

**ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
PUBLIC HEARING AND REGULAR MEETING OF MARCH 29, 2023**

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

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.

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

PUBLIC HEARING:

EPC #5-2023, 17 Nickerson Lane, M. Ross and K. Ross: To construct a new single family dwelling, drive, walkways, terraces, water service, sanitary sewer, swimming pool, walls, and other related features in a special flood hazard area and proximate to Holly Pond and other areas of resource. 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 Agenda Summary Report, dated March 22, 2023.

In Attendance:

- C. Lowenstein, P.E., Land Tech Consultants
- B. Carey, Land Tech Consultants
- D. VanderHorn, VanderHorn Architects
- R. Nichols, VanderHorn Architects
- M. Ross
- K. Ross
- M. Popp, Environmental Land Solutions, LLC
- A. Zabetakis, Esq., Rucci Law Group, LLC
- A. Wiggin
- P. Eenkema Van Dijk

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Discussion. Mr. Talamelli summarized the project history and general "housekeeping" items for the Commission. He reported that this application was first shown on the February 1, 2023 meeting agenda, which was posted with the Town Clerk on January 26, 2023. The application was accepted by the EPC at the February 1, 2023 Regular Meeting. In addition, the Commission determined to hold a public hearing on this matter based upon a determination that a hearing would be in the "public interest" and that the proposed activities "may have a significant impact." The Applicant was noticed of acceptance and the scheduling of the public hearing on February 7, 2023. The public hearing was scheduled for March 29, 2023. Correspondence describing the additional information necessary to evaluate the application was transmitted to the Applicant on February 7, 2023. Notice of the public hearing was published in the Darien Times on March 16, 2023 and March 23, 2023 by the EPC in accordance with the regulations. Adjoining property owners whose property lies within 100 feet of the subject parcel were noticed by the Applicant by US Postal Service Certificate of Mailing on March 10, 2023. Additional information was provided by the Applicant on March 14, 2023. The agenda for the March 29, 2023 Public Hearing was posted with the Town Clerk on March 23, 2023. The applicant was transmitted a copy of the Staff Agenda Summary Report on March 28, 2023.

Mr. Talamelli went on to note that items considered as part of the record include, but not limited to, all plans, reports, correspondence, and file data described in an EPC Agenda Summary Report, dated March 22, 2023, EPC Staking Plan, by Land Tech Consultants, dated February 10, 2023, Correspondence from Richard H. Talamelli, EPC, dated February 7, 2023, Peer Review Comments from Matthew Popp, ELS, dated March 29, 2023, Coastal Site Plan Review Comments Checklist, J. Senczierski, DEEP, dated March 28, 2023, Application Review, Engineering, J. Canas, Tighe and Bond, dated March 23, 2023, National Flood Insurance Hazard Layer FIRMette, dated March 20, 2023, Connecticut Shoreline – 100 Year Event, dated March 28, 2023, Connecticut Shoreline – 100 Year Event with SLR, dated March 27, 2023, Natural Diversity Data Base Area, DEEP, dated December 2022, and Resume of Richard H. Talamelli, Environmental Protection Officer, 1983-Present. Mr. Talamelli reported that his resume outlines nearly forty (40) years of experience in the fields of inland wetlands, coastal area management and floodplain regulation.

Mr. Talamelli then offered a brief presentation describing both the property and project. He reported that although a portion of the property had historically supported residential development, the parcel is currently vacant. The site is characterized by the presence of gently to moderately sloping uplands along with the resources identified as "Coastal Flood Hazard Area," "Tidal Wetland," "Shorelands," and "Estuarine Embayment" (Holly Pond)." Many large trees lie on or immediately adjacent to the property. A special flood hazard area occupies the southern and western reaches of the site adjacent to the waters of Holly Pond (Zone AE, Elevation 14 feet NAVD-88, as reflected on Flood Insurance Rate Map 09001C0536G, dated July 8, 2013). Included within the special flood hazard area is a "Coastal AE Zone" or "LiMWA Zone." Land areas to the south and west are expected to be subject to flood waters ranging from 0.0-10.8 feet in depth during the peak of the 100-year storm. Land areas to the north and east along with those portions of Nickerson Lane immediately adjacent to the site appear to lie above the projected limits of the base flood. However, the primary means of access - east to Nearwater Lane - is expected to be subject to extensive flooding during the storm. A soils report was prepared by a Connecticut soil scientist/environmental professional as part of prior land use applications. Both wetland and non-wetland soils have been identified. Non-wetlands have been classified as Sutton fine sandy loam and Carlton-Chatfield complex. Vegetation in the upland areas ranges from lawn grass to moderately dense woodlands. There are no inland wetlands on the property. Wetlands have been identified as Aquents and Westbrook mucky peat. Aquents are wetland soils where the natural soil

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as been disturbed through filling, grading or excavation. These soils have a seasonal high water table within 20 inches of the surface, have an aquic moisture regime and can be expected to support wetland vegetation. Restrictions are specific to each individual site. Westbrook soils are nearly level, very poorly drained soils commonly found in tidal marshes and estuaries that are subject to tidal inundation. Permeability of the soil is moderate to rapid in the surface and subsurface layers and moderate in the substratum. Available water capacity is high. Runoff is very slow, and water is commonly ponded on the surface. The soil is very strongly acid to neutral in the natural state and extremely acid when drained. Tidal flooding, high water table, high salt content, and instability of the surface and subsurface layers make the soil unsuitable for most uses other than wetland wildlife habitat. It is noted that areas having this soil can provide saltwater habitat for fish, shell fish and waterfowl. Tidal wetlands closely parallel the shoreline of Holly Pond in the southern and western portions of the site. The tidal wetland boundary was established under a prior land use application by a Connecticut Soil Scientist/Environmental Professional using the parameters established by the statute. In support of this application, the tidal wetlands boundary was verified by a certified Ecologist.

Mr. Talamelli went on to report that activities affecting this and the adjoining parcel had been the subject of several prior applications/actions involving Darien's Land Use Commissions (10 Nickerson Lane, M. Ross and K. Ross, #18-2008 and #19-2008, 8/6/08 and 10 Nickerson Lane, M. Ross and K. Ross, CSPR#233, FDP #261, 9/4/2008).

Finally, Mr. Talamelli stated that the proposed development necessitates many tree removals, substantial regrading of soils, and long lengths of potentially high retaining wall. The project supports a large development footprint, many impervious surfaces, and substantial encroachments towards the waters of Holly Pond. Given the scope and nature of the project, the applicant is required to demonstrate that the applicant avoids or minimize impacts on the functions and values of the regulated areas/resources, utilizes measures to preserve or enhance water quality, addresses potential drainage impacts, complies with the impact and floodproofing requirements of the flood regulations, and appropriately mitigates for unavoidable impacts or improves the overall conservation values of the regulated areas and property. It was noted that the EPC review is being conducted under a public hearing format, based upon the Commission's prior finding that a public hearing would be in the "public interest" and that the development may result in a "significant impact." Accordingly, a permit cannot be issued unless the Agency finds, on the basis of the record, that a "feasible" and "prudent" alternative does not exist. He reminded the Commission that in making its findings, the Agency shall consider the facts and circumstances set forth in Section 10.2 of the Regulations.

Curt Lowenstein, a Connecticut engineer and Brian Carey, a professional wetland scientist and arborist with Land Tech Consultants offered a brief presentation to the Commission. They reported that the site lies directly on Holly Pond and includes tidal wetlands, special flood hazard areas and many large trees. The site is currently vacant. A residence and attendant facilities that formerly occupied this and the adjoining parcel were razed many years ago. It is the applicant's intent to develop the site with a new, flood-compliant single family dwelling, drive, walkways, walls, drainage, utilities pool, patios and other related features. The team believes that the project is not out of character with other developments in the area and that important development concerns relating to resource impact, drainage, sediment and erosion control, tree protection, water quality, and quality of landscapes have been addressed in this rendition of the plans. However, the team acknowledges the receipt of numerous comments from Commission members and various state and local environmental/engineering professionals and will prepare careful written responses in advance of the next hearing on this matter.

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Doug VanderHorn, an architect with VanderHorn Architects, provided a brief summary of the design process, noting that the team acknowledged the site's constraints and has sought to balance the owner's desire for views and waterfront access with the need to minimize the site disturbance, resource impacts, and potential exposures to flooding and damages. He further noted that the applicant sought to stretch the development along the existing ridgeline and to utilize existing features where possible - such as the original driveway cut - to minimize the disturbance. He welcomed comments from Commission members and intends to address relevant concerns in advance of the next hearing on this matter.

Commission members then addressed the development team. Mr. Wright stated that he was greatly concerned by the close proximity of the development to the waters of Holly Pond - estimated to be less than ten (10) feet, the structure's buildability, habitat loss, and the effects the introduction of highly manicured surfaces on the lot may have on both water quality and the biology of both the tidal wetlands and embayment. Mr. McGuiness stated that he was similarly concerned by the close proximity of the structures to the pond and tidal wetlands, the potential for significant tree, soil and slope impacts, the buildability of the structures, and the sensibility of constructing a residence in frequently flooded space, particularly in a time when climate change and rising sea levels are recognized as a viable threat to public safety. He further noted that alternative designs must be closely examined not only to reduce the encroachment and lessen the overall site disturbance, but to allow for the development of a suitable, sustainable "naturalized" buffer along the pond. Mr. Joosten noted that he was most interested in a close examination of the "prudent" and "feasible" alternatives to eliminate or substantially reduce the encroachment, site disturbance, and resource impacts.

Mitchell Ross confirmed that the lot was previously developed. The dwelling was constructed in the late 1940's and was razed in the early 2000's. He additionally provided testimony on the historic legal and land use processes that led to the creation and configuration of this building lot.

Matthew Popp, a professional wetland scientist and landscape architect, stated that he had been hired by the Town of Darien to conduct a peer review of the various EPC and Zoning Applications submitted in support of this development. He noted that his resume outlines more than thirty (30) years of experience in the field of environmental analysis, landscape architecture and land use planning. Mr. Popp asserted that Holly Pond and its adjoining spaces are recognized as a great environmental resource in the region. His review comments have been outlined in written correspondence presented to the Commission in a report dated March 29, 2023. Broad topics covered by the review include application deficiencies/inconsistencies, general site development concerns, drainage, sediment and erosion control, landscape design, the arborist's tree evaluation and protection report, coastal area management report, and alternatives. The forty-three (43) specific comments were then read into the record. Mr. Popp concluded that the information submitted in support of the applications is incomplete and lacks the data necessary to establish the full extent of impacts on regulated area and coastal resources. He further concluded that as currently proposed, the project may have a negative impact on water quality, soils, important resources, and critical habitats.

Amy Zabetakis, an attorney at the Rucci Law Group, LLC, stated she represents adjacent property owners residing at 19 Nickerson Lane, 14 Nickerson Lane, 10 Nickerson Lane and 31 Outlook Drive. She noted that her clients, several of which could not attend this evening's public hearing, are concerned by the project and the impact it may have on Holly Pond and an extremely sensitive, resource rich site. A preliminary review of plans showed that the disturbance is extensive and the

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encroachments far reaching with the design maximizing nearly every inch of available coverage on the property. There is little or no room for error during the construction phase. Ms. Zabetakis reported that she is working with an independent land use professional to review the plans/reports and is expected to submit a written report to the Commission in advance of the next hearing on this matter.

Alec Wiggin, a resident of 14 Nickerson Lane, addressed the Commission. Mr. Wiggin expressed concern that the development will result in substantial impact, severely altering the site, and negatively affecting the diverse collection of birds and other forms of wildlife that frequent the property.

Peter Eenkema Van Dijk, a resident of 19 Nickerson Lane addressed the Commission. Mr. Van Dijk provided a brief accounting of the property history, including the court action that resulted in the subdivision and lot creation. He stated that given the numerous constraints, the parcel presents unique development challenges, and is not confident that the property can be developed as currently proposed without significant impacts on trees and other valued environmental resources. He further stated that the development appears out of scale with other development on the street. Mr. Van Dijk added both a photograph and plan to the record to document the tree cover and other historic conditions.

Upon the completion of testimony for the evening, the Commission determined to continue the public hearing to allow for the submission of additional information to address pertinent issues including those raised in correspondence by Richard H. Talamelli, Environmental Protection Officer, Town of Darien (February 7, 2023), Matthew J. Popp, Professional Wetland Scientist, Environmental Land Solutions, LLC (March 29, 2023), Joseph Canas, P.E., Tighe and Bond (March 23, 2023) and Julia Mendzierski, Analyst, Department of Energy and Environmental Protection (March 28, 2023). Of particular importance is information relating to resource impact, flood resilience (including sea level rise), and the availability of "feasible and prudent alternatives."

Motion/Vote: None

REGULAR MEETING

NEW BUSINESS:

EPC #10-2023, 24 Pasture Lane, E. Brovig and Y. Brovig: To implement a native landscape plan in and proximate to known wetland resources and restore lawn grass to an adjoining upland review area. The parcel lies along the north side of Pasture Lane, approximately 1,756 feet east of Nearwater Lane and is identified as Map 51, Lot 53, Zone R-1 and \pm 1.08 Acres.

Reference is made to an EPC Staff Memo, dated March 15, 2023.

In Attendance: E. Brovig

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to implement a native landscape plan in and proximate to known wetland resources and restore lawn grass to an adjoining upland review area. 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

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ertinent to the application.

Preliminary comments offered by Ms. Bayne and Mr. Millard stressed the importance of addressing stumps resulting from the prior tree removals and collecting any accumulated brush and debris from the regulated areas as part of the proposal. Mr. Talamelli noted that prior activities on the property, including the removal of several structurally deficient and hazardous trees, had been conducted under the supervision of a Connecticut Arborist and the authorization of EPC Staff.

Motion/Vote: None

EPC #11-2023, 23 Greenleaf Avenue, D. Pezley and A. Pezley: To construct a new single family dwelling, drive, utilities, drainage, pool and other related features proximate to wetlands and watercourses. The parcel lies along the north side of Greenleaf Avenue, approximately 670 feet west of Hollow Tree Ridge Road, and is identified as Map 28, Lot 7, Zone R-1 and ± 4.14 Acres.

Reference is made to an EPC Staff Memo, dated March 20, 2023.

In Attendance: B. Muller, P.E., Muller Engineering
A. Moch
D. Pezley

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, utilities, drainage, pool and other related features on the property. 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. McGuiness, Mr. Wright, Mr. Millard, Ms. Rossi and Ms. Bayne established that future revisions shall include a clear depiction of trees to be saved/removed, a concise assignment of responsibilities in the drainage maintenance and operations plan, and an expanded planting/mitigation plan to include functional enhancements for all wetland areas and reasonably wide buffers along the watercourses.

Motion/Vote: None

EPC #12-2023, 300 Mansfield Avenue, Country Club of Darien, Inc.: To replace an existing pump house and irrigation system in and proximate to wetlands, watercourses and special flood hazard areas. The property lies along the east side of Mansfield Avenue, approximately 1,750 feet north of Buttonwood Lane, and is identified as Map 5, Lot 40, Zone R-2 and ± 139.051 Acres.

Reference is made to an EPC Staff Memo, dated March 23, 2023.

In Attendance: P. Shurr, P.E., Redniss and Mead
J.R. Lapan

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to replace an existing pump house and irrigation system in and 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

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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, Ms. Rossi focused on the applicant's efforts to incorporate native landscape elements, alternative surface treatments, and other design features into the project to better stabilize the soil, filter runoff and enhance the overall conservation values of the regulated areas and property. Additional questions by the Commission related to water usage and the potential efficiencies that will be built into the enhanced pump and irrigation systems to lessen the draw and potential impacts on a critical water supply. Mr. Lapan noted that the course's draw is established and enforced by DEEP, and that the proposed irrigation system supports "smart" components to ensure the most efficient use of the water supply. The details will be provided as part of the club's resubmittal. Mr. Talamelli reported that the club recently made advances in the area of water quality/conservation by relocating the existing maintenance/storage areas from areas adjoining the river, managing structurally deficient trees, and implementing a conservation plan consisting of native planting plan and best management practices.

Motion/Vote: None

EPC #13-2023, 14 Meadowbrook Road, M. Baraldi and L. Baraldi: To construct residential additions, modify drive and parking areas, and conduct other related activities proximate to wetlands and watercourses. The property lies along the south side of Meadowbrook Road, approximately 820 feet east of Brookside Road, and is identified as Map 14, Lot 11, Zone R-1 and ± 0.9148 Acres.

Reference is made to an EPC Staff Memo, dated March 23, 2023.

In Attendance: M. Dougherty
M. Baraldi

Discussion: Mr. Talamelli provided a brief summary of the application. He noted that the applicant seeks the Commission's permission to construct residential additions, modify the drive and parking areas, and conduct other related activities 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.

Ms. Rossi, Ms. Bayne, Mr. Millard, Mr. Wright, and Mr. McGuinness commented on the project. Matters to be addressed under the review of this application include the accuracy of the project description, reaffirmation of drainage impacts, and the necessity of a meaningful planting/mitigation plan. Essential elements of the mitigation plan shall include the addition of native plantings in select areas to displace manicured lawn, the removal of debris, and the management of invasives.

Motion/Vote: None

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OLD BUSINESS:

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 ±17,423 square feet.

Reference is made to an EPC Draft Resolution, dated March 30, 2023.

In Attendance: None

Discussion: Mr. Talamelli offered a brief summary for Commission Members. He noted that the applicant seeks the Board's permission to construct a new single family dwelling, drive, drainage, sanitary sewer and other related features proximate to a pond. On February 1, 2023, the Commission acknowledged receipt of the application and determined to schedule a public hearing based upon a finding that a hearing on this matter would be in the "public interest." On March 1, 2023, a public hearing was held. During the public hearing, the applicant's representatives presented information to address the important resource impact, water quality, drainage and mitigation issues raised by the Commission Members, EPC Staff and other interested parties. Alternatives were examined, and several design modifications were incorporated into the project to lessen the encroachment and/or potential resource impacts. The public hearing was closed on March 1, 2023. Upon the completion of testimony, EPC Staff was directed to prepare a "draft" resolution for the Commission's consideration in advance of the next regularly scheduled meeting. No edits to the draft resolution were proposed at this time.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** EPC Permit Application #3-2023 with the conditions outlined in the EPC "Draft" Resolution," dated March 30, 2023.

In Favor: Joosten, Millard, Wright, 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 "Draft" Resolution, dated March 30, 2023.

In Attendance: None

Discussion: Mr. Talamelli offered a brief summary for Commission Members. He noted that the applicant seeks the Board'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. On February 1, 2023, the Commission acknowledged receipt of the application. On March 1, 2023, the applicant's representatives presented information to address the important resource impact, water quality, drainage, flood protection, and mitigation issues raised by Commission Members and EPC Staff. Upon the completion of testimony, EPC Staff was directed to

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prepare a "draft" resolution for the Commission's consideration in advance of the next regularly scheduled meeting. No edits to the draft resolution were proposed at this time.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** EPC Permit Application #4-2023 with the conditions outlined in the EPC "Draft" Resolution," dated March 30, 2023.

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

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 "Draft" Resolution, dated March 30, 2023.

In Attendance: None

Discussion: Mr. Talamelli offered a brief summary for Commission Members. He noted that the applicant seeks the Board's permission to construct an in-ground pool, patios, drainage, and other related features within close proximity to wetlands and watercourses. On February 1, 2023, the Commission acknowledged receipt of the application. On March 1, 2023, the applicant's representatives presented information to address the important resource impact, water quality, drainage, and mitigation issues raised by Commission Members and EPC Staff. Alternatives were examined and several design modifications were incorporated into the project to lessen the encroachment and potential resource impacts. Upon the completion of testimony, EPC Staff was directed to prepare a "draft" resolution for the Commission's consideration in advance of the next regularly scheduled meeting. No edits to the draft resolution were proposed at this time.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** EPC Permit Application #7-2023 with the conditions outlined in the EPC "Draft" Resolution," dated March 30, 2023.

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

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, watercourses 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 +9,797 square feet.

Reference is made to an EPC Staff Agenda Summary Report, dated March 22, 2023.

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Attendance: A. Moch

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant seeks permission to demolish the existing accessory structures and construct a residential addition, grade, and landscape proximate to wetlands, watercourses and special flood hazard areas.

He noted that the property currently supports a single family dwelling, detached garage, sheds, storage containers, drive, walkways, walls, fences, and other related features. The dwelling is currently served by sanitary sewers and public water. The site is characterized by the presence of gently to moderately sloping developed lands and several large trees. Wetlands and a watercourse occupy properties to the north and east. Regulatory setbacks of fifty (50) feet encroach onto the subject parcel. The wetlands form a relatively narrow "fringe" along the watercourse – a system that conveys water in a westerly direction under Brookside Drive to the Noroton River. It is noted that most of the soils on the adjoining parcel remain highly disturbed. In addition, the property lies, in part, within the base floodplain of the Noroton River (Zone AE, Elevation 22.6 feet NAVD-88 as reflected on Flood Insurance Rate Map 09001C0509F, effective date June 18, 2010). The flooded space lies along the extreme western portions of the site. Although most of the roadway is expected to be inundated during the peak, the dwelling and most of the property is unaffected by floodwaters.

Mr. Talamelli reported that given the scale and nature of this project, the applicant is required to demonstrate that it has avoided or minimized impacts on wetlands, watercourses and other resource of value, 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 response, the applicant sought to address these matters as follows:

- The applicant provided a site development plan. There are no direct wetland, watercourse or floodplain encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 1,600$ square feet (0.037 Acres) of the upland review area. The affected areas generally support lawn, graveled parking, or other developed space. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-2 feet. New primary structures and related features lie no less than seventy-five (75) feet to wetlands and ninety-five (95) feet to the watercourse. Removals, grading and landscaping activities encroach no less than nineteen (19) feet to the wetlands and thirty (30) feet to the watercourse. No significantly sized trees are expected to be lost as result of the construction.
- The project engineer has developed a statement/report to address the issue of drainage impact. The engineer reports that given the anticipated demolition, removal of millings, and the landscape improvements proposed, a net decrease in site imperviousness is expected. The report states that for all storms ranging from 2-50 years in intensity, there will be a decrease in the peak rates of runoff. Accordingly, the engineer has concluded that the project, if implemented per the plan, will have no adverse impacts on drainage or the adjoining properties. Preliminary comments have been received from the Town's consulting engineer. Final comments are pending.
- 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,

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pavement sweeping, designated storage/stockpile areas, gutter outfall protection, and the application of final stabilizing groundcovers for any disturbed earth surfaces.

- A wetlands/buffer enhancement plan has been proposed to screen the adjoining “commercial” spaces, enhance the regulated areas, stabilize the soil and filter runoff. The plan provides for the addition of numerous trees (Norway Spruce – 6 and American Holly – 4, shrubs (Red Osier Dogwood – 12, Hummingbird Summersweet – 5 and Inkberry – 7) and groundcovers (New England “Wetmix” (Wetlands Seed Mix) within the buffer, primarily along the northern boundary line. In addition, to prevent future encroachments along the slope and into the regulated areas, a demarcation feature consisting deeply embedded boulders has been proposed. Note that the stabilizing groundcovers affect portions of the abutting parcel to the north. Permission for the “Wet Mix” application may be required prior to implementation.

Mr. Wright and Ms. Bayne praised the application, particularly the landscape design which not only serves to stabilize the soil, but significantly improves both the aesthetic and conservation values of the regulated areas and property.

There being no further questions, the Chair directed Staff to prepare a draft resolution for the Commission’s consideration at the next regularly scheduled meeting.

Motion/Vote: None

APPROVAL OF MINUTES:

Reference is made to the “Draft” EPC Meeting Minutes for the Regular Meeting of February 1, 2023.

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

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Millard, the Commission voted to **APPROVE** the Minutes of the February 1, 2023 Regular Meeting as presented.

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

AGENT APPROVALS:

EPC #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.

Reference is made to a ‘draft’ agent approval, dated March 30, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Commission. He noted that the applicant proposes to install an eight (8) foot high, white, vinyl privacy fence proximate to wetlands

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nd watercourses. The fence shall be installed along a portion of the eastern property boundary between the newly constructed organic storage area/access roadway and a residential property situated at 267 Brookside Road. The fence has been proposed to supplement existing evergreen screening.

The wetland soils form a relatively wide “fringe” along an intermittent watercourse that flows north to south through the abutting parcel. The watercourse is ultimately tributary to the Goodwives River. Vegetation along the wetland/watercourse corridor ranges from lawn grass to moderate woods. Applicable portions of the property are not situated in a special flood hazard area (Zone X, 09001C0526F, 6/18/2010).

Mr. Talamelli went on to state that there are no direct wetland/watercourse encroachments proposed. The applicant reports that approximately 609 square feet of the upland review area (0.014 Acres) shall be temporarily/permanently affected by the installation. The fence lies no less than ten (10) feet to the limits of wetland. There is no substantial grade changes or vegetation losses proposed. The fence location shall be adjusted to avoid both the existing natural vegetation and the line of newly planted evergreen screening. 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 to the designated storage area. Any soils disturbed by the installation shall be stabilized with topsoil, seed and hay mulch upon completion. Note that the fence shall be elevated approximately three (3) inches so as to not impede the flow of stormwater and allow for the passage of small forms of wildlife.

Mr. Talamelli asserted that the activity will have no greater than a minimal impact on the wetland and watercourses and therefore qualified for the agent approval process.

There were no further questions or comments by Commission members.

Motion/Vote: None

OTHER BUSINESS:

ADJOURN:

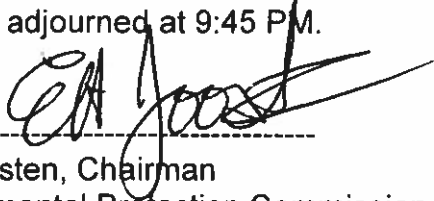
Adjourn the Regular Meeting of March 29, 2023:

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 March 29, 2023.

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

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Meeting adjourned at 9:45 P.M.

A handwritten signature in black ink, appearing to read "Eric Joosten", written over a horizontal dashed line.

Eric Joosten, Chairman
Environmental Protection Commission

April 27, 2023
May 9, 2023 (Post Edits)
May 18, 2023 (Post Meeting)