

**AGENDA SUMMARY REPORT
ENVIRONMENTAL PROTECTION BOARD**

Date: June 9, 2023

Location: 153 Intervale Road

Owner: Turning Leaf Farm, LLC

Watershed: Rippowam River

Flood Map: 09001C0506F (6/18/2010)

Flood Zones: A (El.~160-164), X

Area: 12.5 acres

Account: 004-2944

Map: 60

Block: 383

Lot: Y

References

- Plan entitled “Site Development Plan – Jack Richardson – 153 Interlaken Road, Stamford CT” prepared by Muller Engineering, LLC – certified by Bryan S. Muller, CT PE #29767 – dated March 30, 2023.
- Plans entitled “Existing Conditions Plan of Property of Jack Richardson – 153 Interlaken Road, Stamford Connecticut” (April 4, 2023) and “Plot Plan of Property of Designs by Lee, Stamford, Connecticut” (January 9, 2006) prepared by Edward J. Frattaroli, Inc. – certified by Robert K. Bullard, CT LS #18862.
- Referral comments prepared by Susan Kisken, P.E., Stamford Engineering Bureau, dated May 22, 2023.

Proposal

Mr. Jack Richardson, on behalf of Turning Leaf Farm, LLC, proposes to complete the removal of unauthorized fill that has been placed in the 100-year floodplain and upland areas on 153 Interlaken Road.

Property Description

153 Interlaken Road is developed with a single-family residence, paved and unimproved driveways, and a detached garage. The Rippowam River flows along the west and south sides of the property and the associated floodway and floodplain extend into the site. A 1.6-acre pond is located to the south of the residence, and the rest of the property is maintained as a combination of woods and open fields. The property includes a 5.7-acre conservation easement that is highlighted on the site plans with a stippled pattern. This property is not located within a Connecticut Natural Diversity Data Base area of concern. Soil scientist William L. Kenny delineated the wetlands that fringe the river and pond in January 2023 and identified the wetland soils as Rippowam fine sandy loam, the Ridgebury/Leicester/Whitman soil series complex, and disturbed Aquents.

The subject property lies within the non-public drinking water supply portion of the Rippowam River. The Environmental Protection Board typically regulates a minimum 25-foot upland review area around wetlands and 25-foot upland review area around watercourses situated outside the public drinking water supply watershed.

Issues/Discussion/Recommendation

Mr. Richardson has submitted this application to address site compliance issues that EPB and Zoning Enforcement staff have been striving to get resolved after Designs by Lee's former use of this property to store nursery stock morphed into more of a material stockpiling and carting operation about thirteen years ago. The applicant is now prepared to remove the piles of soil, rock, wood, mulch, and other materials that remain on site. The applicant is responsible for the proper disposal of this material.

The erosion controls shown on the Site Development Plan exceed what ought to be needed to protect adjacent resources during this project. Silt fencing and tree protection should therefore be limited to that which is required to isolate activities. Native meadow seed mix and weed-free mulch should be used to stabilize the areas from which the thirteen "Stockpiles" depicted on the Site Development Plan are removed.

In addition to removing these stockpiles, staff recommends the Board require removal of the lumber stacked in the floodplain near the northernmost of the labeled stockpiles and the two soil berms that are in the floodplain and conservation easement area to the north of the detached garage. At a minimum, the area from which the berms are removed should be stabilized with native meadow seed mix. Complete stabilization of this area may require the applicant to plant some trees, which the Board may authorize staff to determine once the berms are removed.

As noted by Engineering Bureau staff, the Tennessee Gas transmission line that runs beneath the driveway through which the materials will be transported from the property must be protected during this operation. The applicant should also address Engineering's other comments to the satisfaction of the Bureau's staff.

Staff recommends the Board issue Permit with the following conditions and deadline:

1. Work shall conform to the following plans:
 - Plan entitled "Site Development Plan – Jack Richardson – 153 Interlaken Road, Stamford CT" prepared by Muller Engineering, LLC – certified by Bryan S. Muller, CT PE #29767 – dated March 30, 2023.
 - Plans entitled "Existing Conditions Plan of Property of Jack Richardson – 153 Interlaken Road, Stamford Connecticut" (April 4, 2023) and "Plot Plan of Property of Designs by Lee, Stamford, Connecticut" (January 9, 2006) prepared by Edward J. Frattaroli, Inc. – certified by Robert K. Bullard, CT LS #18862.
2. The permittee shall satisfactorily address the referral comments prepared by Susan Kiskin, P.E., Stamford Engineering Bureau, dated May 22, 2023.

3. Submission of a performance bond or certified check to secure the timely and proper performance of temporary sediment and erosion controls; removal of stockpiles, berms, and lumber as described in the June 9, 2023, EPB Agenda Summary Report; and site stabilization. A detailed estimate of cost shall be supplied to EPB staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB staff prior to the start of any on-site activity.
4. A standard Contractor's Compliance Statement shall be completed by the individual engaged to perform the restoration activities and shall be submitted to EPB staff no less than 48 hours prior to the start of work.
5. Erosion control fencing and tree protection shall be limited to that which is required to isolate the authorized removal activities. The Tennessee Gas transmission line shall be protected as necessary throughout the course of this project.
6. The thirteen stockpiles labeled on Site Development Plan and the two soil berms that are located to the north of the detached garage shall be removed and properly disposed of off the subject property, and these areas shall be stabilized with native meadow seed mix and weed-free mulch. In addition, the lumber stacked near the northernmost of the labeled stockpiles shall be removed from the floodplain. These activities shall be fully implemented by October 31, 2023. Failure to meet this deadline will result in this matter being brought back before the Environmental Protection Board to consider enforcement action.
7. EPB staff may require the permittee to plant trees to fully stabilize the area from which the berms are removed.

Robert E. Clausi