

ENVIRONMENTAL PROTECTION COMMISSION
GENERAL MEETING
MEETING MINUTES
AUGUST 11, 2004

Commission Members Present: Peter Hillman, Susan Cameron, Robert E. Kenyon, Ellen Kirby, Edwin Lewis and Nina Miller

Commission Staff Present: Nancy Sarner

Court Monitor: Bonnie Syat

General Meeting:

New Business:

Chairman Hillman read the following agenda item:

EPC-72-2004, Friends of Woodland Park, Middlesex Road, proposing site maintenance activity including work within a pond, and perform related site development activities within a regulated area. The property is located on the south side of Middlesex Road south of the intersection of Laurel Lane and Middlesex Road, shown on Assessor's Map #24 as Lot #41.

Ms. Cameron announced that she was a former members and trustee of the Friends of Woodland park, and that she feels she could sit impartially for the discussion of the application. There were no objections.

Carl Goodnow, member of the Friends of Woodland Park, along with Dot Kelly, presented the application.

Mr. Hillman said that the property is town-owned and authorization for the application from the Parks and Recreation Commission had been submitted. Ms. Sarner explained that they checked with the Selectmen's Office and had been informed that the "Friends" needed only the authorization of the Parks and Recreation Commission.

Mr. Goodnow said that the "Friends" wanted to conduct the work in anticipation of the upcoming anniversary. He reviewed that the application proposes the removal of tree limbs and overgrown vines from the area around Old Maids pond. Mr. Hillman noted that there was some back and forth about whether or not vegetation would be removed. Mr. Goodnow said that he would like to request permission to remove invasive species, but could leave the plants if the Commission preferred that the area not be disturbed. Ms. Miller expressed concern that cutting the invasive species, instead of removing them, might promote growth. Ms. Kelly remarked that the removal of the invasives could be addressed over a period of time. Mr. Hillman said that he would support the activity

Ms. Miller recommended that the logs and fallen branches be used onsite to create habitat areas instead of being taken offsite. Ms. Kelly said she would be interested in the Commission's advice regarding this activity.

Ms. Cameron recommended that some of the branches be left within the vernal pool because they provide habitat niches to the wildlife, and explained that a variety of sizes of logs should be kept in the pool area.

Ms. Cameron expressed her interest in organizing a meeting of groups that maintain trails and open space areas to have an open discussion and information session regarding site maintenance practices and procedures. Ms. Sarner asked if the Commission would be interested in issuing lifetime approvals to these groups for the maintenance activities. Mr. Kenyon replied that having the groups come before the EPC allows new members to be informed of these types of projects.

Ms. Kelly asked to informally discuss a future maintenance dredging project involving Turtle Pond at Woodland Park. Ms. Kelly explained that the pond is suffering from a dam breach and that there is currently no "pond." She reviewed the project would involve the removal of approximately 1 ½' to 2' of materials to hard pack, the possible installation of geotextile material near the dam, and the repair of the dam. She explained that she is working with an engineer on different possibilities regarding the repair of the dam. She reported that a State Dam Safety Permit and a dredging permit were not required.

After some discussion it was concluded that updated site information and survey must be included with the applications. Mr. Hillman recommended that the meeting minutes be forwarded to the Parks and Recreation Commission and Department with a request that they assist the "Friends" with obtaining a property survey.

Upon further discussion of the materials and plan submitted, the following motion was made: That the Commission approve Wetland Permit Application #EPC-72-2004, as submitted. The motion was made by Mr. Hillman, seconded by Ms. Miller and unanimously approved.

Chairman Hillman read the following agenda item:

EPC-73-2004, Saman & Kathleen Majd, 230 Brookside Road, proposing plantings, mowed path, and deer fencing, and perform related site development activities within a regulated area. The property is located on the east side of Brookside Road approximately 140' south of the intersection of Brookside Road and Three Wells Lane, shown on Assessor's Map #4 as Lot #32-2 & #32-3.

Landscape Architect Liz Hand-Fry presented the application and addressed questions from the Commission.

Mr. Hillman reviewed that the Conservation Easement anticipated the type of project proposed by the application, stipulating that the activities be approved by the EPC. Ms. Miller asked Ms. Sarner if the easement was established to create an open space area. Ms. Sarner replied that it was, but contains language allowing for certain types of specified passive recreation.

Ms. Hand-Fry explained that the purpose of the application was to facilitate safe access to the easement area, as well as visual enhancement. Mr. Hillman said that the easement language gave the EPC the power to handle requests on a case by case basis, but that he felt the language should be cleaned up, as he found the term "passive recreation" to be an oxymoron. Ms. Cameron said that passive recreation would include bird watching, kite flying, etcetera.

Mr. Hillman inquired about maintenance. Ms. Hand-Fry replied that maintenance would be limited and would involve the mowing of the grass paths and the use of woodchips only until the new plantings are established. She said that they would allow the plants to grow, would not prune the trees and would not install irrigation. She said that there would be no stones on the path, but that they might use mulch. Ms. Cameron said that the mulch would deter the growth of the mowed grass path. Ms. Hand-Fry said that the path is uneven. Ms. Cameron recommended that the pathways be leveled out then seeded instead of mulched. Mr. Hillman and Ms. Miller agreed with Ms. Cameron's recommendation.

Upon further discussion of the materials and plans submitted, the following motion was made: That the Commission approve with conditions Wetland Permit Application #EPC-73-2004. The application is approved with the condition that no woodchips or mulch shall be placed within the wetlands, 50' wetland setback area, and conservation easement, except around the new trees and shrubs. The use around the new plantings is only permitted until the trees and shrubs become established. The work is approved as shown on the plan entitled "Wetlands Planting Plan for the Majd Residence, 230 Brookside Road, Darien, Connecticut" by Group Works Water & Land Architecture, dated June 30, 2004. The motion was made by Ms. Miller, seconded by Mr. Hillman, and unanimously approved.

Chairman Hillman read the following agenda item:

EPC-74-2004, Land Trust of Darien, Buttonwood Lane and Tulip Tree Lane, proposing removal of yard debris and wood chips deposited on the site, weeding of a planted area, removal of invasive species, and perform related site work activity within regulated areas. The Buttonwood Lane property is located at the southwest corner of the intersection of Brookside Road and Buttonwood Lane, shown on Assessor's Map #10 as Lot #45A. The Tulip Tree Lane property is located at the south side of Tulip Tree Lane approximately 220' west of the intersection of Tulip Tree Lane and Raymond Street, shown on Assessor's Map #33 as Lot #18-7.

Ms. Cameron recused herself from the meeting discussion because she is a member of the Land Trust of Darien.

Ms. Miller said that she was pleased that the neighbors of the subject properties were advised not to dump on the open space parcels.

Mr. Hillman stated that the Commission members were familiar with the application materials, and that he would recommend that the work be approved.

Upon further discussion of the materials and plans submitted, the following motion was made: That the Commission approve the Wetland Permit Application #74-2004 as submitted. The work shall conform to the property plans received by the Planning and Zoning Office on July 29, 2004. Pursuant to the additional information received the same day, as well as information provided within the original application packet, no removal of invasive species will be conducted. The motion was made by Mr. Hillman, seconded by Ms. Miller and unanimously approved.

Ms. Cameron rejoined the meeting. Chairman Hillman read the following agenda item:

EPC-75-2004, Frank A. Miller, 1297 Boston Post Road, proposing the demolition of an existing veterinary clinic, installation of paved parking area and grass-paver temporary parking area, removal of brush, dead trees and invasive species along a stream channel, installation of wetland plantings, removal of sediments from stream channel, and perform related site development activities within a regulated area. The property is located on the west side of Boston Post Road south of the Exit 11 northbound exist ramp for Interstate-95, shown on Assessor's Map #39 as Lots #18A and #19.

John Martucci, P.E., presented the application and addressed questions from Commission members and staff.

Ms. Miller expressed disgust regarding the existing conditions of the old veterinarian property recently purchased by the applicant.

Mr. Martucci summarized that the application proposes the removal of the veterinarian hospital building, installation of 29 space paved parking lot, an overflow parking area constructed with pavers, removal of dead trees and invasive species, and installation of native mitigation plantings. He explained that the culvert is more than half filled with sand and debris. He said that the State DOT drainage had been realigned during the construction work on the Jaguar building, and was so blocked that when he first saw the channel, the water was flowing in the other direction. He said that since that time, DOT had been contacted and pumped out the sediments to clear the flow, and that there is no longer flooding on the property. Ms. Miller asked about maintenance. Mr. Martucci replied that they would clean the channel and as much of the culvert as they can reach.

In response to a question, Mr. Martucci explained that the site does not receive a significant amount of drainage from Interstate-95, which drains to a separate system, but from the Ledge Road area north of the highway.

Mr. Martucci said that the owner had concerns with placing fruit bearing trees on the property that would attract birds since new cars would be parking in the new parking areas, and therefore the planting plan had been adjusted. Ms. Miller informed Mr. Martucci that a car dealership in Greenwich plays hawk calls to discourage birds from the area.

Mr. Martucci informed the Commission that there would not be a significant increase in impervious surface area on the property.

Mr. Martucci explained that no catch basins would receive sediment laden flow during construction. He said that there would be no curb, which will allow for the renovation of the runoff, and no sanding or chemical use in the grass pavers and planting areas. Ms. Cameron noted that this project would be the largest paver area installed within Darien.

Upon further discussion of the materials and plans submitted, the following motion was made: That the Commission approve with conditions Wetlands Permit Application #EPC-75-2004. The application is approved with the following stipulations:

1. No fertilizers shall be used for the grass pavers and watercourse buffer area.
2. Environmental Land Solutions is authorized to make substitutions to the approved planting list, without reducing the number of plantings to be installed.

3. No invasive species may be used as substitutions to the planting list.

The work is approved as shown on the plan entitled "Site Plan, Prepared for Jaguar of Darien, #1297 Boston Post Road, Darien, Connecticut" by John R. Martucci, P.E., July 14, 2004, last revised 07/24/04. The motion was made by Mr. Kenyon, seconded by Ms. Miller and unanimously approved.

Chairman Hillman read the following agenda item:

EPC-76-2004, Elizabeth Phillips, 7 McLaren Road, proposing the correction of a violation of the Town's Inland Wetland and Watercourses Regulations, and perform related site development activities within a regulated area. The violation involves the unauthorized clearing of trees and understory vegetation, regrading, and associated impacts to the regulated setback and wetland areas. Discussion shall include a review of the unauthorized regulated activities and consideration of proposed remediation. The property is located on the north side of McLaren Road approximately 275' east of the intersection of the intersection of McLaren Road and Leroy Avenue, shown on Assessor's Map #6 as Lot #34.

Mark Lebow, LS, of William Seymour & Associates, Michael Christianson of Garden Aesthetics, and property owner Elizabeth Phillips were present to discuss the application with the Commission.

Mr. Hillman announced that he hired William W. Seymour & Associates for private work, but that he can impartially participate in the discussion of the application. There were no objections.

Mr. Hillman asked if a public hearing should be scheduled. Ms. Sarnier reported that neighbors had requested that a hearing be held but that nothing had been received in writing. Mr. Hillman stated that no formal notice was given to the neighbors regarding the meeting, and that the property owner is before the Commission with clean hands because the wetlands are not shown on the town's wetland boundary map. Ms. Miller said that she was torn between scheduling a hearing and not because the neighbors did not receive notice, but some of the stumps looked old and/or dead.

Ms. Cameron asked how the Town learned of the violation. Ms. Sarnier replied that the Planning and Zoning Office received phone calls from neighborhood. She added that Robert Woodside, inspector, revisited the site recently and found that the work had restarted.

Ms. Miller summarized that a planting plan had been requested by Commission staff, there has been neighborhood concern regarding the wetlands disturbance, and the Phillips property receives drainage from and conveys drainage to neighboring properties.

In response to a question, Ms. Phillips explained that she had been cited for a violation when living at her former property, but that the matter had been handled by her husband so she was not familiar with the issues involved.

Ms. Cameron noted that the town's wetland boundary map has a disclaimer.

Mr. Hillman said that, without prejudging the application, he felt that the application should be scheduled for a public hearing. Mr. Lebow said that other violations had not been scheduled for

hearing. Mr. Hillman explained that he would rather err on the side of conservatism. Mr. Lebow requested that the hearing be waived because the boundary map does not show wetlands, the property owner has been diligent in meeting the commission staff's requests, and that the prior violation at the Rocaton Road property had been resolved by going through the proper process.

In response to a question, Ms. Phillips stated that she was represented by Kelly Associates and Pat Gross of Gleason, Hill & Ambrette during the purchase of the property, and the work was conducted by Tom O'Neill. She explained that, since neighboring properties had manicured lawns, she thought that the previous owners had neglected the property. Mr. Christianson added that there was a significant amount of poison ivy growing in the trees. Mr. Lebow stated that the damage had been done, but that they were before the Commission for guidance, would let the area outside the maintained lawn area become natural. In response to a question regarding the planting plan, Mr. Christianson replied that the plants would grow back and that he is a minimalist when designing a planting plan.

Ms. Miller asked if an attorney checked with the neighbors regarding their drainage pipes. Ms. Phillips replied that she does not want to make the situation a personal matter since one neighbor is the realtor who called the town about the prior violation at the Rocaton Road property.

In response to a question, Ms. Phillips said that the work that was most recently conducted involved relocating the cut logs to the rear of the property, physically removing poison ivy, and spraying Round-up to control the poison ivy. Ms. Sarner said that although she understands Ms. Phillip's concerns regarding her children playing near the large logs and poison ivy, the Office had expected that all work within the regulated area would stop until after the Commission's review.

Ms. Sarner explained that the hearing could be scheduled for the October 6, 2004 meeting. Mr. Christianson expressed concern that it is getting close to the end of the planting season. It was the consensus of the Commission that a public hearing be scheduled for the October 6, 2004 meeting.

Chairman Hillman read the following agenda item:

EPC-77-2004, 174 Mansfield, LLC, 174 Mansfield Avenue, proposing a split rail fence, installation of a rain garden buffer, and perform related site development activities within a regulated area. The property is located on the east side of Mansfield Avenue approximately 136' south of the intersection of Mansfield Place and Mansfield Avenue, shown on Assessor's map #10 as Lot #76.

Ms. Sarner explained that the rear lot was created by a free-cut, and the approved lot map has been filed on the Darien Land Record.

Mr. John Martucci, P.E., reviewed that the property is regulated by the 100' setback from the Goodwives River, the wetlands that are located near the edge of the 100' setback line, and the 50' wetland setback line. He explained that the lawn, rain gardens and split rail fence would be located within the regulated area. He said that the proposed residence, which would be located outside the regulated areas, had been designed with a zero increase in runoff. Approximately

80 linear feet of infiltrators would be installed in the front yard and rain gardens would be located along the entire back perimeter. Ms. Cameron noted that the area is currently maintained as lawn.

Ms. Cameron recommended that the house be reduced in size and moved toward the front of the lot in order to shift the fence and rain gardens further away from the wetlands. Mr. Martucci reviewed site photographs with the Commission. Ms. Cameron explained that since the applicant is working with a new lot, or a "blank pallet," that encroachment upon the regulated area might not be necessary, and that the area should be protected and future uses such as swing sets and sheds should be discouraged. Mr. Martucci said that the fence and rain gardens would provide a barrier between the developed area and the protected resources. Ms. Cameron said that the split rail fence is proposed 25' from the wetlands. After some discussion, Mr. Hillman explained that it is the sense of the Commission that the edge of disturbance be further away than 25' from the wetlands. Mr. Martucci said that the area is limited because the rain gardens are proposed 15' from the residence and that Mr. Kenny recommended that the gardens be installed parallel to the site contours. Mr. Hillman explained that the applicant could gain a larger backyard by proposing a smaller residence. Ms. Cameron said that the applicant has the opportunity to create what he wants, but give care and attention to the regulated areas. Mr. Hillman recommended that a review of alternatives proposing less encroachment to the regulated area be provided. Ms. Miller said that she agrees that changes could be made to improve the plan from an environmental point of view.

Mr. Hillman stated that the application would be continued to the September 8, 2004 meeting, and would be placed first on the agenda.

Chairman Hillman read the following agenda item:

EPC-78-2004, John & Erin Denson, Jr., 84 Fitch Avenue, proposing the correction of a violation of the Town's Inland Wetland and Watercourses Regulations. The violation involves the unauthorized drainage alteration, filling and regrading, and associated impacts to the regulated setback and wetland areas. Discussion shall include a review of the unauthorized regulated activities and consideration of proposed mitigation plan. The property is located on the east side of Fitch Avenue approximately 385' north of the intersection of Fitch Avenue and Boston Post Road, shown on the Assessor's Map #41 as Lot #135.

Attorney Robert Maslan presented the application and addressed questions from Commission members and staff.

Atty. Maslan explained that the town's wetland boundary map does not show wetland soils on the subject property, and that the applicant went through two zoning variance applications, and the issue of wetlands had not been raised. Mr. Hillman agreed that the owner was before the Commission with clean hands.

Atty. Maslan reviewed existing site conditions. He said that the flagged wetlands join a wetlands pocket located on the neighboring property. He said that the violation began when the property owner tried to correct a drainage problem, including replacing an old clay pipe. He said that a neighbor had called the Planning and Zoning Office to inquire about the work because dirt was tracked into the road.

Atty. Maslan said that the applicant, under different representation, filed an incomplete application in April, which was subsequently withdrawn. He said that the current application addresses Ms. Sarnier's letter regarding application materials, and includes a complete site review for wetland soils. He reviewed site photographs, indicating pre-existing site features such as the split rail fence, stonewall, and older vegetation. He said that no fill had been placed on the site, but a horseshoe shaped trench drain had been installed.

Mr. Hillman recommended that the swing set located within 50' of the wetlands be removed.

Atty. Maslan reiterated that no fill was placed within the regulated areas. Ms. Miller said that the site is now overgrown. Mr. Kenyon requested that one comprehensive map showing all the details be submitted, noting for example that the June 26, 2004 map shows the wetlands line but not the fence. Atty. Maslan said that the fence is shown on the plan but not labeled, indicating that a split fail fence is delineated by a line with x's, and is near the silt fence which is shown as a dashed line on the map.

Ms. Cameron reviewed the letter of violation, and explained that it is difficult to tell what groundcover had previously existed because of the amount of material brought in. Atty. Maslan said only a pipe had been brought in, and no other materials.

Mr. Kenyon asked about the activities needed to complete the site work. Atty. Maslan replied that they must finish the grade, which is uneven from the disturbance, and seed.

Ms. Cameron speculated that the overgrown weeds could cover any fill, as suggested by Mr. Woodside's letter. Ms. Kirby agreed. Atty. Maslan said that the best he could do to demonstrate that no fill was placed on the site is to show the photographs of the retaining wall and fence showing that no fill had been placed against these features.

Upon further review of the materials and plans presented, the following motion was made: That the Commission approve with conditions Wetlands Permit Application #EPC-78-2004. The application is approved with the stipulation that the unauthorized swing set be relocated outside the 50' wetland setback area. The remediation work is approved as shown on the plan entitled "Environmental Planting Plan, 84 Fitch Street, Darien, CT" by Environmental Land Solutions, LLC, dated June 22, 2004. The motion was made by Mr. Hillman, seconded by Ms. Miller, and unanimously approved.

Pursuant to the Zoning Permit for the deck construction, authorization for the construction activity shall not be granted until the wetlands violations are corrected and the area is restored in accordance to this approval.

Chairman Hillman read the following agenda item:

Discussion and Possible Decision for EPC-54-2004, Friends of Goodwives River, Katy's Pond in the Goodwives River, proposing pond dredging, installation of a stone weir, repair of a stone retaining wall, fill activity, habitat restoration, and perform related site development activities within regulated areas. Katy's Pond is located on the northwest corner of the intersection of Brookside Road and Meadowbrook Lane, shown on Assessor's Map #15 as Lots #34, 35, 73, 74, 75 & 76.

Upon discussion and consideration of the application file, the following resolution was adopted:

TOWN OF DARIEN
ENVIRONMENTAL PROTECTION COMMISSION
PERMIT TO CONDUCT A REGULATED ACTIVITY

EFFECTIVE DATE: AUGUST 11, 2004
EXPIRATION DATE: AUGUST 11, 2009

Application Number: EPC-54-2004

Applicant's Name and Address: Friends of Goodwives River, Inc.
c/o Richard Windels, President
11 Queens Lane
Darien, CT 06820

Property Address of Proposed Activity: Katy's Pond on Sunset Road & Brookside Road
Darien, CT 06820

Name and Address of Applicant's Representative: Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040

Proposed Activity: Pond dredging, repair of Katy's Pond dam, habitat restoration, and perform related site development activities within regulated areas.

Shown on Assessor's Map #15 as Lots #34, 35, 73, 74, 75 and 76.

The Environmental Protection Commission has considered the application with due regard to the matters enumerated in Section 21a-41 of the Connecticut General Statutes as amended and in accordance with Section 10 of the Inland Wetlands and Watercourse Regulations of the Town of Darien, and has found that an approval is in conformance with the purposes and provisions of said sections.

This authorization refers to the application to conduct regulated activities within and adjacent to inland wetlands within the Town of Darien. The Commission has conducted its review and findings on the bases that:

- In issuing this permit, the Commission has relied on the applicant's assurances, and makes no warranties and assumes no liability as to the structural integrity of the design or any structures, nor to the engineering feasibility or efficacy of such design.
- In evaluating this application, the Environmental Protection Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, after interested parties have had an

opportunity to be heard at a duly noticed public hearing this permit shall be modified, suspended or revoked by the Commission.

The Environmental Protection Commission met for a public hearing on July 7, 2004. During the Commission's hearing, the applicant's representatives presented information explaining the project and provided answers to concerns and questions raised by the Commission and Commission staff. The general public was provided an opportunity to express their opinions and comment regarding the proposed work activity.

Following careful review of the submitted application materials and related analysis, the Commission, all of whose members that participated in the deliberation are fully familiar with the site and its surroundings, finds:

A. PROJECT DESCRIPTION:

The application proposes the maintenance dredging of Katy's Pond to restore its original open water habitat and water volume. The restoration should contribute to providing greater sediment control. The application proposes the removal of approximately 2,250 cubic yards of sediment from a $\pm 28,900$ square foot (0.65-acre) area extending $\pm 400'$ north from the Katy's Pond dam. All dredged materials would be disposed of offsite. A temporary equipment access road from Sunset Road along the northern property line for 28 Sunset Road. One tree would be removed to install the access road. The access ramp would be removed during the final phase of the dredging process. The dam would be patched and the anchoring streambank would be fortified. No trees or bushes shall be removed.

The application proposes the creation of a shallow water habitat planting area, which should enhance the pond's habitat for amphibians, reptiles and birds. In addition, by restoring the pond's original depth, fish habitat should be created.

The dredging of Katy's Pond was approved by the Commission on August 6, 2003 under its resolution for Wetland Permit #EPC-66-2003 for the Goodwives River Management Initiative.

B. SITE DESCRIPTION:

Katy's Pond is located on the northwest corner of the intersection of Brookside Road and Meadowbrook Lane. Evidence of sediment accumulation is clearly visible, as the pond has been degraded and filled due to sediment accumulation, which occurred as the Goodwives River watershed has been developed. No aquatic vegetation has been found in the pond. The sediment accumulation has impacted the pond through the loss of the open water habitat, the smothering of benthic organisms and aquatic plants, and increased water temperatures, which reduce oxygen levels. In addition, the sedimentation of the pond has decreased its capacity to retain sediment; therefore, sediment is passed to downstream ponds and ultimately the Long Island Sound.

C. HEARING PRESENTATIONS AND RECORD:

The applicant and his representatives provided materials to the EPC as part of the record in this matter. These materials were presented and discussed during the Public Hearing of July 7, 2004, and discussed during the Commission's deliberation on August 4, 2004:

1. Plan – “Friends of Goodwives River Dredging Plan – Katy’s Pond, Darien, Connecticut,” Sheet 2, by Fuss & O’Neill Inc., dated May 2002, last revised 2/19/04.
2. Plan – “Construction Details, Friends of Goodwives River, Darien, Connecticut,” Sheet 5, by Fuss & O’Neill Inc., dated May 2003.
3. Report – “Goodwives River Watershed Management Plan; Friends of Goodwives River, Inc., Darien, Connecticut” by Fuss & O’Neill, Inc., dated February 2004.
4. Site Photographs of Katy’s Pond, taken from 2002 to February 2004 (six photographs).
5. Plan showing location of tree to be removed from equipment access area, received by the Planning and Zoning Office on June 25, 2004.
6. Application for Permission to Conduct a Regulated Activity within an Inland Wetland or Watercourse Area within the Town of Darien, signed by Richard Windels, dated May 21, 2004.
7. Information Sheet for Pond Dredging Applications, Environmental Protection Commission.
8. List of Exhibits, Friends of Goodwives River, Katy’s Pond Project, May 2004.
9. Exhibit A, Locator Map and List of Underlying and Adjacent Property Owners, Friends of Goodwives River, Katy’s Pond Project, May 2004.
10. Exhibit B, Project Description and Regulated Activities, Friends of Goodwives River, Katy’s Pond Project, May 2004.
11. Exhibit C, Construction Plan, Friends of Goodwives River, Katy’s Pond Project, May 2004
12. Environmental Assessment Report, Katy’s Pond, Overview, by Fuss & O’Neill Inc.
13. Attachment H-1, Engineering Assessment, by Fuss & O’Neill, Inc.
14. Attachment J, Alternatives Assessment, by Fuss & O’Neill, Inc.
15. Attachment L, Flood Contingency Plan for Upper Pond, by Fuss & O’Neill, Inc.

16. Proof of certified mailings, received June 25, 2004 by the Planning and Zoning Office.
17. Letter of Authorization from Marilyn and Thomas Stephens, 32 Sunset Road, Darien, CT, dated May 23, 2004.
18. Letter of Authorization from Madeline & Jonathan Walker, 28 Sunset Road, Darien, CT, dated May 24, 2004.
19. Letter of Authorization from Andrew & Mary (Mollie) Shook, 95 Brookside Road, Darien, CT, dated May 24, 2004
20. Letter to Richard Windels, President, Friends of Goodwives River, Inc., from Nancy H. Sarner, Environmental/GIS Analyst, Re: Wetlands Permit Application #EPC-66-2003, Goodwives River Pond Dredging, dated August 13, 2003.
21. Memorandum to EPC Members from Nancy H. Sarner, Environmental/GIS Analyst, Re: Modification of Katy's Pond Application, dated July 1, 2004.
22. Meeting minutes from the July 2, 2003 meeting of the Environmental Protection Commission, pages 6 to 12, pertaining to EPC-66-2003, Friends of Goodwives River, Goodwives River Management Initiative.
23. Meeting minutes from the August 6, 2003 meeting of the Environmental Protection Commission, pages 9 to 15, and pages 22 to 24, pertaining to EPC-66-2003, Friends of Goodwives River, Goodwives River Management Initiative.
24. Memorandum to EPC Members from Nancy Sarner, Environmental/GIS Analyst, regarding Hope Pond dredging project, dated 6/16/2004.
25. Letter to Richard Windels, President, Friends of Goodwives River, Inc., from Nancy H. Sarner, Environmental/GIS Analyst, Re: Notification to Neighbors for Wetland Permit Appl. #EPC-54-2004, Friends of Goodwives River, Katy's Pond within the Goodwives River, dated June 11, 2004.
26. Mailing List for Katy's Pond, Neighbors within 100' of Project Area, generated by the Town's Geographic Information System (GIS), dated 6/11/2004.
27. Mailing List for Katy's Pond, Neighbors within 100' of Project Area, generated by the Town's Geographic Information System (GIS), dated 5/24/2004.
28. Email message from Nancy Sarner to Richard Windels, dated May 24, 2004, with attached email from Nancy Sarner to Richard Windels, dated May 21, 2004.
29. Email message from Nancy Sarner to Richard Windels, dated May 21, 2004.

D. ITEMS/ISSUES OF CONCERN TO THE COMMISSION:

1. Pond Dredging:

Ponds play an important role in the sedimentation and erosion control process that is necessary to protect larger watercourses and waterbodies downstream. Therefore, the Commission encourages the proper maintenance of ponds, with the use of best management practices and methods for pond dredging. The Commission finds that the maintenance dredging should not only restore the pond's capacity to collect sediments to prevent future sedimentation of downstream areas, but would restore the open water habitat of the pond, thereby providing an increase in biodiversity of wildlife habitat and vegetation.

2. Impact to Katy's Pond, Wetlands and the Goodwives River:

Katy's Pond is part of the Goodwives River watercourse system. Under its permit review process, the Commission not only limits potential impact to wetlands and watercourses from proposed activity, but, whenever possible, seeks to improve existing conditions.

The Commission reviewed the proposed plan and construction narrative for the dredging of Katy's Pond by Fuss & O'Neill. The Commission accepts the statements by Fuss & O'Neill that the proposed best management practices, including sedimentation and erosion controls and timing of dredging activity, would protect Katy's Pond and downstream areas of Goodwives River.

The Commission finds that restoration of the pond and creation of the proposed shallow water habitat planting areas should increase the pond's capacity to support fish and wildlife.

The Commission finds that the repair of the Katy's Pond dam should promote public health and safety and protect downstream properties and Goodwives River.

The Commission considered the relationship between short-term impacts posed by the regulated activity and proposed long-term impacts and benefits. It finds that the short-term impacts should be mitigated with proper sediment and erosion control methods and restoration plantings, and are off set by the long-term benefits that should enhance the productivity and existing environmental quality of Katy's Pond.

The Commission finds that the proposed work activity does not represent an irreversible and irretrievable commitment of resources, but rather a restoration of the impacted pond's open water habitat and water volume, and enhancement of the pond through the introduction of habitat restoration plantings.

3. Review of Feasible and Prudent Alternatives

The Commission finds that the application does not pose a significant impact to Katy's Pond, associated wetlands, or Goodwives River. To the contrary, the Commission is of the view that the application would substantially protect, restore and enhance those precious resources. Therefore, a finding of a feasible and prudent alternative is not required pursuant to Section 10.3 of the Town's Inland Wetlands and Watercourses Regulations.

However, the Commission finds that the alternative of “no activity” is not prudent, as the Katy’s Pond has been completely filled due to sediment accumulation, which occurred as the Goodwives River watershed has been developed. It also accepts the findings of Fuss & O’Neill that removing more sediment in lieu of creating a shallower pond environment would create a more resilient aquatic habitat and provide greater capacity for sediment collection.

4. Sediment and Erosion

The Commission recognizes that the dredging work activity within Katy’s Pond and associated activity within regulated areas could cause erosion and/or sedimentation, and has reviewed the applicant’s proposed steps to prevent significant impact to the resources. The Commission has found that the proposal incorporates both short-term and long-term sediment and erosion controls into the development plan. Temporary controls will be utilized during dredging activity and are proposed to be maintained during the stabilization period following work activity. Permanent controls include the repair of the Katy’s Pond dam and the installation of habitat plantings within the pond and buffer area.

E. DECISION:

The Commission hereby approves Wetlands Permit Application #EPC-54-2004, with the following stipulations:

1. This is a conditional approval. Each and all of the conditions herein are an integral part of the Commission’s decision.
2. The Commission approves the dredging of Katy’s Pond. The work activity shall be in accordance with the plans submitted to and reviewed by the Commission, entitled “Friends of Goodwives River Dredging Plan – Katy’s Pond, Darien, Connecticut,” Sheet 2, by Fuss & O’Neill Inc., dated May 2002, last revised 2/19/04, and “Construction Details, Friends of Goodwives River, Darien, Connecticut,” Sheet 5, by Fuss & O’Neill Inc., dated May 2003.
3. Work activity shall occur in accordance with construction plan (narrative), Exhibit C – Construction Plan, by Fuss & O’Neill.
4. No fill and regrading activity is approved for Katy’s Pond Project Area. All dredged materials must be taken offsite.
5. Work activity shall not begin at the Katy’s Pond project area until all activity at Hope Pond is completed, including but not limited to the removal of all dredged materials, installation of required restoration plantings, and stabilization and restoration of all disturbed areas. All sediment and erosion controls shall be installed for the Katy’s Pond work site prior to the commencement of work activity at that pond. The applicant shall contact the Planning and Zoning Office for inspection to confirm that work may begin the next pond/project area.

6. The dredging activity shall commence between July to September 2004. If the permittee is unable to commence work activity during this period or if this period is subject to heavy rainfall, the work shall not commence until the summer of 2005.
7. Fuss & O'Neill, Commission Staff and the contractor meet at the pond for a pre-construction meeting
8. A copy of the approved plans shall be provided to the contractor prior to the pre-construction meeting. A letter from the contractor should be submitted to the EPC, c/o the Planning and Zoning Office, to confirm receipt of the plans and acknowledge that work shall not deviate from this approval.
9. The habitat/restoration plantings shall be installed as shown on the approved plan by Fuss & O'Neill, Sheet 2, last revised 2/19/04. The plantings are an integral part of the approval and therefore must be completed prior to the closing of the project area and the commencement of any downstream ponds.
10. All sediment and erosion controls shall be installed prior to the commencement of work activity as shown on the approved plans. The bottom of the silt fence shall be buried a minimum of 6-inches into the soil and shall be backfilled with suitable material. All controls must be inspected daily by the permittee or their representative. Any sagging, undermining, or damage to the silt fence or construction barrier must be repaired immediately
11. Sediment and erosion controls shown on the plans shall be maintained throughout the construction process and shall only be removed when the disturbed areas have been adequately re-stabilized with suitable vegetation.
12. All areas disturbed by work activity associated with the dredging project shall be restored to pre-existing conditions.
13. That a performance bond be posted, in the amount budgeted, with the Planning and Zoning Office to ensure the work activity is completed in accordance with this approval, prior to the commencement of site activity. A copy the contractor's bid sheet listing the budgeted amount shall be submitted to the file with the performance bond, prior to the commencement of work activity.
14. Any increase in the extent of regrading, development, disturbance or impacts within the wetlands or watercourse, or regulated area around the wetlands, or other significant amendments to the approved plan will require prior submission to and review by the Commission in accordance with Section 7.8 of the Inland Wetlands and Watercourses Regulations of the Town of Darien. Any structures, excavation, fill, obstructions, encroachment or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation. Upon the initiation of the activities authorized herein, the permittee would thereby accept and agree to comply with the terms and conditions of this permits
15. The permittee shall notify the Environmental Protection Commission prior to commencement of work activity and after the sediment and erosion controls are in place. The staff will

inspect the erosion controls to make sure that they are sufficient and as per plan. All sediment and erosion control measures should be maintained until all disturbed areas are stabilized and revegetated.

16. No equipment or material, including without limitation, fill, construction materials, debris, or other items shall be deposited, placed or stored in any wetland or watercourse on or offsite unless specifically authorized by this permit.
17. This permit does not relieve the applicant of their responsibility to comply with all other applicable rules, regulations, and codes of other Town agencies or other regulating agencies. A copy of these other permits and approvals shall be submitted to the EPC to complete the file.
18. The duration of this permit shall be five (5) years and shall expire on the date specified above. All proposed activities must be completed and all conditions of this permit, including the required plantings, must be met within one year from the commencement of the proposed activity.

The motion was made by Mr. Hillman, seconded by Mr. Hutchison, and unanimously approved.

Chairman Hillman read the following agenda item:

Discussion and Possible Decision for EPC-55-2004, Friends of Goodwives River, Upton Pond in the Goodwives River, proposing pond dredging, installation of a stone weir, repair of a stone retaining wall, fill activity, habitat restoration, and perform related site development activities within regulated areas. Upton Pond is located on the west side of Brushy Hill Road approximately 725' south of the intersection of Andrews Drive and Brushy Hill Road, shown on Assessor's Map #63 as Lots #67 & 68.

Upon discussion and consideration of the application file, the following resolution was adopted:

TOWN OF DARIEN
ENVIRONMENTAL PROTECTION COMMISSION
PERMIT TO CONDUCT A REGULATED ACTIVITY

EFFECTIVE DATE: AUGUST 11, 2004
EXPIRATION DATE: AUGUST 11, 2009

Application Number: EPC-55-2004

Applicant's Name and Address: Friends of Goodwives River, Inc.
c/o Richard Windels, President
11 Queens Lane
Darien, CT 06820

Property Address of Proposed Activity: Upton Pond on Brushy Hill Road
Darien, CT 06820

Name and Address of Applicant's Representative: Fuss & O'Neill, Inc.
146 Hartford Road
Manchester, CT 06040

Proposed Activity: Pond dredging, habitat restoration, and perform related site development activities within regulated areas.

Shown on Assessor's Map #63 as Lots #67 & 68.

The Environmental Protection Commission has considered the application with due regard to the matters enumerated in Section 21a-41 of the Connecticut General Statutes as amended and in accordance with Section 10 of the Inland Wetlands and Watercourse Regulations of the Town of Darien, and has found that an approval is in conformance with the purposes and provisions of said sections.

This authorization refers to the application to conduct regulated activities within and adjacent to inland wetlands within the Town of Darien. The Commission has conducted its review and findings on the bases that:

- In issuing this permit, the Commission has relied on the applicant's assurances, and makes no warranties and assumes no liability as to the structural integrity of the design or any structures, nor to the engineering feasibility or efficacy of such design.
- In evaluating this application, the Environmental Protection Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, after interested parties have had an opportunity to be heard at a duly noticed public hearing this permit shall be modified, suspended or revoked by the Commission.

The Environmental Protection Commission met for a public hearing on July 7, 2004. During the Commission's July 7, 2004 hearing, the applicant's representatives presented information explaining the project and provided answers to concerns and questions raised by the Commission and Commission staff. The general public was provided an opportunity to express their opinions and comment regarding the proposed work activity.

Following careful review of the submitted application materials and related analysis, the Commission, all of whose members that participated in the deliberation are fully familiar with the site and its surroundings, finds:

A. PROJECT DESCRIPTION:

The application proposes the maintenance dredging of Upton Pond to restore its original open water habitat and water volume. The restoration should contribute to providing greater sediment control. The application proposes the removal of approximately 1,000 cubic yards of sediment from a ±12,000 square foot (0.275-acre) area extending 90' north from the Upton

Pond dam. A temporary access road from Brushy Hill Road, extending down the driveway for 25 Brushy Hill Road and onto the southwestern end of 21 Brushy Hill Road, would be created for equipment access. The access ramp would be removed during the final phase of the dredging process. All dredged materials would be disposed of offsite. No trees or bushes shall be removed.

The application proposes the restoration of shoreline habitat zones to benefit waterfowl, amphibian and other aquatic species. These areas would be incorporated into the post-dredging bathymetric contours of Upton Pond and planted with appropriate wetland species.

Mr. Windels withdrew the proposed fill activity and explained that it had been inadvertently included as part of the application.

The dredging of Upton Pond was approved by the Commission on August 6, 2003 under its resolution for Wetland Permit #EPC-66-2003 for the Goodwives River Management Initiative.

B. SITE DESCRIPTION:

Upton Pond is located on the west side of Brushy Hill Road approximately 725' south of the intersection of Andrews Drive and Brushy Hill Road. Evidence of sediment accumulation is clearly visible, as the pond has been degraded and filled due to sediment accumulation, which occurred as the Goodwives River watershed has been developed. No aquatic vegetation has been found in Upton Pond. Invasive Japanese Knotweed has been identified as growing along the pond's shoreline. The sediment accumulation has impacted the pond through the loss of the open water habitat, the smothering of benthic organisms and aquatic plants, and increased water temperatures, which reduce oxygen levels.

C. HEARING PRESENTATIONS AND RECORD:

The applicant and his representatives provided materials to the EPC as part of the record in this matter. These materials were presented and discussed during the Public Hearing of July 7, 2004, and discussed during the Commission's deliberation on August 4, 2004:

1. Plan – "Friends of Goodwives River Dredging Plan – Upton Pond, Darien, Connecticut," Sheet 3, by Fuss & O'Neill Inc., dated May 2002, last revised 2/19/04.
2. Plan – "Construction Details, Friends of Goodwives River, Darien, Connecticut," Sheet 5, by Fuss & O'Neill Inc., dated May 2003.
3. Report – "Goodwives River Watershed Management Plan; Friends of Goodwives River, Inc., Darien, Connecticut" by Fuss & O'Neill, Inc., dated February 2004.
4. Aerial Photograph of Upton and Upper Ponds, 1980.

5. Site Photographs of Upton Pond, taken from September 2002 to May 2004 (eight photographs).
6. Application for Permission to Conduct a Regulated Activity within an Inland Wetland or Watercourse Area within the Town of Darien, signed by Richard Windels, dated May 21, 2004.
7. Information Sheet for Pond Dredging Applications, Environmental Protection Commission.
8. List of Exhibits, Friends of Goodwives River, Upton Pond Project, May 2004.
9. Exhibit A, Locator Map and List of Underlying and Adjacent Property Owners, Friends of Goodwives River, Upton Pond Project, May 2004.
10. Exhibit B, Project Description and Regulated Activities, Friends of Goodwives River, Upton Pond Project, May 2004.
11. Exhibit C, Construction Plan, Friends of Goodwives River, Upton Pond Project, May 2004
12. Environmental Assessment Report, Upton Pond, Overview, by Fuss & O'Neill Inc.
13. Proof of certified mailings, received June 25, 2004 by the Planning and Zoning Office.
14. Letter of Authorization from Steve Cary, 21 Brushy Hill Road, Darien, CT, received May 27, 2004.
15. Letter of Authorization from James M. and Kerry L. Plutte, 25 Brushy Hill Road, Darien, CT, dated May 24, 2004.
16. Letter to Richard Windels, President, Friends of Goodwives River, Inc., from Nancy H. Sarner, Environmental/GIS Analyst, Re: Wetlands Permit Application #EPC-66-2003, Goodwives River Pond Dredging, dated August 13, 2003.
17. Meeting minutes from the July 2, 2003 meeting of the Environmental Protection Commission, pages 6 to 12, pertaining to EPC-66-2003, Friends of Goodwives River, Goodwives River Management Initiative.
18. Meeting minutes from the August 6, 2003 meeting of the Environmental Protection Commission, pages 9 to 15, and pages 22 to 24, pertaining to EPC-66-2003, Friends of Goodwives River, Goodwives River Management Initiative.
19. Memorandum to EPC Members from Nancy Sarner, Environmental/GIS Analyst, regarding Hope Pond dredging project, dated 6/16/2004.
20. Letter to Richard Windels, President, Friends of Goodwives River, Inc., from Nancy H. Sarner, Environmental/GIS Analyst, Re: Notification to Neighbors for Wetland Permit

Appl. #EPC-55-2004, Friends of Goodwives River, Upton Pond within the Goodwives River, dated June 11, 2004.

21. Mailing List for Upton Pond, Neighbors within 100' of Project Area, generated by the Town's Geographic Information System (GIS), dated 6/11/2004.
22. Mailing List for Upton Pond, Neighbors within 100' of Project Area, generated by the Town's Geographic Information System (GIS), dated 5/24/2004.
23. Email message from Nancy Sarner to Richard Windels, dated May 24, 2004, with attached email from Nancy Sarner to Richard Windels, dated May 21, 2004.
24. Email message from Nancy Sarner to Richard Windels, dated May 24, 2004.

D. ITEMS/ISSUES OF CONCERN TO THE COMMISSION:

2. Pond Dredging:

Ponds play an important role in the sedimentation and erosion control process that is necessary to protect larger watercourses and waterbodies downstream. Therefore, the Commission encourages the proper maintenance of ponds, with the use of best management practices and methods for pond dredging. The Commission finds that the maintenance dredging should restore the open water habitat of the pond, thereby providing an increase in biodiversity of wildlife habitat and vegetation, and should provide more sediment collection to prevent future sedimentation of downstream areas. In addition, the proposed gabion stone weir should allow for the easier future maintenance and cleaning of collected sediments.

2. Impact to Upton Pond, Wetlands and the Goodwives River:

Upton Pond is part of the Goodwives River watercourse system. Under its permit review process, the Commission not only limits potential impact to wetlands and watercourses from proposed activity, but, whenever possible, seeks to improve existing conditions.

The Commission reviewed the proposed plan and construction narrative for the dredging of Upton Pond by Fuss & O'Neill. The Commission accepts the statements by Fuss & O'Neill that the best management practices, including sedimentation and erosion controls and timing of dredging activity, proposed would protect Upton Pond and downstream areas of Goodwives River.

The Commission finds that restoration of the pond and creation of the proposed shallow water habitat planting areas should increase the pond's capacity to support fish and wildlife.

The Commission considered the relationship between short-term impacts posed by the regulated activity and proposed long-term impacts and benefits. It finds that the short-term impacts should be mitigated with proper sediment and erosion control methods and restoration plantings, and are off set by the long-term benefits that should enhance the productivity and existing environmental quality of Upton Pond.

The Commission finds that the proposed work activity does not represent an irreversible and irretrievable commitment of resources, but rather a restoration of the impacted pond's open water habitat and water volume, and enhancement of the pond through the introduction of habitat restoration plantings.

3. Review of Feasible and Prudent Alternatives

The Commission finds that the application does not pose a significant impact to Hope Pond, associated wetlands, or Goodwives River. To the contrary, the Commission is of the view that the application will substantially protect, restore and enhance those precious resources. Therefore, a finding of a feasible and prudent alternative is not required pursuant to Section 10.3 of the Town's Inland Wetlands and Watercourses Regulations. However, the Commission finds that the alternative of "no activity" is not prudent, as the Upton Pond has been degraded due to sediment accumulation, which occurred as the Goodwives River watershed has been developed.

4. Sediment and Erosion

The Commission recognizes that the dredging work activity within Upton Pond and associated activity within regulated areas could cause erosion and/or sedimentation, and has reviewed the applicants' proposed steps to prevent significant impact to the resources. The Commission has found that the proposal incorporates both short-term and long-term sediment and erosion controls into the development plan. Temporary controls will be utilized during dredging activity and are proposed to be maintained during the stabilization period following work activity. Permanent controls include the repair of the failed stone weir and southern stone retaining wall, and the installation of habitat plantings within the pond and buffer area.

E. DECISION:

The Commission hereby approves Wetlands Permit Application #EPC-55-2004, with the following stipulations:

1. This is a conditional approval. Each and all of the conditions herein are an integral part of the Commission's decision.
2. The Commission approves the dredging of Upton Pond. The work activity shall be in accordance with the plans submitted to and reviewed by the Commission, entitled "Friends of Goodwives River Dredging Plan – Upton Pond, Darien, Connecticut," Sheet 3, by Fuss & O'Neill Inc., dated May 2002, last revised 2/19/04, and "Construction Details, Friends of Goodwives River, Darien, Connecticut," Sheet 5, by Fuss & O'Neill Inc., dated May 2003.
3. Work activity shall occur in accordance with construction plan (narrative), Exhibit C – Construction Plan, by Fuss & O'Neill.
4. No fill and regrading activity is approved for Upton Pond Project Area. All dredged materials must be taken offsite.

5. The dredging activity shall commence between July to September 2004. If the permittee is unable to commence work activity during this period or if this period is subject to heavy rainfall, the work shall not commence until the summer of 2005.
6. The dredging of Upton Pond shall not begin until the Katy's Pond dredging is completed, and the project area is stabilized. Work shall not begin at the Upton Pond project area until all activity at Katy's Pond is completed, including but not limited to the removal of all dredged materials, installation of required restoration plantings, and stabilization and restoration of all disturbed areas. All sediment and erosion controls shall be installed for the Upton Pond work site prior to the commencement of work activity at that pond. The applicant shall contact the Planning and Zoning Office for inspection to confirm that work may begin the next pond/project area.
7. Fuss & O'Neill, Commission Staff and the contractor meet at the pond for a pre-construction meeting
8. A copy of the approved plans shall be provided to the contractor prior to the pre-construction meeting. A letter from the contractor should be submitted to the EPC, c/o the Planning and Zoning Office, to confirm receipt of the plans and acknowledge that work shall not deviate from this approval.
9. The habitat/restoration plantings shall be installed as shown on the approved plan by Fuss & O'Neill, Sheet 3, last revised 2/19/04. The plantings are an integral part of the approval and therefore must be completed prior to the closing of the project area and the commencement of any downstream ponds.
10. All sediment and erosion controls shall be installed prior to the commencement of work activity as shown on the approved plans. The bottom of the silt fence shall be buried a minimum of 6-inches into the soil and shall be backfilled with suitable material. All controls must be inspected daily by the permittee or their representative. Any sagging, undermining, or damage to the silt fence or construction barrier must be repaired immediately.
11. Sediment and erosion controls shown on the plans shall be maintained throughout the construction process and shall only be removed when the disturbed areas have been adequately re-stabilized with suitable vegetation.
12. All areas disturbed by work activity associated with the dredging project shall be restored to pre-existing conditions.
13. That a performance bond be posted, in the amount budgeted, with the Planning and Zoning Office to ensure the work activity is completed in accordance with this approval, prior to the commencement of site activity. A copy the contractor's bid sheet listing the budgeted amount shall be submitted to the file with the performance bond, prior to the commencement of work activity.
14. Any increase in the extent of regrading, development, disturbance or impacts within the wetlands or watercourse, or regulated area around the wetlands, or other significant amendments to the approved plan will require prior submission to and review by the

Commission in accordance with Section 7.8 of the Inland Wetlands and Watercourses Regulations of the Town of Darien. Any structures, excavation, fill, obstructions, encroachment or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation. Upon the initiation of the activities authorized herein, the permittee would thereby accept and agree to comply with the terms and conditions of this permits

15. The permittee shall notify the Environmental Protection Commission prior to commencement of work activity and after the sediment and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and as per plan. All sediment and erosion control measures should be maintained until all disturbed areas are stabilized and revegetated.
16. No equipment or material, including without limitation, fill, construction materials, debris, or other items shall be deposited, placed or stored in any wetland or watercourse on or offsite unless specifically authorized by this permit.
17. This permit does not relieve the applicant of their responsibility to comply with all other applicable rules, regulations, and codes of other Town agencies or other regulating agencies. A copy of these other permits and approvals shall be submitted to the EPC to complete the file.
18. The duration of this permit shall be five (5) years and shall expire on the date specified above. All proposed activities must be completed and all conditions of this permit, including the required plantings, must be met within one year from the commencement of the proposed activity.

The motion was made by Mr. Hillman, seconded by Mr. Hutchison, and unanimously approved.

Chairman Hillman read the following agenda item:

Discussion of EPC-51-2004, Elizabeth Stanley-Brown & Peter G. Horan, 7 Fresh Meadows Lane, proposing the construction of a pool with surrounding patio, the removal and reconstruction stone-retaining wall, tree removal, installation of wetland plantings, and perform related site development activities within a regulated area. The proposed swimming pool has been withdrawn by the applicants. The property is located on the east side of Fresh Meadows Lane approximately 430' north of the intersection of Middlesex Road and Fresh Meadows Lane, shown on Assessor's Map #25 as Lot #92-3.

The public hearing for the application had been closed during the August 4, 2004 meeting. The Commission discussed the merits of the application, possible conditions of resolutions, and instructed Commission staff to write a draft resolution based upon their discussion for further review during the September 8, 2005 meeting.

Chairman Hillman read the following agenda item:

Discussion of EPC-58-2004, David Mangini & Casey Elliot, 40 Goodwives River Road, proposing a rear patio, driveway, retaining walls, fill & regrading, stormwater galleries, primary septic system and reserve area, and plantings, and perform related site development activities within a regulated area. The proposed residence is located outside 100' setback for Goodwives River and 50' setback for inland wetlands. The property is located on the east side of Goodwives River Road approximately 1,200' southeast of the intersection of Goodwives River Road and Old King Highway South, shown on Assessor's Map #63 as Lot #106-A.

The public hearing for the application had been closed during the August 4, 2004 meeting. The Commission discussed the merits of the application, possible conditions of resolutions, and instructed Commission staff to write a draft resolution based upon their discussion for further review during the September 8, 2005, meeting. Chairman Hillman requested that the Commission findings outline a majority and minority positions on the application.

Approval of Minutes:

Meeting minutes for June 2, 2004 were unanimously approved, with corrections. The motion was made by Mr. Hillman and seconded by Mr. Kenyon.

Adjournment: Having no further business to attend to, the Commission adjourned the August 4, 2004 meeting at approximately 11:30 p.m.

Respectfully submitted,

Nancy H. Sarner
Environmental/GIS Analyst