

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
April 2, 2014
7:30 P.M.
Room 206, Town Hall

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

Commission Members Present: Vickie Ricardo, Rick Rohr, Alan Armstrong, Eric Joosten, Ed Sweeney, and Keith Kearney.

Staff: Jacobson

Court Reporter: Syat

Channel 79 recorded the meeting

Ms. Riccardo called the following agenda item:

EPC-46-2013, Darien Athletic Foundation, 80 High School Lane, proposing conversion of existing natural turf fields to synthetic turf, and enlarge existing detention basin within an upland review area. The site is shown on Assessor's Map #9 as Lot #'s 80 &81. (Public hearing closed March 19).

The Commission proceeded to deliberate on the application.

Mr. Kearney said he was not present for all of the public hearings and would abstain from voting on this application.

Ms. Riccardo said the permit should state that the Board of Education has the responsibility to maintain the drainage system.

Mr. Sweeney said he was still concerned about possible zinc levels and would like periodic testing for zinc.

Mr. Rohr suggested the Commission add a condition that the infill be tested for zinc levels prior to installation and meet a standard of 65 micrograms per liter, or less, before installation. The applicant would be required to demonstrate that runoff would not exceed that level.

The Commission discussed the benefits of testing pre-installation vs. post installation.

Mr. Rohr made a motion to add a condition of approval to require the testing of the infill of the fields prior to installation and the applicant's engineer certify the material will not produce runoff exceeding 65 micrograms per liter. Ms. Riccardo seconded the motion and it failed 2-3-1. Mr. Rohr and Ms. Riccardo were in favor, Mr. Armstrong, Mr. Joosten, and Mr. Sweeney were opposed, and Mr. Kearney abstained.

The Commission discussed asking Mr. Flaherty for advice on the protocol for testing post construction.

Mr. Sweeney made motion to add a condition of approval to require testing of the stormwater after construction to determine zinc concentrations based on a testing protocol to be determined by staff with Mr. Flaherty's input. Ms. Riccardo seconded the motion and it passed 3-2-1. Mr. Sweeney, Ms. Riccardo, and Mr. Armstrong were in favor, Mr. Rohr and Mr. Joosten were opposed, and Mr. Kearney abstained.

Mr. Joosten made a motion to approve the application with the conditions in the draft resolution. Mr. Armstrong seconded the motion and it passed 4-1-1. Mr. Rohr was opposed, and Mr. Kearney abstained.

Ms. Riccardo called the next agenda item:

EPC-45-2013, Emily & Michael Lyons, 87 Delafield Island Road, proposing house and septic system construction in a regulated area and upland review area. The site is shown on Assessor's Map #70 as Lot #34. (Public hearing closed March 5, decision by required by April 10).

Mr. Rohr was recused for this application. Mr. Sweeny said he was not present at the second hearing night and would abstain from voting on this application.

The Commission proceeded to deliberate on the application.

Ms. Riccardo said she reviewed the draft resolution and suggested adding conditions suggested by the applicant's consultants including making the pervious pavers a permanent condition, and that the meadow over the septic system to be maintained as such.

Mr. Joosten said that while the property is a building lot, he said the only alternative offered was the previous plan that was rejected. He said this is a sensitive project with a precarious septic system. He said he was concerned with the pipes crossing the wetland and the September testing for the septic.

Mr. Armstrong said the expert testimony certified there were no additional technical issues that were not addressed.

Mr. Joosten said the 3,800 square foot house could be converted to create more bedrooms.

Mr. Kearney said he thought the applicant tried to do what the land can support. He said that, although the applicant did not submit the earlier plans, they did refer to them and addressed that plan as an alternative.

Mr. Armstrong said there is a low probability of the pipe under the wetland failing. He said both engineers addressed the issues. He suggested a rock removal or blasting plan that requires advance notice for staff and the use of best management practices.

Mr. Kearney made a motion to approve the application with the conditions proposed in the draft resolution and the requirements added by Ms. Riccardo that the driveway remain porous, the

biofiltration system be maintained, the septic area remain meadow, and a staging plan referencing best management practices for the rock removal. Mr. Armstrong seconded the motion and it passed 3-1. Mr. Joosten was opposed Mr. Sweeney abstained, and Mr. Rohr was recused.

Mr. Kearney made a motion to approve the draft letter regarding the Notice of Intervention from Messrs. William Corney, Richard Shriner, & Marc DeBeradinis in which the Commission finds that the intervenors did not prove that the proposal will not unreasonably pollute, impair, or destroy the public trust in the water, wetlands, wildlife and other natural resources of the State of Connecticut. Mr. Armstrong seconded the motion and it passed 4-1. Mr. Sweeney abstained and Mr. Rohr was recused.

Ms. Riccardo called the next agenda item:

Michael & Charlotta West, 45 Swifts Lane, Violation Notice sent March 12, property owner is requesting permission to continue regulated activity and to restore and enhance an upland review area.

Chris Harvey-Smith, Create-a-scape represented Mr. & Mrs. West. He described the 13 trees that were removed from the upland review area that two that were hollow, one dead, and several were Norway Maples. He said they are proposing to continue to remove fill and debris, and they will re-plant with 214 trees and shrubs.

Mr. Armstrong asked about the surface of the proposed paths. Mr. Harvey-Smith said they would use wood chips.

Mr. Armstrong said he thought the proposed plan would have a positive impact. Mr. Joosten and Mr. Kearney said they agree with Mr. Armstrong.

Mr. Rohr asked that they provide a quantity list for the plant material. Mr. Harvey-Smith said he chose a plant list from the CT Coastal Plant list. He said he would provide staff with the numbers of each plant for review and approval to substitute, if necessary.

Ms. West said they were unaware of the 100 foot upland review area when they started and apologized for not coming to the Commission before starting the work.

Mr. Rohr made a motion to approve the remediation plan with the condition that only a small rubber tired machine be used to do the work. Mr. Kearney seconded the motion and it passed 6-0.

Ms. Riccardo called the following public hearing item.

EPC-06-2014, Town of Darien, Upper Pond, Goodwives River, and 36 Goodwives River Road, proposing pond dredging and dam reconstruction.

John Lundeen, President of the Friends of Gorham's Pond represented the applicant. He said their group is partnering with the Town on this application. He said Fuss and O'Neill prepared the plans and introduced Josh Wilson, PWS.

Mr. Wilson provided an overview of the project and said the sediment quality was a stumbling block to dredging the 1.2 acre pond. He said the dam is in disrepair and the pond originally had a six foot depth. He said the dam is an impediment to fish passage and a fish ladder will be added to the dam. He said they will be removing approximately 9,000 cubic yards of sediment. Mr. Wilson described the proposed planting plan. He described the preferred process of removing the sediment will be the Total Clean System, which will minimize the amount of material that will need to go to an approved landfill. He said the DEEP will determine if the Total Clean System is suitable based on testing to be done on the sediment. If the DEEP does not approve that system they will use conventional equipment and stockpile the material to dewater.

Mr. Joosten said the 9,000 cubic yards would result in approximately 450 truck trips.

Mr. Wilson said the truck amounts would be the same for either method but the amount of material has to be trucked to an authorized landfill could be reduced significantly if the clean sediments can be used locally as clean fill or beach replenishment.

Ms. Riccardo asked how long the process would take. Mr. Wilson said approximately three weeks.

Ms. Riccardo opened the hearing for public comment.

Susan Daly, 15 Queens Lane, said she supports the project but is concerned with safety and flooding.

Mr. Wilson said the project will have a flood benefit because it will restore the freeboard above the dam spillway.

Ms. Riccardo asked about the sediment storage area. Mr. Wilson said it will be a forebay that can be cleaned out without dredging the pond. Ms. Riccardo asked who would maintain the forebay. Mr. Wilson said he thought it should be the Town's responsibility.

Mr. Armstrong made a motion to close the public hearing.

EPC-07-2014, Rick & Meredith Stravato, 301 Middlesex Road, proposing new house construction, and related site grading within an upland review area. The site is shown on Assessor's Map #9 as Lot #70.

Mr. Rohr was recused for this application and left the meeting at 9:15.

Lance Zimmerman, Architect, represented the applicant. He introduced Jay Keillor, P.E. Mr. Zimmerman said they removed the original house and mitigated for an oil spill. He said the new house is farther from the wetland and the construction will disturb approximately 9480 square feet within the upland review area. He said the house and terrace are 1,000 of the square feet of disturbance. He said they are proposing a basement with a slab at elevation 95.84 feet. He said five trees are proposed to be removed. Three trees are within the regulated area.

Mr. Keillor said they are proposing two detention systems in the upland review area, one in the northerly portion of the property and one in the southerly portion. He said by designing the systems using a pre-development condition with no house or drive, the resulting systems are

larger. He said the basement floor today, after the heavy rains, would be below groundwater. He provided a more accurate survey of the wetland elevations. He said the sump pump would only run after heavy rains.

Mr. Stravato said they do not intend to finish the basement. Ms. Riccardo said the Commission must also consider future owners.

Susan Jacobson, 3 Holly Lane, said she is concerned about flooding from additional development. She said there has been more flooding in the 16 years she has lived there and since the high school was built.

Ms. Riccardo said the Commission would leave the hearing open so they can review the survey information submitted and the cross-section of the property.

The Commission continued the public hearing to May 7.

Mr. Sweeney made a motion to adjourn. Mr. Armstrong seconded the motion, and it passed 5-0. The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer