

ENVIRONMENTAL PROTECTION COMMISSION
EXECUTIVE SESSION/GENERAL MEETING/PUBLIC HEARING
MEETING MINUTES
FEBRUARY 15, 2006

6:30 P.M.
Executive Session
Room 213

Executive Session with Counsel and staff to discuss pending litigation.

Chairman Hillman made a motion at 6:40 p.m. to go into Executive Session to discuss pending litigation. The motion was seconded by Reese Hutchison.

Members Present: Chairman Hillman, Reese Hutchison, Robert Kenyon, Ellen Kirby, Craig Flaherty

Staff Present: Jeremy Ginsberg, David Keating, Richard Jacobson,.

Also Present: Attorney James Murphy and Attorney Wayne Fox.

The Executive Session ended at 7:05 p.m.

General Meeting

The General Meeting was called to order at 7:15 in the Auditorium.

Members Present: Chairman Peter Hillman, Craig Flaherty, Reese Hutchison, Robert Kenyon, Ellen Kirby, Susan Cameron (7:30).

Commission Staff Present: Richard Jacobson, David Keating

Court Reporter: Bonnie Syat

Planning & Zoning Referral: 6 Cross Road

Ellen Kirby and Reese Hutchison reviewed the application and presented a memo to the Planning & Zoning Commission. Staff will forward the memo to the Planning & Zoning Commission.

Old Business:

Chairman Hillman read the first agenda item:

EPC 105-2005, Wilder G. Gleason, Esq., on behalf of Paul & Diane Reilly, 33 Birch Road for Cherry Lawn Park, Brookside Road, Proposing to implement a remediation plan for Cherry

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Lawn Park and perform related site development activities within a regulated area. The subject property is located on the west side of Birch Road, approximately 300 feet south of its intersection with Point O Woods Road, and is shown on Assessors Map #11 as Lot #4-5. The property where the activity is proposed to occur is Cherry Lawn Park, located on the east side of Brookside Road, and is shown on Assessors Map #11 as Lot #31.

The Commission reviewed the draft Resolution and added a condition that Sue Swiatek of Park & Recreation must sign off on the work before it begins. A motion to approve by Mr. Hutchison, seconded by Mr. Flaherty was approved unanimously.

EPC 106-2005, Wilder G. Gleason, Esq., on behalf of Terrance & Cara Ganser, 9 Windsor Road, Proposing to raze the existing residence and construct a new residence; including removal of an existing patio, and perform related site development activities within a regulated area. The subject property is located on the west side of Windsor Road, approximately 300 feet south of its intersection with Greenleaf Avenue and is shown on Assessors Map #26 as Lot #69.

The Commission discussed whether a bond would be necessary on the project. In lieu of a bond, they will condition the sign-off on the C.O. upon completion of the plantings. A motion to approve the draft Resolution by Craig Flaherty, seconded by Mr. Hutchison was approved unanimously.

Chairman Hillman read the next agenda item:

EPC 6-2006, Lance E. Zimmerman, A.I.A on behalf of Annie and Greg Henry, 21 Richmond Drive, proposing to construct an addition to the residence and alterations to an existing driveway within a regulated area. The subject property is located on the north side of Richmond Drive approximately 1100 feet north and east of the intersection of Richmond Drive and Boston Post Road and is shown as Tax Assessor's Map #13 as Lot #15.

A motion to approve the draft Resolution by Chairman Hillman, seconded by Ellen Kirby, was approved unanimously.

Chairman Hillman read the next agenda item:

EPC 8-2006, Wilder Gleason Esq. on behalf of Douglas R. & Rebecca A Munro, 102 Rings End Road, proposing to connect to the Town sanitary sewer and associated earth disturbance, a portion of which will be within 100 feet of Gorham's Pond,. The subject property is located on the south side of Rings End Road approximately 300 feet west of the intersection of Rings End Road and Goodwives River Road and is shown on Tax Assessor's Map #51 as Lot #1 and 2.

The Commission decided to put this application on the March 1st agenda so that Mr. Gleason can be present.

Chairman Hillman read the next agenda item:

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EPC 12-2006, David & Tina Madon, 15 Shennamere Road, proposing excavation to remove underground oil storage tank and construct an addition to enclose a replacement above-ground tank within the regulated area. The subject property is a rear lot located on the west side of Shennamere Road approximately 500 feet south of the intersection of Shennamere Road and Contentment Island Road and is shown on Tax Assessor's Map #68 as Lot #10.

Mrs. Madon represented the applicant.

The Madons are proposing to remove an oil tank which is 20 years old. They do not want to have a new tank above ground without an enclosure because of the cold temperatures. The tank will be inside an addition to the house.

At the present time, they do not know how much soil will need to be removed until the soil can be tested. They would eventually like to fence in the yard area. Chairman Hillman requested that an additional dogwood be planted on the property. Mrs. Madon said they will include plantings at the time of their next application.

Ms. Cameron asked if the tank could be filled with sand instead of being removed. Mrs. Madon said there is no way to access the tank because of the tight quarters. Chairman Hillman asked if this application required Planning & Zoning approval. Mr. Keating replied no. There is a flood plain elevation to comply with and the tank will require the Fire Marshal's approval.

A motion to approve the application by Chairman Hillman, seconded by Mr. Flaherty, passed unanimously.

Chairman Hillman read the next agenda item:

EPC 13-2006, Stearns & Wheeler Inc. on behalf of Michael and Seana Turner, 47 Knollwood Lane. The applicant proposes connecting to an existing storm drain in Knollwood Lane to alleviate a flooded foundation. A small portion of the excavation in the Road is within 50 feet of a watercourse. The subject property is within Knollwood Lane 55 feet west of the watercourse and approximately 800 feet west of Mansfield Avenue.

Mr. Gary Dufel from Stearns & Wheeler presented the application. He stated they were called in when the basement was flooded during construction. They found that galleries outside the basement were fed by sump pumps and advised their client that the steady flow of water to the galleries was a poor practice. The Town stopped them from pumping into the street because of icing conditions. They are now paying for pumping to the sanitary sewer.

In the long term, they are proposing galleries near the front of the property. He said the only way to get the water off the site is to drain it away from the storm drain which is not in front of the house but down the road. They are proposing to put in a drain line from the existing catch basin to the Turner property. A sump pump will be pumped to the new storm sewer. Roof water

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will be directed to galleries with a high level overflow to the storm drain. All construction will be built to Town standards.

Mr. Hutchison asked if the EPC reviewed the application for the galleries. Mr. Dufel answered that the architect handled the design of the galleries.

Ms. Cameron asked what caused the water level to be so high. Mr. Dufel responded that the Turner property has received a lot of rain. Also, the galleries were placed too close to the house and the roof drains were directed to the ground surrounding the foundation.

Ms. Kirby stated she does not feel the plans are adequate. The Chairman said that Stearns & Wheler plans are usually very detailed. Mr. Dufel replied that they submitted the plans because the situation is somewhat of an emergency. He stated that all of the work is within the Town's roadway. He said he only has a general knowledge of the gallery locations but he does not believe they are within a regulated area.

Mr. Flaherty requested more information because of the close proximity of the catch basin to the stream. The same number of galleries as are existing will be placed in the front of the property. Chairman Hillman requested that the application be continued to the March 1st meeting to obtain more storm water management information.

Mr. Hutchison asked if the new basement elevation was at the same elevation of the existing basement. Mr. Dufel said it is approximately one foot lower. Mr. Hutchison asked why not pour one foot of concrete in the basement and maintain the existing hydrology. Mr. Dufel responded that they will still need footing drains and a high level overflow from the galleries. They are only proposing to put as much drainage into the system as appropriate. Mr. Hutchison asked if pouring the concrete would reduce the overall flow to the system. Mr. Dufel answered that the ground water table continually fluctuates. Mr. Hutchison stated that an 8 foot basement may not be appropriate.

The Chairman requested that the applicant discuss alternatives at the March 1st meeting.

Mr. Dufel stated that in order to provide no net increase in runoff, they will require galleries and the galleries need a high level overflow for a 50 year storm. There will be only a slow and steady increase in water flow to the system. Ms. Cameron asked how much of an increase will there be. Mr. Dufel stated that it is unknown because the ground water elevations are unknown. He stated that he could tell how much water is being put into the sanitary sewer at this time based on the metering they are doing.

Mr. Hutchison said that Mr. Dufel should advise his client that a sump pump may fail during a power failure and they will need a generator. Mr. Dufel said the client has been advised. Mr. Dufel said he will provide a better definition of the existing galleries, the location of the new galleries and an estimate of the water being pumped. They will also consider placing more concrete in the basement and come up with the best site plan possible.

Public Hearing began at 8:05 p.m.

Chairman Hillman read the next agenda item:

EPC 2-2006, Laurie Stuek, 22 Driftway Lane, proposing demolition of the existing residence and construction of a replacement building and modified driveway and related site development activity within a regulated area. The property is located on the east side of Driftway Lane approximately 1300 feet south of Tokeneke Road and is shown on Assessor's Map #66 as Lot #122.

Because of an error in the mailings to adjacent property owners, the Commission opened the public hearing and continued the hearing to March 1st.

Chairman Hillman read the next agenda item:

EPC 107-2005, John R. Mastera, Architect, AIA, on behalf of Thomas & Joanne Woodring, 11 Edgehill Drive, Proposing to construct additions and alterations to the existing residence and perform related site development activities within a regulated area. The subject property is located on the south and east sides of Edgehill Drive approximately 450 feet east of its intersection with Searles Road, and is shown on Assessor's Map #67 as Lot #38.

John Mastera represented the applicant. Mr. Mastera said the house was originally built as a summer cottage in 1910. The flood plain wraps around the house and leaves only a small area to place the addition. The Zoning Board of Appeals denied their application, however, they intend to re-apply and change the height of the structure.

Chairman Hillman asked how far away is the work from the wetlands. Mr. Mastera responded 26 feet and that the existing house is currently also 26 feet.

Mr. Flaherty asked about the location of the existing septic system. Mr. Mastera stated that there are two drains which are existing which will be permitted to remain if a new septic system is ever required to be installed. At that time, it would be required that the pipes be replaced with tight jointed pipe. The existing storm drains from the driveway and the road discharge to tidal wetlands.

The Commission discussed the definition of mean high water. Mr. Hutchison asked why the elevation of 4.3 was being used rather than the 4.5 elevation. Mr. Flaherty said that the mean high water and 100 foot setback can be defined locally and is most likely higher. He said that some of the areas of inland wetlands may actually be tidal wetlands.

Mr. Flaherty stated that the septic design is to prove that expansion is possible. He has concerns about the living filter being only 62 feet from the wetland. He questioned whether it was

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appropriate to expand the existing use given the close proximity of the possible septic to the regulated area. Mr. Mastera responded that the house is currently three bedrooms and that the proposed square footage addition is for office space. There will be no increase in bedrooms. He said the Commission cannot make an assumption that the house will eventually become 4 or 5 bedrooms. Commission members challenged that assumption. The Commission will include language in the approval regarding the number of bedrooms not being expanded or the office space not becoming habitable.

Ms. Cameron asked if the living filter would be too small for 4 or 5 bedrooms. Mr. Flaherty said that if the septic system fails it will be good they will have an emergency design in place. Mr. Mastera stated that a new septic will require a detailed design if it is ever required to be constructed, and will have to be presented to the Health Department and Environmental Protection Commission. He said his clients are only asking to maintain what they have.

Mr. Hutchison said that the design is artistic and does not max out the square footage on the property. He suggested advisory comments should be included in the approval regarding conserving water to the extent possible.

The Chairman closed the public hearing and requested the staff to prepare a permit Resolution with caveats regarding the expansion of bedrooms in the house.

Chairman Hillman read the next agenda item:

EPC 3-2006, Christopher and Debra Seitter, 459 Mansfield Avenue, proposing to construct a swimming pool within a regulated area. The property is located on the west side of Mansfield Avenue approximately 800 feet north of Half Mile Road and is shown on Assessor's Map #2 as Lot #34-3.

Brandon Jones with Glen Gate Company and William Kenny with William Kenny Associates representing the applicant.

Mr. Jones said there are two wetlands systems in a conservation easement on the property. The easement was established in 1998 by the Environmental Protection Commission. The pool does not encroach on the easement but the pool patio does encroach on the regulated area. The southeast wetland is up slope from the pool and is 34 feet at the closest point from the wetlands. The westerly wetland and watercourse is 76 feet from the pool at the closest point. The grading does not encroach into the easement.

Chairman Hillman asked if the applicant was presenting the alternative pool location. Mr. Jones answered that the alternative shows a 20% reduction in the area of the pool and they have added wetland plantings. He also said that the intent of the design was to lessen any impact to the southeast wetlands. Ms. Cameron asked if it is possible to keep the pool out of the regulated area. Mr. Jones answered no. He said that the pool is currently against the building setback. He said they do not want to go to the Zoning Board of Appeals.

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Mr. Hillman asked about the address of the property being 455 in 1998. Mr. Jones answered that the property was developed into three lots at that time. Mr. Hillman requested copies of the minutes from the February 4, 1998 meeting of the EPC in order to get a sense of the previous Commission's findings regarding the conservation easement.

Mr. Kenny, wetland scientist and soil scientist, said that the earlier approval intended to use the southeast wetlands for storm water management. He said that wetland is currently collecting storm water from two other lots. Mr. Flaherty asked if this wetland is currently lower in functional values. Mr. Kenny replied that it definitely is now.

The Commission asked about the potential impacts from the pool construction and the impervious surfaces. Mr. Kenny said the potential for impacts is very minimal. He said the plans consider protecting the more valuable wetlands and the pool is a significant distance from the most valuable wetland areas.

Ms. Cameron asked if they considered a berm or a rain garden at the top of the slope surrounding the pool. Mr. Jones said they would be open to reconfiguring the swales to control runoff. Ms. Cameron said that they should consider improving the southeast wetlands. Mr. Kenny responded that they would consider plantings in that area.

Mr. Kenyon asked if the applicant had considered alternatives to avoid wetlands. Mr. Jones responded that because of the grade constraints and building setbacks, they feel they have reached the best alternative. Mr. Hillman suggested that they might consider the no-build alternative. The Commission requested revised plans showing improvements to the less viable wetlands.

The Commission requested a copy of the conservation easement for the property.

Chairman Hillman asked members of the public if they wished to speak on this application.

Robert Lovegrove of Valley Forge Road stated that soil experts from previous applications decided that the soils were o.k. for a new home. He said the house has not had any impact and he feels the easements protect the area. He said he does not believe the pool will impact the area. He would like a buffer from nighttime activities. He said the wetland has not changed since the subdivision was constructed.

The Commission continued the public hearing to March 1st.

Chairman Hillman read the next agenda item:

EPC 108-2005 – Tokeneke School Building Committee, 7 Old Farm Road, represented by Metcalf & Eddy, Inc., proposing to demolish the existing elementary school buildings and construct a replacement elementary school with associated grading, athletic fields, and parking

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areas and to perform related site development activities within a regulated area. The property is located at the southeast corner formed by the intersection of Tokeneke Road and Old Farm Road and is shown on Assessor's Map #65 as Lot #23.

Mr. Flaherty recused himself from this application and left at 9:00 p.m.

Attorney Bruce Hill represented the applicant. The Chairman stated that since the last public hearing, that he, Mr. Kenyon, Ms. Kirby and Susan Cameron have all been back to visit the site. He said the trees have been flagged as requested.

Chairman Hillman said that the February 15th revision from Metcalf & Eddy significantly improves the application. He said the proposal appears to go a long way toward addressing the Commission's concerns. He asked if the storm water engineering design had been reviewed by the Town Engineer. Mr. Keating confirmed that the Town Engineer had reviewed and approved the design.

Mr. Gary Simard from Metcalf & Eddy described the new proposed design. He described the existing conditions for storm water flow distribution, the originally proposed conditions and the alternate proposed conditions.

Ms. Cameron asked if the old clay pipe could be replaced. Mr. Simard said that he felt that would require significant tree removal. Ms. Cameron said that Mr. Oustafine suggested that the pipe could be installed without significant tree removal.

Mr. Simard described the protection at the outfall of the pipes. Ms. Cameron asked how sand will be removed and cleaned out. Mr. Simard replied that there is room to install a plunge pool which would act as a sediment forebay for removal of sand and an energy dissipater.

Mr. Simard discussed the need for tree removal. He said the 18 inch oak does not need to be disturbed and that only one 10 to 12 inch poplar will need to be removed.

Mr. Hill addressed the question of fencing along the rear of the playing field and adjacent to the wetland buffer. He said the Building Committee does not feel that a chain link fence or wire fence is appropriate for safety reasons. He suggested that a split rail type fence would make more sense.

Mr. Hill discussed the Commission's request for an independent monitor of the erosion and sediment controls. He said their estimate for the cost is \$29,000.00 which they would rather not spend. He requested that the Commission not impose that condition going into the project but give them an opportunity to meet with staff or a subcommittee of the Commission during construction to address erosion and sediment controls.

Ms. Cameron suggested that a member of the Building Committee be assigned to walk the property with staff. She is concerned with the additional paper work that inspections would

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generate for staff. Mr. Hill said that the Building Committee will assume responsibility for the paper work.

The Commission discussed a condition that only should it become necessary, the condition requiring a site monitor would take effect. They also discussed the need for inspections after storm events with staff or members of the sub-committee.

The Commission concluded the hearing at 9:30 p.m.

The Commission continued discussing the Tokeneke School project. Chairman Hillman thanked Mr. Hill, Mr. Simard and his staff and the Building Committee for their cooperation throughout the process.

The Commission noted that the new plan provides a decrease in impervious surfaces and with the addition of the splash pools there will be the ability to clean sand within the sediment forbay. Mr. Kenyon suggested that the Commission reserve the right to require a site monitor at their sole discretion.

The Commission discussed the need for regular site visits with the staff and EPC members, the site manager and representatives of the Building Committee as a condition. New plans will reflect the changes proposed on February 1st. The Chairman requested language in the approval regarding the cooperation of the applicant.

Motion to approve the application by Mr. Kenyon, seconded by Ms. Cameron. Approved unanimously.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer