

**ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
SPECIAL MEETING AND CONTINUED PUBLIC HEARING OF MAY 17, 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 7:04 P.M.

SPECIAL MEETING:

NEW BUSINESS:

EPC #14-2023, 16 Hamilton Lane, T. Haavik and K. Haavik: To install a fence in and within close proximity to wetlands, watercourses and special flood hazard areas. The property lies along the south side of Hamilton Lane, approximately 780 feet west of Brookside Road, and is identified as Map 10, Lot 23, Zone R-1 and ±1.058 Acres.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks the Commission’s permission to install a fence in and within close proximity to the wetlands, watercourses and special flood hazard areas located 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.

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Preliminary comments offered by Mr. Joosten, Mr. McGuinness, Mr. Wright, and Ms. Bayne concerned the location of the fence, the availability of alternatives outside of critical resource areas, purpose of the fence, potential impacts on trees, fence details and the potential impact the barrier may have on drainage, flooding and the movement of desirable forms of wildlife.

Motion/Vote: None

EPC #15-2023, 14 Hamilton Lane, M. Leister and M. Leister: To install a fence in and within close proximity to wetlands, watercourses and special flood hazard areas. The property lies along the south side of Hamilton Lane, approximately 670 feet west of Brookside Road, and is identified as Map 10, Lot 22, Zone R-1 and ± 1.128 Acres.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant also seeks the Commission's permission to install a fence in and within close proximity to the wetlands, watercourses and special flood hazard areas located 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 by Commissioners Joosten, McGuinness, Wright, and Bayne concerned the location of the fence, the availability of alternatives outside of critical resource areas, purpose of the fence, potential impacts on trees, fence details and the potential impact the barrier may have on drainage, flooding and the movement of desirable forms of wildlife. Mr. Millard noted that it may be prudent to have the owners of 14 and 16 Hamilton Lane coordinate responses to the EPC given their proximity.

Motion/Vote: None

EPC #16-2023, 26 Beach Lane, S. Rich and D. Rich: To construct residential additions within a special flood hazard area and proximate to Holly Pond. The property lies along the west side of Beach Road, approximately 1,245 feet south of Boston Post Road, and is identified as Map 53, Lot 9, Zone R-1/2 and ± 0.311 Acres.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks the Commission's permission to construct certain residential additions within a special flood hazard area and proximate to both Holly Pond and other areas of resource. 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.

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Mr. Talamelli reported that a request for additional information would include data to confirm if the improvements were “substantial” per the local flood regulations, structural floodproofing for pertinent elements of the project, effective sediment and erosion controls, measures to preserve water quality, and suitable mitigation, particularly along the pond’s edge, to displace manicured lawn, filter runoff and enhance the overall conservation value of the regulated areas and property.

Motion/Vote: None

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

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: Alexandra Moch

Discussion: Mr. Talamelli provided a brief summary of the application. He reported that the applicant seeks the Commission’s permission to construct a pool, spa, deck and other related features in a special flood hazard area 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 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.

Commissioners Wright, Joosten, Rossi and Ervin indicated that additional data necessary to evaluate the proposal would include a properly organized electronic submittal, a review of the lawn and landscape limits authorized under the prior EPC permits, expanded native buffers along stream corridors, effective demarcation features to limited future encroachments, a concise plan of drainage/water quality control to protect the most critical areas of resource, particularly downstream, and further details relative to the drainage management and operations plan.

Motion/Vote: None

OLD BUSINESS:

EPC #26-2022, 8 Rainbow Circle, M. Ripp: To install one (1) 120 gallon, above ground propane tank, copper line and other related features within a special flood hazard area and within close proximity to wetlands and watercourses. The property lies along the west side of Rainbow Circle, approximately 350 feet north of Tokeneke Road, and is identified as Map 37, Lot 18C, Zone R-1/2 and ±0.5923 Acres.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Joosten acknowledged the receipt of correspondence from Chris Wayne, Gault Family Companies, dated April 19, 2023 withdrawing EPC Application #26-2022 from further consideration.

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Motion/Vote: None

EPC #27-2022, 15 Holly Lane, N. Pedley and M. Pedley: To install a generator and related features within close proximity to wetlands and watercourses. The property lies along the north side of Holly Lane, approximately 1,620 feet east of Noroton Avenue, and is identified as Map 9, Lot 145, Zone R-1 and ± 1.1218 Acres.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Joosten acknowledged the receipt of correspondence from Nancy Pedley, dated April 18, 2023 withdrawing EPC Application #27-2022 from further consideration.

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 May 9, 2023.

In Attendance: None

Discussion: Mr. Joosten acknowledged the receipt of correspondence from Caroline Kesmodel, dated April 11, 2023 withdrawing EPC Application #6-2023 from further consideration.

EPC #8-2023, 59 Brookside Drive, T. Sargent and A. Sargent: To demolish existing accessory structures, construct residential additions, 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 $\pm 9,797$ square feet.

Reference is made to an EPC "Draft" Resolution, dated May 18, 2023.

