

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING MINUTES

April 6, 2016

7:30 P.M.

Room 206, Town Hall

Mr. Joosten called the meeting to order at 7:30 P.M

Commission Members Present: Eric Joosten, Ed Sweeney, Susan Mackenzie, Lucia Zachowski, Jim Millard, Gunnar Edelstein, and Keith Kearney

Staff: Jacobson

Reporter: Syat

Channel 79 recorded.

Mr. Joosten welcomed Gunnar Edelstein to the Commission.

Mr. Joosten called the following agenda item:

EPC-13-2016, Wesley & Kristine Depp, 11 Holly Lane, proposing house replacement and related construction within an upland review area. The site is shown on Assessor's Map #9 as Lot #146.

Mr. Sweeney moved to schedule a public hearing as in the public interest. Ms. Mackenzie seconded the motion and it passed 7-0. The hearing will be May 4.

Mr. Joosten called the following agenda item:

EPC-14-2016, Long Island Brothers, LLC, 23 Lynn Court, proposing replacement house and related construction within an upland review area, and stream bank reconstruction within a watercourse. The site is shown on Assessor's Map #31 as Lot #23.

Mark Lebow, L.S. represented the Applicant. He said they are replacing a blighted house. The new house will conform to FEMA regulations. He said they are also proposing river bank stabilization.

Ms.. Zachowski moved to schedule a public hearing as a significant activity and in the public interest. Mr. Sweeney seconded the motion and it passed 7-0. The hearing will be May 4.

Mr. Joosten called the following agenda item:

Notice of Encroachments within a Conservation Easement, Donald & Susan Young, 455 Mansfield Avenue

The Commission discussed a proposal from Mr. Young which would provide for a swap of a portion of the easement for another area on the property. The Commission agreed that the concept is acceptable and staff will work with the Youngs on the details.

Mr. Joosten called the following agenda item:

Request by Parklands Office Park LLC to remove hazardous trees within a conservation easement.

Mark Depacol represented the property owner. He said the neighbor is concerned about the trees overhanging their house. He said they are planning on enhancing the plants in the easement as part of an upcoming redevelopment of the property.

Mr. Kearney moved to allow the proposed tree removal in the easement. Mr. Sweeney seconded motion and it passed 7-0,

Mr. Edelstein asked if the tree removal will cause erosion on the slope. Mr. Depacol said they will leave the stumps.

Mr. Joosten called the following agenda item:

EPC-10-2016, Keith Balentine, 201 Middlesex Road, proposing fence construction in an upland review area. The site is shown on Assessor's Map #9 as Lot #13D.

Mr. Balentine represented himself. He said he provided a soil report and a planting plan. He said the proposed fence will be split rail like the opposite side of the pond.

Ms. Zachowski moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant. . Mr. Sweeney seconded the motion and it passed 7-0.

EPC-11-2016, Robert Alberga, 260 West Avenue, proposing gravel driveway construction within an upland review area. The site is shown on Assessor's Map #21 as Lot #4.

Mr. Jacobson said Mr. Alberga was unable to attend. He said the proposal was a minor amount of work within the upland review area.

Mr. Kearney moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant.. Mr. Millard seconded the motion and it passed 7-0.

Mr. Joosten called the following agenda item:

EPC-12-2016 , Robert & Carol Gray, 1 Brush Island, proposing dock construction within an upland review area. The site is shown on Assessor's Map #56 as Lot #22.

Mr. Kearney recused himself for this application.

Jeff McDougal, L.S. represented the Applicant. He said the dock has been approved by the DEEP and ACOE.

Ms. Zachowski asked if they are proposing plantings. Mr. McDougal said they are only disturbing a small area and there are existing plants along the pond shore.

Ms. Mackenzie moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Zachowski seconded the motion and it passed 5-0. Mr. Edelstein abstained.

Mr. Joosten called the following public hearing.

EPC-02-2016, Everett Schenk, 19 Salisbury Road, proposing site development related to a new single family home within an upland review area. The site is shown on Assessor's Map #1 as Lot #101. (Continued from March 2).

Mr. Kearney said he listened to the February 3 hearing.

Mr. Jacobson noted for the record the receipt earlier in the day of Joe Canas's report and a memo from Health Director David Knauf.

Attorney Robert Maslan represented the Applicant. He said the Commission has two jurisdictional areas on the site. He said the Applicant's engineer, Doug DiVesta, Joe Canas, and Craig Flaherty on behalf of the neighbors have exchanged letters. He introduced Doug DiVesta, P.E to discuss the changes to the plans.

Mr. DiVesta reviewed Joe Canas's comments and said they have been addressed with the exception of 3.b which will be addressed for the P&Z hearing. He reviewed the latest plan revisions.

Lou Fucso, Landscape Architect, provided photos of the site and said the proposed plan will vastly improve the site.

Joe. Canas reviewed his comments and said the one outstanding issue is regarding the flow calculations and the impact of the trash rack on flow through the pipe at 54 Pembroke Road. He said the proposal would not impact the wetland. He said the criteria is not to create more flow onto adjacent properties.

Ms. Zachowski asked about the sequence of construction. Mr. Canas said the erosion controls are first followed by the drainage.

Mr. Joosten opened the hearing for public comment.

Craig Flaherty, P.E. said he represents the owners of 9 and 25 Salisbury Road. He used a markup of the DiVesta plan to illustrate the concerns he has expressed in his letters regarding water backing up on 9 Salisbury. He said the proposed rain garden will not function as a raingarden

and the proposed swale and excavation in the wetland will impact trees on the property and on the property 25 Salisbury.

Attorney Wilder Gleason said he represents the owners of 9 Salisbury Road. He said the Commission has jurisdiction over the septic system as a potential source of pollution. He said the trees are not mapped and there is the potential for significant impacts. He urged the Commission to deny the Application as incomplete.

Kevin Kulak, 58 Pembroke Road said he is still concerned about the fill impact flow onto his property.

Cheryl Viesta, 9 Salisbury Road, said the entire property is sheet flow and the plan will impact the property.

Mr. Maslan said his client cannot address problems on other properties.

Mr. DiVesta said the system meets code and his infiltration tests show the rain garden will work.

Mr. Kearney asked Mr. Canas if he agrees with Ms. Viesta. Mr. Canas said no. He said there is a low point where the water flows off 9 Salisbury onto 19 Salisbury.

Mr. Kearney asked if there were additional comments from Mr. Flaherty that need to be addressed. Mr. Canas said no. He said moving the house out of the floodplain is not required. He said he did not believe the fill near the house or the septic fill would impact the water flow.

Mr. Sweeney asked Mr. Flaherty if the septic did not meet code or were his comments recommendations. Mr. Flaherty said he did not think it meets code.

Mr. Jacobson asked Mr. Flaherty if, in his opinion the system was likely to fail and pollute the watercourse. Mr. Flaherty said he could not say it is likely to fail but it would be less likely.

Mr. Maslan said the Applicant has a viable plan with no significant impact. He said they are willing to adjust the rain garden to avoid trees.

Mr. Gleason said the plan was being done on the fly.

Mr. Fusco said the plan was not done on the fly,

Ms. Viesta expressed her concern about flooding.

Mr. Joosten said the areas of Ms. Viesta's concern are not in the EPC's jurisdiction.

Mr. Kearney moved to close the public hearing. Ms. Mackenzie seconded the motion and it passed 7-0.

Mr. Joosten called the following public hearing.

EP-09-2016, Dr. Daniel Brenner, Superintendent, Darien Public Schools, 80 High School Lane, proposing to expand an artificial turf field (Stadium Field East) into an upland review area. The site is shown on Assessor's Map #9 as Lot#'s 80 &81.

Joe Canas, P.E. represented the Applicant. He described the changes to the project since the 2013 approval. He said they are proposing to expand the turf field. He said there will be no increase in peak flow because they are expanding the detention basin. He said they will seed disturbed areas with New England wet mix. He said the detention Pond is a BMP for Zinc removal. He said they are considering using a cork composite.

Ms. Mackenzie left at 11:00 p.m.

Craig Flaherty, P.E. said he provided technical review of the project for the EPC and P&Z. He said Mr. Canas provided responses to all of his concerns.

Ms. Zachowski asked if there should be concern for zinc in the basin. Mr. Flaherty said no since there were a number of mitigating factors. He said a significant amount of the infill will not be rubber. He said the runoff will also come into contact with the ground and there will be adherence of zinc to particles in the sediment basin.

Mr. Canas said the zinc removal will be between 67 and 99% based on the UConn data.

Mr. Joosten opened the meeting for public comment. There were no members of the public who wished to speak.

The Commission requested more information and testing of zinc from the existing field.

The hearing was left open until May 4

Mr. Joosten called the following public hearing.

Proposed adoption of revised Inland Wetlands & Watercourses Regulations.

Mr. Jacobson provided an overview of the proposed regulations.

Mr. Joosten opened the meeting for public comment. There were no members of the public who wished to speak.

Ms. Zachowski moved to close the public hearing. Ms. Sweeney seconded the motion and it passed 7-0.

Mr. Sweeney moved to adopt the regulations. Ms. Zachowski seconded the motion and it passed 6-0. Mr. Edelstein abstained.

Mr. Joosten called the following agenda item:

### Designation of Authorized Agent

Mr. Kearney moved to appoint Mr. Jacobson as duly authorized agent. Mr. Sweeney seconded the motion and it passed 7-0.

Mr. Millard moved to approve the minutes of March 3 as amended. Ms. Mackenzie seconded the motion and it passed 5-0. Mr. Kearney and Mr. Edelstein abstained.

The Commission proceeded to deliberate on 19 Salisbury Road.

It was the consensus of the Commission that the issue of the impact on the wetland within the basin can be dealt with by a condition to modify the plan to reduce the depth and avoid any trees. Additional conditions would include maintenance plan for the drainage system and a sequence of construction.

The Commission requested Mr. Jacobson prepare a draft approval with conditions for the May 4 meeting.

Mr. Sweeney moved to adjourn. Ms. Zachowski seconded the motion and it passed 7-0.

The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer