

**ENVIRONMENTAL PROTECTION COMMISSION
MINUTES
GENERAL MEETING/PUBLIC HEARING
March 2, 2005**

Room 206, Town Hall

7:30 PM

Commission Members Present:

Ellen Kirby, Susan Cameron, Nina Miller, Reese Hutchison, Ned Lewis, Peter Kenyon

Commission Staff Present: David Keating

GENERAL MEETING

Chairman Hillman was not present, and Ms. Cameron served as Chair of the meeting. Ms. Cameron began the meeting with Old Business, and read the first agenda item:

Discussion of Sediment and Erosion Controls for the Darien High School Project, EPC-49-2001, Board of Education, 80 High School Lane.

Mr. Canas addressed the commission. He stated that during the past month it had been difficult to care for the grounds or inspect the conditions due to the weather conditions. However, he said that he did notice trash on the grounds and tree pruning and that the contractor was not aware of it, so the school maintenance team might be aware of it. Ms. Miller asked if the school maintenance was responsible for it and Ms. Kirby asked where was the pruning located. Mr. Canas said he was not sure if the school was responsible and the pruning was along the south line.

Ms. Cameron asked if the anti tracking pad had been repaired, Mr. Canas said it was. Mr. Lewis asked Mr. Canas how frequent he or his group visits the grounds and Mr. Canas said every two weeks. There were no further questions of Mr. Canas.

Ms. Cameron then moved on to the next agenda item:

EPC 5-2005 – Darien High School Building Committee, 8 High School Lane. represented by Tighe & Bond, Inc. proposing modifications to the storm drainage system near the varsity baseball field on the east side of the high school site and within regulated area. The property is located on the north side of High School Lane approximately 450 west of the intersection of Middlesex Road and High School Lane and as shown on Tax Assessor's Map #9 as Lot #81.

Mr. Keating said that a draft resolution was distributed to Commission members and that it contained standard wording. In addition, there were things that needed to be discussed. Mr. Kenyon said that condition 11 h says that the permit would be valid for 5 years, but he thought it should expire when Permit 49-2001 expires. Mr. Hutchison said that maybe there should be an amendment. Mr. Keating said that this condition should coincide with the old expiration date and any extension that may have been granted.

Ms. Kirby said that a letter to Cheryl Russell from the Wayne Fox, the Town Attorney, was submitted. Ms. Miller said that she was surprised that she could get a letter from the Town

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Attorney. Ms. Kirby asked if any resident of Darien can do that and Mr. Hutchison said it was submitted, so the Commission can review it on its merits. Ms. Miller said that she thought it needed to go through the RTM Moderator before an RTM member can seek the advice of the Town Attorney. All Commission members agreed that the neighbors needed a venue to express their concerns about the flooding, but the EPC has limited power to help them address the issue.

The EPC Regulations concern impacts to wetlands and watercourse and do not directly regulate the flood issues. Although, by Town Code, the EPC does have the authority of the Flood and Erosion Control Board, the current, adopted regulations do not deal with existing flood conditions nor with flood impacts. Mr. Keating said to do would require a huge undertaking, involving much more engineering than is possible by the current staff. Mr. Hutchison asked if deciding flood issues was based on their discretion, or they needed to have formal regulations in place prior to receipt of an application. It was agreed that regulations would need to be adopted before the Commission could regulate flooding. Ms. Miller said that there are areas of flooding all around town. Mr. Hutchison said that it would be difficult to govern. Ms. Miller asked if there were any changes and if not should they vote to approve. Ms. Kirby said that they should wait until later in the meeting so that Mr. Hillman could sit in on the vote. Everyone agreed, and this matter was tabled until later.

Ms. Cameron then read the next agenda item:

EPC 7-2005 – Anne Pankowski, 17 Mystic Lane, proposing additions and alterations to the residence and related site development activities within the regulated area. The property is located on the southwest side of Mystic Lane approximately 500 feet south of its intersection with Leroy Avenue and is shown on Tax Assessor's Map No. 18 as Lot No. 62.

The applicant has asked for additional time to prepare more detailed plans of the proposed work. Ms. Cameron stated that this item would continue next month.

Ms. Cameron then read the next agenda item:

EPC-110-2004, Woodway Country Club, 540 Hoyt Street (a.k.a. 412 Hoyt Street), proposing dredging of two ponds and maintenance activity within regulated area. The property is located on the west side of Hoyt Street approximately 2,000' north of the intersection of Hoyt Street and Woodway Road, shown on Assessor's Map #9 as Lot #137.

Mr. Pakkala addressed the Commission. He stated that he has been employed for 22 years in his present position and he had prepared a pamphlet with a map to hand out to the Commission, which he then did. Ms. Miller asked if the original application was complete and should this be a public hearing. Mr. Kenyon said that the application needed to follow the usual pattern. Ms. Miller then asked Mr. Keating what his thoughts were on the matter. Mr. Keating said that the Commission should ask Mr. Pakkala any questions they may have on the subject, let him explain and then decide if it warrants a public hearing. If a public hearing is needed then it will be put on the agenda for next months meeting.

Mr. Pakkala went on to explain that there were administrative approvals in 1991 and 1985 for the maintenance of the ponds. The work involves removing silt and sediment that have been trapped in the ponds before the material is able to flow into the Noroton River. Mr. Hutchison asked if it was

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the same work and the dates were just changed. Ms. Miller said that a lot of years have gone by, and the work needs to be done now. Mr. Pakkala said yes, with the motion of the river and the build up of the sand, it has not been dredged since 1991. Mr. Hutchison asked what would be the best time of the year. Mr. Pakkala said that this would be a good time because the ground is frozen solid and truck access to the work area will not cause damage to the grass areas. The work will take 2-3 weeks to complete. Ms. Miller asked if they should move forward. Mr. Hutchison said that with the maintenance work that needs to be done, a public hearing is not needed. With time being an issue, it is worth it to do it now, and because it is the same permit as before he is not hesitant. Ms. Miller asked where would the dredging material be kept. Mr. Pakkala said that it would be trucked to a compost area on the property, about 300 feet from the ponds. The material will be dried, mixed with other material, then used on the golf course property.

Ms. Kirby asked how could this be prevented from happening again in the future. Mr. Pakkala said that he would suggest a silt catch basin just up stream of each pond, and that can be submitted in the plans, but that Mr. Gene Nazarro could better explain it.

Mr. Nazarro said that the silt catch basin would trap the sediment before it reaches the pond. The catch would be easier to clean than the pond and it would be cleaned more frequently. They would have a small stone wall installed in the brook leading to the ponds. This process, he explained, would slow down the sediment build up in the ponds. Ms. Miller asked if this would be a temporary solution and Mr. Nazarro said it can be converted to a permanent condition. Ms. Miller said that they would need to come back to the Commission for a separate permit for the permanent condition. Mr. Nazarro said yes, to show how it has worked. Ms. Miller asked if the material was stone or mesh. Mr. Nazarro said they would use a Gabion, a rectangular shaped basket made of heavy gauge wire that is put in place and then backfilled with stones. Each little silt catch basin would trap no more than 15 yards of sediment.

With respect to the proposed cleaning of the ponds, there would also be a 12–15 foot path of disturbed area. In the spring time water may need to be pumped water from the feeder brook around the pond being dredged. He explained that they use vegetable oil instead of hydraulic oil in the machinery just incase there is a leak. There will be a truck to take away and dispose of the dredged material. Mr. Nazarro continued on to say that, the whole process should take two weeks maximum and four to five days to restore the area.

Ms. Cameron asked if there were any more questions. There were none. Ms. Kirby moved to approve the application for pond dredging/maintenance as submitted and Mr. Hutchison seconded. All EPC members voted in favor of approving the project.

Ms. Cameron said that the Commission would now move onto new business and she read the next agenda item:

EPC-11-2005, Richard Miller, 42 Salisbury Road, proposing additions and alterations to existing residence within regulated area. The property is located on the south side of Salisbury Road, approximately 900 feet west of its intersection with Brookside Road, and is shown on Assessor's Map #5 as Lot #27.

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Mr. Miller addressed the Commission. He started by saying that there exists a wetland area in the northeast corner of the site and a 50 feet setback regulated area. They propose to encroach upon the setback area by removing a front bedroom and they plan to recycle any soil and not stockpile. They would put some foundation in front with a bay window where the bedroom now sits. They plan to stay away from the wetland area. Ms. Cameron questioned whether the front area was their only jurisdiction. Ms. Kirby asked if he was using the soil map of 2003, and there does not seem to be an updated map. Mr. Kenyon said that the applicant's soil survey is at odds with the Town Inland Wetland and Watercourses Map. Mr. Keating said that the Town map shows the eastern third of the site to be wetlands, but the Town map will need to be updated to reflect the more accurate information submitted with the application. Ms. Miller asked if they should have a public hearing with the applicants' map of an updated town map? Mr. Keating said they would go with what the Town of Darien map shows now.

Mr. Miller said that they plan to build in an organized form, and there was a building addition in the rear 10 years ago. Ms. Cameron said the trees on the property need protection. Mr. Miller said he plan to surround the trees with bright construction barrier fence to avoid taking any trees down.

Ms. Cameron asked if a small stream develops when it rains. Mr. Miller said yes, in the wetland area. Ms. Cameron asked if there were any questions. There were no comments or questions from the applicant or Commission members. Mr. Kenyon moved to approve the proposal and Mr. Hutchison seconded that motion. All EPC members voted in favor of approval.

Ms. Cameron then read the next agenda item:

EPC-12-2005, Peter Anker, 37 Tower Drive, proposing construction of an addition to the south side of the residence within the regulated area. The property is located on the north side of Tower Drive approximately 1,000 feet east of its intersection with Mansfield Avenue, and is shown on Assessor's Map # 1 as Lot # 128.

Mrs. Anker addressed the Commission and stated that the conservatory they wish to build would use the same 200 square feet of the current terrace. Ms. Miller asked if there was going to be a buffer along the river because there is a steep slope coming off the property. Mrs. Anker said yes.

Mr. Kenyon asked if there is going to be cellar access and if so what kind? Mrs. Anker said yes and it would be stone, presently it is a crawl space area. Ms. Miller asked if the addition was going to be heated and Mrs. Anker said yes, but no air conditioning. Ms. Miller asked if they were going to tie into the house heating. Mrs. Anker said it would be a separate zone. Ms. Miller asked where would they put the equipment and Mrs. Anker said it would go in the cellar

Mr. Hutchison asked if the ground water will be a problem in the cellar. Jeff McDougal (whom accompanied Mrs. Anker) said the watercourse does not have much water and it is channeled so they would not really know what kind of ground water problem may exist. Mr. Hutchison asked if there was a previous problem with water after digging. He suggested that they dig a test hole to determine the ground water level before they start the actual construction project. They can then decide whether to plan on a crawl space or a basement. Mr. Lewis asked where they will put the excavated dirt. Mrs. Anker said the dirt would be removed with the aid of a truck.

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Jeff said that there would also be a small addition of a stoop and doors out of the conservatory, a 3 x 5 foot flagstone section. Ms. Cameron asked that he provide a copy of the update.

Mr. Keating said that he would approve of the proposal if a test hole came up dry. Ms. Miller said that she would approve as is if there is no sump pump needed, but they must return if there is need for a pump. Mrs. Anker said that if the ground water is too high and there is a need for a sump pump, they will abandon the project and leave things as they are, it would be too much troubled to monitor and worry about a pump.

Mr. Lewis moved to approve the application, and Mr. Kenyon seconded the motion. All EPC members voted in favor of approval.

Ms. Miller then read the next agenda item:

EPC 13-2005, Gloria Gouveia of Land Use Consultants on behalf of Everett C. Morrell, Jr., for property at 25 Brookside Road, proposing to subdivide, regrade, and develop the property within the regulated area. The site is located on the west side of Brookside Road at the northwest corner formed by the intersection of Boston Post Road and Brookside Road, and is shown on Assessor's Map #16 as Lot #66.

Ms. Gouveia addressed the EPC. She stated that they are not looking for a multi-family house, just to divide the lot in half and build a small house, but there exist wetlands on the site. Ms. Gouveia asked the Commission if they felt she should have a public hearing. Mr. Hutchison said that the Commission should conduct a public hearing regarding the application because of the potential impacts upon the wetlands and watercourse. All of the other Commission members agreed.

Mr. Kenyon asked to see the house plans. Mrs. Gouveia said that the profiles are available and there is a report from Environmental Land Solutions.

Ms. Kirby asked if there was a 50 foot regulated buffer around the wetlands? Ms. Cameron said that there is also a 100-foot regulated buffer from the River. Mrs. Gouveia should have the engineer come with them to the public hearing to explain existing and proposed conditions. Mrs. Gouveia said that there is a history of development of the property that guided the application. Mr. Hutchison asked what happened in the past. Mrs. Gouveia said that it was an approval for the first cut of the property and separate building lot was created on the north end of the site. Mr. Kenyon said that Mrs. Gouveia should bring maps with that first parcel when she returns. Ms. Cameron said that at or prior to the public hearing, the Commission will need to see:

1. house profile
2. soil Report
3. the 100 foot area mark
4. engineering plan to deal with run off
5. maintenance schedule or plan
6. comparison of past history
7. view of parcel A
8. indication of where the yard/lawn will be in reference to the buffer areas around the wetlands and river

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This item will be on the EPC public hearing agenda for April 6, 2005.

Ms. Cameron then read the next agenda item:

EPC-14-2005, Ted Sonntag of Glengate Company on behalf of Saralyn & Robert Woods, 30 Goodwives River Road. proposing to enclose a swimming pool enclosure fence within the regulated area. The property is located on the east side of Goodwives River Road approximately 700 feet southeast of the intersection of Goodwives River Road and Old King's Highway South, and is shown on Assessors' Map #63 as Lot #104.

Mr. Sonntag addressed the Commission. He stated that he wanted to renovate the pool and fence and change the porch. He also stated that part of the proposed safety fence would be placed within 100 feet of the Goodwives River. The Commission reviewed the photographs and plans and noted the difference in the ground elevation between the river and wetlands and the area of the proposed fence. Ms. Cameron asked about the wall. Mr. Sonntag said it would be a stone. Ms. Cameron asked if a fence would go over the wall and Mr. Sonntag said yes. Mr. Hutchison asked how long the fence installation would take. Mr. Sonntag said two to three days, and the holes would be dug by hand to minimize any disturbance of the soil. Mr. Hutchison said that a silt fence was more of an impact and Mr. Sonntag said yes it would be.

Mr. Kenyon made a motion to approve the application. Ms. Kirby seconded the motion, and all EPC members voted in favor.

Ms. Miller read the next agenda item:

EPC-15-2005, Dean Ravosa, 19 Royle Road. proposing to remove vegetation and replace it with lawn within the wetland and surrounding regulated area. The property is located on the south side of Royle Road approximately 700 feet west of the intersection of Royle Road and Mansfield Avenue, and is shown on Assessor's Map #6 as Lot #46.

Mr. Ravosa addressed the EPC, and distributed drawings. He stated that when he started doing site work, he was not aware of the wetland area on his property. He wanted to remove four trees and some shrubs and put in about 10-15 cubic yards of fill and extend the lawn. He said that there was a wetland study done and read the study to the Commission.

Ms. Miller said that it looked as though runoff from the neighbor to the left was flowing into the Ravosa property. Mr. Ravosa said yes, there is a fair amount of water. Ms. Miller asked if there were any plans for drains. Mr. Ravosa said not at this moment. Ms. Miller asked if the water would erode the fill and push the material into the wetland. Mr. Ravosa said he did not think that would happen.

Mr. Hutchison asked if the circled items on the drawings were the items to come down and was told no, only the items that are dotted will come down, and two were already removed and that is what prompted Mr. Woodside to visit the site. Ms. Miller asked if they were going to be replaced and Mr. Ravosa said there was no plan to replace the trees which had been cut. He said that the trees were in bad shape. Ms. Miller said she hopes that the trees in good condition are saved.

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Ms. Kirby asked where would the lawn end. Mr. Ravosa showed Ms. Kirby on the drawing. The lawn would end outside of the wetlands. Ms. Cameron asked if a boundary would be needed and Mr. Ravosa said yes, they would work that out. Mr. Hutchison asked if there were old drains that were cleared. Ms. Miller said that it did not show on the wetland maps. Mr. Hutchison stated that with the number of trees on the lot, the ones taken down and to come down is insignificant, and that the soil scientist did a good job on the submitted report.

With no further questions, Ms. Kirby moved to approve the application with the stipulations that the lawn area end outside of the wetlands and that a clear edge or boundary of the lawn be established to prevent the lawn from “creeping” toward the wetlands and that at least five (5) shrubs, each at least 3 feet tall, be installed at the edge of the lawn to clearly mark the outermost edge of the lawn.. Ms Cameron seconded the motion, and all EPC members voted in favor.

Ms. Miller read the next agenda item:

EPC-16-2005, Sean Jancski of Inviting Environments on behalf of Michael & Molly Cattano, 125 Leroy Avenue, proposing construction of a swimming pool, patio, garden shed, garden arbor, fence and related development activities within the regulated area. The subject property is located on the west side of Leroy Avenue approximately 200 feet north of the intersection of Partridge Lane and Leroy Avenue, and is shown on Assessor’s Map #18 as Lot #50.

Mr. Jancski addressed the Commission. He explained the proposal and said that the original design was scaled back some. Ms. Miller said that there were alternatives and asked why not have the pool close to the patio instead of close to the wetlands. Mr. Jancski said space between the pool and steps coming down would be needed. Ms. Miller asked why can’t the steps come right off the patio and not the landing. Mr. Jancski said that could be done. Ms. Miller said that would put the fence inside the regulated area, but she would need to see a drawing. Mr. Keating said that on the other side, near the wetland, he should keep the pool fence farther from the wetlands near the side property line. Ms. Miller said that he could shift everything 6 feet back. Mr. Kenyon said that the fence should be 25 feet from wetland. Ms. Kirby said that the fence does not follow the contour of the land. Mr. Jancski said that he would remove the landing and move the pool and patio to maximize the separation between the wetlands to the rear and the proposed activity.

Ms. Miller asked where the pool equipment enclosure would be located. Mr. Jancski said it would be on the side of the house. Mr. Keating said they should move 25 feet to the left, away from the other property. Mr. Hutchison asked, what about the side yard setback. Mr. Kenyon said that Mr. Keating’s suggestion was a good one. Mr. Jancski said that there was only one open area to throw a football. Ms. Kirby said that he can have either a pool or an area to throw footballs. Mr. Jancski said he prefer the pool.

Ms. Cameron asked about the boat and how would it be moved in and out of the backyard. Mr. Jancski said that would not be a problem, he could cut the corner between the fence and buffer of the wetlands. Mr. Keating said that the back right hand corner may be a problem. Also, that a reasonable proposal would be to remove the landing, move all of the proposed pool and patio area 6 feet farther away from the wetland line, revise the fence location in the northwest corner by about 25 feet and to re-submit new drawings for his review. Ms. Kirby said he should also plant shrubs.

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At this time, Ms. Miller made a motion to approve the proposal subject to the following conditions and modifications:

1. Eliminate the landing or reduce it by at least 6 feet so that all of the pool, patio and other proposed work is at least 6 feet farther from the wetlands,
2. Relocate the fence to be 25 feet or more from the wetlands in the northwest corner and at least 10 feet from the wetlands to the north (the right side).
3. All pool equipment must comply with the zoning setback requirements, but cannot be closer to the wetlands than as shown on the submitted plans.
4. Revised plans are to be submitted for staff review and determination if they comply with these conditions.

Mr. Kenyon seconded that motion. All EPC members voted in favor.

Mr. Keating suggested that they go back to the Darien High School issue.

EPC 5-2005 – Darien High School Building Committee, 8 High School Lane, represented by Tighe & Bond, Inc. proposing modifications to the storm drainage system near the varsity baseball field on the east side of the high school site and within regulated area. The property is located on the north side of High School Lane approximately 450 west of the intersection of Middlesex Road and High School Lane and as shown on Tax Assessor's Map #9 as Lot #81.

Mr. Hutchison said that there needs to be an improvement on the poor installation of the field. Ms. Miller said that the water amount would be the same just coming out in a different location. Ms. Miller stated that the commission was concerned about the flooding problem, but the information submitted indicates that the proposed minor changes will not impact the flooding experienced downstream from the high school. The Commission decided to modify the draft resolution so that this permit will expire at the same time that the original school permit will expire.

Ms. Miller then moved to adopt the following resolution and to approve the application.

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RESOLUTION APPLICATION EPC #5 – 2005**

1. The Environmental Protection Commission received an application on December 14, 2004 from Tighe & Bond, Inc. on behalf of the Darien High School Building Committee. The application proposes installation of a catch basin, connection to the existing under drain, and approximately 210 linear feet of underground piping to provide positive outlet for storm water in the vicinity of the varsity baseball field.
2. The application materials included:
 - a. the completed application form;
 - b. a one page description of proposed activity dated December 14, 2004;
 - c. a one page constructive narrative dated December 14, 2004;
 - d. a one page list of adjoining property owners dated December 14, 2004;
 - e. drawings prepared by Tighe & Bond Consulting Engineers dated 11/30/04 including drawings entitled
 - Varsity Baseball Field Drainage Revision, Sheet No. SK2;

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- Wing Type End Wall Detail Sheet No. SK3,
 - 60" Dai. Shallow Manhole Detail Sheet No. SK4
 - P.V.C. and Sanitary Sewer Trench Bedding Detail Sheet No. SK5,
 - Rip rap Apron at Culvert End Section Detail Sheet No. SK6,
 - Rip rap Slope Protection Detail Sheet No. SK7;
 - S.T.C. 405i Pre-Cast Concrete Stormceptor (450 U.S. gallon capacity) Sheet No. 7K8; and
- f. a large map dated December, 2004 entitled Varsity Baseball Field Drainage Revisions, Sheet SK1.
3. The Environmental Protection Commission conducted a public hearing regarding this matter on February 2, 2005. At that time the applicant explained the proposed activity. There were questions from the Commission members and the general public. Members of the public expressed concern about the existing drainage conditions from the High School project as well as potential impacts that the revised drainage plan might have on the flooding conditions being experienced on Holly Lane and nearby properties. Photographs of the September 2004 flooding of Holly Lane and nearby properties were submitted.
4. The neighbors also submitted a letter dated January 27, 2005 to Ms. Cheryl Russell from John Wayne Fox.
5. The engineers representing the applicant indicated that the proposed drainage modifications are very minor in nature and will not create additional storm water runoff nor will it increase flooding in the Stony Brook as it proceeds from the high school site down through the Holly Lane area.
6. The proposed storm drainage catch basin and piping is requested in part to eliminate surface water running across a paved walkway/roadway to the south of the baseball field and the outlet has been designed in the southeast corner of the fenced portion of the site (behind home plate) to be in an area where it will help stabilize an existing embankment that is not stable.
7. The original design of the under-drainage system for the baseball field was intended to drain water to the south (the third base or left field line) and the east (the first base side) but instead was installed in a manner which drains the water only to the east (toward the first base or right field line). The proposed connection of the existing underdrain system to the proposed catch basin will help to correct the problem created by the construction being performed not in accordance with the original design. In either event, runoff from the under-drain system would travel through an undeveloped, wooded area and eventually reach Stony Brook to the east. The proposed catch basin on the south side of the field will collect surface/sheet flow before it crosses a walkway.
8. The Commission concludes that the proposed activity would have little or no negative impact to the wetlands and watercourses in the area. Water will be discharged from the proposed pipe system through a rip rap area to dissipate the energy that could otherwise cause scouring of the soil. The disturbed areas will be stabilized once the construction is

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complete. During the construction process, sediment and erosion controls will be installed and maintained to minimize or illuminate the possibility of sediment and eroded soils from reaching the wetlands and watercourses. The installation of a catch basin will minimize the water flowing across the paved walkway/roadway and therefore provide a safer area for people using the facilities.

9. The Commission concurs with the representations from the applicant's engineers that the installation of the catch basin and piping will not increase storm water runoff compared to the original design. No information has been presented which would indicate that the change requested in the current application would increase the flooding experienced by the Holly Lane neighborhood.
10. The proposed modification is a relatively minor amendment of the original drainage design and seems to be the only feasible and prudent alternative to address the existing drainage conditions.
11. The Commission hereby approves the proposed modifications to the drainage system as presented in application EPC #5-2005 and grants the Permit with the following stipulations and conditions:
 - a. Construction should be in accordance with the plans submitted to and reviewed by the Commission with the exception that a series of 18 shrubs and bushes shall be used around the rip rap energy dissipation area to help screen the view of that stone energy dissipater from the paved walkway/roadway. A plan of the species and sizes of the shrubs and bushes shall be submitted within 30 days to the Wetlands Enforcement Officer for review and action. If the Wetlands Enforcement Officer finds that the proposed shrubs and bushes appear to be insufficient, then that information must be submitted to the Commission for review and action. The Commission can require additional shrubs and bushes as they see fit.
 - b. During the construction work, sediment and erosion controls shall be installed and maintained to avoid the discharge of sediment or eroded material into the adjacent wooded area and/or wetlands and watercourses.
 - c. No Performance Bond shall be required for this particular project. The existing Performance Bond covering the entire school project as authorized by EPC Permit # 49-2001 shall also cover this project.
 - d. The Permittee shall notify the Environmental Protection Commission prior to the commencement of the work activity and once the erosion controls have been established. The Commission staff shall inspect the erosion controls to make sure that they are sufficient and as per the plan and site conditions. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized and revegetated.
 - e. The work activity is limited to that which is shown on the submitted and approved plans as modified herein. Any requested modifications or changes need to be submitted to the Commission for further review and action.
 - f. This Permit does not relieve the applicant of their responsibility to comply with all other applicable rules, regulations and codes of other Town agencies or other regulating agencies.

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- g. No equipment or materials, including without limitation, fill, construction materials, debris or other items may be deposited, placed, or stored in any wetland, watercourse or the regulated setback around wetlands and watercourses.
- h. The duration and time limit of this Permit shall coincide with the original permit for the high school project (EPC # 49-2001) and shall therefore remain valid until July 18, 2006. All proposed activities must be completed and all conditions of this Permit must be met within one year from the commencement of the proposed activity.
- i. This Permit is not transferable without written approval from the Environmental Protection Commission. The person to whom the Permit is to be transferred must confirm in writing to the Commission that they are fully aware of the responsibilities involved with the implementation of the Permit and that they will be the person responsible for the proper use of the Permit.

Mr. Lewis seconded that motion. Mr. Kenyon abstained, and all other EPC members voted in favor of Ms. Miller's motion.

Ms. Cameron then read the next agenda item:

EPC-17-2005, James & Odeta Tolliver, 77 Holmes Avenue, proposing additions and alterations to the proposed residence within the regulated area. The property is located on the north side of Holmes Avenue approximately 200 feet south of the intersection of West Avenue and Hazel Street and Holmes Avenue, and is shown on Assessor's Map # 48 as Lot # 105.

Mrs. Tolliver addressed the EPC and stated that he wished to extend the garage and add a family room. There is a narrow watercourse along the property line close to the existing garage. The extended garage will not be any closer to the watercourse than the existing garage. Ms. Cameron asked if the cars in the garage would be parking in a tandem style. Mr. Tolliver said yes. Mrs. Tolliver added that there is one teen at home with many visiting friends and they need the space. Mr. Hutchison said that was a good case for expansion.

Mrs. Tolliver said that they brought the house in 2002. Ms. Miller asked if she was going to weed the pervious pavers. Mrs. Tolliver said she was not home to do that, and she understood that the previous owners had one person home all day every day that attended to that problem.

Ms. Cameron asked about the stockpile. Mr. Young addressed the board and said the stockpile would be at the northwest corner of the addition, far away from the watercourse and wetlands. Also, that there would not be a lot of excavation material left over to carry away. The land is pretty level now and the storm water runoff from the addition area would be diverted to the northeast corner and down to the creek. They would bring grade back to normal as soon as possible. Ms. Miller asked if the silt fence will remain. Mr. Young said yes, towards the street and farther into the northeast corner. Ms. Miller asked if there will be an erosion problem along the back. Mr. Young said that it is kind of high back there.

Mr. Hutchison said that this was not a big project. Ms. Cameron asked if there were any more questions. There being none, Ms. Miller moved to approve the application. Mr. Hutchison seconded that motion, and all EPC members voted in favor.

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Ms. Cameron then read the next agenda item:

EPC-18-2005, Glen Gate Company on behalf of Clinton Gartin, 22 Bates Farm Lane, proposing installation of a swimming pool, patio, fencing and landscaping within the regulated area. The property is located on the north side of Bates Farm Land approximately 1500 feet north and east of the intersection of Bates Farm Lane and Brookside Road, and is shown on Assessor's Map # 14 as Lot # 28-5.

Mr. Greg Lanute addressed the Commission. He stated that the proposed pool is to the rear of the existing house. Part of the pool and part of the patio were proposed within the 50 foot regulated area around the wetlands to the east and the north. He said that in 1999 there was an oil spill and that there still exist some degradation. He then handed out a report.

Mr. Hutchison asked Mr. Lanute why they stop digging contaminated soil and apparently left some contaminated soil in the ground behind the garage. Mr. Lanute said that they do not want to disturb soil that may be contaminated behind the garage, so they have designed the pool to be behind the house, even though it is closer to the wetlands. Mr. Lanute said that there are monitoring wells set in place. Ms. Miller asked what was the life of the wells. Mr. Lanute said that he was not sure. Ms. Miller asked about the impervious surface of the pool and patio and the lack of much of a buffer between the proposed activities and the wetlands / watercourse. She also said that no backyard was showing. She said that they should remove the spa and patio and make the pool smaller. She asked if they had any alternatives. Mr. Kenyon said according to the application an alternative was not explored and that was not a good thing.

Mr. Hutchison asked Mr. Keating who built the house and Mr. Keating said that the original subdivider of the property, ESP Associates, sold it to Fred Wilmot. Mr. Lanute said that the house was built in 1989. Ms. Cameron asked if the trees flagged with pink markers will be removed. Mr. Lanute said yes, but they will be replaced.

Ms. Miller said that she would like to see alternatives and maybe have a public hearing. She also said that they would need more information on the oil spill. Mr. Kenyon and Ms. Miller said that they still need alternatives. Ms. Cameron asked if there was a spa there now. Mr. Lanute said no, but there is a patio.

Ms. Miller asked if the water coverage and wetland area was being protected. Mr. Hutchison said that he needed to go back and look at the history on this site and how the board voted.

Ms. Miller asked why did they need the open space. Mr. Lanute said for a conservation easement. Ms. Kirby said that they should move the spa over and make the pool smaller. Mr. Kenyon said they still needed an alternative. Ms. Miller said that they also need a public hearing. Mr. Hutchison said that he agreed. Mr. Kenyon said that other applicants on Meadowbrook had a public hearing.

Ms. Miller said that they also need an environmental report, impact study regarding the impervious surface and drainage, and what kind of filters will be used. Mr. Lanute said there will be no discharge the filter will be removed by hand.

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Mr. Kenyon said that they should have a public hearing on April 6 because the project could have significant impacts upon the nearby wetlands. All of the Commission members agreed. Mr. Keating said he will send out a notice.

Ms. Cameron then read the next agenda item:

EPC-19-2005, Lance Zimmerman, A.I.A. on behalf of Janet & Joe Kovacs, 17 Harriet Lane, proposing to pipe runoff water to an existing drainage ditch and otherwise modify the area within and adjacent to the wetlands and watercourse. The property is located on the south side of Harriet Lane approximately 800 feet north of the intersection of Tokeneke Road and Harriet Lane, and is shown on Assessor's Map #36 as Lot #31.

Mr. Zimmerman addressed the Commission and handed out pictures. He stated that there was a lot of water in back of the house and that when the addition was done several years ago, no wetland permit was needed. He said that Mr. Woodside saw Mr. Kovacs doing some drainage work and called him in because it is a regulated activity in the vicinity of an unmapped watercourse. He said that the house was built in 1950.

Mr. Hutchison asked what kind of shape is the pipe in now. Mr. Zimmerman said that it looked fine. However, the neighbor is getting a lot of water and that water comes into the garage and that they had put up trenches to drain the water away from the structure. He said that the proposal was to continue work using a perforated pipe to drain water from the area, then plant wetland plants up to the existing retaining wall. He also said that Mr. Keating had suggested ponding the water to create a more viable wetland area. Mr. Zimmerman said another alternative would be a solid pipe with a catch basin.

Ms. Miller said that he would be setting a precedence for people using perforated, but there is a swamp in the backyard. Mr. Hutchison said that he would prefer a perforated pipe, it would keep the area dryer. Mr. Kenyon said that they could consider a wetland rain garden. Ms. Miller said that they would need a study on the amount of water to determine size of the rain garden. Mr. Kenyon asked if they considered a rain garden and Mr. Zimmerman said no, and that rain gardens were not secure and 15 to 20 years later the new owners would not know how to maintain it.

Mr. Hutchison moved to approve the application with a stipulation that option A be used and a plan of the planting be submitted and that the approval be unique only to this application. Ms. Miller seconded that motion, and all EPC members voted in favor of approval.

Ms. Miller then read the next agenda item:

EPC-20-2005, William W. Seymour & Associates, PC on behalf of Maeve Zamsky, 15 Half Mile Road, proposing additions and alterations to the existing residence within the regulated area. The property is located on the north side of Half Mile Road approximately 750 feet west of the intersection of Mansfield Avenue and Half Mile Road, and is shown on Assessor's Map #2 as Lot #31.

Mr. McDougal of William Seymour & Associates, addressed the Commission and showed the Commission a color coded drawing. He stated that his client wants to do a new addition to the rear

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of the house. The previous permit from the Commission had included a large terrace on the west side of the house. They no longer wish to build that terrace. Ms. Miller said that she was aware of the previous application in April of 2002, and asked was everything done by November of 2002. Mr. McDougal said it had not been, that these were modifications of the previous plans.

Ms. Miller said that the lawn already extends into the wetland area and that there is no vegetated buffer between the lawn and the brook. There is also a swing set in the wetland. There was a discussion about relocating the swing set so that it was no longer in the wetlands. Mrs. Zamsky said that it was in that position so that she could see the children on the swing set. Ms. Miller asked if the set could be moved closer to the house and away from the brook.

Ms. Cameron said with the addition of the family room, would that interfere with the viewing of the children. Ms. Miller said that she needs to move the set away from the watercourse. Mr. Kenyon asked where was the kitchen now. Ms. Miller said that if moved, swing set would be closer to the house and farther away from wetland area.

Mr. Keating said that the lawn area extends about 50 feet into the wetland area. Even with no patio, there is still a lot of proposed activity within the regulated area and it is still appropriate to require that the applicant establish a vegetated buffer to demarcate the edge of the lawn and prevent the lawn from spreading deeper into the wetlands.

Ms. Miller moved to approve the application with the following stipulations and modifications:

1. That they move the swing set and trampoline out of the wetland, they can be in the regulated area;
2. A 5 – 10 foot wide buffer of bushes and shrubs must be installed along the edge of the lawn to demarcate the maximum extent of the lawn;
3. A revised plan must be submitted to illustrate the revisions

Mr. Hutchison seconded the motion and all others were in favor.

Minutes of February 2, 2005, review, revise, and adopt.

Ms. Miller asked if they should go over minutes of 2/2/05 tonight. Mr. Keating said that they should not approve tonight, that he would copy and re-distribute with comments from Cheryl Russell on it.

EPC 81 –2004 - Dianne Saitta, 16 Arrowhead Way. Request made for inspection of plantings.

Mr. Keating said that, in reference to EPC 81-2004 – Arrowhead Way, some planting have been installed but the weather has made it impossible to verify whether

Preliminary Discussion of Update/Revision of the Town's Inland Wetlands and Watercourses Regulations. To be discussed at upcoming special meeting

Schedule Special Meeting to discuss Regulations, Policies, Statutes, Legislation, Seminars and other matters

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The wetland regulations will be discussed at a special meeting later this month, maybe on the 28th, 29th or 30th. Commission members should let Mr. Keating know which would be a good date for all. Also, that there is a pending litigation to be discussed with the Attorneys. Ms. Cameron said that the bond issue needs to be clarified.

There being no other business, the meeting was adjourned at 11 p.m.

Respectfully submitted,

David J. Keating
EPC Staff

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