

**ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
REGULAR MEETING OF FEBRUARY 1, 2023**

MEMBERS PRESENT:

Eric Joosten, Chairman
James Millard, Vice Chairman
William Wright, Member
Michael Ervin, Member
Peter McGuinness, Member
Carolyn Bayne, Member
Lauren Rossi, Member

MEMBERS NOT PRESENT:

None

STAFF PRESENT:

Richard Talamelli, Environmental Protection Officer

The “in-person” meeting was held in Darien Town Hall (Room 119), 2 Renshaw Road, Darien, Connecticut. The meeting was video/audio recorded.

The meeting was called to order by Mr. Joosten at 7:00 P.M.

NEW BUSINESS:

EPC #1-2023, 15 Pilgrim Road, R. Eising and A. Eising: To install a 120 gallon above ground propane tank and pad within close proximity to wetlands and watercourses. The property lies along the east side of Pilgrim Road, approximately 1,350 feet south of Stephen Mather Road, and is identified as Map 1, Lot 21, Zone R-2 and ±2.0051 Acres.

Reference is made to an EPC Staff Memo, dated January 18, 2023.

In Attendance: Alex Eising

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission’s permission to install a 120 gallon above ground propane tank and pad within close proximity to the site’s 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 inspected the site and upon the receipt of any preliminary comment by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

The Commission offered no further questions or comments.

Motion/Vote: None

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EPC #2-2023, 64 Andrews Drive, A. Teodoro: To maintain three (3), 125 gallon, above ground propane tanks and pads installed proximate to wetlands. The property lies along the east side of Andrews Road, just north of Red Coat Pass, and is identified as Map 64, Lot 113, Zone R-1 and ±1.75 Acres.

Reference is made to an EPC Staff Memo, dated January 18, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to maintain three (3), 125 gallon, above ground propane tanks and pads installed proximate to wetlands. The facilities have been installed along the west side of the dwelling in lawned space between a newly constructed deck and fence. Both the deck and fence were recently permitted by the Environmental Protection Commission in August 2022. 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.

The Commission members offered no further questions or comments.

Motion/Vote: None

EPC #3-2023, 205 Middlesex Road, J. Scalise: To demolish an existing residence and construct a new single family dwelling, drive, drainage, sanitary sewer and other related features proximate to wetlands and watercourses. The property lies along the north side of Middlesex Road, approximately 200 feet west of Noroton Avenue, and is identified as Map 9, Lot 14, Zone R-1/2 and ±17,423 square feet.

Reference is made to an EPC Staff Memo, dated January 18, 2023.

In Attendance: D. DiVesta, P.E., DiVesta Civil Engineering

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to construct a new single family dwelling, drive, drainage, sanitary sewer and other related features 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 the adjoining property owners expressed interest in the project in December 2022 when the former dwelling was razed and a number of trees were removed. Staff has inspected the site and following the receipt of preliminary comments from the Commission, shall prepare correspondence to outline the information necessary to move forward with the review of this application.

Mr. DiVesta then provided additional details relevant to this application. He noted that although a small pond occupies properties to the west, there are no wetlands/watercourses on the parcel. The original dwelling was constructed in 1952. Elements of the existing dwelling, including a small deck, had encroached into the regulatory setback to the pond. The proposal is to construct a new residence, drive, walkways, drainage, sanitary sewer, utilities, and other related features on the property. No direct wetlands/watercourse encroachments are proposed. Portions of the new dwelling, including covered porch, walls, walkways, drainage and grading are expected to continue to affect portions of the 50 foot regulatory setback to the offsite pond. To mitigate potential drainage

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and water quality impacts, a structured drainage system consisting of catch basins, pipes and infiltration units and other related features has been proposed. Based on the result of site specific soils testing, the drainage/water quality system shall be “shallow” in response to the groundwater conditions in the area.

Following extensive discussion, EPC members established that a “public hearing” on this application is warranted based upon “public interest.” In addition, the members noted that any information generated in support of the application should include a proper report to verify soil types/conditions, an assessment of groundwater conditions to establish potential basement dewatering requirements/impacts, a positive endorsement of the drainage report and design details by the Town’s consulting engineer, revisions to the sediment and erosion control plan, clarification of maintenance and reporting responsibilities as outlined in the overall drainage and operations plan, a discussion of alternative development scenarios to lessen the potential for impact on both regulated areas/resources, and further details of the proposed mitigation planting plan.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **Schedule a Public Hearing**, based upon a finding that a hearing on this matter would be in the “public interest.”

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

EPC #4-2023, 3 Canoe Trail, J. Johnson and G. Johnson: To construct residential additions, install walls, implement grading and conduct other related activities in special flood hazard areas and proximate to wetlands and watercourses. The property lies along the south side of Canoe Trail, just west of Arrowhead Way, and is identified as Map 70, Lot 51, Zone R-1 and ±43,782 square feet.

Reference is made to an EPC Staff Memo, dated January 18, 2023.

In Attendance: C. Flaherty, P.E., Redniss and Mead

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission’s permission to construct residential additions, install walls, implement grading and conduct other related activities in special flood hazard areas and 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 noted that EPC Staff has inspected the site and upon the receipt of preliminary comments from commission members, shall prepare correspondence to outline all items of information necessary to move forward with the review of this application.

Mr. Flaherty added additional details pertinent to the application. He noted that the project consists of a residential addition constructed on and to the rear of the existing detached garage along with a “bridge” to link the dwelling to the renovated garage space. Development will necessitate the construction of a wall and grading. No further septic enhancements have been proposed. Only minimal increases in the site’s overall impervious cover are likely. The project does not include direct wetland/watercourse encroachments. All development shall be confined to the special flood hazard area and upland review areas. Important issues relating to erosion control, water quality, drainage,

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and flood compliance shall be addressed under the permit review process. Extensive landscaping and other environmental enhancements shall be provided to displace manicured treatments, filter runoff, improve aesthetics and/or enhance the overall conservation values of the regulated areas and property.

Following extensive discussion, EPC members established that in addition to the requirements outlined by Staff, additional information provided in support of this application shall include an accurate depiction of wetlands, watercourses and upland review areas along the western limits of the site, a positive endorsement of the drainage/water quality design and impact analysis by the Town's consulting engineer, clarification of responsibilities for the proposed drainage and landscape maintenance activities, and review of the planting mitigation scheme to ensure that the space along both the pond and watercourse are adequately preserved/enhanced.

EPC #5-2023, 17 Nickerson Lane, M. Ross and K. Ross: To construct a new single family dwelling, drive, walkways, terraces, pool, water service, sanitary sewer, and other related features in a special flood hazard area and proximate to Holly Pond and other coastal resources. The property lies along the south side of Nickerson Lane, approximately 800 feet west of Nearwater Lane, and is identified as Map 52, Lot 9, Zone R-1 and ±0.9799 Acres.

Reference is made to an EPC Staff Memo, dated January 25, 2023.

In Attendance: C. Lowenstein, P.E., Land Tech Consultants

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to construct a new single family dwelling, drive, walkways, terraces, pool, water service, sanitary sewer, and other related features in a special flood hazard area and proximate to both Holly Pond and other important coastal resources. 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 this site and the adjoining property are resource rich and have an extensive history before the local land use commissions. EPC Staff has inspected the site and upon the receipt of preliminary comments from commission members, shall prepare correspondence to outline all items of information necessary to move forward with the review of this application

Following extensive discussion, it was established that a public hearing on this matter would be in the "public interest," and that the activities may have a "significant impact." In addition to any requirements outlined by EPC Staff, the members noted that any information generated in support of the application should include a concise discussion of alternatives having less of a potential impact on regulated areas, coastal resources and other features of conservation value, reducing total site imperviousness, and/or eliminating/lessening potential exposures to flooding and flood loss, a tree assessment and protection plan, positive endorsement of the drainage/water quality impact analysis and design by the Town's consulting engineer, a plan to mitigate unavoidable impacts, address the visual and aesthetic requirements of the coastal regulations, and enhance the overall conservation values of the regulated areas and property, a stake out of the dwelling and other relevant features to assist in the review process, and suitable sections, elevations and/or renderings to assist in their understanding of proposed grading and how the dwelling fits into the landscape.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **Schedule a Public Hearing**, based upon a finding that a hearing on this matter

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would be in the “public interest” and that the proposed activity may have a ”significant impact.”

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

EPC #6-2023, 2 Tanglewood Trail, C. Kesmodel: To construct an in-ground pool, patios, drainage, and other related features proximate to wetlands and watercourses. The property lies along the south side of Tanglewood Trail, just west of Rocaton Road, and is identified as Map 18, Lot 29, Zone R-1/2 and ±0.601 Acres.

Reference is made to an EPC Staff Memo, dated January 25, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission’s permission to construct an in-ground pool, patios, drainage, and other related features proximate to the site’s 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 reminded the Commission members that the agency approved a permit to construct a perimeter security fence proximate to the wetlands and watercourses in December 2022. It was noted that EPC Staff has inspected the site and upon the receipt of preliminary comments from commission members, shall prepare correspondence to outline all items of information necessary to move forward with the review of this application.

Following extensive discussion, EPC members established that in addition to the requirements outlined by Staff, additional information provided in support of this application shall include a positive endorsement of the drainage/water quality impact analysis and design by the Town’s consulting engineer, confirmation that the previously approved security fence had been completed per the approved plans, a discussion of alternatives to reduce encroachments into the regulated areas and/or lessen the total area of site imperviousness coverage, a plan to mitigate for unavoidable impacts, filter runoff, and/or enhance the overall conservation values of the regulated areas and property, and a field stake out of the pool and related features to assist in the review process.

EPC #7-2023, 30 Point O’ Woods Road, R. Levinson: To construct an in-ground pool, patios, drainage, and other related features within close proximity to wetlands and watercourses. The property lies along the south side of Point O Woods Road, approximately 450 feet west of West Norwalk Road, and is identified as Map 12, Lot 20, Zone R-1 and ±2.036 Acres.

Reference is made to an EPC Staff Memo, dated January 25, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission’s permission to construct an in-ground pool, patios, drainage and other related features proximate to the site’s 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. It was noted that EPC Staff

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has inspected the site and upon the receipt of preliminary comments from commission members, shall prepare correspondence to outline all items of information necessary to move forward with the review of this application.

Following extensive discussion, EPC members established that in addition to the requirements outlined by Staff, additional information provided in support of this application shall include additional erosion controls along stockpiles, a positive endorsement of the drainage/water quality impact analysis and design by the Town's consulting engineer, additional responsibility and details for the operations/maintenance plan, a discussion of alternatives as to further reduce the encroachments into the regulated areas and/or lessen the total area of site imperviousness coverage, a plan to mitigate for unavoidable impacts, filter runoff, and/or enhance the overall conservation values of the regulated areas and property, and a field stake out of the pool and related features to assist in the review process.

OLD BUSINESS:

EPC #29-2022, 4 Moore Street, A. Kumar: To pipe portions of a stone lined watercourse and to backfill, grade and stabilize soils with a designated upland review area. The property lies along the east side of Moore Street, approximately 215 feet south of West Avenue, and is identified as Map 48, Lot 50, Zone R-1/3, and ±0.19 Acres.

Reference is made to an EPC "Draft" Resolution, dated February 2, 2023.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineering.

Discussion: Mr. Talamelli summarized the application for the Commission Members. He noted that the applicant seeks the Board's permission to pipe 35-40 linear foot segment of the existing stone lined watercourse by installing twenty-two (22) linear feet of 36" RCP, two (2) standard manholes and other related features. Once installed, the structures shall be backfilled, and the area shall be restored to grade, and then stabilized with topsoil, seed and hay mulch. Roof drainage from the dwelling, which currently drains directly to the watercourse, shall be piped to one of the proposed manholes. Test holes shall be dug in advance of the project's implementation to verify the depth and location of underground utilities and establish the need for additional protective measures.

Mr. Talamelli state that in projects of the sort, the applicant is required to demonstrate that the project is purposeful, minimizes wetland/resource impacts, utilizes measures to preserve water quality, applies suitable water handling practices, and will not intensify known drainage/flood issues. In response, the applicant sought to address these matters by supplying a detailed site development plan to best define the project. The applicant reports that approximately 35-40 feet of watercourse and 1,600 square feet (0.036 Acres) of the upland review area shall be affected. The area impacted by the project is generally comprised of coarse lawn and/weed growth. One (1) large tree located along the southern limits of the development shall be removed. Aside from that necessary to backfill the channel, little or no grade change is expected. Although the reported flooding will not be solved by this project, the design engineer has confirmed that the project will not result in a lessening of "channel capacity" or further impacts on drainage, the street or adjoining properties. A positive endorsement of the impact analysis and design has been obtained from the Town's consulting engineer. A general maintenance plan has been provided by the applicant. To assist in the preservation/enhancement of water quality, the applicant has provided sediment and erosion control and water handling plans. In order to isolate the work zone and maintain the driest conditions possible during the construction phase, the project

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engineer has provided for the installation of a sandbag cofferdam upstream of the development envelope (north). The cofferdam, which will be elevated to contain the two (2) year storm (with freeboard), will enable the contractor to pump to both a stone stabilized outfall and haybale barrier located downstream of the site (south). It is noted other water quality elements include provisions for perimeter controls, a designated storage and stockpile area, and the stabilization of disturbed earth surfaces.

Mr. D'Avanzo reaffirmed that the piping will eliminate a potential hazardous condition and is sized to successfully pass the projected flows. The additional pipe segment will not exacerbate flooding in the area.

Mr. Millard, Mr. McGuinness, and Ms. Bayne expressed support for the project given the safety concerns and are hopeful that the construction will be implemented in the near future.

There being no further questions or comments, Staff was directed to prepare a resolution for the Commission's consideration in advance of the next meeting.

EPC #31-2022, 1 Tanglewood Trail, J. Hurley, Jr. and J. Amos: To demolish an existing garage, construct residential additions, reconstruct a drive, install drainage and implement other related activities proximate to wetlands and watercourses. The property lies along the north side of Tanglewood Trail, just west of Rocaton Road, and is identified as Map 18, Lot 38, Zone R-1/2 and ±26,266 square feet.

Reference is made to an EPC "Draft" Resolution, dated February 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli reminded Commission members that the applicant seeks permission to demolish an existing garage, construct residential additions, reconstruct a drive, install drainage and implement other related activities proximate to wetlands and watercourses. Detailed information was submitted and extensive testimony was presented at the EPC's December 7, 2022 and January 4 2023 meetings to address important concerns relating to resource impacts, water quality, drainage, and the value of the mitigation proposed. Upon the completion of testimony, EPC Staff was directed to prepare a "draft" resolution for the Commission's consideration at the next regularly scheduled meeting.

Ms. Bayne asserted that the project is a positive given the applicant's commitment to correct deficient drainage and implement a full array of conservation enhancements by allowing space adjoining the stream to revert to a more natural condition, installing conservation valued plantings, removing accumulated debris and creating permanent demarcation features.

No edits to the "draft" resolution were proposed by Commission Members at this time.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** EPC Permit Application #31-2022 with the conditions outlined in the EPC "Draft" Resolution," dated February 2, 2023.

In Favor: Joosten, Millard, Wright, Ervin, McGuinness, Bayne, and Rossi.
Opposed: None

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Abstaining: None
Not Voting: None

EPC #32-2022, 41 Saint Nicholas Road, E. Johnson and C. Johnson: To construct an elevated terrace, patios, and walkways, expand a driveway/parking court, install drainage, and implement landscaping in or proximate to wetlands. The property lies along the north side of Saint Nicholas Road, approximately 1040 feet west of Mansfield Avenue, and is identified as Map 6, Lot 99, Zone R-1 and ± 2.00 Acres.

Reference was made to and EPC Staff Agenda Summary Report, revised February 1, 2023.

In Attendance: Timothy, Lynch, Kathryn Herman Design
Harry Rocheville, P.E., McChord Engineering Associates

Discussion: Mr. Talamelli summarized the application for the Commission Members. He noted that the applicant proposes to construct an elevated terrace, patios, and walkways, expand a driveway/parking court, install drainage and implement landscaping in and/or proximate to the site's wetlands and watercourses. Mr. Talamelli reminded the Commission members that the parcel is characterized by the presence of wooded wetlands, wetlands maintained as lawn, intermittent watercourses, and many, very large notable trees.

The applicant is required to demonstrate that impacts upon the regulated areas and other notable resources have been avoided or minimized, utilize measures to preserve or enhance water quality, address potential drainage impacts, and appropriately mitigates for unavoidable impacts or improves the overall conservation values of the regulated areas and property.

In response, the project engineer/surveyor has provided a site development plan. The applicant reports that there are no direct wetland/watercourse encroachments proposed. Encroachments impact an estimated $\pm 3,532$ square feet (± 0.08 Acres) of the upland review area. Structural elements of the plan encroach no less than 4-6 feet to the mapped limits of wetland. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-3 feet. Walls are proposed in select areas to support the improvements and reduce sloping. One (1) large tree will be lost as a result of the construction. All new or expanded facilities generally occupy lawn areas or previously developed spaces.

To address the issue of drainage impact, the project engineer provided a drainage analysis and mitigation plan. It was noted that the site generally lies in a single watershed, draining south to north from St. Nicholas Road to the site's wetlands/watercourses. Existing roof drains have been directed to an existing subsurface storm water management system. Driveway drainage generally flows south to north to the wetlands and watercourses without pre-treatment. To mitigate for the anticipated increases in imperviousness/runoff and improve collection and treatment efforts, the applicant proposes to add a structured drainage system consisting of catch basins, pipes, and concrete galleries (with overflow) to serve most of the renovated drive and parking areas. Other portions of the drive not directed to the structured drainage shall be graded to a stabilized leakoff and vegetated "swale." Test-hole data has been secured to confirm the feasibility of the system proposed. If constructed in compliance with the design plan, the engineer has confirmed that there will be a reduction in both volume and peak rates of runoff for all storms (ranging from 2-50 year intensity) and the project will not adversely impact drainage or adjoining properties. A basic drainage maintenance plan has been provided for the systems proposed. The drainage/water quality plan has been positively endorsed by the Town's consulting engineer.

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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), an anti-tracking pad, inlet protection, temporary stockpile areas and the application of final stabilizing groundcovers for any remaining disturbed earth surfaces. Infiltration has been proposed to seize upon the soils natural ability to cool and treat runoff prior to discharge. Collection structures shall be equipped with deep sumps and outlet control to better collect sediment and debris before discharging to the infiltration system. Propane fuel shall be provided, with storage in a new/relocated underground tank.

Mr. Talamelli asserted that tree protection was an essential element of the review. Accordingly, a Connecticut Arborist has assessed trees in the project area, evaluated the design plans, and developed recommendations to protect trees of value during and post construction. The arborist notes that the landscape design includes numerous measures to minimize construction impacts including a selection of materials that promote infiltration and proper aeration of root zones, and limitations on excavations/fills in critical spaces. Protective strategies during the construction phase include the use of temporary protective fences situated along drip lines, the application of mulch/plywood protection in critical root zones, trunk protection, limitation of storage and stockpiling, and select branch and root pruning. Post construction strategies include aeration and deep root fertilization.

Finally a mitigation plan was been developed in support of this application. The plan provides for the removal of accumulated debris from spaces abutting all wetlands/watercourses including all stored wood, building materials, and other assorted debris. An existing shed shall be relocated outside of the designated wetland areas. A planting plan has been developed for the property, most notably for the spaces adjoining the wetlands/watercourses to displace manicured lawn, filter runoff, provide screening, and improve the overall conservation values of the regulated areas and property. The plan provides for the relocation of choice plantings (Blueberry) and the installation of a dense and diverse collection of trees (White Dogwood – 1, Saucer Magnolia – 2, American Holly – 4, White Spruce – 7, America Arborvitae – 26), shrubs (Common Boxwood – 82, Dwarf Fothergilla – 23, Big Leaf Hydrangea – 7, Japanese Holly – 131, Jim Dandy Holly - 1, Red Sprite Holly - 7, Swamp Azalea – 10, Korean Spice Viburnum – 2) and perennials/groundcovers (White Astilbe – 81, Lady Mantle – 16, Hay Scented 123, Brilliance Autumn Fern – 251, White Geranium – 6, Autumn Bride Heuchera – 10, Ostrich Fern – 72, Cinnamon Fern – 54 and Pachysandra - 256. The applicant reports that the new native planting displaces approximately 3,400 square feet (0.078 Acres) of the existing manicured lawn on this property. Mr. Talamelli reported that the mitigation plan, although providing extensive list of protections for trees, and an enhanced buffer to the wetlands and watercourse, does not provide for the management of invasives in wetlands.

Mr. Lynch then addressed the Commission. He reaffirmed the findings outlined in the Staff summary. He went on to note that the plan of mitigation is extensive, providing for debris removal, a shed relocation, thoughtful tree protection, and an extensive, native planting plan that will result in the removal of approximately 3,400 square feet of lawn. He stated that it has been his experience that a plan to eradicate *Euonymus* in all or part of the wetlands would necessitate extensive site disturbance and management over some number of years to be successful. Improper treatments may actually strengthen the stand.

Mr. Wright asserted that the encroachments towards the regulated areas seemed extensive and that the project elements needed to be “staked” in the field to clarify the position of structures and to conduct a proper evaluation of the application and its alternatives.

Mr. Ervin, Ms. Bayne and Ms. Rossi recognized the value of the plans presented to date, but stressed the importance of coordinating the tree removals on both the landscape and civil drawings, providing

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careful supervision of arborist's tree protection recommendations, and enhancing the wetland by implementing a thoughtful invasive management plan.

After considerable discussion between Commission Members, Mr. Joosten directed Staff to "draft" a resolution for the Commission's consideration in advance of the next meeting and requested that the structural elements be "staked" in the field by the applicant to enable interested members of the Commission to reaffirm the encroachments.

EPC #34-2022, 50 Talmadge Hill Road - G. Cooperman and L. Cooperman: To demolish an existing in-ground pool, patio and related features and construct a new in-ground pool, pool house, patio, equipment, fence and other related facilities proximate to wetlands and watercourses. The property lies along the south side of Talmadge Hill Road, approximately 800 feet east of Hollow Tree Ridge Road, and is identified as Map 2, Lot 44, Zone R-2 and ± 2.237 Acres.

Reference is made to and EPC Agenda Summary Report, revised to February 1, 2023

In Attendance: P. Gill, Gill and Gill Associates
G. Cooperman

Discussion: Mr. Talamelli summarized the application for the Commission Members. He reported that the applicant seeks permission to demolish the existing in-ground pool and construct a new pool, pool house, patios, and other related improvements on the property. In addition to typical pool equipment requirements (i.e. equipment pad, filter, fence, etc.), the project requires the applicant to install an injector pump, force main and other features to address the sanitation needs of the pool house. The pool house shall be connected to the existing subsurface sewage disposal system.

Given the scale and nature of this project, the applicant is required to demonstrate that it has minimized or avoided wetland/resource impacts, 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 impacts/encroachments.

Mr. Talamelli stated that the applicant provided commentary concerning the availability of alternatives having less of a potential impact on the regulated areas noting that the location of the facilities have been limited by factors such as zoning setbacks, house geometry, existing fences, a concern for play yard safety, aesthetics, and the location of existing trees of value. Further details were outlined by Gill and Gill, dated January 16, 2023.

Site development plans were provided by the engineer/surveyor to define the full scope of the project. There are no direct wetland or watercourse encroachments proposed. The applicant reported that the encroachments temporarily/permanently affect $\pm 2,000$ square feet (0.046 Acres) of the upland review area. The affected space is generally comprised of existing development, manicured lawn and/or planting beds. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-2 feet. Structures and related features lie no less than seven (7) feet to wetlands and forty-four (44) feet to the watercourse. Vegetation loss may be limited to several shrub plantings located in the vicinity of the existing pool.

To address matters relating to drainage impact, the applicant submitted a plan and assessment report. It was noted that the ± 2.237 acre property generally lies in a single watershed draining north to south from Talmadge Hill Road to and through adjoining residentially developed properties. Given the anticipated demolition/removals, the engineer has concluded that the project will result in a minimal

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increase in imperviousness (207 square feet) and no discernable increase in runoff for all storms ranging from 2-50 years in duration. Accordingly, the engineer has concluded that the project will have no adverse impacts on drainage or the adjoining properties and therefore, no mitigation has been proposed. The Town's consulting engineer has verified the impact analysis.

To assist in the preservation/enhancement of water quality, the applicant provided a basic sediment and erosion control plan consisting of perimeter silt fences (double row), anti-tracking pad, designated storage/stockpile areas, and the application of final stabilizing groundcovers for any disturbed earth surfaces.

Finally, Mr. Talamelli noted that a wetlands/buffer enhancement plan was proposed to displace lawn, filter runoff and improve the overall conservation values of the regulated areas and property. The plan provides for the use of tree protection on individual trees expected to be incorporated into the post construction landscape, the creation of a "No-Mow" meadow area, and the introduction of a supplemental native shrub plantings (Swamp Azalea – 12, Red Osier Dogwood – 14), Summer Sweet – 12, Common Button Bush – 15 and Inkberry – 7) in areas between the new pool house and brook. Additionally, the plan provides for the removal of debris and the management of invasives (mechanical removal) in both the channel and the more wooded wetland areas to the east. Any managed space not limited by the pool fence, shall be defined with a line of boulders as a "demarcation feature."

Mr. Talamelli went on to note that minor revision to the plans were necessary to provide a uniform depiction of all necessary site improvements and better define the final staging and sediment and erosion control requirements.

Patricia Gill then addressed the Commission. She reaffirmed that in advance of the application process, the team evaluated possible alternative designs to lessen the encroachment. The final version of the plan takes into consideration the configuration of the parcel, the zoning setbacks, and the location of existing trees. The applicant sought to site as much of the project in existing developed space as the means to reduce the impervious surface and minimize site disturbance.

Mr. Ervin, Mr. Wright, Mr. Millard and Mr. McGuinness agreed with the applicant's findings relative to the alternatives discussion.

In response to an additional question posed by Mr. McGuinness, Mr. Cooperman responded that the pool project will in no way interfere with the "drainage easement" and that based on his background and interest in environmental matters, the plan was crafted to not only improve the property, but to reduce the potential for site disturbance and resource impacts.

Upon the completion of testimony, Mr. Joosten directed Staff to "draft" a resolution for the Commission's consideration in advance of the next meeting.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting of January 4, 2023:

Reference is made to the "Draft" EPC Meeting Minutes for the Regular Meeting of January 4, 2023.

Members present and eligible to vote were Mr. Joosten, Mr. Millard, Mr. Wright, Mr. Ervin, 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 Mr. Millard, the Commission voted to **APPROVE** the Minutes of the January 4, 2023 Regular Meeting as presented.

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

AGENT APPROVALS:

EPC #33-2022, 21 Dorchester Road, F. Nicklaus, III and A. Smith: To construct residential additions and patio, install drainage, and implement other related activities proximate to wetlands, watercourses, Mather's Pond, and special flood hazard areas. The property lies along the east side of Dorchester Road, approximately 1,150 feet south of Stephen Mather Road, and is identified as Map 1, Lot 113, Zone R-2 and ± 2.93 Acres.

Reference is made to a "Draft" Agent Approval, dated February 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant proposes to install residential additions, pergola, expanded bluestone patio, drainage and other related features proximate to the site's wetlands, watercourses, Mather's Pond and special flood hazard areas.

There shall be no direct wetland, watercourse, pond or special flood hazard area encroachments. All activities shall be confined to upland soil areas with the primary structural components (i.e. the residential addition and pergola) located no less than 60 feet to the special flood hazard areas, 75 feet to wetlands, and 78 feet to the pond's edge. Ancillary elements (i.e. the expanded patio or mitigating drainage system) shall lie no less than 3 feet to the special flood hazard area, 24 feet to wetlands and 27 feet to the pond's edge. Areas affected by the project have been historically maintained as concrete/bluestone patio or lawn. No substantial grade changes are proposed and no significant individual or groups of trees shall be removed or altered. Encroachments into the upland review area are conservatively estimated at $\pm 1,000$ square feet (± 0.023 Acres).

The project is expected to result in a minor increase of impervious coverage of approximately 300 square feet. To mitigate potential drainage and water quality impacts, the project engineer has provided for the installation of a structured drainage system consisting of one (1) infiltrator (150XLHDC - Cultec Unit), yard drain, pipes, rip rap, and other related features. The system shall accommodate roof runoff associated with the new addition. Any overflow from the system shall flow along an elongated flow path over vegetation before entering the pond. The project engineer has confirmed the absence of impact on drainage, soils, adjoining properties and water quality.

A sediment and erosion plan consisting of a stabilized construction entrance, perimeter controls, stockpile areas, and final stabilization measures shall be implemented. Infiltration and collection structures equipped with deep sumps/outlet controls shall be constructed to further protect water quality. A basic maintenance plan has been supplied. All concerns outlined by the Town's consulting engineer have been satisfactorily addressed.

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To displace lawn, filter runoff and/or improve the overall conservation values of the regulated areas and property, the applicant proposes to implement a conservation planting plan consisting of debris removal, and the installation of numerous native trees, shrubs and groundcovers (Flowering Dogwood – 1, Clethra – 8, Leucothoe – 10, and Christmas Ferns – 25). The planting shall be concentrated primarily along the pond’s edge. Mr. Talamelli stated that the activity will have no greater than a minimal impact on the wetland and watercourses and was suitable for an agent approval under the regulations.

A brief discussion ensued between Members on “reserve” septic areas and the value of a “stake out” on applications of this nature. There were no further questions or comments by Commission members about the impacts of this application.

Motion/Vote: None

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of February 1, 2023:

Motion/Vote: There being no further business, and upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **ADJOURN** the Regular Meeting of February 1, 2023.

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

Meeting adjourned at 9:39 PM.

Eric Joosten, Chairman
Environmental Protection Commission