

ENVIRONMENTAL PROTECTION COMMISSION  
SPECIAL MEETING/PUBLIC HEARING  
MINUTES  
July 24, 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, Wynne Shapiro, Rick Rohr, Alan Armstrong, and Eric Joosten, and Ed Sweeney.

Staff: Jacobson

Court Reporter: Syat

Ms. Riccardo called the 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. (Hearing continued from July 10)

Ms. Riccardo said she watched the DVD of the July 10 hearing. Mr. Sweeney said he watched the portion of the July 10 hearing he missed.

Rob Frangione discussed his July 18 letter which addressed issues raised at the Commission's July 10 2013 meeting. m

He said a DEEP water diversion permit is not required and provided e-mail correspondence between him and Doug Hoskins, CT DEEP Analyst III dated June 6,2013 to support that position. He reviewed the TSS removal data and discussed the test holes he dug in the septic area. He provided samples to show the difference between washed sand and bank run gravel. He reviewed the proposed treatment train and said the removal efficiency for TSS is 85% which exceeds Town standards. He discussed his proposal to route the overflow from the Lot 2 treatment system to the existing septic system.

Mr. Sweeney asked if the applicant considered rain gardens. Mr. Frangione said he prefers the proposed system which is more like a septic system and less is likely to be disturbed than a rain garden. He said the proposed plantings near the water will serve the same purpose for the overflow.

Joe Canas, P.E. said the septic system tie in will be a belt and suspenders approach for water infiltration on Lot 2.

Ms. Riccardo asked Mr. Canas if he reviewed the slot drain detail. He described the function of the biofilter and said the detail needs to be changed to include additional biofilter material.

Mr. Jacobson asked if the sumps should be fitted with hooded traps. Mr. Canas said that they could not. He said they could use an elbow in the pipe.

Mr. Rohr asked about the TSS removal rate. Mr. Canas said he found a detail from Maryland which is similar to the Frangione design. He said the system will meet the Town's design goal of 80% removal. He said the addition of the septic system on Lot 2 will increase the treatment.

Barry Hammons, P.E. discussed the July 18 letter from Rob Frangione. He said his opinion is still that the water diversion is significant. He said the activity will cause pollution and degradation as defined in the regulations and should be reviewed further by the Commission. He said the definition of the system has evolved. He said he does not believe the catch basin in the road is functioning. He read statements from reports by Mr. Frangione regarding 125 and 129 Five Mile River Road.

Ms. Riccardo asked about the Maryland design note regarding applicability to flat sites adding that 123 Five Mile River Road is not flat. Mr. Frangione said the detail is intended to show a type of design.

William Nelson, 124 Five Mile River Road said he is concerned about the proposal not being suitable for the site, the system not being maintained, and the ledge removal.

Wilder Gleason said there is evidence that he had regarding run-off from prior developments at 125 and 129. Mr. Armstrong asked if this evidence included scientific data and Mr. Gleason said it was anecdotal. The Commission members will review it.

Mr. Gleason said the applicant should provide alternatives because there may be a significant impact. He said there is a credibility issue and that Mr. Hammons is more credible. He said the Commission should decide that the information provided is incomplete and deny the application. He said rain gardens are easier to maintain and the Commission can require they be replaced if filled, He said the maintenance plans for the systems are too complicated. He submitted a list of suggested conditions if the application were to be approved. He asked the Commission to deny the application or deny it as incomplete.

Greg Richards provided a handout showing the Town wetland map and said there are no wetlands on the Gallo property. He said the wetland is over 300 feet away from No. 123 Five Mile River Road.

Eric Richards said the application is complete. He said they provided the Commission with everything requested and responded to the comments from Joe Canas and Barry Hammons. He said he disputed Mr. Burke's assertion that there was flow down the road from 125 and 129 FMRR.

Ms. Riccardo asked if the applicant would commit to the recommendations of Vet's Explosives, Inc., the blasting expert, set forth in a letter dated October 19, 2012 and referred to in a letter dated February 6, 2013 from Leggette, Brashears & Graham, and to a condition to limit blasting if rain is anticipated. Mr. Richards said he would and asked Mr. Frangione to address the question. Mr. Frangione said they would recommend a condition of no blasting if one half inch or more of rain is predicted.

Callie Sullivan, 118 FMRR requested a condition that pre-blast surveys be made available neighbors. She the SWRPA study of the Five Mile River said over 25% coverage creates pollution problems, as does the Flaherty study. She said the applicant should be required to provide alternatives.

Mr. Frangione said the SWRPA study is contrary to the zoning regulations. He said the study was for untreated stormwater. He said there will be no significant impacts from the one inch storm on wetlands or watercourses. He said the design is appropriate for a residential development. He said the drainage systems at 125 and 129 Five Mile River Road are working fine. He said it can't be assumed that owners will not follow the drainage maintenance plan. He said they have met the Town standards and have received third party verification from Mr. Canas.

Mr. Hammons said the reduction of 70-80,000 gallons to the off-site wetland is significant. He said the septic system re-use is a good idea but the system is 32 years old.

Mr. Frangione said the one inch rainfall does not flow across the road. He said the septic system has had low water use since 1981. The septic will receive clean water not sewage.

Mr. Rohr made a motion to close the public hearing. Mr. Armstrong seconded the motion and it passed 6-0.

The Commission proceeded to deliberate on EPC-14-2013

Ms. Shapiro said the Commission's jurisdiction is limited to inland wetland issues. She said the EPC will receive the CAM application from P&Z as a referral. The Commission findings on the narrow wetland permit issues are not binding on future comments to P&Z.

Mr. Armstrong said the activities are significant but evidence of impacts on wetlands or watercourses is lacking.

Mr. Rohr said he thinks the activities are major but not significant and the impacts are not significant.

Mr. Armstrong said he thinks the Leggette letter is adequate. He said there is no record of impact on wildlife or biological life. He said the applicant says the hybrid system is adequate and the Town expert confirms 80% TSS removal combined with other parts of the system. There should be a deed requirement and bond for maintenance of the system.

Ms. Riccardo said she would like separate versions of the system maintenance agreement for each lot. She asked the members if they prefer a rain garden or the existing septic proposal for additional filtration on Lot 2. It was the consensus of the members that the rain garden is preferred over using the septic.

Ms. Riccardo said the issue of the catch basin in FMRR is not an EPC issue. She said there should be a condition regarding blasting when rain is predicted.

The Commission discussed the conditions proposed by Mr. Gleason and reviewed other possible conditions.

The Commission requested staff draft a Conditional Approval for discussion and possible decision at the August 7 meeting.

The Commission discussed the timing for a decision. The 35 day decision extends to August 28 unless the applicant consents to an extension. Mr. Rohr made a motion to approve the minutes of June 5. Mr. Joosten seconded the motion and it passed 5-0. Ms. Shapiro abstained.

Mr. Joosten made a motion to approve the minutes of June 12. Mr. Sweeney seconded the motion and it passed 4-0. Mr. Armstrong and Mr. Rohr abstained.

Mr. Joosten made a motion to adjourn. Mr. Armstrong seconded the motion, and it passed 5-0. The meeting adjourned at 10:17 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer