

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
June 5, 2013  
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, Ed Sweeney, Alan Armstrong, Eric Joosten, and Rick Rohr

Staff: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Ms. Riccardo called the first agenda item:

EPC-12-2013, John & Elizabeth Ferguson, 30 Plymouth Road, proposing gravel driveway in an upland review area. The site is shown on Assessor's Map #57 as Lot 35.

Ms. Riccardo said this application was withdrawn.

Ms. Riccardo called the next agenda item:

EPC-38-2012, Redniss & Mead, Inc., on behalf of Steven Payne, 5 Dogwood Lane, requesting permit to retain existing drainage structures within an upland review area. The site is shown on Assessor's Map #64 as Lot #28. (Public hearing closed May 1)

The Commission proceeded to deliberate on the application. Ms. Riccardo outlined the activities conducted by the Paynes and the responsibilities of the EPC. She reviewed the possible conditions for granting a permit.

Mr. Armstrong said the Paynes should be responsible for replacing the rain garden. He said the engineers for the applicant and a neighbor were agreed on most of the plan recommendations. He said he did not agree with adding a second rain garden or diverting a portion of the driveway.

Mr. Joosten said he agreed with this summary. He asked if the paver curb on Tokeneke Road are in violation. Mr. Jacobson suggested the placement of the pavers be left to the Tokeneke Association.

Mr. Rohr said the test pit data provided was not within the fill area and the impact could not be determined. He said there was no drainage analysis. He said the pipes should be removed from the rain garden. The trench drain should have an impermeable cut-off after it is removed.

Mr. Sweeney also said there was no new drainage analysis provided and no analysis of the fill.

Mr. Jacobson suggested that the Commission does not need to make a finding regarding the drainage issues on Mrs. Berlet's property if her engineer is in agreement on the proposed plan.

Ms. Riccardo said the conditions should include documenting the permit on the land records.

The Commission requested staff draft a conditional approval.

Ms. Riccardo called the next agenda item:

EPC-20-2013, Christine & David Selph, 45R Old Farm Road, proposing fence construction in an upland review area. The site is shown on Assessor's Map #66 as Lot #95.

David Selph represented himself. He said they are seeking to install a fence around a pond on the property and the adjacent property which is in close proximity to the house for safety. He said they will use a 4 foot fence with the least environmental impact. He said they have an easement from the neighbor for the portion on the fence on their property.

Mr. Armstrong made a motion to approve the application. Mr. Joosten seconded the motion and it passed 4-1. Mr. Rohr was opposed.

Ms. Riccardo called the next agenda item:

EPC-21-2013, Jennifer Lia, 33 Tower Drive, proposing an addition in an upland review area. The site is shown on Assessor's Map #1 as Lot #127.

Robert Lia represented himself. He submitted a drainage report for the proposed rain garden.

Mr. Rohr asked about tree removal. Mr. Lia said they will keep the tree on the east side of the addition.

The Commission continued the application until the July meeting to allow time to review the report submitted.

Ms. Riccardo called the next agenda item:

EPC-22-2013, Aileen Skolds, 10 Tanglewood Trail, proposing a house addition in an upland review area. The site is shown on Assessor's Map #18 as Lot #33.

Jay Hantsman, Architect, represented the applicant. He said they are proposing a 400 square foot addition.

Mr. Rohr said he was concerned about having a basement. Mr. Hantsman said it is not a basement and will only require footing. He said because of the elevation change it will be a lower level storage area. There is no sump pump proposed.

Mr. Jacobson said that because of the high water table on the site it is not practical to use infiltrators or a rain garden. With smaller projects, the Commission has approved restoring wetland lawn to natural plantings at ratio of at least 3 to 1. The restoration should be contiguous with the existing natural area. It should also be demarcated with boulder or survey monuments.

Ms. Riccardo said the permit should also be filed on the land records.

Mr. Rohr made a motion to approve the application with the stipulations of a wetland restoration and a notice on the land records. Mr. Joosten seconded the motion and it passed 5-0.

Ms. Riccardo called the next agenda item:

EPC-23-2013, Darien Community Association, 274 Middlesex Road, proposing deer fence construction in a regulated area and upland review area. The site is shown on Assessor's Map #20 as Lot #42.

Attorney Bruce Hill represented the applicant. He introduced Cindy Ryan, a member of the DCA board. He said they are proposing 70 feet of deer fence in a regulated area and upland review area.

Mr. Joosten asked whether the bottom of the fence would be above the wetland. Ms. Ryan said it will not extend all the way to the ground.

Mr. Rohr asked that they provide staff with a copy of the fence specifications before installation.

Mr. Armstrong made a motion to approve the application with the stipulation that the fence specifications be provided to staff. Mr. Joosten seconded the motion and it passed 5-0.

Ms. Riccardo called the next agenda item:

EPC-24-2013, Bill & Susan Lattimer, 15 Meadowbrook Road, proposing deck construction in an upland review area. The site is shown on Assessor's Map #14 as Lot #8.

Susan Lattimer represented herself. She said they are replacing an existing deck that is in disrepair. She said they are squaring it off.

Mr. Rohr said the deck covers an existing lawn.

Mr. Rohr made a motion to approve the application. Mr. Armstrong seconded the motion and it passed 5-0.

Ms. Riccardo called the next agenda item:

EPC-25-2013, Jonathan Burleigh, 2 Crooked Mile, proposing sewer force main, patio, and dock construction in a regulated area and upland review area. The site is shown on Assessor's Map #3 as Lot #57A.

Doug DiVesta, P.E., represented the applicant. He introduced Nancy King, L.A. He described the proposed patios and pump station in the upland review area. He said some of the patio will be pervious and the remainder will be directed by sheet flow to infiltration strips.

Ms. King described the proposed dock. She said they will provide native plantings within the filter strips.

Mr. Rohr requested additional planting along the pond edge within the flow path. Ms. King said they would work with staff to provide a detailed planting plan.

Mr. Joosten plan made a motion to approve the application with the stipulation that planting plan be provided. Mr. Armstrong seconded the motion and it passed 5-0,

Ms. Riccardo called the following public hearing item:

EPC-14-2013, Estate of Beatrice Richards, et.al., 123 Five Mile River Road, proposing construction of two residences within an upland review area. The site is shown on Assessor's Map #67 as Lot #2.

Eric Richards represented the applicant and said he is the executor of the estate of Beatrice Richards. He introduced Rob Frangione, P.E. He said they are proposing two houses on two lots to be created by dividing a single lot. He said Mr. Frangione is preparing a written response to Mr. Canas. Mr. Richards said that all of the issues raised in the previous application have been addressed.

Mr. Richards discussed Section 10.2.b of the regulations which states that, if there are no adverse impacts, no alternative analysis need be conducted. He said Section 10.3 does not have a definition of alternatives. He said the modified application they provided is an alternative. He said they have eliminated the jointly owned biofilter, they added trench drains, they are preserving the large oak tree, they are preserving a rock outcrop, and they have provided a 3-5 foot buffer along the seawall.

He showed a video that during which he described the flow patterns on Five Mile River Road during a rainstorm. He said it also shows that the drain Mr. Hammons said does not function is functional. He said the video and the application demonstrate that there will be no impact to the off-site wetland.

Rob Frangione, P.E. said the design focuses on water quality treatment where currently there is no treatment. He said roof and parking runoff will be directed to treatment. He said the system is not a sand filter. They will include sumps in the revised plans. He said a maintenance plan will be provided, They are removing the old septic system, which is a potential source of Nitrogen.

Mr. Frangione said there is no need for an alternative analysis because there will be no likely impact to wetlands or watercourses.

Mr. Rohr said he like more information on the construction phases and said the areas of disturbance are not minimized.

Joe Canas, PE., said he issued his comments to the Commission on May 13. He said there is more information need re-grading better cover over the system, co-ordination of elevations, constructability issues, pre-treatment, and outlet stabilization concerns.

Mr. Rohr asked if an easement would be necessary for the biofilter. Mr. Frangione said the biofiltration is for Lot 2 only.

Callie Sullivan read a statement on behalf of the Five Mile River Road Preservation Group. She showed photos of the adjacent properties to demonstrate the size of those projects.

Barry Hammons, P.E., said he agrees with the Tighe & Bond report. He said the application lacks enough information. He reviewed the items in his letter.

The Commission requested Mr. Frangione to provide his responses within two weeks. Mr. Frangione said that would be acceptable.

The Commission continued the public hearing to July 10.

Mr. Joosten made a motion to approve the minutes of May 1, as amended. Mr. Armstrong seconded the motion and it passed 4-0-1. Mr. Sweeney abstained.

Mr., Joosten made a motion to adjourn. Mr. Armstrong seconded the motion, and it passed 5-0. The meeting adjourned at 10:40 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer