

**Draft ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING MINUTES**

November 2, 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, Gunnar Edelstein, Lucia Zachowski, Jim Millard, and Keith Kearney

Staff: Jacobson

Reporter: Syat

Channel 79 recorded.

Mr. Joosten called the following agenda item:

EPC-32-2016, Department of Public Works, 126 Ledge Road, proposing additions to the DPW garage within an upland review area. The site is shown on Assessor's Map #39 as Lots #20 and 21.

The Commission reviewed the draft approval. Ms. Zachowski moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Mackenzie seconded the motion and it passed 7-0.

Mr. Joosten called the following agenda item:

EPC-28-2016, Almond L. & Carol Nickerson, 20 Robin Hood Lane, proposing house replacement and a swimming pool within an upland review area. The site is shown on Assessor's Map #17 as Lot #75. (Public hearing closed October 5)

The Commission reviewed the draft approval. Ms. Zachowski moved to approve the application subject to conditions that will be set forth in the approval to be sent to the applicant. Ms. Mackenzie seconded the motion and it passed 7-0.

Mr. Joosten called the following agenda item:

EPC-35-2016, Darien Board of Education, proposing landscape planting in an upland review area. The site is shown on Assessor's Map #9 as Lots #80 & 81.

Mr. Joosten called the following agenda item:

Attorney Chris Smith represented the Applicant. He said the regulated activity consists of landscaping within an upland review area. He said there is no direct wetland impact proposed. He introduced Matt Popp, L.A. and P.W.S., Don Rhuda from Musco Lighting, and Betsy Hagerty-Ross, Vice Chair of the Board of Education.

Mr. Smith said the proposed plantings are intended to provide screening and the plan was developed in consultation with Dr. Brenner and the neighbors. He said they also agreed to restrictions on the use of the lights and those are included in the P&Z application. He said the neighbors included those conditions in a submittal to the EPC.

Mr. Smit said he had discussions with the Commission's staff regarding the possibility of an agent approval for the plantings but Dr. Brenner decided to submit an application to the Commission. He said the material submitted regarding the impact of lights on wildlife is not relevant to the application since Wetland Agencies do not regulate impacts on wildlife as stated in CT General Statutes and the EPC regulations and as determined by the courts in the Avalon decision and others. He said the proposed lights are not part of the EPC application.

Mr. Joosten asked to confirm that the light poles are outside the upland review area. Mr. Smith said that is correct.

Mr. Popp described the area between the field and the wetland as an open grass area. He described the proposed plantings and said they would have benefits for wildlife.

The Commission discussed the need for a public hearing. Mr. Joosten asked the individual members if they saw any potential for significant wetland impacts. The members were unanimous in saying they do not see potential impacts and there is no need for a public hearing.

Mr. Albertus Van den Broek, Linda Lane said the neighbors are concerned with environmental impact from the lights and runoff.

Mr. Joosten said the lights will be addressed by Planning & Zoning and the runoff issue was the discussed and addressed to the satisfaction of the Commission during the previous applications for the turf fields.

Mr. Edelstein asked Mr. Van den Broek's issue is with the effectiveness of the screening.

Mr. Smith said they can address those issues further during the P&Z process.

The Commission requested staff prepared a conditional approval for the next meeting pending the fourteen day period for a petition to hold a hearing.

Mr. Joosten called the following agenda item:

EPC-36-2016, George & Elsa Sykes, 175 Brookside Road, proposing installation of a sewer force main within an upland review area to serve a proposed new building lot. The site is shown on Assessor's Map #5 as Lot #13.

Mr. Millard was recused for this application.

Steve McAllister, P.E. represented the Applicant. He described the wetland corridor as an area of wetland soil that is lawn with a farmer's drain running through it. He said the only regulated activity proposed is the sewer line in the driveway and a small amount of septic system fill.

The Commission determined that a public hearing will not be required.

Mr. Joosten called the following public hearing item:

EPC-30-2016, ETG Properties, LLC, 12 Harbor Road proposing house replacement within an upland review area. The site is shown on Assessor's Map #51 as Lot #23.

Aleksandra Moch, P.W.S. represented the Applicant. She described the site wetland as an isolated remnant with minor wetland functions. She said the current impervious surface area is 6,200 square feet and the proposed is 7,000 sq. ft.

Ms. Moch said the proposed mitigation is the removal of 1,200 sq. ft. of impervious surface within the upland review area, storm water detention using the "fresh meadow approach, and plantings.

Ms. Zachowski asked about the runoff from the driveway. Ms. Moch said most of the driveway runoff is directed to the stormwater detention system but a portion of the driveway drains to the street, where it is collected in a catch basin.

Mr. Joosten opened the hearing to the public. The owners of No. 11 Harbor Road were present and they did not wish to speak after hearing the Applicant's presentation.

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

Ms. Sweeney 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 7-0.

The Commission did not alter or reject the following Agent approval:

EPC-37-2016, Jill & John Harvey, 7 Old Oak Road, proposing a house addition in an upland review area. The site is shown on Assessor's Map #8 as Lot #6A.

Mr. Joosten called the following agenda item:

A Homeowner's Guide to Protecting Our Watershed a proposed brochure providing the public with information on steps they can take to reduce and prevent harmful runoff from their properties.

Mr. Joosten congratulated Ms. Mackenzie on the creation of the guide. She will work with staff to finalize it and put it on the Town website and look in producing hard copies to hand out.

Mr. Joosten called the following agenda item:

Conservation Easement, Nicholas Sordoni, 21 Tower Drive, update on the easement status.

Mr. Jacobson said the Sardonis have started the invasive species removal and have continued to plant shrubs. They did not seed the lawn area with meadow plants because of the watering ban. Seeding will take place in the spring. The item should be on the agenda again in the spring for review.

Mr. Kearney moved to approve the 2017 Meeting schedule. Ms. Mackenzie seconded the motion and it passed 7-0.

Mr. Sweeney moved to approve the minutes of October 5 as amended. Ms. Mackenzie seconded the motion and it passed 6-0. Mr. Millard abstained.

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

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer

DRAFT