

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
November 3, 2010
7:30 P.M.
Room 206, Town Hall

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

Commission Members Present: Peter Hillman, Michael Tone, Craig Flaherty, Wynne Shapiro, Ed Sweeney, Pete Kenyon, Rick Rohr

Staff Present: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Mr. Hillman called the first agenda item:

EPC-26-2010, Rodney & Kimberly Miller, 326 Hollow Tree Ridge Road, requesting amendment to change pool design.

Mike Wallach, contractor, represented the applicant. He said the owners would like to increase the pool size and decrease the patio for a net decrease in impervious surface.

Mr. Hillman asked if the letter stating a reduction of 95 square feet in impervious surface area is correct. Mr. Wallach said yes.

Mr. Rohr said he would prefer to leave the wall intact and construct the fence adjacent to the wall. Mr. Wallach said that could be done.

Ms. Shapiro asked about the type of pool filtration. Mr. Wallach said it would be a cartridge system with no backwash.

Mr. Rohr made a motion to approve the application with the stipulation that the wall remain. Ms. Shapiro seconded the motion and it passed unanimously.

Mr. Hillman announced the following agenda item would be continued on December 1 at the request of the applicant:

EPC-35-2010, Sanford & Nicole Ewing, 110 Stephen Mather Road, proposing remediation of violation, removal of drain pipe and rain garden construction.

Mr. Hillman called the next agenda item:

EPC-42-2010, John & Laura Lane, 82 West Avenue, proposing house addition within an upland review area.

Mark Lebow, Licensed Surveyor represented the applicant. He said they are proposing three small additions and removing a portion of the paved driveway. He said they are increasing the impervious surface area by 190 square feet. They are proposing a Cultech infiltrator unit. There will be either no increase or a slight decrease for the 2-100 year storm events.

Mr. Flaherty said he thought the application is very complete.

Ms. Shapiro asked if there were any trees proposed to be removed. Mr. Lebow said none.

Mr. Flaherty made a motion to approve the application. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda item:

EPC-43-2010, James & Kimberly Lewis, 10 Mystic Lane, proposing pool construction within an upland review area.

Alan Broadbent, Landscape Architect, Dickson DeMarche Associates, represented the applicant. He said they are proposing a modest size pool. He said a substantial part of the property is within the Commission's upland review area.

Mr. Hillman said the Commission is generally reluctant to approve pools so close to the wetland, however the proposed enhancements are significant and include restoring wetland lawn area to natural vegetation and extensive plantings.

Mr. Tone questioned the pool wall and the possibility of it failing and sending water into the wetland. Mr. Broadbent said the structure will be engineered and there is little likelihood of it failing.

Mr. Rohr asked them if they would provide additional buffer plantings in the lawn to the east of the pool along the proposed 197 contour and move the proposed steps to face the front. Mr. Broadbent said they had not considered additional buffer and hoped the proposed buffer would be enough.

Mr. Hillman suggested he take a few minutes to confer with his client and come back when ready.

Mr. Hillman called the first public hearing item:

EPC-37-2010, Country Club of Darien, 300 Mansfield Road & M. David & Marianne Magnotta, 215 Brookside Road, proposing driveway construction in a regulated area.

Attorney Jackie Kaufman represented the applicant. She requested the Commission continue the hearing to December 1 to allow the applicants to address neighbors concerns expressed in correspondence just submitted to the Commission today.

The Commission continued the hearing to December 1, 2010.

Mr. Hillman called the next agenda item:

EPC-44-2010, Lucy & John Fiore, 31 Harbor Road, proposing a fence within a regulated area.

Mrs. Fiore represented herself. She described the proposed fence location.

Mr. Rohr asked if the portion of the fence in the lawn could be elevated a few inches off the ground to allow small wildlife to pass under. Mrs. Fiore said that would be possible.

Mr. Tone made a motion to approve the application with the stipulation that the fence be three inches off the ground. Mr. Hillman seconded the motion and it passed unanimously.

Mr. Hillman recalled EPC-43-2010, James & Kimberly Lewis, 10 Mystic Lane

Mr. Broadbent said he conferred with his clients and they would prefer not to eliminate any more lawn.

Mr. Hillman said he thought the mitigation and wetland enhancement plantings offered are adequate to offset any impacts. He made a motion to approve the application with the stipulations that a maintenance plan be required for the stormwater system and wetland plantings be provided including the use of organic fertilizers and pesticides. Mr. Sweeney seconded the motion and the vote was three in favor (Hillman, Sweeney, Shapiro) three against (Rohr, Kenyon, Tone) and one abstention (Flaherty). The motion was defeated.

Mr. Rohr made a motion to approve the application with the stipulation of adding the previously discussed additional buffer plantings, and the maintenance plan and organic fertilizer and pesticide requirements. Mr. Hillman seconded the motion and it passed with 3 in favor (Rohr, Hillman, Shapiro), two opposed (Kenyon, Tone), and two abstentions (Flaherty, Sweeney).

Mr. Hillman called the next agenda item:

EPC-45-2010, Patrick & Lauren Palomo, 104 Rose Lane, proposing house addition in an upland review area.

Bruce Appleton, Contractor, represented the applicant. He said they are proposing a 400 square foot addition to the house. They are also proposing a rain garden.

Mr. Flaherty said he would like to see the soil profile and perc test below the bottom of the proposed rain garden.

Mr. Kenyon asked for a planting plan.

The Commission continued the application until December 1.

Mr. Hillman called the next public hearing item:

EPC-33-2010, Anders & Carolyn Hurst, 2 Tanglewood Trail, proposing demolition of existing residence and new house construction within an upland review area.

David LaPierre, Architect represented the applicant. He said they are proposing a tear down and replacement house. He introduced Todd Ritchie, P.E.

Mr. Ritchie provided planting lists for the rain garden and wetland buffer. He described the proposed site plan and drainage plan.

Mr. Hillman asked if they had considered additional mitigation adjacent to Cummings Brook.

Mr. Ritchie said they considered a possible stream stabilization plan. The Commission discussed the necessary width that would be required for some type of stabilization of the stream bank. Mr. Ritchie said he believes 15 feet would be adequate. The Commission will consider including provisions in the approval for this work which may need to come back to them for approval. This will not hold up approval of the house construction.

Mr. Rohr questioned the name on the survey of an adjacent property not being on the list of abutters notified of the public hearing. Mr. Flaherty reviewed the Assessor's maps on the Town website and confirmed that the name on the survey is incorrect and the applicant's list of abutters is accurate. The appropriate notifications were, therefore made, and the survey will be corrected.

The Commission requested staff draft a resolution to approve the application.

Planning & Zoning Commission Referrals:

Coastal Site Plan Review #249-A, Edward Brown & Yael VanHulst, 2 Baywater Drive
Mr. Jacobson said this was a routine project which included the installation of water quality protection. The Commission had no further comment.

Minutes of October 6, 2010: Mr. Rohr made a motion to approve the minutes. Mr. Tone seconded the motion and it passed 5-0. Ms. Shapiro and Mr. Sweeney abstained.

Mr. Hillman referenced the beginning of P & Z hearings on two new multiple housing applications, and noted that it is not unusual for P & Z to refer to us for environmental comments major projects outside our jurisdiction. e.g. West/Leroy. It will be up to P&Z to decide whether it wishes to refer one or both to the EPC.

Mr. Tone made a motion to adjourn. Mr. Kenyon seconded the motion and it passed unanimously. The meeting adjourned at 9:20 P.M.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer