

ENVIRONMENTAL PROTECTION COMMISSION  
SPECIAL MEETING/PUBLIC HEARING  
MINUTES  
January 17, 2007

Wednesday, January 17, 2007      7:30 p.m.      Auditorium Town Hall

Acting Chairman Susan Cameron called the meeting to order at 7:30 P.M. Commission Members Present: Susan Cameron, Reese Hutchison, Pete Kenyon, Ellen Kirby, and Craig Flaherty.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Ms. Cameron read the first agenda item:

EPC-57-2003, Town of Darien, Town Hall Pond Dredging  
Status update and modification of dredging method to use hydraulic dredge thereby reducing impacts to the upland review area.

Mr. Jacobson presented a request from the Department of Public Works to modify the dredging procedure to allow for a hydraulic dredge which would require less impact to the area surrounding the pond. Mr. Flaherty made a motion to approve the modifications. Mr. Kenyon seconded the motion and it passed unanimously.

EPC-82-2006 Scott and Charlotte Sabbagh, 35 Plymouth Road, proposing house additions and stone terrace within the upland review area.

Roger Bartells, Architect, and Dean Martin of Grumman Engineering, represented the applicant. Mr. Martin presented the engineering study. He said a rain garden would require 1000 square feet of area. He said they also investigated using concrete pavers. He said the capacity of the rain garden would be less than what they have proposed. Mr. Bartells said the concept is to provide a proper front entrance to the house. The lot is a rear lot and they would like to have some parking for guests. He said the gravel area on the current design was originally presented as pavement. Mr. Flaherty asked if they are proposing plantings. Mr. Bartells said they are proposing plantings between the driveway and the pond rather than lawn. Mr. Flaherty asked about the depth of the stone on the driveway and if it would be clean washed. Mr. Bartells said it would be 1 ½ inches of clean washed stone. Mr. Martin said the stone under the driveway would have a 40% void ratio versus the Cul-tech units which are 100% storage. Mr. Flaherty said the pavers are a surface system to stabilize the driveway in lieu of pavement and may provide some storage, but the applicant is proposing the Cul-techs to provide the primary storage. Ms. Cameron made a motion to approve the application with a stipulation that the engineer provide the homeowner with a maintenance plan. Mr. Hutchison seconded the motion and it passed unanimously.

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Mr. Hutchison acted as Chairman and called the next item:

EPC-86-2006, Laurie Stuek, 22 Driftway Lane, proposing to replace existing culverts with a box culvert.

The Commission reviewed the draft approval. Mr. Hutchison made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hutchison called the next hearing item.

Referrals from Planning and Zoning:

44 Pasture Lane, Linley M. Franklin & Schmidtwerks, Amendment of Subdivision Application #608.

Mr. Jacobson was requested to write a memo to the Planning and Zoning Commission expressing concerns that the revised subdivision plan may create a building lot which will have more wetland involvement than the current lot configuration would require. The Commission would require more information regarding the wetland location and future house layout.

Mr. Hutchison called the next hearing item.

Planning & Zoning Commission: Coastal Site Plan Review #221-A, Flood Damage Prevention Application #240-A, Ann B. Lunn, 9 Contentment Island Road (open space parcel). See 1/9/2007 Memo from Jeremy Ginsberg. **Referral to the EPC in their role as "Grantee" of the 1987 Conservation Easement/Conservation Easement holder.**

Ms. Cameron acted as Chairman. Mr. Hutchison was recused.

Ms. Cameron said there has been no change in the applications since the Commission's July 6, 2006 memo to Planning & Zoning. It was the consensus of the Commission to re-send the July 6, 2006 memo with a preface that the Commission has not changed its opinion.

Ms. Cameron called the first public hearing item at 8:00 p.m.

EPC-79-2006 James B. and Katherine G. Kane 147 Five Mile River Road, proposing to construct a replacement house and related construction activity within upland review area.

Attorney Wilder Gleason represented the applicant. Ms. Cameron said she knows Mrs. Kane but feels she can be impartial deciding this application. Mr. Gleason said he has no objection to Ms. Cameron sitting on the application.

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Mr. Gleason said the existing house is a dilapidated structure on a lot with a right-of way accessing the adjacent lot. The lot was created in the 1960's. They are proposing to tear the house down and re-build the same distance from the property line. He said the EPC has not exercised jurisdiction before over this part of the Five Mile River which is tidal. He provided copies of other projects within 100 feet of the water which were approved without EPC review. He said that, since the Commission is exercising jurisdiction, they will show that there are no impacts.

Matt Popp of Environmental Land Solutions said the wetlands on the property are below a stone wall and below elevation 6.8. Leonard D'Andrea of Rocco D'Andrea, Associates provided a photograph of the stone wall along the edge of the tidal wetland. Ms. Cameron asked if there would be trees removed. Mr. D'Andrea said they are using the existing footprint of the house to avoid trees. There will be approximately 10 removed for construction. They are proposing to replace some. He said they are providing storage and treatment for the first one inch of rainfall and they are providing a rain garden.

Mr. Gleason said they are proposing to hook up to the Town sewer. Mr. Hutchison asked if the retaining walls would impact water levels in the flood zone. Mr. D'Andrea said they would not because the waters are Long Island Sound. David Krane, Landscape Architect, said they have attempted to save existing trees and planting new trees including additional screening plantings. Matt Popp said they have prepared a CAM report and the mitigation measures are described in the report. Mr. Flaherty asked if there would be an impact on salt water vegetation just below the wall. Mr. Popp said there would not be enough fresh water to influence the tidal vegetation.

Ms. Cameron asked if there were members of the public who wished to speak. No one requested to speak. Mr. Gleason submitted letters from neighbors stating no objections to the project.

Mr. Flaherty requested the applicant provide a soils report and a FEMA backwater analysis. The Commission continued the public hearing to February 7, 2007.

Mr. Hutchison acted as Chairman and read the next hearing item.

EPC-77-2006 Frank Yorchika and Samuel Starks 6 Robin Hood Lane, proposing to construct a new house and provide wetland enhancements within a wetland and within the upland review area.

Attorney Wilder Gleason represented the applicant. He said they have attempted to address the questions raised by Mr. Hill. He said they have tried to address the issue of not increasing flow to the Hill property. They have added a second 12" pipe and expanded the pond area. They have added a stone wall on the side of the drainage swale and shown the stream lined in stone.

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Greg Lieberman, of Stearns and Wheler, said they were concerned that two 12" pipes into the manhole could cause the cover to lift. They are proposing to replace the cover with a grate. He said the stone lined swale would slow flows and allow for percolation. Mr. Gleason said the added swale along the edge of the house was provided to handle runoff in case the pipes do not handle the flow. Mr. Lieberman said they have added a series of underdrains to the backyard. He said the channel is below the grade of the Hill property. Ms. Cameron asked if they removing large trees and replacing trees. Mr. Liberman said they have attempted to save some of the large trees and the new plantings will include additional trees. Ms. Cameron said she has visited the property with Mr. Hutchison and said there is considerable surface water flowing across the property. Mr. Liberman said the proposed wall will surface flow to seep into the stream. Mr. Flaherty asked if they calculated the cuts and fills. Mr. Liberman said there will be a substantial cut to remove the bamboo, which will be replaced with clean fill. Mr. Flaherty asked if there will be more storage on the site after development. Mr. Liberman said yes but it is not quantified in the report. Mr. Flaherty asked if the terrace is included in the drainage calculations. Mr. Flaherty said they are removing wetland and adding lawn and would like to see the benefit to the watershed area and an improvement in the big picture.

Mr. Hutchison asked for public comment.

Mr. Hill of 3 Robin Hood Lane said the water will be closer to his property. He said standing water in the pond will go underground toward his house. Mr. Flaherty asked him to describe the existing watercourse flow. Mr. Hill said it currently flows toward the existing house and overland to his property and down the side of his driveway. Mr. Hutchison asked if Mr. Hill recalled the water that flowed behind Mr. Hill's home before the house was demolished and a much larger house constructed on the property, and had been submitted by Mr. Hill to the Commission during the Fink application review. The stream is now diverted to Robin Hood Lane. Mr. Hill said he would like to see an as-built and a future maintenance agreement.

Mr. Gleason said they have had several conversations with Mr. Hill to try and satisfy his concerns. He said that Mr. Ferlow's report mentions a pond but it is not a permanent pond. Mr. Liberman said the elevation of the pipes will allow the pond to drain out and it will not hold water after a storm.

Mr. Flaherty requested the hearing be left open to receive information on the flood storage capacity. He said he was satisfied that the concern about groundwater moving through the soil to Mr. Hill's basement is not valid.

Mr. Hill said there should be a more detailed construction narrative and expanded construction notes. Mr. Gleason said they could be handled with conditions of approval. Ryan Salvatore said they could not have been more accommodating to Mr. Hill. He said they have offered to let Mr. Hill tie into their drainage system.

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The Commission kept the public hearing open until February 7, 2007 and requested more information on the storage capacity and storage calculations for the watershed. Ms. Cameron acted as Chairman and read the next hearing item.

EPC-80-2006 Ilene B. Grimes, 16 Park Lane, proposing to maintain a drainage ditch and adjacent wetland floodplain by hand excavation.

Mr. and Mrs. Grimes represented themselves. They introduced Rich Regan, P.E., of Rocco D'Andrea Associates. Mr. Hutchison and Ms. Cameron said they visited the site on January 17, 2007. Mr. Regan said he considers the work that was done to be ditch maintenance. He said the Grimes bought the property three years ago and wanted to clean the ditch. He said it should have been piped. He said it is in a flood plain with very little pitch to the river. He said it does not have a lot of value as a wetland resource. He said Mrs. Grimes asked him to look at the tree on the Grimes property. Ms. Cameron said she concurs with his report that the tree falling is not directly related to the ditch work. Mr. Kenyon said the Town map does not show wetlands on the property.

Ms. Cameron asked if there were members of the public who wished to speak.

Inge Blighe represented Mrs. Trohan of 8-10 Park Lane. She introduced Greg Liberman of Stearns and Wheler. Mr. Liberman said there would be a velocity increase from the ditch excavation and the increase in velocity could impact the Trohan property. Ms. Blighe said the Grimes have defaced the wetland. She said her mother's property is the most vulnerable. She said they had never had flooding in 50 years. She said there was no channel previously. Ms. Cameron provided a 2003 aerial photo showing the watercourse. Mrs. Trohan said there was a ditch previously but it was only 8 inches wide. She provided photos of here property from June and July 2006.

Mrs. Grimes said she would like to respond to Mr. Woodsides's letter. She said they did not clear trees. Mr. Regan said the ditch did not cause more erosion. He said if there was an increase in the cross-sectional area of the ditch the velocity would go down. Mr. Flaherty said there has been a significant increase in rainfall over the previous year.

Ms. Bleighe said she would like to see the property restored. Ms. Cameron said that would involve putting the road sand back in the ditch. Mr. Liberman said flows would increase and there should consideration of the ditch along the entire length. Ms. Cameron and Mr. Hutchison noted dumping in the river of concrete and household fixtures on the river abutting the Trohan property. Mrs. Trohan claimed responsibility for some of the items.

Mr. Grimes said there were no trees removed. Ms. Cameron requested clarification from staff regarding the tree removal on the property. She made a motion to close the public hearing. Mr. Hutchison seconded the motion and it passed unanimously.

Ms. Cameron read the next hearing item.

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EPC-85-2006 John P. Gallagher and Tricia Gallagher, 49 Deepwood Road, proposing to construct a replacement house and related construction activities within the upland review area.

The Commission opened the public hearing and continued it to February 7, 2007.

EPC-91-2006, Friends of Goodwives River, 81 Broadside Road, proposing stream dredging and wall repair.

Mr. Flaherty said he met with Mr. Windels at the site to review the project. He said he was concerned with the cause of the erosion. He said they had agreed to three stipulations for the permit approval. 1. Removal of the topmost weir board. 2. Remove the added section of stone masonry under the bridge abutments. 3. Remove the bridge and, if it is replaced, provide new foundations to allow the bridge to span the channel. Mr. Flaherty made a motion to approve the application with the above stipulations. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Flaherty made a motion to adjourn. Mr. Hutchison seconded the motion and it passed unanimously.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,

Richard B. Jacobson  
Environmental Protection Officer