

**ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
PUBLIC HEARING AND REGULAR MEETING OF MARCH 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 206), 2 Renshaw Road, Darien, Connecticut. The meeting was video/audio recorded. The meeting was called to order by Mr. Joosten at 7:03 P.M.

PUBLIC HEARING:

EPC #3-2023, 205 Middlesex Road, J. Scalise: To construct a new single family dwelling, drive, drainage, sanitary sewer and other related features proximate to a pond. 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 $\pm 17,423$ square feet.

Reference is made to an EPC Staff Report, dated February 22, 2023.

In Attendance: D. DiVesta, P.E., DiVesta Civil Engineering
J. Scalise
D. Scalise
S. Cameron
L. Biggart

Discussion: Mr. Talamelli provided a brief summary of the application's history. He reported that the application was accepted at the EPC's February 1, 2023 Regular Meeting. The EPC determined to hold a public hearing based upon a determination that a hearing on this matter would be in the "public interest." Mr. Talamelli went on to note that subsequent agenda postings, hearing notices, and the required summary/response documents had been submitted in the manner and time frames established by the regulations.

Mr. Talamelli then summarized project details. He stated that the applicant seeks the EPC's

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Permission to construct a new single family dwelling, drive, drainage, sanitary sewer and other related features proximate to a pond. The property formerly supported a single family dwelling, deck, driveway, fences and other related features. The dwelling was served by both sanitary sewer and public water. The site was characterized by the presence of gently to moderately sloping developed lands and several large trees. There are no inland wetlands on the property. The upland review area extends onto the site by approximately forty-two (42) feet. Vegetation in the space between the pond and the outward limits of the upland review area ranges from a few trees and scrub growth to lawn grass. It was reported that most of the trees in the development envelope were cut and the dwelling was razed in December 2022.

The applicant seeks the Board's permission to construct a new single family dwelling, drive, drainage, sanitary sewer and other related features proximate to the pond. Development necessitates the installation of new drainage, sanitary and water services, drive, walkways, walls, and other related features. Given the scale and nature of this project, the applicant is required to demonstrate that it has minimized or avoided wetland, watercourse//resource impacts, utilized measures to preserve water quality, addressed potential drainage impacts, and provide measures to mitigate for unavoidable impacts or improve the overall conservation values of the regulated areas and property. The consideration of alternative designs to lessen the encroachments and potential impacts is essential. Mr. Talamelli stated that in response, the applicant sought to address these matters as follows:

- A report assessing the potential impacts of development on the regulated areas has been provided by an environmental professional (Danzer, 2/10/2023). The consultant notes that significant impacts are not anticipated given the prior use of the property, the prior landscapes, the absence of direct encroachments into the wetlands/watercourses, and the value of the improvements offered by the applicant including the use of erosion controls, installation of drainage/water quality controls, and the introduction of a fairly dense and diverse stand of native planting in critical spaces along the pond.
- A discussion of alternatives was summarized by the project engineer both during the presentation of hearing testimony and in written correspondence offered in support of the application (DiVesta, 2/13/2023 and 2/21/2023). The engineer claims that alternatives included the relocation of the proposed drainage overflow outside of the upland review area, moving the dwelling to the front setback line to the extent feasible, the use of "grass pavers" in an overflow parking area adjoining the garage, and application of protective measures outlined by the consulting arborist to protect remaining trees of value. Other alternatives were considered, but dismissed due to the owner's basic housing requirements, the necessity of substantial redesign, or the severity of additional soil disturbance and resource impacts.
- The applicant has provided a site development plan. There are no direct wetland or watercourse encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 3,397$ square feet (0.078 Acres) of the upland review area. The affected areas formerly supported structure, lawn or other developed space. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-3 feet. Stone walls are proposed to assist in the support of grade. Structures and related features lie no less than twenty-eight (28) feet to the pond. Grading encroaches within thirteen (13) feet. Further vegetation loss is potentially limited to a tree along the north boundary found to be structurally deficient by the consulting arborist. As previously noted, many of the site's larger trees situated in the development envelope were removed in concert with the prior demolition of the dwelling.

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- The project engineer has developed a statement/report to address the issues of drainage impact. Under the current condition, the property lies in a single watershed that generally drains south to north from the street to adjoining residential properties. The proposed development increases the total area of impervious cover. If left unmitigated, an increase in runoff would be expected. To better collect runoff and mitigate potential impacts, the applicant proposes to create and manage two (2) post-construction watersheds and install a structured drainage system consisting of catch basins, pipes, junctions, outlet control structures and an array of low profile infiltration units (25 – C-4 Cultec Units). Test holes have been excavated to demonstrate the feasibility of the systems proposed. The infiltration system is expected to accommodate runoff associated with the entire roof and portions of the drive and some lawned areas. If installed in accordance with the plan, the rate of runoff shall be diminished for all storms ranging from 2-50 years. The Town's consulting engineer has verified the impact analysis. A basic operations and maintenance plan for existing structures and features has been provided by the applicant.
- An infiltration bed has been proposed to accommodate pumped water from a basement level sump pump. The engineer has asserted that the pump will not run continuously given the test-hole data that shows no evidence of groundwater/mottling to a depth of eight (8) feet. The engineer has stated that the use of a sump pump was "precautionary" and that any flow leaving the mitigation system proposed will not have an adverse impact on the property or regulated areas.
- To assist in the preservation/enhancement of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences (double row), anti-tracking pad, pavement sweeping, designated storage/stockpile areas, and the application of final stabilizing groundcovers for any disturbed earth surfaces. Infiltration has been proposed to seize upon the soils natural abilities to filter and cool runoff prior to discharge. Note that the system has been sized to accommodate the water quality volume. Collection structures have been designed with deep sumps and outlet controls to assist in the collection of sediments and debris prior to discharge to the structured treatment systems. The dwelling shall be reconnected to the sanitary sewer. The dwelling shall be served by propane gas stored in an underground vessel.
- A wetlands/buffer enhancement 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 the introduction of several trees (Green Giant Arborvitae – 3, Cherokee Brave Dogwood – 2), shrubs (Chokeberry – 3, Wentworth Viburnum – 2, Annabelle Hydrangea – 4, Azalea – 2, Sweetshrub – 2), and groundcovers (Sherwood Creeping Phlox – 12, Eastern Wood Fern - 55, Foam Flower – 15 and Cranesbill – 5) primarily along the site's western boundary, along the pond.
- An arborist's report has been developed for the parcel. The arborist has assessed the condition of the larger trees on and proximate to the property and has developed management recommendations that include provisions for the installation of temporary protective fences along driplines, the relocation of perimeter wall, and select removal of trees found to be structurally deficient. The arborist's recommendations have been incorporated into the design plans.

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Mr. DiVesta then addressed the Commission. He asserted that the project, as currently proposed, confines development to existing developed spaces, properly mitigates stormwater impacts, accounts for the potential sump pump discharges, provides for the protection of remaining trees of value and enhances water quality through the use of sediment and erosion controls and plantings. Alternative designs affecting the location of the dwelling, tree protection, surface treatments, and the location of drainage system were adopted. Other, more comprehensive changes had been considered, but dismissed due to the client's housing needs, the need for substantial architectural redesign, additional curb cuts, and/or greater intensity of soil disturbance and tree loss.

Mr. Joosten and Ms. Bayne questioned the tree removals that took place during the demolition phase, and requested revisions to the planting plan to restore some number of larger shade trees to the property.

Lin Biggart and Susan Cameron, an abutting property owner and her representative expressed consternation that so many large trees had been removed from regulated areas without proper permits by experienced construction professionals. They went on to note that tree removals proposed for the north boundary may encroach onto the adjoining property, that a true alternative test should be applied to the development, that planting mitigation, particularly to wetland buffers, should be limited to true "native" landscape features, that both peak flows and volume be considered as part of any drainage assessment, and that the mitigation plan be amended to more appropriately compensate for the tree losses realized during the earliest days of the redevelopment.

Mr. DiVesta responded to the concerns raised by the adjoining property owners. He noted that in hindsight, the tree removals should have been coordinated with the EPC or EPC Staff, that the planting plans shall be amended to improve the plant selection along the pond and to restore some number of shade trees to the property, and that the study of peak flows is consistent with what is required in the Zoning Regulations. In response to a question by Mr. Ervin, Mr. DiVesta stated that a drainage plan revised to accommodate volume would alter the number of infiltration units, but was unable to determine the increase without calculations.

There being no further questions or comments, the Chair sought a motion to close the public hearing.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to **CLOSE THE PUBLIC HEARING.** Action on the application shall be rendered within thirty-five (35) days of closure.

In Favor: Joosten, Millard, Wright, Ervin, McGuinness, Bayne, and Rossi.

Opposed: None

Abstaining: None

Not Voting: None

REGULAR MEETING:

NEW BUSINESS:

EPC #8-2023, 59 Brookside Drive, T. Sargent and A. Sargent: To demolish existing accessory structures, construct a residential addition, grade, and landscape proximate to wetlands,

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atercourses and special flood hazard areas. The property lies along the east side of Brookside Drive, approximately 975 feet north of Anthony Lane, and is identified as Map 47, Lot 5, Zone R-1/5 and $\pm 9,797$ square feet.

Reference is made to an EPC Staff Memo, dated February 22, 2023.

In Attendance: A. Moch

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to demolish existing accessory structures, construct a residential addition, grade, and landscape proximate to wetlands, watercourses and special flood hazard areas. 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 comments by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

Preliminary comments offered by Mr. Wright, Mr. Joosten, and Ms. Bayne stressed the importance of eliminating the long standing "commercial" uses and features on the site, confirming the absence of drainage impact, and utilizing native plantings in select areas to stabilize the soil, filter runoff and enhance the overall conservation values of the regulated areas and property.

Motion/Vote: None

PC #9-2023, 300 Mansfield Avenue, Country Club of Darien, Inc.: To install an eight (8) foot high, white, vinyl privacy fence proximate to wetlands and watercourses. The property lies along the east side of Mansfield Avenue, approximately $\pm 1,750$ feet north of Buttonwood Lane, and is identified as Map 5, Lot 40, Zone R-2 and ± 139.051 Acres. The 175 foot long length of fence shall be installed along the eastern property boundary between the organic storage area and a single family residence situated at 267 Brookside Road.

Reference is made to an EPC Staff Memo, dated February 22, 2023.

In Attendance: Craig 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 install an eight (8) foot high, white, vinyl privacy 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 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.

Preliminary comments offered by Ms. Bayne and Mr. Joosten outlined the need for the applicant to coordinate the construction with the abutting property owner, wend the fence between any trees of value, and provide for reasonable elevation above the existing soil surface to allow for the flow of storm water and passage of small forms of wildlife.

OLD BUSINESS:

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PC #29-2022, 4 Moore Street, A. Kumar: To pipe portions of a stone lined watercourse and to backfill, grade and stabilize soils within 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 March 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks permission to pipe portions of an existing stone lined watercourse that lies on and proximate to the parcel. Detailed information was submitted and extensive testimony, was presented at the EPC's November 2, 2022 and February 1, 2023 meetings to address important matters relating to purpose, wetland, tree and other resource impacts, drainage, flooding, water quality, and water handling. Upon the completion of testimony, EPC Staff was directed to draft a resolution for EPC consideration in advance of the next meeting.

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 Ms. Bayne, the Commission voted to **APPROVE** EPC Permit Application #29-2022 with the conditions outlined in the EPC "Draft" Resolution," dated March 2, 2023.

In Favor: Joosten, Millard, Wright, Ervin, McGuinness, Bayne, and Rossi.
Opposed: None
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 and watercourses. The property lies along the north side of Saint Nicholas Road, approximately 1,040 feet west of Mansfield Avenue, and is identified as Map 6, Lot 99, Zone R-1 and ±2.00 Acres.

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

In Attendance: T. Lynch, RLA, ISA, Kathryn Herman Design.

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks permission to construct an elevated terrace, patios, and walkways, expand a driveway/parking court, install drainage, and implement landscaping in or proximate to the site's wetlands and watercourses. Detailed information was submitted and extensive testimony, was presented at the EPC's December 7, 2022 and February 1, 2023 meetings to address important matters concerning wetland, tree and other resource impacts, drainage, water quality, and the value of the proposed mitigation efforts embraced by the applicant. Upon the completion of testimony, EPC Staff was directed to draft a resolution for EPC consideration in advance of the next meeting.

Mr. Wright noted that had reviewed the field staking installed after the last meeting, and although close to wetland, was generally satisfied with the protections and enhancements offered as part of the overall proposal. No edits to the "draft" resolution were proposed by Commission Members at

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his time.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** EPC Permit Application #32-2022 with the conditions outlined in the EPC "Draft" Resolution," dated March 2, 2023.

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

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 an EPC "Draft" Resolution, dated March 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks permission 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. Detailed information was submitted and extensive testimony, was presented at the EPC's January 4, 2023 and February 1, 2023 meetings to address important matters concerning wetland and other resource impacts, alternatives, drainage, water quality, and the value of the proposed mitigation efforts offered by the applicant. Upon the completion of testimony, EPC Staff was directed to draft a resolution for EPC consideration in advance of the next meeting.

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 #34-2022 with the conditions outlined in the EPC "Draft" Resolution," dated March 2, 2023.

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 east 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 Report, dated February 22, 2023.

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Attendance: C. Flaherty, P.E., Redniss and Mead
T. Chalifoux, Tracy Chalifoux, LLC

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant seeks the EPC's permission to construct residential additions, install walls, implement grading and conduct other related activities in special flood hazard areas and proximate to the site's wetlands and watercourses.

He noted that the property currently supports a single family dwelling, detached garage, driveway, patios, walkways, fences, and other related features. The dwelling is currently served by a subsurface sewage disposal system and public water. The site is characterized by the presence of gently to moderately sloping developed lands, wooded wetlands, lawned wetlands, pond, watercourse, special flood hazard areas, and several large trees. Most of the larger trees can be found along the southern, eastern and western property boundaries.

Wetlands were identified in two (2) locations. To the west, wetlands form a narrow fringe along an existing open water pond. To the east, wetlands border a watercourse that emanates from a culvert in the vicinity of the existing drive (west) and conveys flow to the existing storm system in/proximate to the area's intersecting roadways (east). The watercourse appears to have a hydraulic connection to the pond to the west. Vegetation types in this area range from lawn grass to light woods.

The property lies, in part, within a designated special flood hazard areas (Zone AE, Elevation 13 feet NAVD-88, as reflected on flood Insurance rate map 09001C0529G, and effective 7/8/2013). The flooding is driven by the waters of Long Island Sound. The most severely flooded space lies to the east in the vicinity of Arrowhead Way. Currently, only portions of the existing detached garage are affected by the flood. There is no dry access to the property during the peak of the 100-year storm.

Mr. Talamelli explained that the addition lies on and proximate (rear) of the existing detached garage. A "bridge" shall connect the renovated garage space to the existing dwelling. A low profile retaining wall (1-2.5 feet in height) shall be installed to the east to support both the additions, walkways, and grade. 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, demonstrate compliance with the flood impact and structural floodproofing requirements of the flood regulations, and provide measures to mitigate for unavoidable impacts or improve the overall conservation values of the regulated areas and property. In response, the applicant sought to address these matters as follows:

- The applicant has provided a site development plan. There are no direct wetland or watercourse encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 2,890$ square feet (0.066 Acres) of the upland review area and $\pm 1,420$ square feet (0.033 Acres) of the special flood hazard 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 1-2.5 feet. Structures and related features lie no less than seventeen (17) feet to the mapped wetlands and thirty (30) feet to the watercourse. Vegetation loss may be limited to several shrub plantings located in the vicinity of the garage and dwelling.

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- The project engineer has developed a statement to address the issues of drainage and floodplain impact. It is noted that the project maintains the existing drainage patterns, results in only a de minimis increase in site imperviousness (232 square feet), and that any increase in runoff would be appropriately mitigated by the existing lawned/landscaped space. Accordingly, the engineer has concluded that the project maintains existing flow patterns, and will have no adverse impacts on drainage or the adjoining properties. Note that no mitigative measures have been proposed. Additionally, given the nature of the flooding and size of the floodplain encroachment, the engineer has verified the absence of impact on flood heights. The Town's consulting engineer has verified the impact analysis. An operations and maintenance plan for existing structures and natural features has been provided by the applicant. It has been specifically noted that the space adjoining the inlet to the Town system shall be cleared of accumulated sediment and debris as part of this application to promote positive flows.
- To assist in the preservation/enhancement of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences (double row), anti-tracking pad, designated storage/stockpile areas, gutter outfall protection, and the application of final stabilizing groundcovers for any disturbed earth surfaces.
- The Darien Health Department has endorsed the project. No expansions or modifications to the existing septic system are warranted. Note that construction controls have been added to protect the existing septic system and its attendant facilities.
- The bridged connection of the garage to the dwelling "drags" the dwelling into the flood zone. The "Flood Damage Prevention Regulations of the Town of Darien" require that the Town's structural floodproofing requirements be enforced for any structure where the combination of repairs, reconstruction, alterations or improvements equals or exceeds fifty percent (50%) of the market value of the structure. Less than substantial improvements may be allowed to proceed without any special floodproofing. However, since the substantial improvement requirement is cumulative over a three (3) year period, future construction which pushes the total cost of the improvements beyond the fifty percent (50%) threshold will necessitate that the entire building be brought into compliance with current floodproofing standards. The fair market value of the dwelling (structure only) was estimated at \$614,100.00 based on the Assessor's Data provided by the applicant. Costs associated with the proposed residential additions (including a recent roof improvement at \$8,000.00) have been estimated at \$175,030.00 as supplied by the applicant's contractor and architect. Based on the data received to date, the cumulative cost of the improvements are not "Substantial." ($\$175,030.00/\$614,100.00 = 28.50\%$). Accordingly, structural floodproofing of the entire dwelling is not required at this time. However, to ensure that the proposed stone wall does not contribute to a storm-driven debris field resulting in additional flood damages and/or elevated flood levels, the project engineer has confirmed that the wall has been designed in accordance with Section 820 of the Darien Zoning Regulations ("Flood Damage Prevention Regulations") and is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A detail has been provided.
- A wetlands/buffer enhancement 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 creation of "limited mow zones," removal of invasives (mechanical means), and the

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introduction of numerous a native trees (Shadblow – 1, Heritage Birch – 3, Pink Dogwood – 1, Pin Oak – 1), shrubs (Black Chokeberry – 7, Sweet Pepperbush – 8, Red Twig Dogwood – 12, Northern Bayberry – 5, Southern Gentlemen Winterberry – 1, Winterberry Holly – 5, Rosebay Rhododendron – 5, Witherod Viburnum - 5 and Arrowwood Viburnum – 10) and perennials (Tussock Sedge – 45, Purple Joe Pye Weed – 12, Blue Flag Iris – 94, Common Rush – 51, Ostrich Fern – 12, Christmas Fern – 18, Cinnamon Fern – 49 and Sensitive Fern – 62). Although most of the plantings have been proposed for the space adjoining the watercourses, several plantings have been added to suitable areas along the pond. Finally, managed space and other critical areas shall be defined with a line of boulders as a "demarcation feature." Note that the applicant has confirmed that many of the plants have been chosen to better tolerate coastal flooding conditions and that the projected seasonal mowing shall be conducted approximately on May 1 and October 1 of each year to discourage the growth of invasive plantings.

Mr. Flaherty confirmed the details outlined in the Staff's presentation, adding that specific calendar notes concerning the anticipated "seasonal mowings" shall be reaffirmed on the final plans prepared in advance of the building permit.

Mr. Wright and Ms. Bayne praised the thoroughness of the plans developed by the project's engineering and environmental professionals. Ms. Chalifoux noted that the completeness and thoughtfulness of the mitigation plan was driven by the owner's commitment to both the project and environment.

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

EPC #7-2023, 30 Point O Wood 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 Agenda Summary Report, dated February 23, 2023.

In Attendance: Avind Baur, P.E., Kousidis Engineering, LLC.

Discussion: Mr. Talamelli summarized the application for the Commission. He stated that the applicant seeks the Commission's permission to install an in ground pool, patios, drainage and other related features proximate to the site's wetlands and watercourses.

Mr. Talamelli reported that the property currently supports a single family dwelling, drive, drainage, patios, shed, walls, dam, and other related features. The dwelling is served by both sanitary sewer and public water. The site is characterized by the presence of gently to moderately sloping developed lands, wetlands maintained as lawn, wooded wetlands, an open water pond, watercourses, and many large trees. The wetlands, which lie in the western reaches of the site, are closely associated with the small open water pond and watercourse. Vegetation types ranges from manicured lawn and planting beds to moderately dense woods. The corridor generally flows through numerous residentially developed properties north to south from the vicinity of Point O' Woods Road to Boston Post Road. The property not situated in a designated special flood hazard areas (Zone X, as reflected on flood Insurance Rate Map 09001C0529G, Effective 7/8/2013).

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Mr. Talamelli went on to note that the development of the pool site necessitates the installation of a new drainage system, grading and other related activities. Given the scale and nature of this project, the applicant is required to demonstrate that it has avoided or minimized wetland, watercourse and 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. In addition, a discussion of alternative designs to reduce potential encroachments or site imperviousness is relevant. In response, the applicant sought to address these matters as follows:

- The applicant provided a site development plan. There are no direct wetland or watercourse encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 3,500$ square feet (0.0803 Acres) of the upland review area. The affected areas generally support lawn, planting beds, or other developed space. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-3 feet. Excess fill shall be exported from site. Primary structures and related features lie no less than twenty-five (25) feet to the designated wetlands and sixty-three (63) feet to the pond and watercourse. The fence and/or grading encroaches no less than twelve (12) feet to the wetlands, pond and/or watercourse. No significantly sized trees shall be lost as a result of the project. Removals appear limited to several smaller ornamental trees and shrubs.
- The project engineer developed a statement/report to address the issue of drainage impact. Under the current condition, the property generally lies in a single watershed that drains to the south and west. The proposed development increases the total area of impervious cover by approximately 1,350 square feet. If left unmitigated, an increase in runoff would be expected. To better collect runoff and mitigate the potential impacts, the applicant proposes to install a structured drainage system consisting of slot drains, piping, yard drain (overflow) and concrete galleries (32 linear feet of 12" high concrete galleries). Test holes have been excavated to demonstrate the feasibility of the system proposed. The infiltration system is expected to accommodate runoff associated with the pool and associated patio space. If installed in accordance with the plan, the rate and volume of runoff shall be diminished for all storms ranging from 2-50 years, and existing drainage patterns shall be maintained. Accordingly the 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 by the applicant. The impact analysis and design has been verified by the Town's consulting engineer.
- To assist in the preservation/enhancement of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences, anti-tracking pad, inlet protection, designated storage/stockpile areas, and the application of final stabilizing groundcovers for any disturbed earth surfaces. Infiltration has been proposed to seize upon the soils natural abilities to filter and cool runoff prior to discharge. The anticipated first flush has been accommodated. Collection structures have been designed with deep sumps and outlet controls to assist in the collection of sediments and debris.
- A wetlands/buffer enhancement plan has been proposed to displace lawn/non-native groundcovers, filter runoff and improve the overall conservation values of the regulated areas and property. The plan provides for the introduction of numerous native shrubs (Summer Sweet Clethra – 12, Maximum Rhododendron – 9, and Arrowwood – 3) and groundcovers (Cinnamon Fern – 21, Christmas Fern – 57 and Foam Flower – 63) primarily between the pool and wetland

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(west). In addition, fenced tree protection has been offered for larger trees situated proximate to the development envelope, and assorted debris and invasives shall be removed from regulated areas per the direction of the landscape architect and EPC staff.

- The project engineer has provided a summary of alternatives. The project engineer notes that the pool site was chosen to take advantage of the existing patio and entertainment areas. An alternative design that limits the extent of grading with the construction of a retaining wall west of the pool has been offered, but not the preferred design given the potential increase in impervious area, impacts on drainage/wildlife, and additional site disturbance necessary to construct. Other modifications embraced by the applicant to lessen the impact include the removal of the existing fence along the pond, minor adjustments to the location of the new pool fence to accommodate an expanded planting area, elevated pool fence to promote positive overland flow and the migration of wildlife, and a relocated infiltration system.

Mr. Baur then addressed the Commission. He confirmed Staff's accounting of the project details, verified the receipt of a positive endorsement of the drainage plan by the Town's consulting engineer, and recounted the applicant's efforts to reduce the encroachments by removing or adjusting the location of fences, relocating the drainage system and elevating potential obstructions to accommodate drainage and the movement of wildlife. Other more substantial efforts, such as the construction of walls were dismissed given the anticipated level of disturbance and minimal gains achieved.

In response to questions offered by Mr. Wright and Ms. Rossi, Mr. Baur confirmed that the tree loss shall be confined to the ornamentals currently found in the footprint of the pool, and that adjustments to the drainage operations and maintenance plan could be made to clarify the frequency of action and assignment of responsibilities.

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

APPROVAL OF MINUTES: None

AGENT APPROVALS:

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.

References is made to a "Draft" Agent Approval, dated March 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Commission. The applicant proposes to install one (1), 120 gallon, above ground propane tank along the southern plane of the dwelling in space currently occupied by lawn or landscape planting. Mr. Talamelli reminded the members that the property had been the subject of a prior EPC permit Application in February 2016 to allow construction of a residential addition and patio proximate to the site's wetlands and watercourses. Wetlands are present in two (2) locations on the parcel - an isolated "pocket" to the south and a wetland/watercourse corridor that lies to the south and east. Vegetation in the wetland "pocket" is limited to lawn grass. Vegetation in the wetland/watercourse corridor ranges from lawn

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grass to moderately dense woodlands. The property is not situated in a special flood hazard area (Zone X, 09001C0526, 6/18/2010).

Mr. Talamelli went on to state that all areas affected by this project were previously developed. There is no substantial grade changes or vegetation losses proposed. Approximately nine (9) square feet of the upland review area (0.0002 Acres) shall be affected by the installation. The tank/pad lies no less than thirty-eight (38) feet to the closest area of wetland situated east of the dwelling. Given the de minimis increase in site imperviousness, little or no impact on drainage is expected. Temporary sediment and erosion controls shall be utilized (as necessary) to limit impacts on water quality and resources. Any excess fill or excavated materials shall be exported from the site. Any soils disturbed by the installation shall be stabilized with topsoil, seed and hay mulch upon completion. To displace lawn, filter runoff and improve the overall conservation values of the regulated areas and property, the applicant intends to complete the second phase of a property-wide planting plan including numerous trees (Dogwood – 1), shrubs (Blue Muffin Arrowwood – 3) and groundcovers (Cinnamon Fern – 24, Big Blue Liriope – 10, Heartleaf Bergineia – 8, and Astilbe – 20).

Mr. Talamelli asserted that 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. There were no further questions or comments by Commission members concerning the impacts of this application.

Motion/Vote: None

PC #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 a "Draft" Agent Approval, dated March 2, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant proposes to maintain three (3), 125 gallon, above ground propane tanks and pads that have been installed proximate to the site's wetlands and watercourses. 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 (64 Andrews Drive, A. Teodoro, #14-2022, dated August 4, 2022. A narrow, wooded wetland and watercourse system parallels the western property boundary at Andrews Drive. Wetlands generally drain north to south to structured drainage located at the intersection of Andrew Drive and Red Coat Pass.

Mr. Talamelli went on to note that all areas affected by the tank installation were previously developed. There is no substantial grade changes or vegetation losses proposed. Approximately eighteen (18) square feet of the upland review area (0.0004 Acres) shall be affected by the installation. The tanks/pads lie no less than thirty-two (32) feet to the wetlands/watercourses and are limited by the protective fence, an existing stone wall, and grade change. Given the de minimis increase in site imperviousness, little or no impact on drainage is expected.

Mr. Talamelli asserted that 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. There were no

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Further questions or comments by Commission members concerning the impacts of this application.

OTHER BUSINESS: A brief discussion ensued between Commission members and Staff on general enforcement procedures and practices by the agency, particularly as it effects tree removals.

Note that Mr. Millard excused himself from the meeting during the discussion of enforcement practice.

ADJOURN:

Adjourn the Regular Meeting of March 1, 2023:

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

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

Meeting adjourned at 9:42 PM.



Eric Joosten, Chairman
Environmental Protection Commission

04/11/2023
05/09/2023 (Post Edits)
05/18/2023 (Post Meeting)