.

EPC-56-2007, Danielle Cambridge, 19 Renshaw Road, proposing demolition of existing residence and construction of new residence within the upland review area.

This hearing was opened and continued to October 17 at 7:30.

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The Commission resumed the public hearing on EPC-53-2007, Wee Burn Country Club

Matt Popp, Environmental Land Solutions, said he was responsible for preparing the mitigation plan and provided an overview of the plan.

Ms. Cameron asked if they were proposing a one to one replacement of trees. Mr. Popp said they were close to that and additional trees could be incorporated into the plan.

Mr. Hillman asked about trees, which were already planted. Mr. Popp said they could be incorporated into the plan. Mr. Drugo said they have planted about 24 Norway Spruce at the request of the van der Kiefts. He identified the location of the trees on the plan.

William Beckman, P.E., Leggette, Brashears & Graham, said he was asked to evaluate the changes in runoff and the sediment downstream of the golf course.

Mr. Hillman asked him to summarize his conclusions regarding runoff. Mr. Beckman said there was no significant change in the runoff curve number and there was no change at all in the drainage area. He said the minor changes in topography in the tee box area were offsetting. Mr. Hillman asked him to address the issue of the sump pump in their next report.

Mr. van der Kieft said the problem is that the area is pitched toward his property. Mr. Beckman said that the changes made do not create an increase in runoff.

Attorney Busch asked about the sand in the pond on Hummingbird Lane. Mr. Beckman discussed his findings about sand in the watershed and conclusion that the sand in the pond is not from Wee Burn sand traps.

Attorney Ken Bernard, representing Mr. and Mrs. van der Kieft, said his clients do not want any increase in water directed to their property. Mr. O'Hanlon said it is not their responsibility to remove wetlands from someone else's property. Mr. Bernard said the van der Kiefts have lived there for many years and they have experienced an increase in water. He said the experts from LBG did not see the property before the work was done.

The Commission continued the public hearing to October 17 in order for both parties to provide more information. Mr. Hammons will provide an addendum to his report.

Other business:

The Commission discussed a draft flood mitigation plan. It was the consensus of the Commission that Mr. Hillman be authorized to endorse the plan to the Board of Selectman and Board of Finance.

Laura Giobbi asked for advice for their group. Mr. Hillman suggested they lobby members of the Board of Finance.

EPC-5-2004, Peter and Patricia Daigle, 5 Royle Road, requesting bond release.

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Mr. Hillman made a motion to release the bond. The motion was seconded by Ms. Cameron and passed unanimously.

EPC-92-2003, James Vincent, 79 Stephen Mather Road, requesting bond release.

Mr. Hillman made a motion to release the bond. The motion was seconded by Mr. Flaherty and passed unanimously

Mr. Kenyon made a motion to adjourn. Ms. Cameron seconded the motion and it passed unanimously. The meeting was adjourned at 11:40 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer