

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING

MINUTES

June 3, 2009

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, Susan Cameron, Michael Tone, Pete Kenyon, Rick Rohr, Craig Flaherty, and Ellen Kirby.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-15-2009, Mark G. Carroll, 4 Morley Lane, proposing a house addition and deck outside the upland review area based on the soil scientist's mapping and survey. The site is shown on Assessor's Map #63 as Lot #58.

Mr. Rohr was recused for this application.

Mr. and Mrs. Carroll represented themselves along with Kathy Poirier, Architect.

Mr. Poirier said the proposed activity is a small addition and deck within the upland review area as shown on the Town wetland map. She said the soil scientist's delineation on the survey shows the wetland boundary to be less extensive than the Town wetland map. The proposed work is outside of the surveyed upland review area. They are requesting approval of the application and a revision of the wetland map.

Mr. Hillman made a motion to approve the application and add this property to the next wetland map amendment hearing. Mr. Tone seconded the motion and it passed unanimously.

Mr. Hillman noted that this is Ms. Kirby's term will expire and since this is her last meeting he took the opportunity to thank her for her service to the Town.

Mr. Hillman read the next agenda item:

EPC-17-2009, Joanne and Dan Manghirmalani, 38 Rocaton Road, proposing patio expansion within an upland review area. The site is shown on Assessor's Map #18 as Lot #40.

Ms. Kirby was recused for this application.

Mr. and Mrs. Manghirmalani represented themselves. Ms. Manghirmalani said their use of the site is limited because of the wetlands on site and they would like to expand their outdoor living space. She said the existing terrace area acts as an entrance to the house and it is in poor condition.

Mr. Kenyon asked for a description of the patio construction. Ms. Manghirmalani said it would be flagstone in stone dust.

The Commission discussed the wall and the method of drainage from the patio.

Mr. Flaherty said that he would like to see a more pervious surface for the patio. He said he would also like to see a corresponding area of wetland re-planting the same size as the new terrace area.

Mr. Hillman made a motion to approve the application with the conditions that staff review and approve a design for a more pervious surface and a planting plan for a wetland restoration area comparable in size to the additional terrace area. Mr. Tone seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-14-2009, John C. Qua, 600 Middlesex Road, proposing pond dredging. The site is shown on Assessor's Map #6 as Lot #148.

Jon Sweeney, contractor, represented the applicant. He said he is requesting permission to dredge a pond he constructed 17 years ago. He said they would remove accumulated road sand and silt to approximately a six foot depth in the middle of the pond.

Mr. Flaherty asked if the vegetated buffer planted at the time of the original construction was still in place. Mr. Sweeney said yes. Mr. Flaherty asked if they considered a larger grit separator. Mr. Sweeney said there is an existing separator on the Town property and he was considering expanding the settling basin on the Qua property if the owner agrees.

Ms. Cameron made a motion to approve the application. Mr. Tone seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-70-2005, Leo Van Munching on behalf of Pieter Van Munching, 41 Hancock Lane, requesting a time extension and an amendment to the approved site plan to reduce the house footprint and reduce the amount of activity in the upland review area.

Dan Conlon, Architect, represented the applicant. He said the new house proposed is smaller than the footprint proposed originally. The drainage and septic locations are essentially the same and the impervious surface will be less. They are also requesting a time extension since the current permit will expire in 2010.

Mr. Flaherty made a motion to approve the revised site plan as an amendment to the application and grant a two year extension to the permit. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-16-2009, Town of Darien Department of Public Works, proposing the Stony Brook Tributary Flood Control Project. The project site includes Town of Darien properties, and private properties, on Heights Road, Relihan Road, Maple Street, Renshaw Road and Nutmeg Lane.

Bob Steeger, Director of Public Works, represented the applicant.

Mr. Hillman said the issue of DEP's assertion of jurisdiction over the Baker Field portion of the project was brought to his and the Flood Mitigation Committee's attention recently. Town Counsel has advised that Connecticut General Statutes regarding dams provides for an exemption from regulation under the Inland Wetlands and Watercourses Act. The Commission has requested clarification in writing from the DEP Dam Safety Program regarding the extent of their assertion of jurisdiction. The Commission will ask Town Counsel to review the DEP's response.

Mr. Kenyon requested that larger site maps be provided, as it was impossible to read the fine print on some of the pages.

Jim Tatum of Noroton Avenue said he represented neighbors who were concerned about the project. Mr. Jacobson was asked to keep Mr. Tatum apprised of the DEP's correspondence.

The Commission scheduled the public hearing for July, 1, 2009 at 7:30 P.M.

The Commission discussed hiring an outside expert and determined that no outside expertise is necessary at this time. If an issue is raised at a later date that requires specific expertise they will make that determination at that time.

Other Business:

The Commission briefly discussed the receipt of a notice from the DEP regarding a new dock application adjacent to the Lunn property on Contentment Island Road which property is covered by an Open Space Declaration and Conservation Easement. Ms. Cameron agreed to look into it and draft an opinion for the EPC to look at as the Conservation Commission.

Ms. Cameron made a motion to approve the minutes of April 20. Mr. Tone seconded the motion and it passed 4-0. Mr. Hillman and Mr. Flaherty abstained.

Mr. Kenyon made a motion to adjourn. Ms Cameron seconded the motion and it passed unanimously.

The meeting adjourned at 8:50 P.M.

Respectfully submitted,
Richard B. Jacobson
Environmental Protection Officer