

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
September 18, 2013  
7:30 P.M.  
Auditorium, Town Hall

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

Commission Members Present: Vickie Riccardo, Alan Armstrong, Ed Sweeney, and Keith Kearney.

Staff: Jacobson

Court Reporter: Syat

Ms. Riccardo called the first agenda item:

EPC-32-2013, Scott & MaryEllen Moore, 23 Redcoat Pass, proposing garage construction in an upland review area. The site is shown on Assessor's Map #63 as Lot #52B.

Larry Marner, Architect, represented the applicant. He introduced the property owner, Scott Moore. He said they chose the location for the garage because the alternatives would create more impervious surface or interfere with the septic system. He said GHD, Inc. designed a rain garden for mitigation.

Ms. Riccardo asked about the existing stone wall. Mr. Marner said the garage foundation will act as a retaining wall and the rain garden will include a stone wall.

Ms. Riccardo asked about the large Oak tree. Mr. Marner said he believes they can protect it.

Mr. Armstrong asked if there are four replacement trees proposed. Mr. Marner said "yes".

Mr. Armstrong made a motion to approve the application. Mr. Kearney seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

EPC-35-2013, Eric Roemer, 49 Birch Road, proposing driveway construction and fence in an upland review area. The site is shown on Assessor's Map #11 as Lot #11.

Doug DiVesta, P.E, represented the applicant. He said they are proposing to remove pavement and replace the driveway with porous pavers with significant storage volume beneath the pavers, He said the fence crossing the Tokeneke Brook will be at grade on the bank level with a hinge system to prevent blockage of flow.

Mr. Sweeney asked if the pavers would be open jointed. Mr. DiVesta said they would be.

Robert Plunkett, 51 Birch Road, said he is opposed to the fence. He said he believes it will obstruct flow and cause water to back up onto his property.

Mr. DiVesta said there is 24" to the bottom of the channel and with the proposed hinge there will be no blockage of flow.

Mr. Plunkett said the water currently backs up in a decent rainfall.

Ms. Riccardo asked if cleaning the channel would help the flow. Mr. DiVesta said they could remove some rocks and that would help.

Mrs. Plunkett said large trees have fallen along the property line. She said the fence would block flow along the length.

Mr. DiVesta said they would leave a three inch gap and water would not be blocked.

Mr. DiVesta will look further into raising the fence, cleaning the channel and providing a hinge.

The Commission tabled the application until October 2.

Ms. Riccardo called the next agenda item:

EPC-36-2013, Noroton Presbyterian Church, 2011 & 2075 Boston Post Road, proposing site work related to parking lot expansion within an upland review area. The site is shown on Assessor's Map #43 as Lots #3,4 &5.

Craig Flaherty, P.E., represented the applicant. He said the church is in a developed area with other churches and a school. There is a residential area downstream, which is protected by a detention basin constructed in 1989. He said the basin currently functions well in reducing peak runoff rates and it has developed biological functions. He described the overall plan for adding to the church and re-designing the parking lot. The applicant is proposing to add vegetated swales and a rain garden in the upland review area. He said these additional measures will improve water quality before the runoff reaches the basin. He said Tighe & Bond has reviewed the plan on behalf of the Town and made minor requests. Tighe & Bond requested additional rip rap at the basin inlet which is shown on a plan view; a detail will be added to the drawings. He said they are planting 27 trees which is a 3:1 replacement ratio.

Ms. Riccardo asked about the proposed fence which was shown on the drawings but was not described in the applicant's narrative.. Mr. Flaherty said they are proposing a four foot high fence, a portion of which is in the upland review area and a new fence at the detention basin outlet headwall. He said the perimeter fence is for safety to keep children from the detention basin.

Ms. Riccardo asked about the 25 year storm design. Mr. Flaherty said they used the UConn rainfall number which is a larger rainfall than the standard 25 year event.

Mr. Sweeney made a motion to approve the application. Mr. Kearney seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

EPC-37-2013, John & Elizabeth Anderson, 53 Blueberry Lane, proposing pergola and landscape improvements in an upland review area. The site is shown on Assessor's Map #7 as Lot #37. Cheryl Russ, Glen Gate Co., represented the applicant. She said they are proposing a pergola with a patio within the upland review area. She said the area is currently lawn, and they are proposing a landscape buffer.

Mr. Sweeney asked about the surface of the patio. Ms. Russ said it would be dry laid bluestone.

Mr. Sweeney made a motion to approve the application. Mr. Armstrong seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

EPC-38-2013, Giannattasio Builders, Inc., 25 Libby Lane, proposing replacement house in an upland review area. The site is shown on Assessor's Map #9 as Lot #59.

Ms. Riccardo said the Commission typically has public hearings on replacement houses.

Mr. Sweeney made a motion to schedule a public hearing for October 2, 2013. Mr. Armstrong seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

EPC-39-2013, Robert & Catherine Lowe, 26 Wildwood Lane, proposing addition in an upland review area. The site is shown on Assessor's Map #26 as Lot #58.

Neil Hauk, Architect, represented the applicant. He said they are proposing to demolish the porch and build a two story addition. He said the proposed bay window and mud room expansion will result in 109 sq. ft. of additional impervious surface.

Mr. Sweeney asked if there would be a change in the roof drains and leaders. Mr. Hauk said no change.

Mr. Armstrong made a motion to approve the application. Mr. Sweeney seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

EPC-40-2013, LTB Properties, 27 Blueberry Lane, proposing house replacement and septic system in an upland review area. The site is shown on Assessor's Map #7 as Lot #28.

Ms. Riccardo said that, as with the Libby Lane application, Commission would schedule a public hearings for a replacement house.

Mr. Sweeney made a motion to schedule a public hearing for October 2, 2013. Mr. Armstrong seconded the motion and it passed 4-0.

Ms. Riccardo called the following public hearing item:

EPC-31-2013, Curtis & Arlene Butler, 106 Stephen Mather Road, proposing pool, pool house, and terrace in a regulated area. The site is shown on Assessor's Map #1 as Lot #29.

Beth Evans, Wetland Scientist, represented the applicant. She described the proposed pool and pool house. She said the wetlands were delineated by Tom Pietras in 2002 and verified by her office in 2013. She said the property is largely lawn area with underlying hydric soils. She said the pool will have an ozone treatment system with no backwash. She said they expanded the number of rain gardens from two to three from the previous application and the rain gardens are sized for the full water quality volume. She said the total area of disturbance in the regulated area is 2,340 sq. ft. to be compensated for by 7,500 sq. ft. of wetland restoration adjacent to the wooded wetland and eight replacement trees for the one tree removed. An additional 1,465 sq. ft. of rain garden will be planted. She said the ratio of restoration to disturbance is 3.6:1 and they propose a conservation easement of 12,430 sq. ft.

Ms. Riccardo asked if there were any members of the public who wished to speak. There were none.

Mr. Kearney made a motion to close the public hearing. Mr. Armstrong seconded the motion and it passed 4-0.

The Commission proceeded to deliberate on the application.

Ms. Riccardo said the conditions of approval she would place on the permit are the maintenance plans for the rain gardens, and the conservation easement to be recorded on the Town land records.

Ms. Riccardo called the following agenda item:

Estate of Beatrice Richards, 123 Five Mile River Road, Coastal Site Plan Review and Land Filling and Re-grading Application.

The EPC approved a wetland permit for this applicant, with conditions, on August 7, 2013. The projects have been referred by the Planning & Zoning Commission for EPC's review in its capacity as the Conservation Commission. After discussion, the members reached a consensus of the members that the EPC recommend that P&Z retain an independent expert in coastal resources and CAM applications to provide a peer review of the CAM application and the environmental review of the property prepared by William Kenny Associates which has been submitted to P&Z on behalf of the applicant.

Mr. Sweeney Made motion to approve the minutes of August 7 as amended. Mr. Kearney seconded the motion and it passed 4-0.

Mr. Sweeney made a motion to adjourn. Mr. Armstrong seconded the motion, and it passed 4-0. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer