

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
April 6, 2005

Room 206, Town Hall

7:30 PM

Commission Members Present:

Chairman Peter Hillman, Nina Miller, Ned Lewis, Susan Cameron, Reese Hutchison, Ellen Kirby

Commission Staff Present: David Keating

GENERAL MEETING

Old Business:

Discussion of Sediment and Erosion Controls for the Darien High School Project, EPC-49-2001, Board of Education, 80 High School Lane.

Joe Canas of Tighe & Bond explained that he had a site visit at the High School on March 30, 2005. He said at the time there was much trash debris around the perimeter of the site and some erosion spots. He also noted there was an accumulation of sand at the catch basins. On April 5th he also did a brief inspection which showed that there was some corrective work already started. He will check on the trees trimmed earlier this year and pursue the replanting in the northwest corner of the property.

EPC 7-2005 – Anne Pankowski, 17 Mystic Lane, proposing additions and alterations to the residence and related site development activities within the regulated area. The property is located on the southwest side of Mystic Lane approximately 500 feet south of its intersection with Leroy Avenue and is shown on Assessor's Map #18 as Lot #62.

Architect Anthony Totilo was present to discuss the application with the Commission. The Commission believed that the application was clear and understandable. Revised, color coded plans were submitted. Mr. Totilo explained that there is a very limited buildable area due to wetlands on both sides of the house. The existing lawn already encroaches into the wetlands on the south side of the house, and they are not proposing to cut any trees as part of this proposal. The proposed front addition would be 14 feet from the wetlands and about ten feet from the edge of the lawn. The rear terrace is proposed 14 feet from the wetlands. Mr. Hillman noted that there is approximately a 40% increase in the impervious surface within the regulated area. Mr. Totilo said that they are dealing with a front façade which is currently unsightly. It was asked whether the plans could be modified to keep all of the driveway, the structures, and the building terrace at least 25 feet from the wetlands.

It was stated that adding impervious surface affects the volume and quality of water that runs off to the wetlands. Mr. Totilo mentioned that the oil tank is now under the driveway and it would be removed and a new tank installed in the proposed crawl space. The dining room to the north of the front entrance had previously been pushed out and added onto and this hides the front door. Ms. Pankowski mentioned that the least important part of this project to her is the upper terrace and she is willing to withdraw that part of the application.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
APRIL 6, 2005
PAGE 2

Commission members noted that 14 feet is too close to the wetlands to address something that is simply an aesthetic concern. They believed that this project is not sensitive to the wetlands and that a reduction in the proposed impervious surfaces needs to be considered. They are also looking to have a buffer created along the edge of the lawn and a reduction in the driveway in the northwest part of the property. They said that the applicant should consider using grass pavers. The Commission members also mentioned that the current footprint of the house pushes both ways towards the wetlands. No action was taken by the Commission.

Requested modification of EPC 54-2004, Friends of Goodwives, pond dredging

The Commission then discussed a variety of issues regarding the modification of the pond dredging approval for the Friends of Goodwives River. A motion was made by Mr. Hillman to modify EPC 54-2004 per the March 18, 2005 letter with the following conditions:

1. That written consent be obtained from Mr. Stevens.
2. That erosion controls are needed for that site if it is used.
3. Delete the requirement for tree removal.
4. Modify condition #12.
5. Modify condition #13 and require a \$4,200.00 bond and the required form and surety acceptable to the Planning & Zoning Department staff and Special Counsel, Ira Bloom. The bond will be released after the subcommittee which consists of Nina Miller and Reese Hutchison has approved the final removal of the sediment and erosion controls from the last pond.

That motion was seconded by Ms. Cameron and unanimously approved.

New Business

EPC-21-2005, Michael Fishman of Stearns & Wheler on behalf of Jane Halliwell, Trustee, 84 Ring's End Road, proposing installation of sanitary sewer line within a regulated area. The property is located on the southwest side of Ring's End Road approximately 2,300 feet south of the intersection of Ring's End Road and Boston Post Road and as shown on Assessor's Map #51 as Lot #5.

Gary Dufel, Professional Engineer from Stearns & Wheler, was present to discuss the application. He noted that they are proposing a sanitary sewer lateral to replace the old cesspools on the property. This property is relatively close to the Goodwives River and a fresh water pool on the property. There will be no tree removal and the sewer line will be installed along the edge of the driveway. They will also connect the barn/apartment and the house with a pump station. Mr. Dufel explained that they can do a pipe within a sleeve near the water for added safety. The trench will be about four feet deep. Ms. Cameron then made a motion to approve the application with a condition that the sleeve pipe be used. Ms. Miller seconded that motion, which was unanimously approved by the EPC members.

Public Hearing to Commence at 8:30 P.M.

EPC-13-2005, Gloria Gouveia of Land Use Consultants on behalf of Everett C. Morrell, Jr., for property at 25 Brookside Road, proposing to subdivide, regrade, and develop the property within the regulated area. The site is located on the west side of Brookside Road at the northwest corner formed by the intersection of Boston Post Road and Brookside Road, and is shown on Assessor's Map #16 as Lot #66.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
APRIL 6, 2005
PAGE 3

Ms. Gloria Gouveia of Land Use Consultants was present to discuss the application. She then gave a brief history of the site and displayed Map #4631 from the Darien Land Records. She noted the Parcel A was the subject of an EPC application to develop a single family residence on the north end of the original property. Parcel B contained the old existing house and fronts the Boston Post Road and Brookside Road. It consisted of .85 acres which is mostly in the R- $\frac{1}{3}$ Zone. Ms. Gouveia explained that the entire site was once proposed as 32 multi-family unit development but there are no such plans to develop such a project now. She then referred to EPC-8-1997 which proposed the house on Parcel A and which had the house near the wetlands and needed a front yard variance from the Zoning Board of Appeals. This current plan shows a proposed house on the south portion of Parcel B. As part of this proposed development, they considered moving the house forward towards Brookside Road, however, that would need a variance from the Zoning Board of Appeals and require more fill.

The March 25, 2005 plans are the revised plans of development for this property. She explained that they could have shown a common driveway but the existing driveway did not meet current grade requirements. Ms. Gouveia said that the first cut of the property created Parcel A and the EPC Permit for development leaves Parcel B with more than twice the minimum lot area. It was noted that this is not an existing pre-approved non-conforming lot. Larry Edwards, a Professional Engineer and Surveyor said that the new driveway is needed to comply with code requirements for grade and to minimize the amount of filling. Storm water detention is provided to create a zero increase in peak rate of runoff. The concrete galleries will collect water from the roof area. These will require minimal maintenance due to relatively clean water and they can put screens on the gutters. He reiterated that moving the house closer to Brookside Road will require more fill. They can have a maintenance plan for cleaning the galleries and can install a trap before water reaches the galleries to make it easy to clean. There is no drainage structure for the driveway.

Ms. Gouveia explained that they can provide a conservation easement and perhaps that conservation easement can refer to a maintenance plan. Ms. Judy Slayback of ELS said that she was involved in the first cut of the site. The area of Parcel C is now a mowed lawn and the wetlands are very close to the Goodwives River. A Commission member asked how any necessary machinery would get onto the property. Mr. Edwards responded that they will need to import material to the site and will have a walk-out basement. A Commission member asked about the potential effects of the construction and the residential development on the wetlands. Ms. Slayback responded that the property already has a mowed lawn area and some shrubs and that they are not concentrating water. It was suggested that the new development should stay outside of the 50 foot regulated area and that there be no proposed patio, screen porch or decking. The proposed 1,800 square foot footprint includes a garage. Ms. Gouveia suggested a townhouse style house with a deck cut into it and that they need to consider future outdoor use of the property.

With respect to the driveway, Mr. Edwards suggested that the 35 foot turn out area would need a guard rail and that they are using approximately 240 cubic yards of fill for this project. They can create a more detailed erosion control plan with an anti-tracking pad. Ms. Gouveia said that a conservation easement could be from where the edge of the lawn and the boulders/stones are proposed. This easement could also extend up through parts of Parcel B as well. There will be a drop off from the driveway to the back lawn approximately 5 to 6 feet. Ms. Gouveia said that she has spoken with a neighbor, Mr. Weaver, who is pleased with this proposal.

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
APRIL 6, 2005
PAGE 4

It was noted that to reduce the driveway fill, they could have the garage doors facing east, but there may not be enough back out room from the garage. It was also noted that approximately $\frac{1}{3}$ of the house is proposed within the flood zone. Putting the driveway straight into the garage did not allow a turn-around and they need to have a car length plus 20 feet and they only have 30 feet. Having a car within the driveway would then obstruct any turning possibilities. Ms. Gouveia explained that Brookside Road/Boston Post Road is one of the worst intersections in Town.

Mr. Keating said that the entire property is within the flood zone and the property is within the wetlands regulated area adjacent to the Goodwives River. He believed that philosophically, development of this land is wrong and engineering wise it is also wrong. Ms. Gouveia replied that she met with Ms. Sarnier last summer who indicated no displeasure with the conceptual plan. It was also noted that Ms. Slayback was involved in the development of Parcel A. Ms. Gouveia said that the Environmental Protection Commission was not responsible in approving the development on the first cut issue. Mr. Hillman then said that he wishes to have a more complete history of the parcel with meeting minutes and wishes to continue this public hearing on May 4, 2005. He asked that copies of any reports be given to Ms. Gouveia as soon as they are made available to the Environmental Protection Commission. The Commission agreed to continue the hearing on May 4, 2005.

Mr. Hillman then read the next agenda item:

EPC-18-2005, Glen Gate Company on behalf of Clinton Gartin, 22 Bates Farm Lane, proposing installation of a swimming pool, patio, fencing and landscaping within the regulated area. The property is located on the north side of Bates Farm Land approximately 1500 feet north and east of the intersection of Bates Farm Lane and Brookside Road, and is shown on Assessor's Map #14 as Lot #28-5.

Bill Meredith, the principal designer of Glen Gate Pool Company was present to discuss the application. He explained that the pool was not to the west because they want to put the deep end away from where people access the pool. He said that the shallow end should be closest to the doors of the house and the deep end should be on the far side away from the house. He then showed photographs of the existing site terrace already located behind the house. He mentioned that the spa needs minimal disturbance. Mr. Meredith explained that there was a 1999 oil spill from a leaking oil tank underground. A clean-up report was previously submitted for the record. They said that there is a risk factor of residual contamination near the garage and they do not wish to disturb that area. Both Ms. Cameron and Mr. Lewis agreed that this area should be tested again.

Mr. Hillman believed that the Environmental Protection Commission should not be approving a pool so close to a watercourse and within the regulated area. He said that the applicant's submitted report contradicts itself. He said that in this case, the deep end of the pool is put closest to the wetlands. Ms. Cameron agreed, noting that the applicant is putting more impervious surface close to the wetlands. It was noted that no alternatives were put forth from an EPC perspective and Commission members asked whether the pool, patio and other activities could be outside of the regulated area.

Ms. Megan Raymond said that she had prepared the impact assessment, and that the subject area is mostly lawn. She believed that there would be no direct impacts due to the pool upon the watercourse. She noted that the only indirect impacts are runoff and that there is not much new

ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
APRIL 6, 2005
PAGE 5

impervious surface. They will be providing a planted fringe area and not cutting down any trees. She explained that the runoff water will have a natural flow overland toward the wetlands. When they will be dewatering the pool at the end of the season, the chemical water from the pool could be directed in a different direction. Mr. Ted Sonntag said that they would be dewatering the area during construction and placing hay bales on the property. At the end of the pool season, the water from the pool could be pumped off to the lawn. Ms. Raymond said that, in general, the greater the distance from the wetlands the better but in this case she believes that the planting of a buffer mitigates any possible impact to the wetlands. Mr. Meredith said that they are now using a cartridge filter enclosed system and that in winter the water level will drop down 9 inches below the normal water line.

Attorney Van Murray was present on behalf of one of the neighbors. He said that he will not speak against the application if the application will be withdrawn. Mr. Hillman then gave the Commission a five minute recess so that the applicant could consider whether to withdraw the application. After the five minute recess, the applicant noted that they would like to continue the discussion about the application to May 4, 2005. Attorney Murray said that he will speak regarding the application next month. The EPC unanimously agreed that this application was then continued to May 4, 2005.

Mr. Hillman said that due to time constraints, the review of past meeting minutes will be postponed until next month. Mr. Hillman then read the next agenda item:

EPC-22-2005, Environmental Land Solutions on behalf of Colleen Felske, 28 Rocaton Road, proposing additions and alterations to the existing residence, new walks and driveway, and mitigation plantings and other site development activities within a regulated area. The property at 28 Rocaton Road is located on the north side of Rocaton Road approximately 800 feet southwest of the intersection of Rocaton Road and Leroy Avenue and is shown on Assessor's Map #18 as Lot #41.

Ms. Cameron believed that this application would require a public hearing. Ms. Miller said that in her opinion the application is not complete. The plans should show the regulated area and highlight all work to be done, and the applicant also needs to submit a drainage report. Mr. Matt Popp, of Environmental Land Solutions (ELS), said that he had notified two adjacent neighbors to this property. After some discussion, Commission members agreed that a public hearing was warranted and they scheduled that public hearing for May 4, 2005.

There being no other business, the meeting was then adjourned at 11:05 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director

David J. Keating
Assistant Director of Planning & Zoning