In Attendance: A. Sargent
T. Sargent

Discussion: Mr. Talamelli summarized the application for Commission Members. He reminded members that the applicant seeks permission to demolish existing accessory structures, construct residential additions, grade, and landscape proximate to wetlands, watercourses and special flood hazard areas. Detailed information was submitted and extensive testimony, was presented at the EPC's March 1, 2023 and March 29, 2023 meetings to address important matters concerning resource impact, drainage, water quality, and the value of the proposed mitigation efforts. Upon the completion of testimony, EPC Staff was directed to draft a resolution for EPC consideration in advance of the next meeting.

Motion/Vote: Upon a motion by Mr. Millard and seconded by Mr. McGuinness, the Commission voted to **APPROVE** EPC Permit Application #8-2023 with the conditions outlined in the EPC "Draft" Resolution," dated May 18, 2023.

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In Favor: Joosten, Millard, Wright, Ervin, McGuinness, Bayne, and Rossi.
Opposed: None
Abstaining: None
Not Voting: 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 Agenda Summary Report, dated May 9, 2023.

In Attendance: B. Muller, P.E., Muller Engineering
A. Moch, Aleksandra Moch Consulting

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant seeks the Commission's permission to demolish an existing residence construct a new single family dwelling, drive, utilities, drainage, pool and other related features proximate to wetlands and watercourses.

Mr. Talamelli reported that the property currently supports a single family dwelling, paved drive, gravel accessway, patio, walkways 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, wetlands held as woodland, portions of two (2) ditches/watercourses, and many large trees. Wetlands occupy a small pocket in the approximate center of the property, the eastern limits of the site, and along the narrow ditches/watercourses that transmit runoff to the south and east. The property is not situated in a designated special flood hazard areas (Zone X, as reflected on Flood Insurance Rate Map 09001C0528G, Effective 7/8/2013).

Mr. Talamelli noted that given the scale and nature of this project, the applicant is required to demonstrate that it has avoided or minimized wetland/watercourse 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 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 $\pm 5,663$ square feet (0.013 Acres) of the upland review area. The affected areas generally support lawn, planting beds, pavement and/or other previously developed spaces. Primary structures and related features lie no less than fifty (50) feet to the designated wetlands/watercourses. Lesser structures/features, such as pool fencing, patios, etc., may encroach within twenty-eight (28) feet. Approximately fourteen (14) of the larger trees shown on the civil drawings shall be lost as a result of the project along with the shrubs and ornamentals that currently complement the base of the existing dwelling.
- The project engineer developed a statement and 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 east through adjoining residential properties. The construction of a new single family

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dwelling, drive, parking court, drainage and other related features on the property is expected to result in an increase in impervious surfaces and overall increase in both the rate and volume of runoff if left unmitigated. To mitigate the increase, the applicant proposes to create and manage three (3) post construction watersheds and install a structured drainage system consisting of pipes, collection structures, junction boxes, level spreaders and two (2) arrays of infiltration units. To the south, the applicant proposes to install forty (40) Cultech 330 XHD units to accommodate runoff from portions of the dwelling, drive, parking court and other related spaces. To the north, the applicant proposes to install fifteen (15) units of Cultec 330XLHD units to accommodate portions of the dwelling, pool and patio areas. If the mitigating drainage systems are installed in accordance with the plans, the rate and volume of runoff shall be diminished for all storms ranging from 2-50 years, and existing drainage patterns shall be maintained. Note that the more conservative "fresh meadow approach" has been adopted for the review of this project. 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 was provided by the applicant. Plans and reports were reviewed by the Town's Engineering consultant. A final endorsement of the plans/reports has been secured. Note that in addition to the above, the applicant has committed to the cleaning and inspection of the existing piping under the gravel accessway to promote positive drainage.

- To assist in the preservation/enhancement of water quality, the applicant 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. Collection structures and junctions shall be equipped with deep sumps and outlet controls to assist in the collection of sands, silts and debris prior to discharge. The applicant is utilizing infiltration to seize upon the soil's natural ability to cool and filter runoff. The dwelling shall continue to be fueled by propane stored in existing vessels.
- Enhancement plans have been developed for wetlands and some buffer areas to displace lawn/non-native groundcovers, filter runoff and improve the overall conservation values of the regulated areas and property.

The first plan focuses on the watercourse north of the gravel accessway. It includes numerous native trees (Heritage Birch – 2, Serviceberry – 5, American Holly – 4, Norway Spruce – 5, Green Giant Arborvitae – 3), shrubs Red Osier Dogwood – 5, Summer Sweet Clethra – 12, Swamp Azalea – 6, Common Buttonbush - 10, and Inkberry – 5) and groundcovers (New England Wildflower Mix).

The second plan focuses on the remaining wetland pocket. Within this space, the applicant provides for the installation of several shrubs (Red Osier Dogwood – 7 and Summer Sweet Clethra – 6) and groundcovers (Blue Flag Iris (27, Switchgrass – 18, Purple Coneflower – 27, Boneset – 9 , Little Bluestem – 27, and White Turtlehead – 27).

Mr. Talamelli noted that planting improvements have not been applied to the wetlands/watercourses south of the gravel access drive and wetland pocket. He went onto note that the Commission may request submission of a revised plan to provide a natural buffer and improve these areas with additional or reallocated plantings.

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- Other resource protection measures include fenced tree protection for larger trees throughout the site proximate to the development envelope, and a stone demarcation feature to define buffers to the watercourse.

Mr. Muller then addressed the Commission. He confirmed Staff's accounting of the project details, verified the receipt of a positive endorsement of the drainage mitigation plan by the Town's consulting engineer, and outlined the applicant's efforts to develop a meaningful mitigation plan to enhance the aesthetics and conservation values of both the regulated areas and property.

Ms. Bayne asserted that areas adjoining the wetlands and drainageways to the south of the gravel accessway would benefit from additional native planting to displace lawn and filter runoff from the larger, manicured spaces on the property. Mr. McGuinness questioned the location of the pool fence and pool enclosure relative to the regulated areas. In response, Mr. Muller stated that the location of the fence enables the owner to protect the pool and define a minimal area around the pool for "recreational purposes." He further noted that the location of the fence is "conceptual," and that the "no-fence" or "relocated fence" options would be considered as the project moves towards building permit. Any final fence location shall be coordinated with Staff.

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 #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 Agenda Summary Report, dated May 9, 2023.

In Attendance:

- P. Shurr, P.E., Redniss and Mead
- A. Moch, Aleksandra Moch Consulting
- J. Lapan, Property Manager, Country Club of Darien
- B. Vinchesi, Irrigation Consulting, Inc.

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant seeks the Commission's permission to replace an existing pump house and irrigation system in and proximate to the site's wetlands, watercourses and special flood hazard areas. He stated that the property currently supports a private country club including a golf course, club house, parking areas, tennis, squash and paddle tennis courts, pools, maintenance buildings, access roads, walkways, drainage structures, utilities, and other related features. The site is characterized by the presence of gently to moderately sloping developed lands, wetlands maintained as "turf" or "rough," wetlands held as woodland, several open water ponds, watercourses, a reach of the Goodwives River, special flood hazard areas, and many large trees. Portions of the property are also situated within a designated special flood hazard areas (Zone A) as reflected on Flood Insurance Rate Map 09001C0526F, Effective 6/18/10). The project engineer estimated the elevation of the base flood to be 149.50 feet NAVD-88 in the vicinity of the existing pump station.

Mr. Talamelli went on to state that the project is comprised of three (3) essential elements. The first calls for the replacement of the existing irrigation pump station with a new "floodproof" structure and related features. The structure provides for the elevation of floors, essential electrical/mechanical components,

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transformer, standby generator, etc. to or above the design flood elevation of 150.5 feet NAVD-88. The second calls for the replacement of an existing 12 inch intake pipe (suction system) which is situated in and immediately adjacent to Mansfield Pond with a new 30" pipe (gravity fed system). The existing concrete intake, which is embedded in the bank, shall be removed and the bank restored. The remainder of the existing pipe shall be cut back, capped and abandoned in place. The new intake shall be extended approximately seventy (70) feet into the pond to attain a proper depth and secured to the "hard bottom" with "Sakrete" pipe supports. The supports, which are generally set along the outlet and individual joints, are secured to the pipe with stainless steel cables. Based on the applicant's observations, it is not anticipated that a significant amount of excavation is necessary to achieve "hard bottom." The third provides for the replacement of the existing distribution system throughout the property with a new, high efficiency system consisting of piping, sprinkler heads, valves, and controllers and other related elements.

The project affects wetlands, watercourses, ponds, buffers and/or the special flood hazards. Potential disturbances include tree removals, excavation, filling, grading, and general construction. Note that excavations shall be accomplished through a variety of means including shallow trenching, traditional machine excavation, and horizontal/directional drilling. Generally, trenching is the preferred operation for the components of the overall distribution system, traditional excavation for the piped intake replacement and the construction of the pump house, and directional drilling for the five (5) anticipated watercourse crossings.

Mr. Talamelli stated that given the scale and nature of this project, the applicant is required to demonstrate that it has sought to avoid or minimize wetland/watercourse impacts, utilizes measures to preserve water quality, addresses potential drainage impacts, applies measures for water handling, complies with the flood regulations in terms of flood impact and structural floodproofing, and provides 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 site development and other related plans to define the project. The applicant reports that the encroachments will temporarily/permanently affect $\pm 3,000$ feet of wetlands (± 0.069 Acres), 50 linear feet of watercourse, $\pm 2,000$ square feet of open water (± 0.046 Acres), $\pm 5,600$ square feet of the floodplain (± 0.129 Acres), and $\pm 4,600$ square feet of the upland review area (± 0.106 Acres). It is noted that the project's primary structure, the pump house, lies no less than forty-three (43) feet to the edge of pond and twenty-eight (28) feet to wetlands. Other project elements vary in the extent of their encroachments. Although approximately five (5) trees may be lost as a result of the pump house improvements, other areas affected by this project are generally unaffected by trees, and are confined to spaces that support "turf grasses" and "rough."
- The project engineer has estimated that the project will result in less than 200 square feet of new impervious surface. Given the area of the property, the location of the disturbance relative to several large open water ponds, and the de minimis increase in imperviousness and runoff, impacts on drainage are not anticipated. No mitigative measures are proposed or warranted. All roof leaders from the new pump house shall be directed to splash pads and allowed to dissipate into the surrounding soils/vegetation and ponds.

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- The project engineer stated that changes to the structures and grades are de minimis and that the project will not adversely impact flood heights or alter the dynamics of the base flood.
- The project engineer has stated that the given the profile of the pipe, depth of water, the anticipated draw, location relative to the inlet, and the mitigative measures proposed, the intake construction is not expected to exacerbate bank/bottom erosion or negatively impact the overall health of the pond.
- To assist in the preservation/enhancement of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences, straw wattles, haybale outfall protection, synthetic filters (“Dirtbags”), designated storage/stockpile areas, concrete/plastic splash pads, and final stabilizing groundcovers for any disturbed earth surfaces. Additional measures shall be employed to minimize the soil disturbance and potential for water quality impacts including the use of pulls/trenching machines in lieu of traditional excavation methods. In addition, the contractor has embraced practices that limit trenching only to that which can be backfilled and restabilized at the end of each day. Directional borings shall be used at watercourse crossings to “drill” under the channel to lessen the need for water handling and potentially costly channel/bank restoration. At this time, the existing diesel powered generator shall be reused. It is noted that the generator supports on-board fuel storage contained in a double walled steel tank to reduce the potential for leaks. New, future generators could be alternatively fueled or support advancing leak, spill and overflow technologies.
- Water handling is an essential element of this project. The intent is the applicant’s intent to implement the project during the driest conditions possible by restricting the work to the drier seasons of the late fall and early winter. In addition, the impacts of “in-water” activities, primarily associated with the proposed in-take construction, shall be mitigated by lowering the water surface elevation of the ponds through the manipulation of existing valves/weirs and pumping. The pumps shall be operated at a rate consistent with seasonally normal flows and shall discharge over stone stabilized outlets. Directional boring equipment shall be equipped with on-board vacuum systems to collect and store spoils until disposed of legally in non-regulated areas. Note that additional provisions have been made to monitor weather conditions and only proceed with the construction when there is a clear forecast. The Grounds Superintendent has been delegated the responsibility project oversight and for storm preparation - monitoring weather/flooding conditions, coordinating the construction, and directing any necessary equipment removals in advance of an event. Resources are already in place on the grounds to effectively monitor the weather.
- The reconstructed pump house and related features have been designed in accordance with Section 820 (“Flood Prone Area Regulations of the Town of Darien”) and are capable of withstanding the flood depths, pressures, velocities impact and uplift forces and other factors associated with the base flood. The flood elevation in the vicinity of the pump house has been estimated at 149.50 feet NAVD-88. The design flood elevation (DFE) is 150.50 feet NAVD-88. The new poured concrete/block facility shall support an eight (8) inch structural slab set at an elevation of 150.50 feet NAVD-88 or higher. All interior electrical and mechanical components shall similarly be elevated to or above the design flood elevation. To the exterior, the base of all exterior mount metering, the top of the relocated transformer pad, and the top of the standby

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generator pad shall be elevated to at least the DFE of 150.50 feet NAVD-88. All associated conduit shall be watertight and capable of withstanding the flood forces.

- Drainage, dewatering, flood impact, and other related plans/reports have been endorsed by the Town's Engineering consultant.
- A mitigation plan has been proposed to compensate for the loss of trees, screen elements of the development, restore disturbed spaces, filter runoff, and/or enhance the overall conservation values of the regulated area and property. Most of the planting shall be applied to spaces adjoining the new pump house and banks of both Mansfield and Club Ponds. The plan provides for the removal of invasives, the removal of accumulated debris, and the introduction of numerous trees (Tupelo – 2), shrubs (Inkberry – 15, Red Osier Dogwood – 10 and Summersweet Clethra – 10), and groundcovers (Swamp Rose Mallow – 64, Blue Vervain – 64, Hyssop-leaf-Boneset – 64 and Tufted Hair Grass). In addition, a demarcation feature consisting of several sunken boulders shall be added along the limits of the planting. Fenced tree protection as been offered to several trees proximate to the development envelopes.
- The new irrigation system has been equipped with features to both conserve energy and better manage and disperse waters on the course. Improvements include a gravity intake system in lieu of a electric powered suction system, use of high efficiency pump motors, use of variable speed drives, use of advanced sprinkler head technology to more uniformly apply waters to the select portions of the course, individually controlled sprinkler heads, an increased reliance on part-circle sprinklers, and the application of troubleshooting technology to better detect leaks, line breaks or malfunctioning sprinkler heads.

Upon the completion of Staff testimony, Mr. Shurr addressed the Commission. He confirmed Staff's accounting of the project details and reaffirmed the dewatering/diversion methods the applicant will employ to ensure that the work is accomplished in the driest conditions possible. He reiterated that plans are in place to monitor weather conditions and adjust/suspend the construction in the event of a large storm event.

In response to a question by Mr. Wright, Mr. Lapan stated that surface and groundwater draws on the property are highly regulated by the DEEP and further studies/monitoring are being conducted to establish if adjustments to those thresholds are required.

Mr. Lapan and Mr. Vinchesi went on to summarize the efficiencies of the system proposed, noting that the advancing technologies allow the course to better manage the distribution of irrigation to the driest portions of the course and more promptly trace and repair line leaks and other system failures. Mr. Lapan stated that over the last couple of years, six (6) reported failures in the irrigation lines at CCD resulted in the loss of thousands of gallons of water.

In response to an inquiry by Mr. Millard, Mr. Lapan confirmed that the club maintains its Audubon certification and continues its efforts to maintain natural areas, enhance wildlife habitats and adopt policies/practices to minimize the impact of its operations. Mr. Lapan pointed to the club's recent efforts to replace manicured turf with low maintenance meadow grasses/natural plantings along a reach of the Goodwives River.

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Mr. McGuinness noted that the existing draw from the lake would be “decommissioned” and largely abandoned in place. He asserted that any plans documenting the location of the existing facilities may have value for the review of future site activities and projects. Messrs. Shurr and Lapan stated that plans are available to document the location of the existing system. Copies of the plans will be supplied to EPC Staff.

Ms. Bayne praised the applicant’s approach to water handling/water quality and commitment to implement conservation valued planting in critical spaces. She further recognized the project for the energy and water savings that will be realized.

In response to a question from Ms. Rossi concerning the potential impact of the proposed directional drills, Mr. Vinchesi and Mr. Shurr responded that the use of the boring lubricant, a Bentonite based mud, typically does not need special handling and permitting. The material is benign and the fluid shall be recovered as part of the process. There is no expected impact on water quality. Further details shall be provided.

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 #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 Agenda Summary Report, dated May 9, 2023.

In Attendance: M. Dougherty, Matthew Dougherty Architects.
A. Moch, Aleksandra Moch Consulting

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the property currently supports a single family dwelling, drive, paved parking, walkways, patios, gardens, and other related features. The dwelling is served by both a subsurface sewage disposal system and public water. The site is characterized by the presence of gently to moderately sloping developed lands, wetlands maintained as lawn, wetlands held as woodland, portions of two (2) watercourses and many large trees. He noted that a more substantial reach of Tokeneke Brook lies on properties to the south and east. The property is not situated in a designated special flood hazard area (Zone X, as reflected on flood Insurance Rate Map 09001C0529G, Effective 7/8/2013).

Mr. Talamelli stated that the applicant seeks the Board’s permission to construct residential additions along the northern and southern planes of the existing dwelling, expand an existing second floor, and modify the configuration of the existing drive and parking courts. Given the scale and nature of this project, the applicant is required to demonstrate that it has avoided or minimized wetland, watercourse/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 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

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affect ± 830 square feet (± 0.019 Acres) of the upland review area. The affected areas generally support lawn, planting beds, pavement and/or patio space. Primary structures and related features lie no less than thirty-six (36) feet to the designated wetlands and fifty (50) to watercourses. 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 has developed a statement/report to address the issue of drainage impact. Under the current condition, the property lies in a single watershed that generally drains northwest to southeast. According to the project engineer, the proposed development increases the total area of impervious cover by approximately 229 square feet. When comparing existing conditions to the proposed, it has been determined that the maximum peak rate of runoff for all storms ranging from 2-50 years shall not increase. Note that a portion of the reconfigured drive shall be installed as gravel. No mitigation measures are proposed. Accordingly, the project engineer has stated that the improvements will not have an adverse impact on drainage or the surrounding properties. Plans and reports have been forwarded to the Town's consulting engineer for confirmation of study methodology, conclusions and design. Concerns have been satisfactorily addressed.
- 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, refined access route, designated storage/stockpile areas, and the application of final stabilizing groundcovers for any disturbed earth surfaces.
- 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 creation of "no mow zones" and the introduction of numerous native shrubs (Summer Sweet Clethra – 15, Red Osier Dogwood – 6, Button Bush – 10, and Inkberry – 5), primarily to the more sparsely vegetated space along both streams. In addition, the plan provides for the removal of accumulated debris, the removal of invasives, and the addition of a stone demarcation feature in select areas.

Mr. Dougherty then addressed the Commission. He confirmed the accuracy of Staff's description of the property and impacts of the project.

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:

Minutes of March 1, 2023: Reference is made to the "Draft" EPC Meeting Minutes for the Public Hearing and Regular Meeting of March 1, 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.

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

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

Minutes of March 29, 2023: Reference is made to the “Draft” EPC Meeting Minutes for the Public Hearing and Regular Meeting of March 29, 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. Millard and seconded by Mr. McGuinness, the Commission voted to **APPROVE** the Minutes of the March 29, 2023 Public Hearing and Regular Meeting as presented.

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

AGENT APPROVALS:

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 a “Draft” Agent Approval, dated May 18, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant proposes to install implement a native landscape plan in and proximate to known wetland resources and restore lawn grass to an adjoining upland review area.

He noted that the wetlands, which are confined to a relatively small, isolate “pocket” in the western reaches of the parcel are currently devoid of vegetation or support sparse lawn grass.

The applicant proposes to grind several remnant stumps, install a minimal depth of top soil, and seed and mulch renovated lawn areas. A buffer of approximately ten (10) feet to the wetland shall be created and maintained. Activities shall impact approximately 504 square feet of the wetland (0.012 Acres) and 2,300 square feet of the upland review area (0.053 Acres). No additional trees shall be lost and grade change is minimal. It is not anticipated that the activities will adversely impact drainage or the adjoining properties. Sediment and erosion controls consisting of a perimeter silt fence and final stabilization measures shall be implemented. To displace lawn, filter runoff, screen abutters, and/or improve the overall conservation values of the regulated areas and property, the applicant proposes to remove accumulated debris and implement a conservation planting plan that provides for the installation of numerous, trees (Dogwood – 1, Arborvitae – 3), shrubs (Cranberry – 2,

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Blueberry – 4, Sweet Pepperbush – 3, and Carolina All Spice) and Groundcovers (Meadowsweet – 3, Royal Fern – 8, Sedge – 30 and Wild Phlox – 10).

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

OTHER BUSINESS:

EPC #22-2016, 25 Salisbury Road, W. Tabaschek and M. Tabaschek: To construct certain drainage improvements a special flood hazard area and in and within close proximity to wetlands and watercourses. The property lies along the north side of Salisbury Road, approximately 1,375 feet west of Brookside Road, and is identified as Map 1, Lot 102, R-2, and ± 1.49 Acres. This is a request to transfer EPC #22-2026 from W. and M. Tabaschek to M. and L. Ryan.

Reference is made to an EPC Staff Memo, dated May 9, 2023.

In Attendance: None

Discussion: Mr. Talamelli summarized the matter for Commission members. He reported that the agency is in receipt of correspondence from Walter Tabashek and Michael Ryan and Lilly Ryan, dated, April 17, 2023 requesting a transfer of Environmental Protection Commission Permit #22-2016. The original permit was issued by the Commission to allow construction of certain drainage improvements on the parcel. In advance of this transfer request, a field inspection was conducted by EPC Staff on or about May 1, 2023. It was noted that the work authorized under EPC #22-2016 was partially implemented with the rear yard drain, junction and outlet installed. The construction has yet to be inspected and certified as complete per the approved plans/details. An anticipated pipe replacement under the drive has yet to be installed/certified. Considering that there are no reported violations on the property and that conditions on the site have not changed as to warrant reevaluation of the permit, EPC Staff recommended that the Commission **APPROVE** the proposed transfer of EPC #22-2016.

A brief discussion ensued between EPC Members and Staff concerning the “regulations” and how changes to the state statute over the last several years affected the Commission’s role in evaluating permit expirations and transfers.

Motion/Vote: Upon a motion by Mr. Millard and seconded by Mr. McGuinness, the Commission voted to **APPROVE** the **TRANSFER** of EPC Permit Application #22-2016 from W. Tabaschek and M. Tabaschek to M. Ryan and L Ryan.

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

Special Meeting agenda items were concluded at 8:53 PM.

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PUBLIC HEARING (CONTINUED):

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 and EPC Staff Agenda Summary Report, dated May 9, 2023.

The continued public hearing was convened by the Chair at 9:00 PM. It is noted that the initial session was held on March 29, 2023.

In Attendance:

- C. Lowenstein, P.E., Land Tech Consultants
- B. Carey, Land Tech Consultants
- R. Nichols, VanderHorn Architects
- M. Ross
- M. Popp, Environmental Land Solutions, LLC
- A. Zabetakis, Esq., Rucci Law Group, LLC
- J. Canas, P.E., Tighe and Bond

Discussion: Mr. Talamelli reminded the Commission that the applicant seeks permission 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 application was accepted by the EPC at the February 1, 2023 Regular Meeting. The EPC determined to hold a public hearing based upon a determination that a hearing would be in the "public interest" and that the proposed activities may have a "significant impact." The initial session of the public hearing has held on March 29, 2023. Following extensive discussion with the development team, Town peer review consultants and interested members of 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 Kendzierski, 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." Mr. Talamelli noted that notice outlining the requested information and the continued public hearing was transmitted to the applicant on April 6, 2023 by Certified Mail, Return Receipt Requested. The document was received and acknowledged by the applicant's representatives. The hearing was continued to Wednesday, May 17, 2023 at 7:00 P.M. in Darien Town Hall, Room 119, 2 Renshaw Road, Darien, Connecticut. Additional plans, reports and other additional information in support of the application were submitted by the applicant on May 2, 2023. Notice of the continued public hearing was published in the Darien Times by the EPC on May 4, 2023 and May 11, 2023. The agenda for the May 17, 2023 Continued Public Hearing was posted with the Town Clerk on May 11, 2023. Staff Agenda Summary Report of May 9, 2023 was made accessible to the applicant on May 11, 2023.

It was further noted that an additional item of information, a response to engineering consultant comments, was submitted by the applicant on May 15, 2023.

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Mr. Talamelli went on to enter into the record additional plans and correspondence recently received by the Commission including correspondence from Matthew Popp, LA, PWS, Environmental Land Solutions, dated May 17, 2023, Joseph Canas, P.E, Tighe and Bond, dated May 17, 2023, Julia Kendzierski, Analyst, DEEP, dated May 15, 2023, and Amy Zabetakis, Rucci Law Group, LLC, dated May 17, 2023. All newly submitted correspondence was shared with the applicant.

Mr. Lowenstein then addressed the Commission. They testified that in response to the questions and concerns raised by Commission Members, EPC Staff, Town Peer Review Consultants, and other interested parties, substantial modifications to the proposal were developed and incorporated into the design plans. He noted that tidal wetlands have been reflagged, the house footprint was reduced by approximately ten (10) percent, walls and grade change were reduced, setbacks to the wetlands and pond were increased to approximately twenty-one (21) feet, a greater number of trees were preserved, and the buffer along the pond was substantially enhanced. In addition, a landscape architect was engaged to prepare the revised buffer enhancement plan. In the buffer, manicured spaces have been reduced, pathways narrowed, invasives managed, and a diverse array of native trees, shrubs and groundcovers introduced to mitigate for the anticipated resource impacts, filter runoff, and enhance the overall conservation values of the regulated areas and property.

Mr. Carey then provided further details concerning the planting and other resource based modifications. He reported that the enhancement plan seeks to maintain the wooded nature of the property to the north and west and to introduce a "coastal meadow" environment to the south and east. Additional enhancements include limitations on the installation/maintenance of manicured surfaces, the removal of accumulated "slash" and "debris," implementation of an invasive species management plan, introduction of numerous, coastal tolerant, conservation based plantings, management recommendations for the planted spaces, and the addition of visual demarcation features. He asserted that the plan carefully balances the needs of the environment with the owner's desire to maintain reasonable physical and visual access to Holly Pond. Mr. Carey acknowledged receipt of revised correspondence from the Town's peer reviewer for environmental matters, noting that the applicant generally takes "no exception" to most of the issues raised including the location and "speciation" of the site's remaining trees, placement of information in the record to confirm the accuracy of the latest tidal wetlands mapping, limitations on on-site stockpile areas, prohibition on the use of footing drains, incorporation of an increased number of deer resistant plantings, intensification of the demarcation feature and proper oversight and licensing for critical elements of the invasive species management plan. Mr. Carey disagreed with statements relating to the potential impact of a "freshwater discharge" from the drainage system and the suitability of the buffer plan as currently presented. He reported that any overflow of fresh water from the Cul-tech system would not promote the growth of Phragmites given the minimal discharge expected and the "dilution" factor associated with the waters of Holly Pond. Mr. Carey went on to state that the planting plan is well rounded and appropriately mitigates for encroachments that are confined to the designated upland review area.

Mr. Carey then addressed recent comments presented by the Town's peer reviewer for engineering matters. He acknowledged that a wall lies proximate to a line of Arborvitae on the abutter's property. Mr. Carey committed to the use of the least intrusive wall design possible. He further confirmed that Arborvitae have "good" tolerances for construction impacts, careful construction practice under the supervision of an arborist could further minimize impacts, and that the trees, if negatively affected, could be replaced if necessary.

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Mr. Lowestein then introduced an alternative pool plan ("Plan B"). He reported that the pool had been diminished in size, relocated and reconfigured to eliminate the "protrusion" closest to Holly Pond. The modification was accepted by the applicant to reduce the physical encroachment toward the pond, total site imperviousness, the floodplain encroachment, and the potential for flood/resource impacts caused by changes to the dynamics of floodwaters. It was noted that the coverage was reduced from approximately 2500 square feet to 900 square feet. The "Plan B" sketch was submitted for the record.

Before introducing the next speaker, Mr. Ervin, in response to questioning by the Chair, confirmed that although absent from the March 29, 2023 session of this public hearing, he had reviewed the record materials and video and felt comfortable participating in the evaluation of this application.

Mr. Canas addressed the Commission. He noted that engineering peer review comments were provided on March 23, 2023 and May 17, 2023. He confirmed that most of his issues were satisfactorily addressed with the latest submittals. Two (2) remaining matters had been addressed during this evening's testimony. He noted that he agreed that the "Plan B" pool design addresses his concerns about wave and property impacts and that the structural design of the wall could be an EPC permit condition satisfied in advance of a building permit. The wall design chosen by the engineer should be the least impactful on the adjoining properties and tree resources. Interlocking block walls may be most impactful in terms of site disturbance, requiring both a footing and "geo-grid" fabric that extends some distance behind the wall to support the structure in place. Cast in place concrete walls and footings can often be designed to minimize the impact, particularly on restrictive properties.

Mr. Popp addressed the Commission. He noted that environmental peer review comments were provided on March 29, 2023 and May 17, 2023. He also confirmed that many of his initial concerns had been addressed with the revised submittals given the reflagging of the tidal wetlands, reconfiguration/relocation of the dwelling/pool, addition of stockpile restrictions, prohibition of footing drains, and submission of a "better" buffer planting plan by a Landscape Architect. He stated that his comments concerning the concentrated introduction of fresh water to Holly Pond was more focused on footing drainage discharges than an overflow from the Cul-Tech units. Mr. Popp reiterated the importance of an accurate tree survey, an accurate record entry for the latest tidal wetland mapping, modification of the invasive treatment plan to address any increase in Phragmites on the parcel and certain modification to the buffer/planting plan to introduce some number of evergreen trees and/or shade trees to better mitigate for the expected loss and/or provide resting venues for birds, further reductions to the pathway/manicured space to expand the buffer, increased density for the demarcation features, supervised implementation of the invasive treatment plan, specific calendar for the management of the "Coastal Meadow" and more "robust" planting for the buffer to further the conservation objectives of the commission. Mr. Popp reminded the Commission that further reductions or elimination of the pool/terrace may provide a more appropriate buffer to what is recognized as a special location – Holly Pond.

Mr. Ervin stated that elements important to his review of the application include the formalization of the "Plan B" pool/terrace modifications, reduced patio, a defined, less intrusive wall type along the property boundary, enhanced demarcation feature, a uniform depiction of resources on all plans, dewatering, and a revised planting to bolster the buffer.

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Mr. Millard liked the “direction” the application was taking given the ten (10) percent reduction in foot print and six (6) percent reduction in coverage – and perhaps additional coverage reductions if you consider the “Plan B Pool Alternative.”

In response to a question by Mr. McGuinness, Mr. Carey sought to define the role wildlife impacts plays in the review and decision making process of the agency. He referred to a prior court decision, Riverbend vs. The Conservation Commission/Inland Wetlands Agency of the Town of Simsbury which reportedly limited the agency’s ability to consider wildlife unless there is a direct impact on the wetlands and watercourses. A print out of the case was submitted for the record.

Ms. Bayne expressed concern for the project’s impact on tree resources and the value of the buffer in protecting both the tidal wetlands and pond. In response to a question posed by Ms. Bayne, Mr. Ross confirmed that the overall square footage of the dwelling had been reduced to approximately 7,300 square feet.

Ms. Rossi also expressed concern for the project’s overall impact on trees and the width of the buffer along a critical resource area. She agreed that the proposed trail could be reduced in width and remain usable. The net result would be an expanded buffer in some of the most restricted areas along the pond and wetlands.

Amy Zabetakis, Esq. then addressed the Commission. She reported that she represents four (4) Darien property owners who reside on Outlook Drive and Nickerson Lane. Although acknowledging the recent plan modifications, the neighbors remain concerned by the size and volume of the development, the height of walls, the removal of trees, the frequency and intensity of flooding, the accuracy of the plan sets, the size of stockpile areas, the impact of dewatering, project phasing, and overall buildability of the property given the resources and restrictive nature of the lot.

Mr. Lowenstein sought to correct the record, noting that the property does not frequently and extensively flood. Flood zone is limited to the extreme southern reaches of the site and only a small portion of the dwelling remains impacted during the peak of the storm. He noted that the dwelling will comply with both FEMA and Local Flood Regulation in terms of structural stability, elevation and other pertinent requirements.

Mr. Talamelli suggested that the Commission continue the public hearing to enable the applicant to address the points of concern mentioned during this evening’s session, and to compile a singular and complete set of plans/reports for the agency’s consideration at the next meeting.

Motion/Vote: Upon a motion by Mr. Millard and seconded by Mr. McGuinness, the Commission voted to **CONTINUE** EPC Permit Application #5-2023 to allow for the submission of revised plans/reports to incorporate the design changes described by the applicant and address several additional matters raised at the hearing.

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

ADJOURN:

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Adjourn the Special Meeting and Continued Public Hearing of May 17, 2023:

Motion/Vote: There being no further business and upon a motion by Mr. Millard and seconded by Mr. McGuinness, the Commission voted to **ADJOURN** the Special Meeting/Continued Public Hearing of May 17, 2023.

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

Opposed: None

Abstaining: None

Not Voting: None

The Special Meeting/Continued Public Hearing of May 17, 2023 was concluded at 10:40 PM.

Eric Joosten, Chairman
Environmental Protection Commission