

DRAFT
ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
REGULAR MEETING OF JANUARY 3, 2024

MEMBERS PRESENT:

Eric Joosten, Chairman
William Wright, Member
Peter McGuinness, Member
Carolyn Bayne, Member
Lauren Rossi, Member

MEMBERS NOT PRESENT:

James Millard, Vice Chairman
Michael Ervin, Member

STAFF PRESENT:

Richard Talamelli, Environmental Protection Officer

The “in-person” meeting was held in Darien Town Hall (Room 206), 2 Renshaw Road, Darien, Connecticut. The meeting was video/audio recorded.

Meeting was called to order by Mr. Joosten at 7:00 PM

NEW BUSINESS:

EPC #35-2023, 0 Great Island Road, Lot 1-AA (aka Parcel 23A), Town of Darien: To construct a paved accessway, walkways, drainage, walls and other related features in regulated areas proximate to Gorham’s Pond. The property lies along the east side of Goodwives River Road across from its intersection with Rings End Road, and is identified as Map 58, Lot 1-AA (aka Parcel 23A), Zone R-1 and ±1.6125 Acres. Reference is further made to Filed Map No. 5450 DLR.

Reference is made to an EPC Staff Memo, dated December 27, 2023.

In Attendance: Edward Gentile, Jr., P.E.

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks the Commission’s permission to construct a paved accessway, walkways, drainage, walls and other related features in regulated areas proximate to Gorham’s Pond. The application has been placed on the agenda to enable the Commission members to acknowledge receipt and to determine if a public hearing is warranted to consider the merits of the proposal. Mr. Talamelli reported that EPC Staff had inspected the site and upon the receipt of any preliminary comments by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

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Mr. Wright, Ms. Bayne, Mr. Joosten and Ms. Rossi provided preliminary comments on the application, stating that important matters to be addressed as part of the review process shall include any measures to preserve/relocate the existing piers, the availability of alternative surface treatments to further promote on-site infiltration, and additional information to clarify the location and process of verifying the integrity/functionality of drainage connections/outfalls. In addition, Commission Members further requested that the landscape/environmental professional review the plant selection to better mitigate for the loss of existing trees and further the use of “traditional” or “straight” natives suitable for the coastal environment.

Note that it was the sense of the Commission that given the scale of the encroachments and potential for impact on regulated areas, that a public hearing on this matter would not be required.

EPC #36-2023, 670 Hollow Tree Ridge Road, DACG2, LLC: To maintain a deer fence proximate to wetlands and watercourses. The property lies along the south side of Hollow Tree Ridge Road, approximately ±650 feet west of Ox Ridge Lane, and is identified as Map 7, Lot 50, Zone R-2, and ±3.158 Acres.

Reference is made to an EPC Staff Memo, dated December 27, 2023.

In Attendance: Andy Soumelidis, P.E., Land Tech

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks the Commission’s permission to maintain a deer fence proximate to wetlands and watercourses. The application has been placed on the agenda to enable the Commission members to acknowledge receipt and to determine if a public hearing is warranted to consider the merits of the proposal. Mr. Talamelli reported that EPC Staff had inspected the site and upon the receipt of any preliminary comments by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

Mr. Wright, Mr. McGuinness, Ms. Bayne and Ms. Rossi provided preliminary comments on the application, stating that important matters to be addressed as part of the review process shall include details of the fence installation, including overall fence height, pole spacing, fence fabric/opening dimensions and elevation relative to the ground, a concise statement concerning wildlife and drainage impacts, and a clear depiction of the measures necessary to mitigate the potential impacts of the encroachment, filter runoff and improve the overall conservation values of the regulated areas and property. Mitigative measures may include provisions for the removal of any accumulated debris in the regulated areas, removal of sediment to encourage positive flows, the installation of certain native landscape enhancements, and the use of permanent demarcation features.

OLD BUSINESS:

EPC #17-2023, 10 Holly Lane, B. Chase and D. Chase: To construct pool, spa, deck and other related features in a special flood hazard area and proximate to wetlands and watercourses. The property lies along the west side of Holly Lane, approximately 700 feet north of Middlesex Road, and is identified as Map 9, Lot 150, Zone R-1 and ±1.19 Acres.

Reference is made to an EPC Staff Memo, dated December 28, 2023.

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In Attendance: None

Discussion: Mr. Joosten acknowledged the receipt of correspondence from Robert Maslan, Esq., dated December 28, 2023 withdrawing EPC Application #17-2023 from further consideration.

EPC #21-2023, 2 Harriett Lane, S. Pankanti and P. Tulasi: To construct an elevated condenser platform and related features within a special flood hazard and proximate to wetlands and watercourses. The property lies along the west side of Harriett Lane, just north of Tokeneke Road, and is identified as Map 36, Lot 22, Zone R-1/2, and ±0.66 Acres.

Reference is made to an EPC Staff Memo, dated December 27, 2023.

In Attendance: None

Discussion: Mr. Joosten acknowledged the receipt of correspondence from Sharath Pankanti, dated December 7, 2023 withdrawing EPC Application #21-2023 from further consideration.

EPC #29-2023, 55 Pembroke Road, M. Bissmeyer Tr. and D. Caro: To install a deer fence, remove invasive plants, and install a collection of native trees, shrubs and groundcovers in and proximate to wetlands and watercourses. The property lies along the north side of Pembroke Road, approximately 1,625 feet east of Mansfield Avenue, and is identified as Map 1, Lot 6, Zone R-2, and ±1.95 Acres.

Reference is made to a “Draft” EPC Resolution, dated January 4, 2024.

In Attendance: None

Project Description: Mr. Talamelli summarized the application for the EPC. He reminded members that the applicant seeks permission to install a deer fence, remove invasive plants, and install a collection of native trees, shrubs and groundcovers in and proximate to wetlands and watercourses on property situated at 55 Pembroke Road. Detailed information was submitted and extensive testimony was presented at the EPC’s Special Meeting on October 19, 2023 and Regular Meeting held on December 6, 2023 to address important matters concerning resource impact, wildlife impact, drainage/water quality, and the value of the measures proposed to restore and enhance both the regulated areas and property. Upon the completion of testimony, EPC Staff was directed to draft a resolution for EPC consideration in advance of the next meeting.

Ms. Bayne initiated a discussion concerning the value of adding a condition that provides for a follow-up inspection and written report to evaluate the progress of both the invasive species removals and the planting restoration. Mr. Talamelli noted that post-installation certifications and evaluations are important, and that a condition similar to that applied to prior EPC permits could certainly be adopted by the Commission.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Ms. Bayne, the Commission voted to **APPROVE** EPC Permit Application #29-2023 with the conditions outlined in the “Draft” EPC Resolution, dated January 4, 2024, modified to include an additional condition requiring submission of a written report by a qualified landscaping professional to evaluate the planting and restoration

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practices applied to the property after one (1) full growing season. Substantial regrowth of non-native invasives shall be subject to further maintenance/treatment in the manner specified by permit and any dead/declining plantings shall be replaced.

In Favor: Joosten, Wright, McGuinness, Bayne, and Rossi
Opposed: None
Abstaining: None
Not Voting: None

EPC #30-2023, 12 Stonewall Lane, B. Shain and M. Shain: To construct residential additions, drainage and other related features proximate to wetlands and watercourses. The property lies along the south side of Stonewall Lane, approximately 780 feet west of Brookside Road, and is identified as Map 5, Lot 9, Zone R-2, and \pm 2.03 Acres.

Reference is made to an EPC Staff Agenda Summary Report, dated December 27, 2023.

In Attendance: Kyle Mecchella, P.E., B and B Engineers
Nicholas DeMaio, Architect
Alice Eckerson, LA, Eckerson Landscape

Project Description: Mr. Talamelli summarized the application for the Commission. He noted that the applicant seeks the EPC's permission to construct certain residential additions, drainage and other related features proximate to the wetlands and watercourses at 12 Stonewall Lane. He noted that the property currently supports a single family dwelling, deck, drive, walkways, walls, and other related features. The dwelling is currently served by public water and sanitary sewers. The site is characterized by the presence of gently sloping developed lands, wooded wetlands, wetlands maintained as manicured lawn, a watercourse, stone walls, and many large trees.

A detailed soils report was prepared in advance of this permit application. Both wetland and non-wetland soils were classified and the wetland boundary field delineated and surveyed. Uplands, which occupy most of the northern and eastern portions of the site, have been classified as Woodbridge fine sandy loam. Wetlands, which occupy most of the southern and western reaches of the site have been classified as Ridgebury, Leicester, Whitman extremely stony fine sandy loams. The Ridgebury complex consists of poorly drained and very poorly drained soils that are commonly found in depressions and drainageways in uplands and in valleys. The soil is characterized by a seasonal high water table at or near the surface (fall to spring), slow to very slow permeability (substratum) and slight to very strong acidity. The high water table and surface stones pose severe restrictions on development. Again, vegetation in the wetlands ranges from lawn grass to moderate woods.

The property does not lie within a designated flood hazard area (Zone X, 09001C0526F, dated June 18, 2010, LOMR 13-01-2598P, dated September 9, 2014).

Mr. Talamelli noted that given the scale and nature of this project, the applicant is required to demonstrate that it has minimized or avoided resource impacts on regulated areas and resources, utilized measures to preserve water quality, addressed potential drainage impacts, and provided measures to mitigate for unavoidable impacts or improve the overall conservation values of the regulated areas and property. Alternatives shall be examined to reduce potential

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impacts/encroachments. It was reported that the applicant sought to address these matters as follows:

- The applicant engineer/surveyor has provided site development plans. There are no direct wetland or watercourse encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 1,000$ square feet (± 0.023 Acres) of the upland review area. The affected space is generally comprised of existing developed space consisting of manicured lawn and/or plantings. Overall grade change is “low” with the anticipated cuts/fills not expected to exceed one (1) foot. Major project elements, such as the additions/deck, lie no less than twenty (20) feet to the wetland boundary. Lesser features, such as the footing drain outlet, lies within five (5) feet of the wetland. No trees of size shall be lost as a result of the construction.
- The project engineer has developed a plan and report to address the issue of drainage impact. It is noted that the ± 2.03 Acre property generally lies in a single watershed that drains northwest to southeast from Stonewall Lane to the wetland areas. The construction of certain additions, decks and other related features along the southern (rear) plane of the dwelling, if left unmitigated, would result in both an increase in overall site imperviousness and runoff. Accordingly, to mitigate the impact, the applicant intends to create and manage two (2) post construction watersheds and install a structured drainage system consisting of roof drains, pipes and 72 linear feet of 24' x 48' concrete gallery. A separate piped system and rip rapped outfall shall be also be installed to accommodate footing drains. Runoff from the residential additions shall be piped to the infiltration system. Flows from the remainder of the property watershed will be allowed to continue overland along current pathways. If constructed in accordance with the proposed plans and reports, peak rates of runoff shall be decreased for all storms ranging from 2-50 years and the water quality volume shall be detained. Accordingly, the project engineer has concluded that the project will have no adverse impacts on drainage or the adjoining properties. A basic “Operations and Maintenance Plan,” has been provided. The Town’s consulting engineer has endorsed the conclusions of the drainage analysis and design.
- To assist in the preservation/enhancement of water quality, the applicant has provided a basic sediment and erosion control plan consisting of perimeter silt fences (double row), haybale rows, inlet protection, anti-tracking pad, designated storage/stockpile areas, stabilized drainage outlet, and the application of final stabilizing groundcovers for any disturbed earth surfaces including a layer of crushed stone under the proposed deck.
- Alternatives have been embraced by the applicant, including relocated stockpile areas and a relocated infiltration system, to reduce the encroachment and minimize potential impacts on nearby trees and infrastructure.
- A planting plan has been proposed to displace lawn, filter runoff and improve the overall conservation values of the regulated areas and property. The plan provides for introduction of numerous shrubs (Hummingbird Sweet Pepperbush – 3, Ruby Spice Sweet Pepperbush – 9, Red Twig Dogwood – 10, Witch Hazel – 1, Bobo Hydrangea – 4, Gem Box Inkberry – 4, Shamrock Inkberry – 2, Berry Poppins Winterberry – 3, Little Goblin Orange Winterberry – 1, Mr. Poppins Winterberry -1. and Purple Blooming Lilac – 1) and groundcovers (Common Lady Fern – 21, Lady In Red Fern – 16, Hay Scented Fern – 12, Dutchman’s Breeches - 10 and Foam Flower – 14), primarily along the wetland edge and select portions of the addition/deck. In

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addition, provisions have been made for the removal of cut wood and debris from regulated areas, the clearing of the watercourse of all potential obstructions, and placement of several boulders in the planted bed to function as a permanent physical/visual demarcation feature.

In response to a question posed by Mr. Wright, Kyle Mecchella stated that piping directed towards the wetland was a proposed footing drain outfall. He further reported that the addition will not support a sump pump, that there was no reported incidents of “basement flooding,” and it is not expected that a discharge from the footing drain will be constant or impactful upon drainage or the receiving wetland.

Mr. McGuinness sought clarification as to the purpose of a nearby manhole. Mr. Mecchella responded that the manhole is associated with the existing sanitary sewer lateral/easement that occupies the eastern portions of the property. Drainage structures have been sites as to avoid the manhole and other associated piping.

Ms. Bayne complimented the robust planting plan prepared by the applicant to displace lawn, filter runoff and enhance the conservation values of the property. However, she suggested that the applicant consider certain revisions to incorporate some number of “straight” or “true” native plantings into the design. Alice Eckerson noted that certain modifications could be incorporated into the project to balance the Commission’s conservation objectives with the applicant’s aesthetic goals.

Ms. Rossi stated that the basic operations and maintenance plans should be amended to clarify the maintenance responsibilities of the owner.

Upon the completion of testimony, the Commission directed Staff to draft a resolution for their consideration at the next regularly scheduled meeting.

EPC #31-2023, 12 McLaren Road South, T. Meyerer: To construct an in-ground pool, patio, wall, drainage and related features proximate to wetlands and watercourses. The property lies along the east side of McLaren Drive South, approximately 185 feet south of McLaren Road, and is identified as Map 7, Lot 34, Zone R-1/2, and ± 0.453 Acres.

Reference is made to an EPC Staff Agenda Summary Report, dated December 27, 2023.

In Attendance: Andy Soumilidis, P.E., Land Tech

Project Description: Mr. Talamelli summarized the application for the Commission. He noted that the applicant seeks the EPC’s permission to construct an in-ground pool, patio, wall, drainage and related features proximate to wetlands and watercourses at 12 McLaren Road South.

Mr. Talamelli stated that the property currently supports a single family dwelling, deck, drive, walkways, patios, walls, and other related features. The dwelling is currently served by public water and sanitary sewers. The site is characterized by the presence of gently to moderately sloping developed lands, areas of exposed rock, and a few large trees. The most of the larger trees lie east of the dwelling.

The web soil survey classifies both the wetland and non-wetland soils in the area. The property does not support inland wetlands and watercourses. Uplands were classified as Paxton-Montauk fine sandy loam, 3-8% slopes and Urban Land – Charlton Chatfield Complex, very rocky, 3-15% slopes. Wetlands, which are closely associated with a watercourse, are located on a parcel situated to the east.

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Wetlands have been classified as Ridgebury, Leicester, Whitman extremely stony fine sandy loams (3). The Ridgebury complex consists of poorly drained and very poorly drained soils that are commonly found in depressions and drainageways in uplands and in valleys. The soil is characterized by a seasonal high water table at or near the surface (fall to spring), slow to very slow permeability (substratum) and slight to very strong acidity. The high water table and surface stones pose severe restrictions on development. Wetlands are vegetated by moderate to dense woods.

The property does not lie within a designated flood hazard area (Zone X, 09001C0528G, dated July 8, 2013, LOMR 13-01-2598P, dated September 9, 2014).

The applicant seeks the Board's permission to construct an in-ground pool, patio, drainage, fences, implement grading, and install other related features proximate to wetlands and watercourses. A fence is proposed for screening purposes as required by Zoning and not as part of the necessary pool enclosure. An automatic cover has been proposed. Mr. Talamelli noted that given the scale and nature of this project, the applicant is required to demonstrate that it has minimized or avoided impacts on regulated areas and resources, utilized measures to preserve water quality, addressed potential drainage impacts, evaluated impacts on a perimeter wall, and provided measures to mitigate for unavoidable impacts or improve the overall conservation values of the regulated areas and property. Alternatives shall be examined to reduce potential impacts/encroachments/total site imperviousness. Mr. Talamelli stated that the applicant sought to address these matters as follows:

- The applicant engineer/surveyor has provided site development plans. There are no direct wetland or watercourse encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect ± 750 square feet (± 0.017 Acres) of the upland review area. The affected space is generally comprised of existing development consisting of manicured lawn and/or plantings. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed two (2) feet. An additional length of retaining wall (reinforced concrete) has been proposed to support the grade along the south property boundary. Project elements lie no less than thirty (30) feet to wetlands and are generally bound by an existing stone retaining wall at the eastern property boundary. Vegetation loss may be limited to eleven (11) Pine and Hemlock situated along the south property boundary.
- The project engineer has developed a plan and report to address the issue of drainage impact. It is noted that the ± 0.4053 acre property generally lies in two (2) watersheds with approximately 45% of the site, including parts of the dwelling, drive and front yard areas draining to the west towards McLaren Road South, and 55% of the site, including parts of the dwelling, deck and rear yard areas draining the east towards the adjoining property and its wetlands and watercourses. The addition of the pool, patio and other related features to the rear yard, if left unmitigated, would result in an increase overall site imperviousness and runoff. Accordingly, to mitigate the impact, the applicant intends to create and manage three (3) post construction watersheds and install a structured drainage system consisting of a channel drain, pipes and infiltrators (3-Cultec, R-330 XLHD Units). If constructed in accordance with the proposed plans/reports, peak rates of runoff shall be equal less for all storms ranging from 2-50 years. Accordingly, the project engineer has concluded that the project will have no adverse impacts on drainage or the adjoining properties. A basic "Operations and Maintenance Plan," has been proposed. The Town's consulting engineer has verified the impact analysis and design.

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- The project engineer has verified that the project, including the pool, drainage system and grading, will not impact the stability of the existing retaining wall. The wall has been found to be in good repair.
- To assist in the preservation/enhancement of water quality, the applicant has provided a basic sediment and erosion control plan consisting of perimeter silt fences, anti-tracking pad, designated storage/stockpile areas, and the application of final stabilizing groundcovers for any disturbed earth surfaces.
- A planting plan has been proposed to screen the abutters, displace lawn, filter runoff and improve the overall conservation values of the regulated areas and property. The plan provides for introduction of several screening evergreens (Green Giant Arborvitae – 16) along the south boundary and the addition of numerous conservation shrubs to the east along the wall (Buttonbush – 8, Steeplebush 6 and Highbush Blueberry – 8). It was suggested that the shrub planting be bumped to the next size (24"-30") to increase visibility and the likelihood of survival.

In response to questions and comments offered by Mr. Joosten, Ms. Bayne, and Ms. Rossi, Mr. Soumelidis responded that the applicant intends to construct a code compliant safety cover on the pool, that the fence is proposed to satisfy certain screening requirements outlined in the Zoning Regulations, and that the planting plan has been expanded with numerous low growing shrubs to mitigate for the tree loss, better filter runoff, improve aesthetics, and enhance the conservation values of the buffer. A "bump up" in the size of the shrub plantings is acceptable. Finally, Mr. Soumelidis went on to acknowledge that the operations and maintenance plan would be amended to better define the scope of specific maintenance activities/responsibilities.

Prompted by a comment by Ms. Rossi, members discussed the necessity of applying a follow-up inspection and reporting requirement to all applications with planting mitigation. Following a brief discussion, it was determined that at this time, the condition would be considered on a case by case basis and most likely would be applied to the most difficult sites or projects having the most complex mitigation proposals. It was the sense of the Commission, that given the encroachment and scale of the planting, that the condition for follow up inspection/reporting would not be applied to this application.

Upon the completion of testimony, the Commission directed Staff to draft a resolution for their consideration at the next regularly scheduled meeting.

APPROVAL OF MINUTES

Minutes of December 6, 2023:

Reference is made to the "Draft" EPC Meeting Minutes for the Regular Meeting of December 6, 2023.

Members present and eligible to vote were Mr. Joosten, Mr. Wright, Mr. McGuinness, Ms. Bayne, and Ms. Rossi. No further additions or modifications were suggested.

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Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Ms. Bayne, the Commission voted to **APPROVE** the Minutes of the December 6, 2023 Regular Meeting as presented.

In Favor: Joosten, Wright, McGuinness, Bayne, and Rossi.
Opposed: None
Abstaining: None
Not Voting: None

AGENT APPROVALS: None

OTHER BUSINESS: None

ADJOURN:

Adjourn the Regular Meeting of January 3, 2024:

Motion/Vote: There being no further business, and upon a motion by Mr. McGuinness, and seconded by Ms. Bayne, the Commission voted to **ADJOURN** the Regular Meeting of January 3, 2024.

In Favor: Joosten, Wright, McGuinness, Bayne, and Rossi
Opposed: None
Abstaining: None
Not Voting: None

The meeting was adjourned at 7:50 PM.

Eric Joosten, Chairman
Environmental Protection Commission