

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
January 21, 2015  
7:30 P.M.  
Room 206, Town Hall

Chairman Riccardo called the meeting to order at 7:30 P.M

Commission Members Present: Vickie Riccardo, Rick Rohr, Ed Sweeney, Jim Millard, Eric Joosten, and Keith Kearney

Staff: Jacobson

Reporter: Syat

Channel 79 recorded

Ms. Riccardo called the meeting to order and opened the following public hearing:

EPC-24-2014, Sun Homes Darien, LLC, 36, 42 & 48 Wakemore Street, proposing expansion of a residential community and construction within an upland review area. The site is shown on Assessor's Map #8 as Lot #'s 226, 227, 228, 229 & 230. (Continued from November 5)

Attorney Bruce Hill represented the Applicant. He introduced John Watson, P.E., and Bill McGuinness of Sun Homes. He said the Applicant is proposing 16 additional units in the development. He said the proposed easement area is 6,317 square feet vs. the exiting 5814 square feet along the perimeter of the new Kensett site. He said the proposed easement would buffer the Town wetlands and the Applicant proposes to manage the invasives on their property and the Town property. He said he would like the Commission to consider the restoration that was done on the 4.5 acre easement for Kensett I which was basically a garbage dump.

Ms. Riccardo said the report by Michelle Ford said the Kensett I project changed the drainage pattern to the wetland on the Procaccini property.

Mr. Kearney said the wetland was a small isolated, low functioning wetland which was the same as it was described in 2011.

Ms. Riccardo asked if the Town map would need to be amended. Mr. Jacobson said the map change would be treated as part of the wetland permit application.

Mr. Hill said the Maintenance plans for Kensett I and II will be merged.

Ms. Riccardo said the pervious pavement for the Wakemore Street driveways should be maintained by the developer and then the homeowner's association, as they are part of the Kensett II drainage system.

Mr. Rohr asked if they have any ground water issues. Mr. Watson said they did not encounter any groundwater in 6 test holes.

Mr. Rohr asked if the test holes were as deep as the basement. Mr. Watson said within a couple of feet.

Joe Canas said he first provided comments in October 2014. He said he received revised plans on January 2 and met with the neighbors on January 10. He said he provided two additional letters, one addressing Kensett II and a second letter addressing the neighbors' concerns and making recommendations. He said the letter regarding Kensett II includes minor clarifications to the plans. He said his conclusion is that the project conforms to the Town's regulations and will function properly if maintained.

Ms. Riccardo asked if the Applicant can adopt the recommendations made by Mr. Canas. Mr. Watson said "yes".

Mr. Canas discussed his January 16 letter. He said the watershed to the Wakemore Street is 110 acres. He said the flow through Kensett I and II reaches the railroad culvert which is undersized. He reviewed the recommendations in his letter. He said that, based on his review, the Kensett II project will not worsen flooding conditions. He said the proposal to repave Wakemore Street will make a slight improvement. He recommended combining the Phase I and Phase II drainage maintenance documents. He said the pipe connections from Kensett I to the manhole behind 24 Wakemore Street are roof leaders which were not on the plans. He said it may be possible to disconnect them and direct them into Cul-tech units. He said this would need to be analyzed to make sure it does not delay the peak and make the capacity worse. He said he will review and make recommendations for a maintenance plan.

Mr. Kearney asked if it is his opinion that Kensett II will not impact the drainage. Mr. Canas said yes. He said the Applicant can take some of the Kensett II drainage behind the buildings on Kensett I. He said they use a camera to check the drainage system for obstructions before construction.

Mr. Millard asked if directing some of the Kensett II runoff to Kensett I would reduce pressure on Wakemore Street. Mr. Canas said there would be an incremental benefit.

Mr. Hill said they will correct the issues of the roof drains, however Joe Canas also works for P&Z and he does not want to see the Commissions working at cross purposes.

Mr. Watson said there are approved plans that relocate two trunk lines into one. He said those plans did not show roof drains connecting. He said the final construction drawings showed the connections. He said they are exceeding the Town's requirements for storm water storage on Kensett II.

Mr. Hill said P&Z is dealing with the same issues.

Ms. Riccardo opened the meeting to the public for comment.

Christian Green, 34 Wakemore Street said the wetland was a garbage dump and should be tested. He said he is concerned about the increased water runoff.

Oleg Starovoirov, 22 Wakemore Street, said he is concerned with the level of impact. He said the developer in 2007 committed to replace the broken system. He said he has video of them promising of the Wakemore drainage.

Mr. & Mrs. Eilersten, Wakemore Street, said they had 18 inches of water in their basement after the April 30 storm. He said he would like to make sure the system is installed as proposed.

Mr. Hill said the November 18 investigation showed that the 48" pipe was temporarily diverted with smaller pipes that caused the problem

Ms. Riccardo said the developer must stay on top of the subcontractors.

Mr. Rohr asked if the site was tested for pollutants. Mr. Hill said they did a phase I and phase II study.

Mr. Rohr asked if they had investigated an alternative to disturbing 95% of the area regulated by the Commission. Mr. Hill said all of the work is in the upland review area and the impacts on the wetlands will be an enhancement.

Mr. McGuinness said they are fine with having conditions codified. He said any problems were not due to insufficient oversight. He said when problems occurred they acknowledged them immediately and took steps to fix them. He said he objected to the characterization that they have not acted responsibly.

Mr. Kearney moved to close the public hearing. Mr. Joosten seconded the motion and it passed 4-2. Ms. Riccardo and Mr. Rohr were opposed.

The Commission proceeded to deliberate.

Mr. Sweeney said he would like to see independent site inspections.

Mr. Rohr said Sheet D.2, Notes F.2 and F.6 require a site monitor. The Commission could require copies of the inspection reports be submitted to the Town and expand on the frequency of inspections if they deem it necessary.

Mr. Kearney said he thought the storm water issues have been addressed. He said he sees little value in the on-site wetland as it has been filled in.

Mr. Riccardo said the Commission must resolve the issue of the proposed horseshoe shaped easement.

Mr. Kearney said he thought it would be more valuable than the current easement granted by Mr. Procacchini.

Mr. Sweeney said he thought the proposal is better than what is there now.

Mr. Millard said it is important that the homeowner's association follow through on the maintenance.

Mr. Rohr said the videotaping should be done now and before C.O.'s are issued.

Mr. Kearney said that volunteering to remove invasives on the Town land is a valuable concession.

Ms. Riccardo asked for a sense of the Commission. Mr. Kearney, Mr. Millard and Mr. Sweeney are in favor, Mr. Rohr was opposed, and Ms. Riccardo and Mr. Joosten are undecided.

Mr. Jacobson will prepare a list of possible conditions for the February 4 meeting.

Mr. Kearney moved to approve the minutes of December 3, 2014. M. Rohr seconded the motion and it passed 6-0.

Mr. Joosten moved to adjourn. Mr. Rohr seconded the motion, and it passed 6-0.

The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer