

ENVIRONMENTAL PROTECTION COMMISSION  
SPECIAL MEETING/PUBLIC HEARING  
MINUTES  
**September 26, 2007**  
Town Hall Auditorium

Chairman Hillman called the meeting to order at 7:00 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Alan Armstrong Pete Kenyon, and Craig Flaherty and Ellen Kirby.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item.

EPC-37-2007, Murat Akgun and Katherine Uniacke, 71 Stony Brook Road, proposing a sanitary sewer line within a regulated area.

The Commission reviewed the proposed draft and made revisions. Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed 4-1. Mr. Kenyon was opposed. Mr. Armstrong abstained.

Mr. Hillman read the next agenda item.

EPC-52-2007, Toni H. Worth, 11 Highfield Lane, proposing to dredge a pond and repair walls.

No one was present to represent the applicant.

Mr. Hillman read the next agenda item.

EPC-54-2007, Donald W. Maley, Jr., 297 Brookside Road, proposing a house addition within the upland review area.

Attorney Wilder Gleason represented the applicant. He said the pond dredging was substantially complete. The Commission required a 10 foot buffer to the pond. He said the property is large and has substantial wetlands. The new addition will encroach five feet into the upland review area. They are proposing Cultech units under the driveway. The proposal complies with the Town's drainage manual.

Ms. Cameron asked if they were proposing a rain garden. Mr. Gleason said they would prefer not to use the lawn area. Ms. Cameron asked about the location of the roof drains. Mr. Maley said they were connected to the existing drains. Ms. Cameron asked if they were increasing flows. Mr. Gleason said the increase in runoff will be attenuated by the Cultech units.

Mr. Flaherty asked if they had soil tests in the area of the Cultech units. Mr. Gleason said they had soil tests for the septic and ground water was at seven feet. Mr. Flaherty suggested a condition of approval that the Cultech units be installed above the level of mottling in the soil and the design engineer will be responsible for inspecting and certifying this condition.

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Mr. Flaherty made a motion to approve the application with the above stipulation. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC-55-2007, Joanne and Dan Manghirmalani, 38 Rocaton Road, proposing landscaping and drainage improvements.

Ms. Kirby was recused for this application.

Mr. and Mrs. Manghirmalani represented themselves. Mr. Manghirmalani said they are proposing to plant wetland shrubs and wildflowers and install a drain.

Mr. Hillman said the proposal will be an improvement to the wetland. He asked if the work would be done by hand. Mr. Manghirmalani said yes, by Sara McCool.

Mr. Kenyon asked if the wall shown on the plan is existing. Mr. Manghirmalani said yes.

Mr. Flaherty asked what the conditions were during the heavy storms. Mr. Manghirmalani said the area is flooded for a while.

Mr. Kenyon made a motion to approve the application. Mr. Flaherty seconded the motion and it passed 5-0.

Mr. Hillman read the next agenda item.

EPC-58-2007, Town of Darien, Goodwives River Road, proposing sanitary sewer installation.

The Commission reviewed the draft resolution. Ms. Cameron made a motion to approve the application. Ms. Kirby seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC 17- 2006, Conrad and Mallory Weymann, 62 Deep Wood Road, requesting permit amendment to revise driveway location within the regulated area.

Brian Robinson of Keith Simpson Associates represented the applicant. He said they are requesting an amendment to the driveway layout, which will reduce the amount of pavement in the upland review area.

Mr. Hillman made a motion to approve the amendment. Mr. Flaherty seconded the motion and it passed unanimously.

**Public Hearings:**

EPC-36-2007, Peter Greenberg, 7 Buttonwood Lane, proposing demolition of an existing house and new house construction within an upland review area.

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This application was withdrawn.

Mr. Hillman read the first public hearing item.

EPC-42-2007, Country Club of Darien, 300 Mansfield Avenue, proposing golf course renovations within regulated areas and upland review areas. (continued from September 5, 2007).

Attorney William Hennessey represented the applicant. He said that there were some questions raised at the last public hearing and in Mr. Hammons' memo which they have addressed.

Mr. Hillman said that Mr. Hammons reported that the materials received on September 20 substantially answered his questions.

Barry Hammons, P.E. said that the information provided to him improved the plan. He said he was provided with quantification of the capacity of the sediment ponds and that the basins were seven times larger than required. He said the project would have a positive impact on sediment removal.

Mr. Flaherty asked if there would be any impact to functional wetlands. Mr. Ferlow said no.

Mr. Flaherty asked if there would be improvements to flood storage or impacts. Mr. Ferlow said there would be an improvement but not by much. He said the mitigation plantings proposed were substantial.

Mr. Hillman asked if there were any members of the public who wished to be heard. There were none.

Mr. Flaherty asked if there were any sand traps which were inundated in the storm. Tim O'Neil, Course Superintendent said yes. Mr. Flaherty asked if there were any sand transported out of the traps. Mr. O'Neil said no.

Mr. Flaherty said there would be a need for good erosion & sediment controls during construction. He said there was a need for an independent monitor. Mr. Ferlow said Mr. O'Neil would be on the site at all times and suggested the monitor be required for key points in the construction. Mr. Flaherty suggested a site monitor to inspect prior to construction in regulated areas and monthly thereafter. Mr. Hammons agreed with Mr. Flaherty and suggested adding inspections prior to predicted storms of one inch or greater.

Mr. Hillman made a motion to close the public hearing. Mr. Kenyon seconded the motion and it passed unanimously.

The Commission proceeded to deliberate.

Mr. Hillman said he was very comfortable from an EPC point of view that there would be no increase in flooding. He requested staff draft a resolution of approval with the condition of a limited site monitor.

Mr. Hillman noted that Richard Windels arrived and recalled hearing item:

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EPC-52-2007, Toni H. Worth, 11 Highfield Lane, proposing to dredge a pond and repair walls.

Mr. Hillman asked Mr. Windels if there was anything out of the ordinary with the application. Mr. Windels said no. He said they are correcting drainage problems and providing a sediment forebay. He said approximately half of the dredged material would be used on-site.

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

Mr. Hillman read the next public hearing item.

EPC #50-2007, PL Partnership, LLC, 3 Purdy Lane, proposing to subdivide the existing 2.5+/- acre property and construct four residential lots and two open space lots within the upland review area adjacent to Holly Pond. (continued from September 5, 2007).

Mr. Hillman said that he and Mr. Kenyon had viewed the site since the last meeting. He said they had a brief conversation with neighbors to orient themselves. He noted for the record that a letter had been received from the neighbors with several signatures.

Attorney Terry Coates represented the applicant. He said the application involves subdividing the 2.5 acre parcel into four building lots. He said the R1/3 zone could theoretically support five lots but they are seeking four. He said there are no Inland Wetlands on the property. He said the upland is defined by the seawall. Holly Pond is a watercourse and they are proposing work within 100 feet of the pond. He said there are two houses on the property which were built in the late 1700 and early 1800's.

Preservation of water quality in Holly pond is the main issue. He said the water quality is to be improved. The biofilter and recharge basin are designed to receive road runoff. There will be subsurface galleries for gutters and leaders. A biofiltration swale will be constructed along the seawall. He said they must treat one inch of storm event runoff under DEP standards. They propose to treat slightly less than two inches. He said they are proposing to remove Phragmites and plant native species.

Mr. Coates said the site is subject to tidal flooding. The 100 year flood elevation is 13 feet. Zoning allows houses to be built in the flood zone if they conform to flood regulations.

He said they propose to set aside 10% of the property as open space. The garage is proposed to be replaced with a gazebo to be used by the residents of the subdivision.

Mr. Coates said that Land-Tech Consultants reviewed the application for the EPC and provided a list of concerns. He said they made changes as a result of those concerns.

Mr. Hillman questioned work done that was described in the neighbor's letter and involved bringing in fill. Mr. Coates said they were maintaining a gravel driveway.

Mr. Kenyon asked about the stone wall shown in the tidal wetland. Mr. Coates said it is not a significant wall. Mr. Kenyon asked for confirmation of the rock wall on the survey.

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Mr. Kenyon asked about the numerous large trees on the property. Mr. Coates said some of the trees will be removed to allow for filling required for the road. The utilities must be elevated above flood elevations.

Mr. Flaherty stated for the record that his firm has hired Bill Kenny but it will not affect his ability to view the application fairly.

Jay Keillor, Land Engineering Associates, described the existing site conditions. He said there were two options for the property reviewed: a five lot subdivision and four lot subdivision. He said the road will be kept above elevation 13 to keep the utilities above the flood elevation. He said the grading in front of the house is designed for safety and to allow for gravity sanitary sewers.

Mr. Keillor described the stormwater management system. He said the overflow is at elevation 12 which is below the adjacent properties. He said they are treating runoff from untreated impervious surfaces upstream of the property.

Ms. Cameron asked if the infiltrators will work during floods. Mr. Keillor said they are designed only for the first one inch of runoff.

William Kenny, William Kenny Associates, addresses potential impacts to the watercourse, Holly Pond. He said there are no activities within wetlands. He said the potential impacts come down to stormwater quality during and after construction. He said the potential for erosion is relatively low. He said during incoming tides during construction the tide rises, it does not rage. They are proposing wire reinforced silt fences. Water quality after construction will benefit because they are eliminating some of the source area for Nitrogen by reducing lawn area and Canada Goose habitat. He said the existing lawn has a potential for treatment and loading of Nitrogen to the pond. The treatment is designed for smaller storms and the first flush of runoff. It is not intended for large flood events. The basin is designed to be a dry basin, not a wetland habitat, and will be planted with native species.

Ms. Cameron asked if they should provide a wider basin instead of the infiltrators. Mr. Kenny said the basin is sufficient without the infiltrators.

Mr. Flaherty said the berm and trough side slopes of 1 ½ to 1 are not ideal.

Mr. Keillor said they could eliminate the galleries and provide storage in the swale.

Mr. Hillman asked about tree removal and its effect on water quality. Mr. Kenny said there would still be an improvement from a water quality perspective.

The Commission requested a more detailed evaluation of the trees on the property.

The Commission discussed the Phragmites removal as an invasive species and improvement of the wildlife habitat. They asked for more specific information on wildlife use of the property before and after construction.

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Mr. Hillman opened the hearing to public comment.

Bob Mazzone, Post Road, said his major concern is that the Commission is not familiar with the frequency of flooding on the property. He said the engineer's plans deal with rain water and he is more concerned with tidal flooding. The water quality structures will be rendered useless if flooded by tidal waters. He said the cars and garages are allowed by law but no one will control what is in the garages after development. He questioned the need for the gazebo for four houses with views of the pond. He questioned the benefit of reducing lawn area to get rid of geese and is not sure building houses is a smart way to do that.

Warren Matthews, Oakland Terrace, said he is concerned about future owners. He said that Mr. Gabrielle dumped four to six large truckloads of material on the property.

Penny Briganti 2670 Post Road, said she believes the material was fill and was covered with hay. Mr. Briganti said the entire property is a detention basin. He said every tree on the property will need to be cut. He is also concerned with the overflow into Holly Pond.

Dudley Jenkins, Post Road, discussed the photos of the flooding on the property. He said the property floods frequently. He is in opposition to the project.

Mr. Hillman said the Commission may not be under an obligation to protect future owners who can get flood insurance. He said he is concerned about any potential impacts on neighbors.

The Commission discussed additional information to be provided by the applicant:

- an affidavit from the property owner regarding filling taking place and placement of stones in the tidal wetland.
- a report on the trees to be removed and the proposal to replant.
- an arborists report to describe the trees' condition.
- storm surge datum and an empirical way of showing flooding.
- additional information on the wildlife use of the property and the proposed planting benefits.
- confirmation from the surveyor on the rock wall
- the gazebo design and address the concern for its use by the adjacent commercial property. Mr. Coates stated it will be limited to use by the residents.
- Address the garage elevations and the opportunity to make them more secure.
- provide the Nitrogen study referred to by Mr. Kenny.
- more detail in plan view of the berm along the sea wall
- address the grading adjacent to the property line and its effect on the 36" maple.
- provide cross sections for each house location.

The Commission continued the public hearing to October 17, 2007 to allow the applicant to provide additional information.

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Ms. Kirby made a motion to approve the minutes of June 19. Mr. Hillman seconded the motion and it passed 5-0. Mr. Armstrong abstained.

Mr. Kenyon made a motion to approve the minutes of June 19. Mr. Hillman seconded the motion and it passed 5-0. Mr. Armstrong abstained.

Ms. Kirby made a motion to adjourn. Mr. Hillman seconded the motion and it passed unanimously. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer