

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES

November 7, 2007

**7:00 P.M.**  
**Room 206 Town Hall**

Chairman Hillman called the meeting to order at 7:05 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Pete Kenyon, Craig Flaherty, Ellen Kirby, Alan Armstrong and Reese Hutchison.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman thanked Mr. Hutchison for his service to the Commission and asked him to be the liaison with Planning and Zoning on Flood and Erosion Control Board matters.

Minutes of previous meetings:

Ms. Cameron made a motion to approve the minutes of July 11, 2007. Mr. Hutchison seconded the motion and it passed 6-0. Mr. Armstrong abstained.

Mr. Kenyon made a motion to approve the minutes of August 1, 2007. Mr. Hutchison seconded the motion and it passed 5-0. Mr. Hillman and Mr. Armstrong abstained.

Mr. Hillman read the following public hearing item:

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

The public hearing was opened and continued to December 5, 2007.

Mr. Hillman read the next agenda item.

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

Mr. Flaherty said he listened to the tapes of the previous meeting regarding this matter.

Mark Lebow, L.S., Seymour Associates, said they submitted a survey which shows the first floor about one foot high than the previous house. He described the new driveway location and said they have filed a Planning and Zoning application for land filling and re-grading.

Mr. Hillman said the wetland location map and mitigation plan were on file for the public to review.

Ms. Cameron said she would like the trees in the front of the lot to be preserved. Mr. Hillman suggested a conservation easement.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 2

Ms. Cameron said she would like the detention galleries to be sized for a 100 year storm Mr. Lebow said the system was sized for both volume and peak runoff and was designed as if there was no house on the property. Mr. Lebow said they would accept a condition of approval and if the design required too large a system, they would come back to the Commission.

Ms. Cameron made a motion to approve the application with the condition no clearing of tree between the remnants of the stone wall and the street line. Mr. Flaherty seconded the motion.

Mrs. Powless asked about the white pipe discharging toward the road. Mr. Lebow said it is a footing drain from the old house that is to be replaced with a new pipe form the footing drain.

Mr. Kenyon asked what level of storm the cultech units were designed for. Mr. Lebow said a 50 year storm. Mr. Kenyon said he would like to see the 100 year storm design. Mr. Flaherty said the applicant is taking responsibility for more runoff than required and has gone beyond what is required.

Chris Rowland, Stony Brook Road asked where the excess water goes. Mr. Lebow said they are reducing surface runoff. Mr. Rowland said there needs to be more responsibility in this new era.

Mr. Hillman asked if anything else could be done on the property.  
Mr. Lebow said they can only provide the science to demonstrate good engineering principles.

Mr. Flaherty said that supposing pre-development conditions would approximate a 100 year storm. He would accept the 100 year storm from blank slate to 100 year condition. The Town needs to develop standards for applicants.

Ms. Cameron revised her motion to require more infiltrators. The motion passed 6-0. Mr. Hutchison abstained.

Mr. Hillman read the next agenda item.

44 Andrews Drive, review of proposed request from Attorney Alfred P. Tibbetts for conservation easement land swap.

The Commission asked staff to request a map showing more of the area surrounding the easement. Ms. Cameron provided a color map for Mr. Tibbetts to copy for the Commission.

**New Business:**

Mr. Hillman asked if any of the Commission members felt the need for a public hearing on the new applications. None of the applications was scheduled for a hearing.

Mr. Hillman read the next agenda item.

EPC-69-2007, Philip and Eliot Jacobs, 95 Brookside Road, proposing a house addition within the upland review area.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 3

Rich Adamski, Architect, represented the applicant. He said the addition they are proposing is no closer to the Goodwives River. The increase in runoff will be directed to a rain garden.

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

Mr. Hillman read the next agenda item.

EPC-70-2007, George Chieffi and Patricia Leith, 30 Driftway Lane, proposing demolition of existing residence in the upland review area and construction of a septic system, and related construction activity for new residence outside review area.

George Chieffi represented himself. He said they are tearing down a house within 50 feet of the wetland and rebuilding outside the 50 foot review area. He said he would like to do some planting and improvements in the wetland. Mr. Hillman said they would need approval for any work in the wetland.

Mr. Flaherty made a motion to approve the application with a condition that any planting or removal of invasive species within the wetland must be submitted to staff for approval. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC-71-2007, Karl and Ellen Nilsen, 22 Point O'Woods Road South, proposing demolition of existing residence and new residence and related construction in the upland review area.

Attorney Robert Maslan represented the applicant. He said the property is approximately ½ acre. He described the regulated activities, including removing a portion of the asphalt driveway that encroaches onto the adjacent property.

Todd Ritchie, P.E., Stearns & Wheler, said the underground storage system will provide a reduction in both peak rates and total volume.

The Commission asked the applicant to provide calculations for the 100 year storm and continued the application to the next meeting.

Mr. Hillman read the next agenda item.

EPC-72-2007, David and Lucy Ball, 149 Brookside Road, proposing an addition to an existing residence in the upland review area.

Greg Liberman, Stearns and Wheler, represented the applicant. They are proposing to provide a rain garden to receive the increase in stormwater runoff from the addition.

The Commission continued this application to the next meeting to allow the applicant to provide storm water drainage calculations.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 4

**Public Hearing:**

Mr. Hillman read the first public hearing item.

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

Tuon Nguyen, P.E., and Mrs. Cambridge represented the applicant. Mr. Nguyen responded to the Commission's questions from the last hearing. He said they are proposing to remove two trees. He said the Public Works Director does not want a drainage easement at this time.

Chris Noe, Old Kings Highway South said the Town should release the sewer easement because the brook needs to be widened.

Mr. Hillman said the Town may re-visit the need for an easement with the future owner.

Ms. Cameron made a motion to close the public hearing. Mr. Flaherty seconded the motion and it passed 7-0. The Commission requested staff draft an approval.

Mr. Hillman read the next hearing items.

EPC-39-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing water and sewer line extension within an upland review area.

Attorney Edward O'Hanlan represented the applicant.

Mr. Hillman said that he, Ms. Cameron and Mr. Kenyon visited the Club today with Doug Drugo.

Mr. Flaherty said he listened to most of the tapes of the last meeting and will listen to the rest. He said he also visited the site since the last meeting.

Mr. Hillman asked Mr. O'Hanlan if there was any additional presentation on the warming hut. Mr. O'Hanlan said the letter from Matt Popp is the last piece of testimony for the warming hut.

Mr. Hillman said he inspected the location of the warming hut utility lines and said the erosion controls on the plan appeared to be in place. He opened the hearing to for public comment.

Seeing no one who wished to speak, Mr. Hillman made a motion to close the public hearing. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hillman read the next hearing item.

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

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 5

Mr. Hillman noted letters submitted from the neighbors for the record which have been provided to the Commission members.

Mr. Hillman said he is in favor of installing grass pavers across a portion of the 18<sup>th</sup> fairway cart path to replace the asphalt. He said he has misgivings about the berm and is not sure it is necessary. He said an alternative may be to increase the plantings in lieu of the berm. He said he would favor a more plantings near the old tee box to be planted between the side of the box and the road.

Mr. Flaherty said the berm is adding fill in a low lying area and removing storage.

Mr. Hutchison said there did not appear to be any significant flow across the berm area because the grass is not depressed.

Mr. Armstrong said the functioning of the berm would be unpredictable.

Mr. O'Hanlan said Wee Burn is committed to requesting the berm. They would like to keep the old 18<sup>th</sup> tee box but would plant add plants. They would also agree to grass pavers on a portion of the cart path.

Mr. Hutchison asked if the old tee box could be made smaller. Mr. Drugo said the tee box could be shortened from the back side.

Attorney Ken Bernard, representing Mr. and Mrs. van der Kieft, said they have worked with Wee Burn to resolve their issues. He said they are not acting as lay people and have retained experts. He said they have not made a private deal without considering the Commission's concerns. He submitted photos showing the water accumulated on the van der Kieft property. He said that Leggette, Brashers & Graham has determined that the downstream flows have not changed. He said Mr. Ryder concurred with that opinion.

Tom Ryder, Land Tech Associates, said that, based on the increased flooding reported by the homeowner, a six inch berm is not enough. He said the 18 inch berm is a more suitable design. He said the tee boxes created a more emphasized saddle.

Mr. Hillman asked Mr. Bernard if he needed more time to present his case. Mr. Bernard said they are endorsing the current Wee Burn plan.

Mr. O'Hanlan provided a chart showing runoff Curve Numbers that was requested by the Commission. He said they have submitted a revised wetland mitigation plan dated October 5, 2007 in addition to the tree restoration plan dated August 23 and a written report from Matt Popp.

Mr. Bernard said he believes Mr. Ryder has made the case for a berm.

Barry Hammons, P.E., said he would summarize his October 30, 2007 report. He said there was no substantial impact on downstream properties. He said the problem is not sheet flow but an undersized culvert in Hansen Road. He said the berm is a double negative- there is no reason to build and no reason not to build. He said the berm may act as a trap and he would be concerns about

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 6

mosquitoes. Mr. Hutchison asked if it would be useful to have weep holes through the dike. Mr. Hammons said that would be helpful.

Mr. Hammons said the overall attention to water quality offsets the work that was done.

Ms. Cameron asked him to comment on the sumps. Mr. Hammons said he could not see where it could be pumped. It can't be pumped to the pond and it would be too much to pump back onto the course. He said the pumps would not be practical.

Mr. Ryder said he that the berm is not engineered at this point and it would still have to be designed to avoid problems.

Attorney Bruce Hill, representing Patty and Dan Bumgardner, said the Bumgardners have retained Richard Couch, P.E. to review the application. He said he heard discussions about a private agreement to install a berm. He said they still have concerns that there has been insufficient analysis based on an intuitive sense of the engineers. He said they provided a list of questions to Mr. Beckman, including a request for calculations.

Mr. Hillman said their expert asked salient questions and he suggested continuing the public hearing to November 28 to allow time for the applicant to respond.

Mr. O'Hanlan said he would like to close the hearing because these were flooding issues, not wetland issues.

The hearing was continued until November 28, 2007.

Mr. Hillman read the next hearing 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 Coates represented the applicant. He said he would like to address the work done on the gravel driveway. He provided a statement from Mr. Arnow. He said additional details were provided by the engineer. The purpose of the gravel placement is maintenance and they will remove the topsoil if requested.

Mr. Coates said the stone wall symbol is not really a wall but remnant stones. Mr. Kenyon requested that it be removed from the site map going forward.

Mr. Coates said they provided a scientific analysis of the coastal flooding in a report by Tim DeBartolomeo.

Tim DeBartolomeo, P.E., Coastal Engineers, described the AE Flood Zone. He said they used data from a NOAA tide station in Bridgeport and correlated it to their site. He said there was tidal event in the last year over elevation 7.0. He said the first floor elevations of the new homes would be at

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 7

elevation 17, above the FEMA flood elevation. He said the structures were designed to withstand the flooding.

Mr. Flaherty asked him if he thought it would be a good idea to place the garage floor elevations at elevation 7. Mr. DeBartolomeo said he does not take issue with it since it is no different from other low lying areas in Town. Mr. Coates said two of the garage floor elevations will be elevation 9.

Mr. Flaherty asked him if the photographs provided compelling evidence of a localized area of higher tides. Mr. DeBartolomeo said they synchronized the tide readings on the applicant's property/ with readings at 77 Nearwater Lane. He said the readings were consistently 0.2 feet lower on the applicant's property.

Mr. Flaherty asked if he would put his garage at elevation 7. Mr. DeBartolomeo said yes. Mr. Flaherty asked if the garage floor elevations could be made higher. Mr. DeBartolomeo said they had difficulty with the grading. Mr. Coates said the Commission could add a condition of approval requiring the garage floors to be at a minimum of elevation 8.

Mr. Coates asked Mr. DeBartolomeo to address concerns expressed by the neighbors that fill placed on the site would increase flooding on their properties. Mr. DeBartolomeo said that there would not be that type of flooding because it would not be measurable with increase ocean flooding levels. He said FEMA allows filling to support building in an A zone.

Tom Ryder, Land-Tech Consultants read a statement. He said he and Mr. Oley still have concerns about the basin outlet pipe. He said the applicant should consider a six inch diameter outlet or eliminate the basin in favor of a biofiltration swale.

Mr. Hillman opened the hearing for public comment.

Bob Mazzone, 2620 Boston Post Road asked when the survey team did the survey. He asked why the stone wall was staked out. He said he did not think there was only one incident of coastal flooding above elevation 6 in the last year. Mr. Flaherty said the report showed 16 tides over elevation 6.0 and one over 7.0.

Mr. Mazzone said he questioned the statement that hundreds of properties in Darien have flooding this frequently. He asked where the water is going to go. He said the applicant's report said there is no need to worry if cars are in the garage at elevation 7. He said the driveways being under water would be a safety issue. He asked what happens to the swale as a filtration device when it is full of sea water.

Mr. Mazzone asked if the gazebo was an EPC issue. Mr. Hillman said yes. Mr. Mazzone said the gazebo exemplifies the intensity of the use on the property.

Warren Matthews, 6 Oakland Terrace provided affidavits regarding filling on the property. He said the fill brought onto the property exceeds the applicant's statement. He said he is shocked by the intensity of the development and the intensity of the engineering to control the natural flow. He said there are trees along the common path that will be removed that have not been addressed.

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
NOVEMBER 7, 2007  
PAGE 8

Mr. and Mrs. Brigante, 2670 Post Road, said the tree report does not reflect the trees on their property. Mrs. Brigante said they have concerns about the safety of the detention basin. Mr. Brigante said the grading along the property will affect their trees. He questioned the grading of the detention basin. He said the construction equipment will be almost to the sea wall and access around the houses will be tight.

Amy North of Catalpa Terrace said the heights flooding proposal and pumping into the Noroton River would affect Holly Pond.

Mary Hawley, Catalpa Terrace, submitted a list of neighbors attending who oppose the project. Mr. Matthews noted there were several Stamford residents in attendance.

The Commission asked the applicant to address the trees along the Briganti property line and to show the access to the gazebo and additional screening. They also asked the applicant for maintenance plan for the private roads and the detention systems.

The Commission continued the hearing until November 28.

Mr. Kenyon a motion to adjourn. Ms. Cameron seconded the motion and it passed unanimously. The meeting was adjourned at 11:30 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer