

**AGENDA SUMMARY REPORT  
ENVIRONMENTAL PROTECTION BOARD**

**Application:** 2023-05

**Date:** March 30, 2023

**Location:** 213 Blackwood Lane

**Applicant:** Environmental Land Solutions, LLC for David Giambalvo

**Watershed:** Haviland Brook

**Area:** 1.34 acres (RA-1 zone)

**Account:** 000-2429

**Map/Block/Lot:** 59/377/4A

**Flood Map:** 09001C0507F (6/18/2010)

**Flood Zone:** X – Minimal chance flood

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**References**

- Completed application form with supporting application materials signed by owner David Giambalvo, dated February 10, 2023.
- Plan entitled “EPB Site Plan – 213 Blackwood Lane, Stamford, Connecticut” prepared by Environmental Land Solutions LLC – certified by Matthew J. Popp, CT LLA #630 – dated March 1, 2023.
- “Wetland Narrative” prepared by Matthew J. Popp (PWS, LLA), Environmental Land Solutions LLC, dated March 1, 2023.
- “Stormwater Drainage Report” prepared by Edward J. Frattaroli, Inc., certified by John E. Pugliesi, P.E., dated June 13, 2003.

**Proposal**

Fill a manmade pond, replace a drainpipe, install rip rap, modify a driveway, and landscape in and proximate to wetlands and watercourses. This application was filed on March 6, 2023 and Accepted by the Board at its March 27, 2023 meeting.

**Property Description**

The subject property is located at the end of Blackwood Lane in an area of developed one-acre single-family lots. The site currently supports a single-family residence, paved driveway, septic system, well, and accessory structures.

As Richard Talamelli wrote in his 2004 Agenda Summary Report on Application #2454, the site is characterized by gently to moderately sloping woodlands and landscaped areas, a 270 foot reach of Haviland Brook (west of the house), lightly wooded riparian wetlands (west and south), wetlands maintained as lawn with a shallow manmade pond (east central), and a number of large trees.

Otto Theall, Professional Soil Scientist, inspected 213 Blackwood Lane in 2001 and flagged wetlands along the edge of the brook and running across the front yard toward the southwest corner of the property. Wetland and buffer areas adjacent to the brook support scattered trees (Tulip, Oak, Beech, Birch, Hickory), a few shrubs (Spicebush, Winged Euonymus), and herbaceous plants. As shown on the application plan, a patch of lawn is maintained down to the brook to the south of the house.

Mr. Talamelli described the area to the east of the house as follows: "Overflow from the neighboring property to the north enters an 8" tile pipe and is then transmitted to a shallow pond ( $\pm 1260$  square feet), a 8" metal pipe situated under the existing drive, and narrow open channel before discharging to Haviland Brook in the southern reaches of the property. Wetland soils border the pipe, pond and channel. Vegetative covers to the north, east and west of the pond were extensively altered without permit and currently support only turf grass. ... The pond has existed since at least 1975, as evidenced by existing aerial photography. A liner may have been introduced to portions of the pond in the past." The eastern edge of the property supports a woodland of scattered deciduous trees over a sparse understory."

The pond currently contains sediment, rocks, modular wall blocks, and cut brush, which have significantly decreased the extent of open water and reduced the pond's depth to less than a foot. The rate of flow through this area was probably always extremely variable depending on the season. In addition, the drainage report submitted as part of the 2004 application states the watershed contributing to the pond was reduced when stormwater system improvements made to the north of the subject property diverted water into Haviland Brook at a point farther upstream (see attachment).

The Board typically regulates activities within a minimum 25-foot wide upland review area around wetlands and watercourses in non-drinking water supply watersheds such as Haviland Brook.

This property is located within a Connecticut Natural Diversity Data Base area of concern. A Review Request Form has been sent to the Connecticut DEEP Wildlife Division and their response will be shared with the applicant so they will be aware of the recommended best management practices for protection of local species of concern.

### Background Information

A tree clearing and earthwork violation was discovered at 213 Blackwood Lane by EPB staff the summer of 2001. The Board conducted a Show Cause Hearing to consider the violation in October 2001 and decided to maintain the Cease and Desist Order in effect, file a Notice of Violation on the Stamford Land Records (which remains in place), and require submission of an application to correct the violation.

After two corrective applications were deemed incomplete and withdrawn, a third corrective application (#2454) was submitted and approved by the Board in 2004. The permit authorized filling the manmade pond and renovating the drain to the east of the house, modifying the driveway, and installing restoration plantings, but it expired without being implemented.

### Current Application

The applicant purchased 213 Blackwood Lane in late 2021 and has now made this application to correct the violation he inherited and get the Notice of Violation removed from the Land Records.

The applicant proposes activities similar to those approved in 2004. A wet meadow will be created by placing approximately 70 cubic yards of clean fill in the manmade pond and planting native perennial plugs and meadow seed mix. The proposed filling will not result in loss of wetland but merely a change in type of wetland. Creating a meadow here seems to be a more viable option than redigging the pond and then trying to maintain it with the limited inputs of water that are described above. As noted on the application plan, the wet meadow may be mowed once per year in late winter or may be left uncut to revert to woods.

As in 2004, the applicant also proposes to replace the 8" pipe that runs under the driveway with a 12" pipe. This increase in diameter should have no effect on the hydration status of the basin since the rate at which water flows through the basin is controlled by the weir that is just upstream from the pipe inlet. The larger diameter pipe will likely require less frequent maintenance as it will be less prone to clog than the smaller pipe.

The regrading of the basin and replacement of the pipe should be implemented during the annual late summer drought period. The applicant states this work can be completed in about one week. In addition to installation of an anti-tracking pad and silt fencing as noted on the application plan:

- A temporary check dam should be installed across the channel south of the driveway to capture any sediment that might be generated and this sediment should be disposed of prior to removal of the check dam, and
- Plywood, steel plates, etc. should be laid to reinforce and protect the ground surface around the basin while the fill is being deposited and the boulders are being installed.

As in 2004, the applicant proposes to enhance wetland buffer areas to the south and west of the house with native woody and perennial plants rather than do this planting in the front yard where the 2001 clearing occurred. However, the planting plan approved in 2004 included significantly more plantings than what is currently proposed. Staff therefore recommends the final planting plan include a dozen additional native understory trees and larger shrubs to enhance the sparse understory of the woods along Haviland Brook.

There is a pile of landscaping debris in the woods at the northwest corner of the property and a pile of logs at the southwest corner. These deposits are in or immediately adjacent to wetlands and should be removed.

### Recommendation

This project addresses the constraints current drainage patterns impose on maintaining a pond in the front yard of 213 Blackberry Lane by proposing a wet meadow that will provide greater wetland functions and values than marginal pond. Mitigating the 2001 clearing by enhancing the viable wetland to the south of the house and the bank of Haviland Brook will also provide greater environmental benefit than restoring the historically lawned wetland and buffer in the front yard.

**Staff recommends approval of this application with the following conditions:**

1. Work shall conform to the plan and correspondence:
  - Plan entitled “EPB Site Plan – 213 Blackwood Lane, Stamford, Connecticut” prepared by Environmental Land Solutions LLC – certified by Matthew J. Popp, CT LLA #630 – dated March 1, 2023.
  - “Wetland Narrative” prepared by Matthew J. Popp (PWS, LLA), Environmental Land Solutions LLC, dated March 1, 2023.
2. Submission to EPB of a \$70.00 permit filing fee within fifteen days of the decision’s publication (i.e., by May 18, 2023).
3. Submission to EPB of a \$200.00 initial “Permit Compliance Fee” prior to the start of any site activity and endorsement of building permit. Subsequent fees shall be submitted on an annual basis on or before the anniversary of the permit's effective date until the project is satisfactorily completed. This fee is required pursuant to Section 5.10b of the "Inland Wetland and Watercourse Regulations."
4. A final project plan based on the March 1, 2023 “EPB Site Plan” plan shall be submitted for staff review and approval. This plan shall include:
  - a. A temporary check dam across the channel south of the driveway and shall specify any sediment collected shall be removed and disposed of in an appropriate upland location.
  - b. Plywood, steel plates, etc. to reinforce and protect the ground surface around the basin while fill is deposited and boulders are installed.
  - c. A dozen additional native understory trees and larger shrubs to enhance the sparse understory of the woods along Haviland Brook.
5. Submission of a performance bond to secure the timely and proper performance of mitigation planting, supervision and certifications, and a 15% contingency. A detailed estimate of these costs must be supplied to EPB Staff for approval prior to the submission of the performance surety. The performance surety is to be submitted to EPB Staff prior to the start of any site activity.
6. Submission of a completed "Contractor's Compliance Statement" prior to the start of any site activity.
7. The pile of landscaping debris in the northwest corner of the property and the pile of logs in the southwest corner shall be removed to appropriate upland location prior to the start of any other site activity.
8. Work within the watercourse corridor shall be limited to the low flow period between August and October. Staff may determine if the work can occur at other times following an on-site field investigation to evaluate flow conditions.

9. Fill placement, drainage installation, grading, planting, and other approved activities shall be conducted under the supervision of a Connecticut-registered landscape architect, engineer, and/or surveyor
10. The supervising landscaping professional shall submit written certification that all landscaping and final stabilization measures have been fully and properly completed prior to the release of surety,
11. Submission of a standard landscape maintenance agreement to ensure the maintenance of the wet meadow and mitigation plantings prior to the release of surety.
12. The Notice of Violation may be removed from the Stamford Land Records upon satisfactory completion of the meadow creation and enhancement planting.

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*Robert E. Clausi*