

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
January 9, 2008

7:30 P.M.
Room 206 Town Hall

Acting Chairman Flaherty called the meeting to order at 7:35 P.M. Commission Members Present: Craig Flaherty, Ellen Kirby, Alan Armstrong, and Susan Cameron.

Staff Present: Richard Jacobson

Town Attorney: Ed Schmidt

Court Reporter: Bonnie Syat

Mr. Flaherty read the first agenda item:

Discussion of the Flood and Erosion Control Regulations with the Town Attorney for the purpose of preparing revised Draft Regulations for consideration at a future public hearing.

The Commission discussed the draft regulations following an outline of questions prepared by Mr. Armstrong. The revised draft will be prepared by Mr. Schmidt

Mrs. Russell asked for a point of order. She asked when the public hearing on the regulations will be held. Mr. Jacobson said that the previous hearing was not continued and the hearing would require public notice.

The Commission scheduled the public hearing for March 19. The revised draft regulations will be available at least 35 days prior to that date and notices will be in the newspaper.

Mr. Flaherty read the next agenda item:

EPC-63-2007, Robert Dickson, Jr. 50 Deepwood Road, proposing a pool within the upland review area.

The Commission discussed the draft resolution.

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

Mr. Flaherty read the next agenda item:

EPC-77-2007, John Doherty and Ken Deleo, 7 Buttonwood Lane, proposing demolition of an existing house and new house construction within an upland review area.

Attorney Wilder Gleason represented the applicant.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JANUARY 9, 2007
PAGE 2

The Commission determined that a public hearing is in the public interest and scheduled a hearing for February 6, 2008.

Ms. Cameron asked the applicant to address the number of trees to be removed. She said the pool and tree removal was a sticking point in the last application.

Mr. Gleason said the house and the pool would be smaller than what was previously proposed. They will be prepared to address these questions at the hearing.

Mr. Flaherty read the next agenda item:

EPC-78-2007, Randall and Po Sau Tam, 11 Half Mile Road, proposing pool construction within the upland review area.

No one appeared for the applicant. The Commission continued the application to February 6.

Mr. Flaherty read the next agenda item:

EPC-79-2007, St. Luke's Episcopal Church, 1864 Post Road, proposing residential construction and associated grading and stormwater management activities within the upland review area.

Attorney Wilder Gleason represented the applicant. He introduced Don Ferlow and Todd Ritchie of Stearns & Wheler.

Mr. Gleason said the church owns three separate parcels. He said they are proposing church housing. One corner of one of the houses will involve grading and a deck within the upland review area.

Mr. Flaherty asked how many square feet are the proposed residences. Mr. Gleason said approximately 3000 square feet is the largest.

Ms. Cameron asked how many trees would be lost. Mr. Ferlow said eight.

Ms. Cameron said that reviewing the project as a Conservation Commission she would like to see more of the trees saved. She asked if the applicant had considered a ZBA waiver to allow the buildings to be farther from the trees. Mr. Ferlow said that even if they moved the buildings 20 -30' the physical earth work would still damage the trees and they would still lose them in the long run. He said they have attempted to save as many of the trees as possible.

Mr. Flaherty asked if they could move one house to the north and entirely out of the regulated area. Mr. Ferlow said it would involve removing significant screening vegetation, and other vegetation they would like to save.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JANUARY 9, 2007
PAGE 3

Mr. Flaherty asked Mr. Ferlow to describe the wetland functions. Mr. Ferlow provided an overview of the project and impacts. He said the wetland is not a vernal pool. He said it receives stormwater runoff. It is a wooded habitat, which has a primary function of stormwater control.

Ms. Kirby asked about the access from the Post Road. Mr. Gleason said they would like to keep a separation of the homes from the church to the staff and the clergy. Ms. Kirby said eliminating the driveway may provide room to move the houses. Mr. Ferlow said they need to maintain two accesses for fire trucks.

Mr. Flaherty asked Mr. Ritchie about the six acre area of interest in the drainage study. Mr. Ritchie said they put the housing property into its own system. Mr. Flaherty asked about the drainage from the impervious surfaces on the remainder of the property. Mr. Ritchie said they isolated the runoff from the new building into the other system and have not taken credit for previous impervious surfaces or any infiltration that may occur.

Mr. Flaherty asked about the infiltrators being in close proximity to the adjacent property line. Mr. Gleason said they would put the infiltrators on the opposite side of the driveway on their own property. He submitted a construction sequence for the project.

Ms. Cameron said she could not vote for the project based on the removal of the trees.

Ms. Kirby asked the applicant to consider better alternatives to save the trees.

Mr. Ferlow said there are significant tree and shrub plantings proposed. Mr. Flaherty asked him what the replacement ratio will be. Mr. Ferlow said they could define that ratio.

Mr. Flaherty asked the applicants to return on February 6 with a more specific planting plan showing replacement trees.

Planning and Zoning Commission Referral

Subdivision Application #610, Coastal Site Plan Review #226, Flood Damage Prevention Application #250, PL Partnership, 3 Purdy Lane

The Commission reviewed a draft of a memo to the Planning & Zoning Commission acting in their role as the Conservation Commission and Flood and Erosion Control Board. Staff was requested to make revisions incorporating the Commission's comment and forward the memo to P&Z.

Minutes of previous meetings:

Mr. Flaherty made a motion to approve the minutes of September 5, 2007. Mr. Armstrong seconded the motion and it passed 3-0. Ms. Cameron abstained.

Ms. Cameron made a motion to approve the minutes of September 26, 2007. Ms. Kirby seconded the motion and it passed 4-0.

Ms. Cameron made a motion to approve the minutes of October 3, 2007. Ms. Kirby seconded the motion and it passed 3-0. Mr. Flaherty abstained.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
JANUARY 9, 2007
PAGE 4

Mr. Armstrong made a motion to approve the minutes of October 17, 2007. Ms. Cameron seconded the motion and it passed 4-0.

Ms. Cameron made a motion to adjourn. Mr. Armstrong seconded the motion and it passed unanimously. The meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer