ENVIRONMENTAL PROTECTION COMMISSION
MINUTES of SPECIAL MEETING / PUBLIC HEARING
August 24, 2006

The meeting was called to order at 7:30 P.M. in Room 206 of the Darien Town Hall.

Commission Members Present: Chairman Peter Hillman, Craig Flaherty, Susan Cameron, Reese Hutchison, Ellen Kirby and Pete Kenyon

Staff Present: David Keating Court Reporter: Bonnie Syat

Chairman Hillman noted that the second item on the agenda, EPC 48-2006, Wee Burn Country Club, had been withdrawn by the applicant so that they can obtain the necessary permits from the Army Corps of Engineers and the Connecticut DEP. They will then re-apply to the Darien EPC.

Mr. Hillman then read the following agenda item:

EPC-46-2006, Darien Board of Education, 80 High School Lane, proposing to convert a natural turf baseball field to a synthetic turf field within the upland review area. The site is located on the north side of High School Lane approximately 750 feet west of the intersection of High School Lane and Middlesex Road and is shown on Assessor's Map #9 as Lots #80 and #81. (continued from August 2, 2006.)

This is a continuation of the public hearing that was started on July 5, 2006. Mr. Hillman noted that the Commission has received several e-mails from Mr. Raleigh dated 8/16/06 and 8/21/06. Those are in the file.

Paul Engemann, Director of Facilities for the Board of Education, said that he and other representatives would try to address any and all questions that the Commission members had. He introduced John Bolton of the Board of Education and Joe Canas, consulting engineer from Tighe & Bond.

Mr. Kenyon said that he had walked the site with Susan Cameron to better understand the site conditions and the modifications reflected in the most recent revisions to the plans. Mr. Flaherty said that he still had some questions about the project, and, in particular, is there an alternative that would allow the drainage from the baseball field to be split and to be discharged in two different directions?

Joe Canas, P.E., of Tighe & Bond explained that they had submitted revised maps to include more of the neighborhood, to show the property lines and the watercourses and the wetlands in the area so that there would be a better context for the Commission members to understand the particulars of the project. They also submitted more detailed plans of the ball field area. He said that in order to drain to the east, it would require that they go uphill slightly. And he said that they studied draining half the field to the south and half to the east but said that it would actually overflow the detention area in even the smallest storms. He said that there was currently a six inch diameter pipe that restricts the outflow from the detention area to the northeast of the ball field. He said that he did not consider raising the berm of that detention area because of the potential impacts to the wetlands necessitated by such work.

Susan Cameron said that there is already water coming from the asphalt area and discharging into that area. Mr. Canas said that if he was starting from scratch, he would make that detention basin bigger or, if the size of the detention area could not be expanded, create an infiltrator system that would be more efficient. He said that another option was to create a new outlet but that would cause another disturbance into or close to the wetlands. He said it would also be contrary to Connecticut DEP guidelines that call for using existing outlets toward wetlands.

Mr. Hillman asked if it was possible to address some of the neighbors' concerns about the perception of increased flooding due to the changes at the High School site. He said that although it might not be necessitated by the ball field, might it be possible to do some drainage improvements or dredging as a mitigation measure for the work now proposed near the wetlands. Mr. Bolton of the Board of Education said that he was concerned about mixing the two separate issues involved in the High School. He said that the perception of changes to the drainage system that may have already occurred is not justification for holding up the current project about the ball field surface or to result in the withdrawal of the current application. Mr. Canas said that even dredging part of Stony Brook would not hold much water or help the concerns addressed by the neighbors. He said that from an environmental point-of-view, if you compare the natural grass baseball field and the artificial turf field, then the artificial turf has the following advantages:

there is no need for pesticides, herbicides or fertilizers;
there is no need to irrigate the artificial field;
there is greater storm water detention in the artificial field and its sub-surface;
there is reduced erosion potential compared to the natural soil.

He said that environmentally, the artificial turf is better than the natural turf and that from an engineering perspective, the artificial turf surface will not worsen the current drainage conditions in the area.

Mr. Canas said that he tried to adjust the outlet pipe sizes from the existing detention areas, but it did not really work well to hold back water. He said doing so would cause other issues and concerns. Mr. Flaherty said that the need for the Permit is an opportunity for the Commission to require an improvement to the environment. Susan Cameron said that she is concerned about more water on the tree roots and in the area. She suggested that instead of creating more storm water detention, it might be more appropriate to plant more under-story plants in the wetland areas so that there would be an improvement of the wetland area.

With respect to the sediment and erosion control plan, Mr. Canas said that the sediment basin is sized in accordance with the Connecticut DEP 2002 Manual. It holds at least 134 cubic yards for each acre of disturbed drainage area. In response to questions, he said that most likely he would expect the contractor to work on the right side of the field first and then move to the other side, however, the contractor might have a different preference. In response to another question, he said that he could double the size of the sediment trap on the south side of the baseball field and that way the entire baseball field could be worked on at the same time.

Susan Cameron asked about the possibility of raising the bottom of the outfield fence to allow trash to blow underneath the fence rather than being caught at the base of the fence. Mr. Engemann said that they would look at that possibility, but later in the meeting it was noted that this might cause safety concerns and create the possibility for more injuries to ball players.

Mr. Kenyon said that on the detail sheets, the plug sizes are not consistent. Mr. Canas said that the details are generic details giving a variety of plug sizes depending on the site conditions. Mr. Kenyon said that it looks like the High School was originally built in the 1960's by wedging it into the wetland areas and forcing the wetland areas to the outer perimeter of the site. He said that the design might have changed the natural flow of the water in the area and he said that the proposed artificial turf on the baseball field is part of that bigger picture.

Paul Archer, Co-Chairman of the Committee working on installation of the artificial turf, questioned whether the impact discussion was caused by the impacts of the synthetic turf or is it because this is an opportunity to fix another problem, unrelated to the proposed turf. He said that raising the bottom of the fence above the ground level would become a safety issue.

Cheryl Russell of 18 Holly Lane asked where the dredging would be located. Mr. Canas said that no dredging is proposed as part of the project. If the Commission wishes to increase the size of the detention area, the excavation would need to be near the catch basin on the east side of the property. He again said that no such dredging or excavation is proposed as part of the plan. Mrs. Russell asked about the letter from Mr. Gibson of Goodkind & O'Day. She said that the letter is dated in 2001 and asked why it was included in the current application. Mr. Canas said that it was included as a cover letter to give the context of the updated Drainage Report prepared in 2006.

Cheryl Russell said that she is bothered by the July 7th letter to Peter Maglathlin of the High School Building Committee regarding the problems at the site and said that if the Commission approves this new project, it would be run by the same people. She was also concerned that she understood that the ball field was already part of the expenses for the over all school development and that the new synthetic turf should not cost the taxpayers any additional money. Mr. Hillman said that the costs and payments are not within EPC's jurisdiction.

Mrs. Russell asked about the potential location of a scorer's box, storage shed, and batting tunnel. Mr. Canas said that the concrete slab shown on the plans is for the storage shed. He said that the scorer's box would be behind home plate. Mr. Archer said that the scorer's box and batting tunnel have not yet been designed. Mr. Engemann said that the scorer's box would most likely be within the 10'x20' footprint shown for the storage shed. The batting tunnels would be on the outside of the outfield. Mr. Canas said that for drainage calculation purposes, they assumed that the entire field acted imperviously, so the addition of structures such as a storage shed or scorer's box are already accounted for from a drainage perspective.

Mrs. Russell said that on behalf of the neighbors, they are still upset with the way the whole site development and project has been handled. She said that she understands that the Board of Education already uses environmentally friendly chemicals on the field. Mr. Engemann said that they do not use pesticides and that they use fertilizers and weed control at a minimum.

There were no other comments from the public regarding the application. The Commission members discussed the need for more information regarding mitigation measures that might be undertaken as well as a monitoring program during the construction process if the project is approved. Mr. Engemann said that he could provide a construction schedule but the start time would depend on many factors. The Commission members decided to continue the public hearing on September 6, 2006 so that additional information could be provided. Mr. Engemann would

provide the requested additional information as soon as possible so that it can be reviewed by the Commission members prior to the meeting. Mr. Kenyon thanked the applicant for providing an overall map of the area showing the wetlands in perspective. The public hearing regarding this matter will be continued on September 6, 2006.

Chairman Hillman read the following agenda item:

EPC-48-2006, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing restoration and alteration of watercourses and restoration of upland review areas and related grading activities. The property is located on the east side of Hollow Tree Ridge Road and north side of Hansen Road and is shown on Assessor's Map #7 as Lot #66. (continued from August 2, 2006.)

Chairman Hillman reminded the public that the second item on the agenda, EPC-48-2006, Wee Burn Country Club, had been withdrawn.

Chairman Hillman read the following agenda item:

EPC-49-2006, Kent and Lisa Eppley, 20 Driftway Lane, proposing to construct a two bay garage within the upland review area. The subject property is located on the east side of Driftway Lane, approximately 200 feet northeast of its intersection with Tokeneke Road, and is shown on Assessor's Map #66 as Lot #121. (continued from August 2, 2006.)

Jeff McDougal of William W. Seymour & Associates, Land Surveyors, said that the previous application had been submitted to and denied by the Commission. Since that time, they have investigated many alternatives and have obtained a variance from the Zoning Board of Appeals so that the proposed garage can be closer to the property line than the original proposal. He said that the new application represents a fresh start on the project. The proposed two-car garage, proposed to be 30 feet from the watercourse (the previous application would have placed the garage 25 feet from the watercourse). He noted that the mitigation and planting features that had been part of the previous application are incorporated into the current application. Only the size of the proposed garage (now it will just be a two car garage and will have no storage above) and the shifted location (being farther from the wetlands and watercourses) are the only changes in the plan. Mr. McDougal said that, in the end, after the construction of the garage and after the mitigation is done, it will be an improvement to the environment and will serve the needs of the property owner. He said that one of the conditions of the Zoning Board of Appeals variance was that there be no storage area above the garage. Another condition was that the existing garage, which is part of the existing house, is to remain as garage and storage use. It cannot be converted to living space.

Commission members reviewed the plans and noted the differences between the previous application and current proposal. There were no comments from the public regarding the application. The public hearing regarding this application was closed. A decision will be rendered at a future meeting of the EPC.

After a brief recess, the meeting was resumed at 9:25 p.m. Mr. Hillman read the following agenda item:

EPC-47-2006, James and Margaret Batson, 26 Old Oak Road, proposing demolition of an existing residence and construction of a new residence within the upland review area. The property is located on the south side of Old Oak Road approximately 380 feet north of the intersection of Old Oak Road and Leeuwarden Road and is shown on Assessor's Map #29 as Lot #129. (continued from August 2, 2006.)

Mr. Hillman explained that he would not participate in the discussion regarding this matter in order to avoid any perception of a conflict of interest. Noting that there was no other business after this public hearing, Mr. Hillman departed the meeting. Susan Cameron served as Acting Chairwoman.

Jeffrey McDougal of William W. Seymour & Associates explained the project involved demolishing and replacing the existing house on a parcel of land that has wetlands on the rear portion. They went to the Zoning Board of Appeals and obtained a front yard setback variance so that the building can be closer to the street and therefore, farther from the wetlands. He referred to the maps and showed that some of the parts of the house closest to the wetlands are being eliminated (these are highlighted in yellow) and that they are removing the gravel driveway on the east side of the house and replacing it with a new driveway on the west side of the house. The new driveway will be asphalt. Storm water drainage from the house will be directed in a northerly direction toward the street rather than toward the wetlands.

Mr. McDougal said that many Norway maple trees located behind the house and adjacent to the wetland in the area behind the house make it a very poor lawn because of the high roots and considerable shade. He submitted a map with a light green line to illustrate the edge of the proposed lawn and development activity. He said that they would be leaving the maples intact and that the area below the stone retaining wall would be allowed to return to a natural condition (rather than trying to make it into a lawn).

Mr. McDougal submitted three letters from neighbors in support of the application. He noted that the project is located on Town sewers so they don't have to worry about a septic system. He submitted an aerial photograph of the site and said that the construction would be a new house (not a renovation of the existing building). He said that the drainage leaders would be tied into the street drain in the front of the building rather than being directed toward the wetlands at the rear of the building. He reviewed the sediment and erosion controls that are shown on the plans. In response to questions, he said that the proposed house would have a full basement.

There were no comments from the public regarding the application. The public hearing regarding this matter was closed.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

David J. Keating
Wetlands Enforcement Officer