

MEMO TO: Christa McNamara, Town Clerk
Office of the Town Clerk, Darien

FROM: Richard H. Talamelli, Environmental Protection Officer
Environmental Protection Commission 

SUBJECT: Environmental Protection Commission
Minutes for EPC Meeting

DATE: October 20, 2023

Please find a copy of the final, signed Minutes for the EPC's Meeting of September 6, 2023.

Thank you.

Attachment

**ENVIRONMENTAL PROTECTION COMMISSION (EPC)
TOWN OF DARIEN, CONNECTICUT
MEETING MINUTES
PUBLIC HEARINGS AND REGULAR MEETING OF SEPTEMBER 6, 2023**

MEMBERS PRESENT:

Eric Joosten, Chairman
William Wright, Member
Michael Ervin, Member
Peter McGuinness, Member
Carolyn Bayne, Member
Lauren Rossi, Member (Excused at approximately 7:53PM)

MEMBERS NOT PRESENT:

James Millard, Vice Chairman

STAFF PRESENT:

Richard Talamelli, Environmental Protection Officer

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

Meeting was called to order by Mr. Joosten at 7:02PM.

PUBLIC HEARINGS:

EPC #23-2023, 81 Leeuwarden Road, Oak Leeuwarden, LLC: To construct a new single family dwelling, drive, drainage, pool, patios and other related features proximate to wetlands and watercourses. The property lies along the east side of Leeuwarden Road, approximately 800 feet north of Kerry Lane, and is identified as Map 8, Lot 8, Zone R-1, and ±1.27 Acres.

Reference is made and EPC Staff Memo, dated August 29, 2023.

In Attendance: Wilder Gleason, Esq., Gleason and Associates, LLC
Wayne D'Avanzo, P.E., Fairfield County Engineering
Matthew Popp, Environmental Land Solutions
Sean Shay
Jessena Leon Chen, Oak Leeuwarden, LLC
Keith Abbott

Discussion: Mr. Talamelli summarized the project for Commission members. He noted that the applicant seeks the Commission's permission to construct a new single family dwelling, drive, drainage, pool, patios and other related features proximate to the site's wetlands and watercourses.

Mr. Talamelli reported that the Commission accepted the application at its August 2, 2023 Meeting. Upon a determination that a public hearing on this matter would be in the "public interest," a public hearing was scheduled for September 6, 2023. Mr. Talamelli went on to confirm that all published

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 2, October 23, 2023

and direct notice requirements for the hearing had been addressed in accordance with the regulations. Responses to an initial outline of issues raised by the Commission/Staff were submitted in advance of the hearing and posted on-line. All memos, reports and other information authored by EPC Staff were similarly posted on-line and made available to the applicant. Reference was made to Staff correspondence, dated August 7, 2023 and an "Agenda Summary Report," dated August 29, 2023.

The property formerly supported a single family dwelling, drive, walkways, accessory structures, sanitary sewer, public water, and other related features. The primary dwelling was demolished in the Spring/Summer of 2023. The site is characterized by the presence of gently to moderately sloping developed lands, wooded wetlands, stone walls, and many large trees. Wetlands, which occupy the northern reaches of the site, lie proximate to a small perennial (offsite) watercourse. That watercourse appears to flow east to northwest through several residentially developed properties, eventually discharging to the Noroton River west of Hoyt Street. Wetland vegetation ranges from light to moderate woods. The property is not situated in a designated special flood hazard area (Zone X, as reflected on flood Insurance Rate Map 09001C0509F, effective 6/18/2010). 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 and other resource impacts, utilized measures to preserve water quality, addressed potential surface and groundwater impacts, and provided meaningful measures to mitigate for unavoidable impacts or improve the overall conservation values of the regulated areas and property. He further noted that a discussion of alternative designs to reduce potential encroachments is essential.

Wilder Gleason then presented to the Commission. He noted that the parcel previously supported residential development with the single family dwelling and associated features sited toward the rear of the property and within close proximity to the site's wetlands and watercourses. The prior development supported little or no yard and recreational space and no facilities to properly collect, manage and treat storm water. He stated that the new proposal stands as a significant improvement over the prior condition in which the dwelling shall be reconstructed towards the front portions of the property and away from the wetland areas. Substantial buffers to the regulated areas shall be established, a storm water management system shall be provided, footing drain/sump pump discharges shall be attenuated, and structures shall be serviced with sanitary sewers and public water. In addition a full battery of temporary and permanent sediment and erosion controls and water quality controls shall be applied. Mr. Wilder reiterated that the peak rate of runoff for all storms ranging from 2-50 years has been properly attenuated and all local water quality objectives have been met.

Matthew Popp then outlined the mitigation efforts employed by the applicant. He noted that a detailed landscape/enhancement plan has been submitted, providing for the removal of accumulated debris, and the installation of numerous native plantings to enhance the overall conservation values of the regulated areas and property, screen abutters, enhance the streetscape, and filter runoff. A boulder demarcation has been provided to better define the limits of lawn and landscape in the field and protect the environmental enhancements. Mr. Popp further noted that trees of value have been identified in the field and protective fences have been provided in select areas, particularly along the driveway entrance. In response to a question posed by Mr. Talamelli, Mr. Popp indicated that although difficult to eradicate, mechanical based measures could be employed to remove non-native invasives from the regulated areas, particularly Porcelain Berry.

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 3, October 23, 2023

Note that an architectural site plan (Raisses, 09/06/2023), power point presentation (Gleason, 09/06/2023) and correspondence from the consulting environmental professional (Popp, 09062023) were submitted for the Commission's consideration.

Mr. Ervin noted that architectural, civil and other related plans are inconsistent in their depiction of the pool and other related features and should not be a part of the record until corrected.

In response to a question by Mr. Wright, Mr. Gleason stated that the watercourse lies on the abutting parcel to the north and that the survey reflects the limits of regulated areas only situated on the applicant's property. Mr. Wright asserted that the surveyed location of the watercourse would have been helpful during his review of the project and assessment of impacts.

Mr. Joosten then sought testimony concerning the long term dewatering requirements for the dwelling, and the potential impacts footing drains, sump pumps and other dewatering measures may have on drainage, resources and the property. Extensive discussion ensued between Wilder Gleason, Wayne D'Avanzo, Sean Shay and Commission Members. Mr. D'Avanzo noted that the property is characterized by the presence of high groundwater and that the proposed basement extends well below the anticipated level of groundwater. Mitigation is necessary to maintain dry conditions. As currently proposed, footing drains and sump pumps shall be routed to a small infiltration system and level spreader before entering the wetland. Design team members discussed numerous design alternatives to reduce the dwelling's exposure to groundwater and potential impacts including an elevated basement slab, creation of a crawl space in select portions of the dwelling, use of alternative foundation systems/membranes, expansion/reconfiguration of the mitigating drainage structures, use of gravity based drainage systems, alternative sump pump designs, and modified drainage outfalls relocated to the most effective space under the direction of the project engineer/environmental professionals, etc.

Note that Ms. Rossi excused herself from the hearing at approximately 7:53PM during the presentation of testimony on EPC #23-2023.

Keith Abbott then addressed the Commission. Mr. Abbott, who is the owner of the adjoining property to the north and west, expressed concern that the tree cutting, wall removal and grading activities associated with the new circular drive may adversely impact drainage, resources, and the value of his property. He requested that the Commission seek alternatives and request additional information to confirm the absence of impact. In response, Sean Shay stated that an alternative driveway configuration is currently under consideration, and that the leg of the drive closest to the abutters may be removed.

Further discussion ensued between Commission members concerning the information necessary to conduct a thorough review of this application and process.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to close the public hearing, leaving the record open to supply the following information:

1. Revision of the landscape mitigation plan by the landscape/environmental professional to

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 4, October 23, 2023

provide for the removal of invasives from regulated areas. Species subject to the removal, the recommended treatment regimen (mechanical means only) and project duration shall be noted.

2. Revision of the civil, landscape and other relevant plans to confirm the final driveway schedule for the property. It our understanding that the northern leg of the circular driveway shall be eliminated. Any necessary adjustments to the grading, drainage and tree/wall protection elements shall be noted. Modified plans shall be accompanied by a revised statement from the project engineer confirming the absence of impact on drainage and the adjoining properties. Reference is made to the concerns outlined by Keith Abbott, 85 Leeuwarden Road, Darien, Connecticut at the hearing.
3. Specific measures to be applied to the dwelling by the project engineer to limit exposure to groundwater impacts, reduce reliance on sump pumps and other groundwater control devices, improve the function of any proposed mitigating structures/features, and to lessen the potential for impact on the regulated areas. The improvements may include the following:
 - Elevation of the proposed basement slab.
 - Creation of a crawl space in select portions of the dwelling.
 - Use of protective membranes.
 - Details of any necessary sump pump design/configuration.
 - Reconfirmation of the number and design of the infiltration units necessary to appropriately mitigate a sump pump discharge from this dwelling.
 - Relocation and reorientation of the level spreader per the recommendations of the landscape architect.
 - Any available gravity options.

In Favor: Joosten, Wright, Ervin, McGuinness, and Bayne

Opposed: None

Abstaining: None

Not Voting: None

EPC #25-2023, 1 Ridge Acres Road, R. Weibel and A. Weibel: To construct a replacement single family dwelling, drive, pool patio, drainage and other related features proximate to wetlands. The property lies along the north side of Ridge Acres Road, just east of Brookside Road, and is identified as Map 04, Lot 37, Zone R-2, and ±1.0266 Acres.

Reference is made and EPC Staff Memo, dated August 29, 2023.

In Attendance: Patrick Shurr, P.E, Redniss and Mead
Craig Flaherty, P.E., Redniss and Mead
Dan Conlon, Daniel Conlon Architects
Robert Weibel
Annie Weibel

Discussion: Mr. Talamelli summarized the project for Commission members. He noted that the applicant seeks the Commission's permission to construct a replacement single family dwelling,

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 5, October 23, 2023

drive, pool patio, drainage and other related features proximate to wetlands on this parcel.

Mr. Talamelli then reported that the Commission accepted the application at its August 2, 2023 Meeting. Upon a determination that a public hearing on this matter would be in the "public interest," a public hearing was scheduled for September 6, 2023. Mr. Talamelli went on to confirm that all published and direct notice requirements for the hearing had been addressed in accordance with the regulations. Responses to an initial outline of issues raised by the Commission/Staff were submitted in advance of the hearing and posted on-line. All memos, reports and other information authored by EPC Staff were similarly posted on line and made available to the applicant. Reference was made to Staff correspondence, dated August 7, 2023 and an "Agenda Summary Report", dated August 29, 2023.

The property currently supports an in-ground pool, pool patio, gazebo, fence, septic system, well, drainage, and other related features. The primary dwelling was fire damaged in 2021. Remnants were demolished in the Spring of 2023. The site is characterized by the presence of gently to moderately sloping developed lands, wetlands maintained as lawn/non-native groundcovers, wooded wetlands, several stone walls, and many large trees. A soils report was prepared by a Connecticut soil scientist. Both wetland and non-wetland soils have been identified. Wetlands, which are confined to a relatively narrow strip of land in the eastern portions of the site support vegetation types ranging from lawn to moderate woods. The property is not situated in a designated special flood hazard area (Zone X, as reflected on flood Insurance Rate Map 09001C0526F, effective 6/18/2010).

It was noted that the prior dwelling was located within the fifty (50) foot front yard setback to Ridge Acres Road. The dwelling had been located approximately 13.4 feet from the front line. A variance request to utilize the existing foundation and reconstruct in the same location was denied by the Zoning Board of Appeals on April 19, 2023. Accordingly, the applicant was required to seek an alternative location for the dwelling that is consistent with the setback standards outlined in the zoning regulations.

Mr. Talamelli stated that the applicant seeks the Board's permission to construct a new single family dwelling, drive, walkways, drainage, pool house, and other related features on the parcel. It is the applicant's intent to maintain and utilize the existing pool, well and subsurface sewage disposal system. The applicant notes that the original septic was replaced in 2020 and was fully functional prior to the house fire. Only a reserve septic area was established under this application. Given the scale and nature of this project, the applicant is required to demonstrate that it has avoided or minimized wetland and other resource impacts, utilized measures to preserve water quality, addressed potential drainage impacts, considered alternatives to reduce potential impacts on resources, and provided meaningful 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 encroachments proposed. The applicant reports that the encroachments temporarily/permanently affect $\pm 4,375$ square feet (0.100 Acres) of the upland review area. The affected areas generally support lawn, planted beds, or other developed space. Overall grade change is "low" with the anticipated cuts/fills not expected to exceed 1-3 feet. Primary structures, such as the dwelling, lie no less than 36.7 feet to wetlands. Lesser structures and features, such as the driveway encroach within 15.1 feet. Approximately four (4)

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 6, October 23, 2023

of the larger trees situated on the parcel and reflected on the plans shall be lost as a result of the construction.

The project engineer developed a statement/report to address the issue of drainage impact. Under the current condition, the property lies in two (2) watersheds as defined by a north-south ridgeline found in the approximate center of the parcel. The western reaches of the parcel generally drain to the south and west towards Brookside Road. The eastern reaches of the parcel generally drain to the south and east towards Ridge Acres Road. The new development is expected to increase the area of impervious coverage by approximately 1,044 square feet. If left unmitigated an increase in the rate of runoff would be expected. To mitigate the impact, the applicant has determined to create and manage several post construction watersheds and install structured drainage systems. It is the applicant's intent to maintain the existing ridgeline and flow paths. To the west, lawn areas and portions of the pool, pool house and pool patio shall be allowed to flow overland to the south and west. In addition, a series of area drains, roof drains and pipes shall direct runoff associated with a portion of the pool house, pool deck, and dwelling to an infiltration system consisting of 56 linear feet of Cultec R-280 units. To the east, portions of the lawn, pool, pool deck and walks will be allowed to flow overland to the south and east towards the wetland and Ridge Acres Road. In addition, the remaining portions of the proposed dwelling and drive shall be collected in a series of areas drains, roof drains and pipes and directed to either an infiltration system consisting of 45 linear feet of Cultec 100-HD units or a crushed stone reservoir situated beneath the drive. Test holes have been excavated to demonstrate the feasibility of the systems proposed. The "fresh meadow" approach has been applied. If installed in accordance with the plan, peak flows shall be diminished for all storms ranging from 2-50 years and existing drainage patterns shall be maintained. Accordingly, the project engineer has concluded that the project will have no adverse impacts on drainage or the adjoining properties. It is noted that a footing drain/sump pump is proposed to collect and discharge any groundwater collected by footing drains. The discharge shall be piped to a rip rapped outlet to the west. The engineer has stated that based on a review of available test pit data and review of the prior construction, that excessive ground water will not be an issue, that any sump pump will not run often, and that any footing drains/sump pump discharge will not negatively impact resources, the abutting parcels or the dwelling. A basic operations and maintenance plan has been provided by the applicant. Note that the Town's consulting engineer has verified the impact analysis and design.

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 at wetland), anti-tracking pad, inlet protection, designated storage/stockpile areas, use of splash pads, and the application of final stabilizing groundcovers for any disturbed earth surfaces. Infiltration has been proposed to seize upon the soils natural abilities to filter and cool runoff prior to discharge. Collection structures have been designed with deep sumps and outlet controls to assist in the collection of sediments and debris. The dwelling shall be served by propane gas.

A wetlands/buffer enhancement plan has been proposed to displace lawn/non-native groundcovers, filter runoff and improve the overall conservation values of the regulated areas and property. The plan provides for the introduction of several native trees (Serviceberry – 6), shrubs (Summer Sweet Clethra – 13, Inkberry – 11, Buttonbush – 4, and Red Osier Dogwood – 8) and groundcovers (Ostrich Fern – 30 and Northern Sea Oats – 30) primarily between the pool, new drive and wetlands areas. In addition, an enhanced boulder demarcation feature shall be installed to define the limit of lawn/landscaping. Extraneous piping, invasives (by hand) and any accumulated debris shall be removed. Fenced tree

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 7, October 23, 2023

protection has been offered for a number of the large remaining trees proximate to the development envelope, particularly along the sites' eastern and western perimeters.

Finally, it was reported that the applicant provided a summary of alternatives. The applicant notes that alternatives had been explored to reduce the potential impacts on the regulated areas. These measures included pursuit of a variance to rebuild upon the existing non-compliant foundation in the front yard setback (a request that was ultimately denied by the Zoning Board of Appeals in April 2023) and relocation/reconfiguration of the driveway. The new drive and turn around areas increases the setback to wetlands and reduces the total area of impervious coverage.

Patrick Shurr, P.E., Redniss and Mead then presented to the Commission. He reiterated the findings outlined by EPC Staff and then moved to address specific questions/comments previously raised by Messrs. Joosten and Wright. The development team looked at groundwater and evaluated the potential effects on the new dwelling. Mr. Shurr reported that numerous test holes had been conducted in the vicinity of the dwelling, there may only be a minimal incursions into groundwater in portions of the developed space and that it is not anticipated that a footing drain/sump pump would run continuously to maintain a dry basement. Mr. Shurr went on the state that a new septic system, which was installed in 2020, has been reviewed by the development team, and is expected to provide effective treatment of sewage for the new dwelling. A firm limit of lawn and landscape had been developed, native plantings had been "doubled," and a demarcation feature had been employed to provide a conspicuous visual marker for the protected areas and plants of value. Finally, Mr. Shurr reaffirmed that the proposed drainage system will properly manage and treat the storm water generated by the project. He acknowledged the recent receipt of comments from the Town's consulting engineer and stated that comments relating to the well setbacks/withdrawal rate and modeling for Infiltration Systems 1 and 2 were minimal and would not result in any changes to the design or conclusions of the drainage report.

Commissioners Bayne, Ervin, Wright and Joosten acknowledged the receipt of satisfactory responses to matters pertaining to planting mitigation, drainage and potential groundwater impacts.

No members of the public were present to comment on this application.

Motion Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to close the public hearing.

In Favor: Joosten, Wright, Ervin, McGuinness, and Bayne

Opposed: None

Abstaining: None

Not Voting: None

NEW BUSINESS:

EPC #27-2023, 11 Stony Brook Road South, G. DaLelio: To install a new generator and related features proximate to wetlands, watercourses and special flood hazard areas. The property lies along the west side of Stony Brook Road South, approximately 575 feet south of Stony Brook Road, and is identified as Map 19, Lot 23, Zone R-1, and ±1.02 Acres.

Reference is made to an EPC Staff Memo, dated August 29, 2023.

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 8, October 23, 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 new generator and related features proximate to wetlands, watercourses and special flood hazard areas. The application has been placed on the agenda to enable the Commission members to acknowledge receipt and to determine if a public hearing is warranted to consider the merits of the proposal. Mr. Talamelli reported that EPC Staff had inspected the site and upon the receipt of any preliminary comments by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

Mr. Wright stated that he had inspected the site, finding that the vegetated buffer along the river was well developed and that no further environmental enhancements would be required at this time. He noted that a new in-ground propane tank was proposed to support the generator. However he stated that he would seek to clarify if the existing "bottles" situated along the rear plane of the dwelling would be maintained or eliminated.

EPC #28-2023, 42 Delafield Island Road, J. Pitrack and S. Pitrack: To install a new drainage system, grading and other related features proximate to wetlands. Drainage is associated with the construction of a new in-ground pool, septic system and related facilities. The property lies along the west side of Delafield Island Road, approximately ±675 feet north of Red Coat Pass, and is identified as Map 64, Lot 100, Zone R-1, and ±1.20 Acres.

Reference is made to an EPC Staff Memo, dated August 29, 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 new drainage system, grading and other related features proximate to wetlands. Drainage is associated with the construction of a new in-ground pool, septic system and related facilities. The application has been placed on the agenda to enable the Commission members to acknowledge receipt and to determine if a public hearing is warranted to consider the merits of the proposal. Mr. Talamelli reported that EPC Staff had inspected the site and upon the receipt of any preliminary comments by Commission members, shall develop correspondence to more clearly identify issues pertinent to the application.

Mr. Joosten stated that the project includes significant encroachments into the regulated areas and substantial site alterations in order to construct the pool, patios, walls, relocated subsurface sewage disposal system, new drainage system, and other necessary features. Accordingly, he requested consideration of alternative designs to minimize the encroachment into the regulated areas, limit resource impacts, reduce site imperviousness, and diminish the scale of the site disturbance.

Mr. Wright stated that additional wetland/buffer improvements seem necessary to mitigate the impacts of the development and/or enhance the overall conservation value of the wetlands and property.

OLD BUSINESS:

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 9, October 23, 2023

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 "Draft" Resolution, dated September 7, 2023.

In Attendance: Marisa B. Leister

Discussion: Mr. Talamelli summarized the application for the Commission. He reminded the Commission that the applicant seeks EPC permission to install a deer and ornamental fence in and/or within close proximity to wetlands, watercourses, and special flood hazard areas.

The property currently supports a single family dwelling, paved drive, walkways, patios, shed, 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, a small intermittent watercourse, special flood hazard areas, and many large trees. A smaller intermittent watercourse impacts portions of the property to the south and east. A larger perennial watercourse parallels most of the rear (south) property boundary. That watercourse generally flows northeast to southwest and is a tributary to the Goodwives River.

A soils report was prepared by a Connecticut soil scientist. Both wetland and non-wetland soils have been identified. Wetlands, occupy the southern 1/3 of the site. Vegetation types in the wetland range from manicured lawn to moderate woods with the most manicured space lying proximate to the dwelling in the approximate center of the parcel. Per the submitted survey, the property is situated, in part, within a designated special flood hazard area (Zone AE, Elevation 116.32 feet NAVD-88) as reflected on Flood Insurance Rate Map 09001C0528G, Effective dated 7/8/2013), and modified by a LOMR, dated September 9, 2014 (Case 13-01-2598P). Based on the submitted survey, floodwaters may affect the southern portions of the property. The most severe flooding appears to occur to the south and west. There is dry access to the site during the peak of the base flood, north and east on Hamilton Lane to Brookside Road.

The applicant seeks the Board's permission to install a fence along the site's "perimeter" as the means to limit the influence of deer and other forms of wildlife and provide a protected area for the enjoyment of property and certain recreational uses. The fence shall be comprised of six (6) foot high, solid vinyl fence in the vicinity of the dwelling, and eight (8) foot high, black plastic wire "deer" fencing on the remainder of the site. It is estimated that the fence will affect approximately 300 square feet of wetlands (0.007 Acres), 123 square feet of the upland review area (0.003 Acres) and 340 square feet of the special flood hazard (0.008 Acres) as reflected on the plan. It is reported that the fence will be worked around large trees and will be elevated above grade in select areas to allow for the passage of storm water and the movement of certain small, more desirable forms of wildlife. Since first submitted, the fence location "alternative" has been adopted to avoid all watercourse crossings (both intermittent and permanent). A Connecticut engineer has verified that the fence, as proposed, will not exacerbate flooding conditions and will remain free of flood damages.

Ms. Leister reiterated that the fence has been requested to provide an increased level of protection for her family – providing a barrier to keep the kids from wandering into the more challenging portions of the wetlands/watercourses and to reduce the potential for interactions with the area's wildlife. She

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 10, October 23, 2023

noted that the family is particularly concerned by the presence of coyotes and deer. She stated that although the watercourses on her property may only flow seasonally, that she has amended her plans to avoid all watercourse crossings.

Extensive discussion ensued between the applicant and Commission members concerning how the posts shall be installed, the value of plantings, and the availability of alternative measures to discourage wildlife from encroaching into the property. Ms. Bayne confirmed her position that the installation of approximately sixty (60) fence posts in cement footings as described in the applicant's "Fence Application Follow Ups" is unnecessarily intrusive in a wetlands area, and that the use of metal sleeves to anchor the post would be a reasonable and prudent alternative.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to **APPROVE** EPC Permit Application #15-2023 with the conditions outlined in the "Draft" EPC Resolution, dated September 7, 2023.

In Favor: Joosten, Wright, Ervin, and McGuinness.

Opposed: Bayne

Abstaining: None

Not Voting: None

EPC #20-2023, 29 Brush Island Road, DCC Revocable Family Trust: To replace a ramp and floating dock with a piling-supported pier, ramp and floating dock within 100 feet of Holly Pond and other areas of resource. The property lies along the north side of the terminus of Brush Island Road, approximately 1,525 feet west of Nearwater Lane, and is identified as Map 56, Lot 15, Zone R-1, and ±0.850 Acres.

Reference is made to an EPC Agenda Summary Report, dated August 29, 2023.

In Attendance: John Hilts

Discussion: Mr. Talamelli summarized the application for the Commission. He reported that the applicant seeks the Commission's permission to replace a ramp and floating dock with a piling-supported pier, ramp and floating dock within 100 feet of Holly Pond and other areas of resource.

The property currently supports a single family dwelling, decks, driveway, walkways, grade level in-ground pool, fence, seawall, dock, drainage, and other related features. The dwelling is served by an on-site septic system and public water. The site is characterized by the presence of gently to moderately sloping developed lands and supports or lies proximate to the coastal resources identified as "Coastal Flood Hazard Area," "Modified Escarpment," "Tidal Wetland," and "Estuarine Embayment" (Holly Pond)." The property supports or lies proximate to the coastal resources identified as "Coastal Flood Hazard Zone" "Modified Escarpment," "Tidal Wetlands," and "Embayments." Coastal Flood Hazard Zones are those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended, and all erosion hazard areas as determined by the Commissioner. Modified escarpments are bluffs and escarpments that have been temporarily stabilized by erosion control structures positioned seaward of the marine cliff or escarpment. Tidal wetlands are those areas which border on or lie beneath tidal waters such as banks, bogs, salt marsh, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 11, October 23, 2023

connected to tidal waters and whose surface is at or below an elevation of one (1) foot above local extreme high water and upon which may grow or capable of growing certain native forms of vegetation. Embayments means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by freshwater including tidal rivers, bays, lagoons and coves. Note that there are no inland wetlands on the property as verified by a Connecticut Soil Scientist. The property lies in its entirety within coastal flood hazard areas (Zone AE, Elevation 14 feet NAVD-88 and VE, Elevation 14 feet NAVD-88, 09001C0536G, dated 7/8/13). The more turbulent flood waters associated with the VE Zone lie proximate to the seawall and shoreline. The less turbulent, ponded waters of AE Zone occupy the remainder of the site and nearby roadway. The dwelling currently lies within the AE Zone. Based on the available topography, flood waters ranging from approximately 5.3-10.1 feet in depth could occupy the property during the peak of the 100-year storm. There is no dry access to the property.

Mr. Talamelli noted that the new structure, although slightly larger than the existing, occupies relatively the same space along the existing seawall. The structure has been permitted from the State of Connecticut, Department of Energy and Environmental Protection (29 Brush Island Road, D. Carey, License Number 202207585-SDFTW, 4/26/2023). Standard conditions and construction methodologies have been applied to minimize impacts upon the coastal resources. It is the applicant's intent to access the dock site with a shallow-draft barge to deliver the necessary materials, install the piles, and construct all other project elements. Barge access is restricted to periods of high water to prevent grounding and impacts to the underlying substrate or tidal vegetation. Construction controls shall be utilized to limit the potential for water quality impacts. The DEEP permit further applies restrictions relating to fuel storage, materials stockpiling and flood emergency response. The applicant has reviewed the development plans associated with the on-going residential improvements and has determined that if any land based access is required, the work can be accomplished with little or no impact upon the essential project elements or the proposed areas of mitigation/enhancement associated with an on-going re-development authorized under EPC #21-2022 (29 Brush Island Road, DCC Revocable Family Trust, LLC, November 3, 2022). The structural plans submitted to date are suitable for regulatory/permitting purposes. In advance of a building permit, the plans shall be advanced to a "construction level" and certified by a Connecticut Engineer/Architect as consistent with the provisions of Section 820 of the Darien Zoning Regulations ("Flood Damage Prevention") and capable of withstanding the flood depths, pressures velocities impact and uplift forces and other factors associated with the based flood. Note that a Connecticut Engineer has further certified that the project, if implemented in accordance with the approved plans, will not result in a rise in flood heights, changes to the overall dynamics of the flood, or impacts on resources or adjoining properties. Finally, in response to the EPC concerns, the applicant has confirmed that there is no lighting or utilities proposed for the dock under this application.

In response to a question by Mr. Wright, Mr. Hilts reaffirmed that in the unlikely event that elements of the dock had to be installed from the uplands, adequate space exists without impact to the on-going development or critical resources. Septic and drainage areas will not be affected.

There being no further questions, or comments, the Chair directed Staff to "draft" a resolution in advance of the next meeting.

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 12, October 23, 2023

Motion/Vote: None

APPROVAL OF MINUTES:

Minutes of August 2, 2023:

Reference is made to the "Draft" EPC Meeting Minutes for the Regular Meeting of August 2, 2023.

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

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to **APPROVE** the Minutes of the August 2, 2023 as presented.

In Favor: Joosten, Wright, and McGuinness

Opposed: None

Abstaining: None

Not Voting: Ervin and Bayne

AGENT APPROVALS: None

OTHER BUSINESS:

Regular Meeting Schedule for 2024:

Reference is made to the "Draft" EPC Regular Meeting Schedule for 2024.

In Attendance: None

Discussion: Mr. Joosten stated that the proposed meeting schedule for 2024 generally follows the traditional meeting schedule held by the Commission. He noted that alternative dates for the July and October meetings were suggested in consideration of the holidays/vacations.

Motion/Vote: Upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to **APPROVE** the Regular Meeting Schedule for 2024, modified to include the alternative dates for the months of July and October in consideration of the holidays/vacations.

In Favor: Joosten, Wright, Ervin, McGuinness, and Bayne

Opposed: None

Abstaining: None

Not Voting: None

ADJOURN:

Adjourn the Meeting of September 6, 2023:

Meeting Minutes

EPC Public Hearings and Regular Meeting of September 6, 2023

Page 13, October 23, 2023

Motion/Vote: There being no further business, and upon a motion by Mr. McGuinness and seconded by Mr. Wright, the Commission voted to **ADJOURN** the meeting of September 6, 2023.

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

The meeting was adjourned at 9:15PM.



Eric Joosten, Chairman
Environmental Protection Commission

10/11/2023
10/17/2023 (Post Edits 1)
10/19/2023 (Post Edits 2)
10/23/2023 (Post Meeting)