

ENVIRONMENTAL PROTECTION COMMISSION
SPECIAL MEETING/PUBLIC HEARING
DRAFT MINUTES
October 4, 2006

Room 206

Wednesday, October 4, 2006 7:30 p.m.

Town Hall

Chairman Hillman called the meeting to order at 7:30 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Craig Flaherty, Ellen Kirby, Pete Kenyon, Reese Hutchison, and Ned Lewis (7:40)

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-67-2006, Whole Foods Market, 150-152 Ledge Road, proposing regrading, parking lot construction, drainage, and landscaping associated with the construction of a commercial development within the upland review area. The property is located at the northeast corner of the intersection of Ledge Road and Boston Post Road and is shown on Assessor's Map #39 as Lot #'s 23 & 24.

Mr. Flaherty was recused on this item.

Mr. Hillman said the application is significant enough to warrant a public hearing. Ms. Cameron asked the applicant to consider an alternative which would preserve more of the wooded area to be converted to parking within 100 feet of the watercourse. Mr. Hutchison asked the applicant to consider more planting between the parking and the wetland. The Commission scheduled this application for a public hearing on November 1, 2006.

Mr. Hillman read the next agenda item.

EPC-30-2006, Jeffery Guice 36 Arrowhead Way, requesting bond release

The applicant is requesting release of the performance bond. A motion was made by Mr. Hillman to release one-half of the bond and seconded by Mr. Hutchison. The motion passed unanimously.

Mr. Hillman read the next agenda item.

EPC-46-2006, Darien Board of Education, 80 High School Lane, proposing to convert a natural turf baseball field to a synthetic turf field within the upland review area. The site is located on the north side of High School Lane approximately 750 feet west of the

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 2 of 8

intersection of High School Lane and Middlesex Road and is shown on Assessor's Map #9 as Lots #80 and #81.

The Commission discussed the proposed resolution to approve the application and the conditions of approval.

The Commission discussed the concerns raised during the public hearing about flooding along Stony Brook. Ms. Cameron said the public is of the opinion that the EPC can solve the flooding and dredging problems. Mr. Hillman asked staff to draft a letter to the Selectmen and others regarding the need for the Town to address the problem. Mr. Flaherty said this was not the only area of flooding. He said the problem is development creep and the Town needs regulations regarding storm water controls.

Mr. Flaherty made a motion to approve the application with conditions as amended. Mr. Hutchison seconded the motion and it was approved unanimously.

Mr. Hutchison left the meeting at 7:50.

Mr. Hillman read the next agenda item.

EPC-62-2006, Sandra Kirchoff, 5 Seagate Road, proposing landscaping, removal of invasive species, and planting native species within a wetland and upland review area. The site is located on the west side of Seagate Road approximately 100 feet south of the intersection of Seagate Road and Boston Post Road and is shown on Assessor's Map #53 as Lot # 57.

Katherine Kamens, Landscape Architect represented the applicant. She said the proposal involves removing invasive plant species and replanting with native plants. The small pond and wetland will be added to the Town Wetland Map at the next update. Mr. Flaherty made a motion to approve the application. The motion was seconded by Ms. Cameron and approved by a vote of 6-0.

Mr. Hillman read the next agenda item:

EPC-63-2006, David Mordy, 33 St. Nichols Road, proposing installation of water and sewer connections within a regulated area. The site is located on the north side of St. Nichols Road approximately 850 feet west of the intersection of St. Nichols and Mansfield Avenue and is shown on Assessor's Map #6 as Lot #100.

Mr. Mordy represented himself. Mr. Kenyon said he knows Mr. Mordy but he believes he can be impartial. Mr. Mordy said the soils were mapped and incorporated on the survey. The proposed trench will involve 40 feet of temporary disturbance for the trench. Mr. Flaherty asked about tree removal. Mr. Mordy said one 10" tree and some saplings will be removed. Mr. Kenyon asked if the pond on the survey still exists. Mr. Mordy said yes. Mr. Kenyon asked about hooking up to the sewer in St. Nichols Road. Mr. Mordy said

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 3 of 8

that route would require excavating a trench through a wooded area twice as far away and there is no existing lateral hook-up in St. Nichols Lane. Mr. Hillman requested that the approval include a description of why that alternative was rejected. Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed 6-0.

Ox Ridge Hunt Club-512 Middlesex Road requesting permission to replace topsoil within horse paddocks as a permitted farming or agricultural use (section 4.1.a).

Michael Griffin represented the Hunt Club. Mr. Hillman said the proposal meets the requirements of an agricultural use and the Commission can require erosion controls and phasing. Mr. Flaherty asked Mr. Griffin if they have a manure management plan to prevent contaminated runoff from reaching the stream. Mr. Griffin said yes. Mr. Hillman made a motion to approve the activity as an agricultural use. The motion was seconded by Mr. Lewis and passed 6-0.

Mr. Hillman read the next agenda item:

EPC-65-2006, David and Jane Ott, 83 Delafield Island Road, proposing landscaping and stone wall repairs within an upland review area. The site is located on the south side of Delafield Island Road on the east side of the intersection of Delafield Island Road and Ryders Lane and is shown on Assessor's Map #70 as Lot #2.

David Verespy, Landscape Architect represented the applicant. He said they are proposing landscaping and re-building steps. He said there will be additional plantings added along the grass path on the side of the stream. Ms. Cameron asked if there would be any blasting. Mr. Verespy said no. Mr. Hillman made a motion to approve the application. The motion was seconded by Mr. Flaherty and passed 6-0.

Mr. Hillman read the next agenda item.

EPC-85-2005, David Epprecht, 5 Dogwood Lane, Amendment to permit on behalf of new owners, J. Baron Land Corp.

Mark Andriuk represented the applicant as the new owner. Mr. Hillman said the proposed plan is an improvement over the original application. Ms. Cameron said there will be some temporary impact within the upland review area. Mr. Flaherty asked if the septic system is proposed to remain the same. Mr. Andriuk said yes. Mr. Hillman made a motion to approve the amendment. The motion was seconded by Ms. Cameron and passed 6-0.

Mr. Hillman read the next agenda item:

EPC-45-2005 John Sini, 36 Birch Road, requesting 50% bond release

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 4 of 8

Mr. Lewis made a motion to approve the bond release. Mr. Flaherty seconded the motion and it passed 6.0.

Mr. Hillman read the next agenda item:

EPC-68-2006, Greg and Kelly Lesko, 11 Hummingbird Lane, proposing to dredge a pond. The property is located on the west side of Hummingbird Lane approximately 900 feet south of the intersection of Hummingbird Lane and Hansen Road and is shown on Assessor's Map #9 as Lot #4B.

Richard Windels represented the applicant. He described the project and the proposed removal of accumulated sediments around the inflow and outflow of the pond. The material removed will be used on the lawn area. Ms. Cameron made a motion to approve the application. The motion was seconded by Mr. Hillman and passed unanimously.

Mr. Hutchison returned at 8:30.

Mr. Hillman read the next agenda item:

EPC-49-2006, Kent and Lisa Eppley, 20 Driftway Lane, proposing to construct a two bay garage within the upland review area. The subject property is located on the east side of Driftway Lane, approximately 200 feet northeast of its intersection with Tokeneke Road, and is shown on Assessor's Map #66 as Lot #121.

The Commission discussed the draft resolution and made minor changes. Mr. Flaherty made a motion to approve the application. The motion was seconded by Mr. Kenyon and passed unanimously.

Mr. Hillman read the next agenda item:

EPC-47-2006, James and Margaret Batson, 26 Old Oak Road, proposing demolition of an existing residence and construction of a new residence within the upland review area. The property is located on the south side of Old Oak Road approximately 380 feet north of the intersection of Old Oak Road and Leeuwarden Road and is shown on Assessor's Map #29 as Lot #129.

Mr. Hutchison was recused for this application.

Ms. Cameron said the proposal was reasonable. The Commission discussed the draft resolution. Ms. Cameron made a motion to approve the application. The motion was seconded by Mr. Flaherty and passed 6-0 (Mr. Hutchison was recused).

Mr. Hillman read the first public hearing item at 8:40

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 5 of 8

EPC-55-2006, Yung Ho and Young Ai Choi, 700 Hollow Tree Ridge Road, proposing to construct a garage addition within the upland review area. The property is located at the northeast corner of the intersection of Hollow Tree Ridge Road and Hancock Lane and is shown on Assessor's Map #2 as Lot #73.

The public hearing was opened and continued until November 1, 2006.

Mr. Hillman read the next hearing item.

EPC-61-2006, Joseph and Maria Teresa Criscuolo, 95 Hoyt Street, proposing driveway construction within a regulated area. The site is located on the east side of Hoyt Street approximately 80 feet north of the intersection of Hoyt Street and Miller Road and is shown on Assessor's Map #29
Lot # 47

Attorney Arthur Engle represented the applicant. The Commission requested additional information regarding alternatives and the source of water flowing from the ground across the property. The Commission continued the public hearing until November 1, 2006.

Mr. Hillman read the next hearing item.

EPC-64-2006, Delafield Island Tax District, Sunswyk Road, Tory Hole Road, Redcoat Pass, and Morley Lane, proposing maintenance and enhancement of drainage systems. The work areas are shown on Assessor's Maps 62, 63, and 70

Mr. Lewis was recused for this application.

Todd Ritchie, P.E. from Stearns and Wheeler and William Battey, President of the Tax District, represented the applicant. Mr. Hillman said he is friends with Mr. Battey but he can be impartial in reviewing the application. Ms. Cameron said she has done computer work for Mr. Battey but she can be impartial.

Mr. Ritchie described the proposed maintenance activities and new stormwater system components. Mr. Hillman asked when the system was last maintained. Mr. Battey said he did not know but it was many years ago. Mr. Flaherty asked who is responsible for plowing and sanding the roads. Mr. Battey said a private company. Mr. Flaherty suggested they look into using straight salt. The DPW is using salt only on Town Roads.

Mr. Flaherty asked if they have considered a more frequent maintenance plan. Mr. Battey said they are planning to include money in the budget. He said they were planning on a yearly review of maintenance requirements. Ms. Cameron asked how much material would be placed within 50 feet of the wetlands and if the depth of the material could be limited to 6". Mr. Flaherty suggested a condition that no trees be removed and the fill be limited to 6-12" to avoid damage to the trees.

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 6 of 8

Mr. Hillman asked if there was any member of the public who wished to speak. Seeing none, he made a motion to close the public hearing. The motion was seconded by Mr. Hutchison and passed 6-0. Mr. Hillman requested staff draft an approval with conditions.

Mr. Hillman read the next hearing item:

EPC-58-2006, Town of Darien Department of Public Works, 1723 Boston Post Road, proposing replacement and enlargement of a sewer force main within an upland review area. The site is located on the north side of Boston Post Road approximately 550 feet west of the intersection of Renshaw Road and Boston Post Road and is shown on Assessor's Map #42 as Lot #7.

Darren Oustafine, P.E., Assistant Director of Public Works represented the applicant. He described the project which involves replacing 1600 feet of sewer force main. He described the existing infiltration problems which require the replacement including overflows to Stony Brook in heavy rains. Mr. Kenyon said he was concerned with heavy rains while the trench is being dug and whether the erosion and sediment controls will be adequate. Mr. Oustafine said that because the work is in the middle of the Post Road they cannot stockpile material. The trench must be backfilled and paved as they go.

Mr. Hillman asked if there was any member of the public who wished to speak.

Vince DeRentis asked the Commission to make sure the paving is done correctly. There are currently areas of the Post Road which where the paving is not sloped correctly. Mr. Oustafine said they will pave in accordance with the requirements of the State DOT.

Seeing no other members of the public who wished to speak, Mr. Hillman made a motion to close the public hearing. The motion was seconded by Mr. Hutchison and passed unanimously. The Commission discussed the application briefly and requested staff to draft an approval.

Mr. Hillman read the next hearing item:

EPC-59-2006, Christian & Kathleen Browning, 17 Greenwood Avenue, proposing replacement of an existing residence and related construction within an upland review area. The site is located on the west side of Greenwood Avenue approximately 500 feet north of the intersection of Greenwood Avenue and Camp Avenue and is shown on Assessor's Map #8 as Lot #146.

Mark Lebow of William Seymour Associates represented the applicant. He said the footprint of the existing house is 917 square feet. The new house will be 1930 square feet. The alternatives included expansion and remodeling or tearing down and building new. The existing house has a nonconforming side yard and non-conforming parking. The existing lawn near the river is not meticulously maintained. The site is a tranquil setting

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 7 of 8

except for the condominiums across the river. There is no activity within 50 feet of the wetland. The new house will encroach 25 feet into the 100 foot upland review area from the Noroton River. Ms. Cameron asked if they have considered a rain garden instead of infiltrators. Mr. Lebow said they were concerned about the topography. Mr. Flaherty asked if the infiltrators and grading will extend the useable area closer to the river. Mr. Lebow said the intent is to create a less maintained area with plantings. Ms. Cameron asked if they have considered a fence or line of boulders to demarcate the planted area. Mr. Lebow said the owner would like to have access to the River. Mr. Flaherty asked if they had considered a different surface on the driveway in front of the garage. Mr. Lebow said they were concerned with the slope and erosion. He said they would consider a rain garden at the edge of the driveway.

The Commission continued the hearing until November 1 to allow the applicant to revise the plans.

Mr. Hillman called the next hearing item:

EPC-60-2006, Robert F. Maslan, Jr., Esquire, 1014-1020 Boston Post Road, proposing construction of a commercial/residential building and related development activities within an upland review area. The site is located on the east side of Boston Post Road approximately 200 feet north of the intersection of Corbin Drive and Boston Post Road and is shown on Assessor's Map #72 as Lot #'s 11 & 12.

Attorney Robert Maslan represented the applicant. He introduced the design team including Matt Popp of Environmental Land Solutions, Richard Kent of Environmental Design Associates, Jay Vilade, Architect, Eric Lindquist of Tighe and Bond and Dave Turner, remediation specialist. Mr. Maslan said the regulated activities are within 50 feet of the stream. There are no wetland soils on the property. David Genovese presented an overview of the project. Mr. Maslan submitted photos of the property and letters of support from adjacent property owners.

Mr. Popp said the upland review area includes a wooded area with piles of fill and invasive species. He said the storm water system will include Vortech chambers, catch basin sumps and storage. Mr. Lindquist said the stormwater system is designed to meet or exceed Town standards. Mr. Popp said there will be native shrubs planted along the stream. He said lighting will be designed to shine low in the stream area. Mr. Lewis asked if the project will improve the condition of the watercourse. Mr. Popp said the planting of the buffer with trees and shrubs will improve the watercourse. Mr. Hillman asked about the amount of flow to the stream. Mr. Lindquist said it will be about the same. Ms. Cameron said she thought there were possible additional planting areas and is concerned about the increase in impervious surface due to the removal of the wooded area. Mr. Flaherty said there was an opportunity to improve water quality.

Mr. Hillman asked if there were any members of the public who wished to speak.

ENVIRONMENTAL PROTECTION COMMISSION
DRAFT OCTOBER 4, 2006 MEETING
MEETING MINUTES
Page 8 of 8

Attorney Al Tibbets, representing the adjacent owner of the Exxon station said his client was concerned groundwater impacting his underground tanks. He asked that the applicant take all steps possible to prevent leaks.

Mr. Turner described the groundwater remediation process. Mr. Lindquist said there will be no increase in groundwater flow.

Seeing no other members of the public who wished to speak, Mr. Hillman made a motion to close the public hearing. The motion was seconded by Mr. Hutchison and passed unanimously.

The Commission discussed having a special meeting on October 11 to deliberate on the Stefanoni application.

The meeting adjourned at 11:35 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer