ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
MINUTES
October 11, 2006

Room 206
Wednesday, October 11, 2006 6:30 p.m. Town Hall

Chairman Hillman called the meeting to order at 6:30 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Craig Flaherty, Ellen Kirby, Pete Kenyon, and Reese Hutchison (6:45)

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman called the first agenda item:

EPC-64-2006, Delafield Island Tax District, Sunswyk Road, Tory Hole Road, Redcoat Pass, and Morley Lane, proposing maintenance and enhancement of drainage systems. The work areas are shown on Assessor's Maps 62, 63, and 70.

Mr. Lewis was recused on this application. Mr. Hillman made a motion to approve the application and draft resolution. Ms. Cameron seconded the motion and it was approved 5-0.

Mr. Hillman called the next hearing item:

EPC-58-2006, Town of Darien Department of Public Works, 1723 Boston Post Road, proposing replacement and enlargement of a sewer force main within an upland review area.

The Commission reviewed a draft decision. Mr. Flaherty made a motion to approve the application. Mr. Lewis seconded the motion and it passed unanimously.

Mr. Hillman called the next hearing item:

EPC-60-2006, Robert F. Maslan, Jr., Esquire, 1014-1020 Boston Post Road, proposing construction of a commercial/residential building and related development activities within an upland review area. The site is located on the east side of Boston Post Road approximately 200 feet north of the intersection of Corbin Drive and Boston Post Road and is shown on Assessor's Map #72 as Lot #'s 11 & 12.

Mr. Hillman said he is in favor of downtown revitalization. He said this project has been under review for a long time. He said the watercourse cannot be hurt more than it is and can only be helped. He said the applicant does not have control over other owners. There will be no significant impact and the proposed controls are satisfactory.

Ms. Cameron said she still has questions. She said the applicant cannot extend the mitigation because it is outside of their area. She said there is no upgrade of the stormwater treatment in the existing parking lot. Mr. Flaherty questioned which property owners are involved. He said he would like to see an application for the work on the property to the south which is more than just minor re-grading.

Mr. Hillman asked Attorney Louizos if the hearing could be re-opened to allow the applicant to answer questions. Mr. Louizos said the hearing cannot be re-opened. Only information from the Commission's consultants can be submitted.

The Commission discussed the need for stormwater treatment on the southerly parking lot and will request guidance from Darren Oustafine regarding the appropriate standards. Mr. Luizos said Section 10.2 requires the Commission to consider all relevant facts and Section 10.2.g allows the Commission to require mitigation measures. The Commission's resolution can require stormwater management.

The Commission requested staff to consult with Mr. Oustafine and Town Counsel to a draft a resolution for November 1 wherein the Commission considers the parts of the application encompassing the parking lot to be understood to be part of the proposal. The stormwater will be reviewed for ways to retrofit the existing system with BMP's. Alternatively, the Commission may include a provision that no judgment is made on the southerly parcel and it must come back to the Commission.

Mr. Hillman called the next agenda item:

<u>EPC-42-2006 Christopher and Margaret Stefanoni, 77 Nearwater Lane,</u> proposing to construct an age restricted housing development and requesting a reconsideration of the extreme high water elevation and designation of the regulated inland wetlands. The property is located on the west side of Nearwater Lane approximately 350 feet south of the intersection of Nearwater Lane and Nickerson Lane and is shown on Assessor's Map #52 as Lot #5.

Ms. Cameron was recused on this application.

Mr. Hillman said that he believes the Commission should continue to exert jurisdiction over the wetland area on the adjacent property and Holly Pond. He said Mr. MacBroom's letter is conclusive on the elevation of the tidal wetland. He said that the applicant provided extensive testimony and a well thought out plan that leads him to support the approval of the application. He said that, although he personally does not favor multi-family housing in single family neighborhoods, EPC's assessment involves different considerations and he believes the application to be supported under EPC's regulations by both the applicant's and expert testimony. He added that EPC's own experts were in accord with the applicant's, making a persuasive case.There must be controls in place and tight conditions on the project. He said Mr. Hammons was very persuasive and, based on

the factors the Commission must consider in their decision; the project is not likely to have a significant impact on the wetlands or Holly Pond.

Mr. Lewis said he agrees on the issue of jurisdiction that the Commission should not re-consider their earlier decision. He does not agree that the project is not likely to have an adverse impact on Holly Pond. He said the project is too large and too close to one of the Town's environmental treasures. He is not convinced that the large drainage system will work. He said there are alternatives available.

Mr. Flaherty said he agrees that there is no reason to re-consider the question of jurisdiction. He said there is no new information which would give the Commission a reason to re-consider jurisdiction. He said he is in favor of approving the application. Compared to the previous plan, the new application is a 180 degree turn on the development of the site. He said the coverage on the site is just under 25% and current zoning would allow 20%. A single family residence could have significant impervious coverage. He said mitigation provided is thoroughly thought out. He rejects the statements that it is a complex system. He said redundancies are built in. If one piece fails the system does not fail. He said the project requires careful supervision and monitoring. He supports conditions like those of the Town of Greenwich provided by Mr. Aurelia.

Mr. Hutchison said this was by far the most complex application the Commission has seen. He said he is comfortable with the Commission asserting jurisdiction. He said that Mr. Epifano stated that sometimes the simple projects fail for lack of attention. He said the process of building the project must be monitored closely. He said he must separate the applicant from the application and consider the feasibility of the project and the impact to the wetlands.

Mr. Kenyon said he is in agreement with respect to the Commission's jurisdiction. He said there is no compelling new information to reverse the previous decision. He said the issue of locating affordable housing on this property is not the subject of this application. He said he has a problem with the intensity of the use and is concerned with controls during construction and monitoring construction activities. Town drainage systems currently have problems with sediment and debris. The Commission can't be too careful in monitoring and providing stringent controls. The Commission has the authority to stop the project if necessary.

Ms. Kirby said the proposed storm water management controls are outstanding and should set the standard for future projects. She said she is most concerned with the construction phase. She questioned whether grass pavers can support emergency vehicles. Mr. Flaherty said they can support emergency vehicles and can be plowed in the winter if it is done carefully.

Mr. Kenyon said the stormwater system is not complex but is very innovative. Mr. Hutchison said the property could be developed with a residence and 20% coverage with no stormwater controls.

Mr. Flaherty said there were many experts for the Town and applicant seeing no adverse impacts. Mr. Aurelia expressed concerns not for the design but for the execution. Mr. Risoli did not conclude there would be adverse impacts. There are no reports on the record concluding there will be adverse impacts.

The Commission requested staff prepare a draft resolution to approve the application. They reviewed the conditions suggested by Mr. Aurelia and by Mr. Gleason to determine which are appropriate. The Commission discussed a five year permit. The resolution will include that they considered the intensity of the use, but that there is no evidence of impacts to the wetland based on the use.

Mr. Hillman made a motion to adjourn. Mr. Hutchison seconded the motion and the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer