

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 21, 2013
REGULAR MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Stephen Wayne, Alternate Member

Members Not Present:

Leigh Shemitz, Member
Peter Conetta, Member

Staff Present:

Richard H. Talamelli, Environmental Planner
Pam Fausty, Environmental Analyst

The Regular Meeting, which was called to order by Chairman Stone at 7:30 PM, was held in the Planning Board Conference Area, 7th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was tape recorded.

MINUTES

Minutes of the January 11, 2013 Special Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's January 11, 2013 Special Meeting. Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the January 11, 2013 meeting as presented.

In Favor:	Stone and Levine.
Opposed:	None
Abstaining:	Wayne
Not Voting:	None

Minutes of the January 17, 2013 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's January 17, 2013 Regular Meeting. Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the January 17, 2013 meeting as presented.

In Favor:	Stone and Levine.
Opposed:	None
Abstaining:	Wayne
Not Voting:	None

APPLICATIONS AND PERMITS

#1224 – 2370 High Ridge Road – Lot 6 – D. J. Mahar: To pipe portions of an existing watercourse, construct retaining walls, install a shed, playground equipment, generator, and propane tanks, fill, grade and conduct other related activities in and proximate to wetlands, and watercourses within the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of High Ridge Road, approximately 325 feet north of Hoyclo Road, and is identified as Lot 6, List 002-2212, Card W-191, Block 389, RA-1, 1.009 Acres. Reference is made to an EPB Staff Agenda Summary Report, revised February 21, 2013.

In Attendance: David J. Mahar
John Pugliesi, P.E., E.J. Frattaroli, Inc.

Discussion: Staff Member Fausty summarized the application for the Board. She stated that that applicant proposes to pipe a portion of an existing watercourse, construct retaining walls, and install a shed, playground equipment, underground propane tank and other related facilities. The activities, which will enable the owner to develop additional, usable yard space, support several site amenities, and alleviate known flooding and drainage issues, are expected to affect approximately 4,932 square feet of wetland, 3,888 square feet of the buffer, and 76 linear feet of watercourse. The regulated areas affected by the project lie to the east of the existing watercourse in space primarily maintained as lawn. Other regulated areas situated west of the watercourse shall remain forested and relatively undisturbed.

Ms. Fausty noted that in 2008, activities similar to those outlined in EPB Application No. 1224, had been reviewed and permitted by the Environmental Protection Board. The previously authorized activities included drainage improvements on lands held by the abutting property owner. Withdrawal of the abutters consent and the subsequent expiration of the permit necessitated the preparation and filing of the current application. It is noted that the current application includes alternative drainage improvements confined to the subject property, adjustments to the grading plan, and an increase in the size of certain items, including the shed.

Staff concerns relating to soil and erosion control, long term wetland impacts, and drainage have been addressed with the provision of a detailed sediment and erosion control plan, a drainage mitigation proposal and planting enhancement plan. The drainage plans were recently reviewed and conditionally endorsed by Stamford Engineering Bureau Staff. The mitigation proposal provides for the introduction of a variety of native shrubs and groundcovers to both sides of the brook to improve the functional and conservation values of the regulated areas. Ms. Fausty noted that with the submission of revised drainage and landscape plans to address certain technical matters raised by both Engineering and EPB Staff, the Board may act to endorse the application with the conditions outlined in the Agenda Summary Report.

John Pugliesi, P.E. reiterated that the project was driven by the applicant's need to alleviate flooding conditions that historically affected the dwelling in storms equaling or exceeding the 10-year storm. Mr. Pugliesi further noted that a modified planting plan would be submitted. Preliminary discussions

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with the consulting environmental/landscaping professional resulted in a determination that a revised plan may include provisions for the relocation of some of the woody plants to less frequently inundated space, additional areas of planted meadow, and other minor substitutions in material.

In response to a question by Chairman Stone, Mr. Pugliesi noted that the increase in the size of the shed and overall imperviousness from the last permit application was considered in the revised drainage report, and that the project will not result in a significant adverse impact on drainage, soils and the adjoining properties.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1224 with the conditions outlined in the Agenda Summary Report, revised February 21, 2013.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

#1226 – 18 Edgewood Avenue – NA – David Barker: To construct stone retaining walls, parking area, drive, drainage and other related facilities in/proximate to a designated Open Space Preserve/Conservation Easement Area. The property lies along the south side of Edgewood Avenue, approximately 235 feet west of Hope Street. Reference is made to an EPB Staff Memo, dated February 10, 2013.

In Attendance: None

Discussion: Chairman Stone acknowledged the receipt of correspondence from Toan D. Nguyen, P.E., TDN Engineering, LLC (January 22, 2013) requesting that EPB Permit Application No. 1226 be withdrawn from further consideration. The withdrawal has been requested to develop information necessary to address comments/concerns raised during the permit process.

Motion/Vote: None

#1237 – 20 Pond View Lane – Lot 4 – D. Kaplan: To install an emergency generator, propane tank and other related facilities within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The site lies along the east side of Pond View Lane, approximately 250 feet south of Rock Rimmon Road, and is identified as Lot 4, List 003-0072, Card E-002, Zone RA-2, Block 402, 1.612 Acres. Reference is made to an EPB Staff Agenda Summary Report, dated February 14, 2013.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the site supports a reach of the Mianus River (East Branch) and a narrow strip of riparian wetland. The proposed facilities, which include an emergency generator and propane tank, shall be situated within developed yard space, approximately 75 feet to the designated wetlands and watercourses.

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Approximately 39 square feet of the upland review area shall be impacted. Ms. Fausty noted that implementation of the project requires little or no site disturbance and that the dense woodland that separates the developed uplands from the areas of resource shall remain unaltered. No significant impacts are expected, and mitigation is not warranted.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1237 with the conditions outlined in the Agenda Summary Report, dated February 14, 2013.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

1239 – 64 Merribrook Lane – Lot A-1 – Redniss and Mead, Inc. for G. Ohman and A. Reed: To install a replacement subsurface sewage disposal system proximate to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River. The site lies along the south side of Merribrook Lane, approximately 600 feet west of General Waterbury Lane, and is identified as Lot A-1, List 004-2985, Card S-005, Zone RA-1, Block 373, 2.6654 Acres. Reference is made to an EPB Staff Memo, dated February 19, 2013.

In Attendance: Richard Redniss, Redniss and Mead.

Discussion: Chairman Stone acknowledged the receipt of correspondence from Teodoro Milone, P.E., Redniss and Mead (February 15, 2013) requesting that EPB Permit Application No. 1239 be withdrawn from further consideration. The withdrawal has been requested following a determination by Health Department Staff that the observed septic failure posed an immediate threat to public health and safety and the nearby river system. Accordingly, the required repairs were authorized under the “Emergency” provisions of the “Inland Wetland and Watercourse Regulations of the City of Stamford.”

#1240 – 76/86 Viaduct Road – Lot A1 – IRG Environmental, LLC for Isisters, LLC: **#1240 – 76/86 Viaduct Road – Lot A1 – IRG Environmental, LLC for Isisters, LLC:** In association with a proposed soil remediation project, excavate, install fill, and restore paved parking areas situated within the base floodplain of the Noroton River. The property lies along the cul-de-sac of Viaduct Road, approximately 800 feet north of the railroad underpass, and is identified as Lot A1, List 003-8205, Card N004A, Block 319, Zone M-G, 2.76 Acres. Reference is made to an EPB Staff Agenda Summary Report, dated February 12, 2013.

In Attendance: Lindi Higgins, AECOM

Discussion: Staff Member Talamelli summarized the application for the Board. He noted that the applicant intends to excavate, deposit fill, and restore paved parking areas situated within the base floodplain of the Noroton River. These activities are associated with a proposed soil remediation project at a site identified as 76/86 Viaduct Road, Stamford, Connecticut.

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Mr. Talamelli noted that the property lies in an intensely developed commercial/industrial area, supporting two (2) large buildings, paved parking, walkways, security fences, drainage, sanitary sewer, underground utilities, and other related features. The parcel is characterized by gently sloping uplands and known flood hazard areas. The floodplain occupies approximately thirty (30) percent of the site. Although the banks of the Norton River lie approximately 200 feet to the east of the property, there are no wetlands or watercourses on or immediately adjacent to the property. Given the intensity of the development, the property, particularly in the areas subject to the application, are essentially devoid of vegetation.

The applicant proposes to conduct certain activities to remediate contaminated soils waters on the parcel. The objective of the plan is to reduce the potential for leaching, minimize exposure to the public, and achieve compliance with applicable CTDEEP remediation standards. The chosen remediation pathway generally includes provisions for the excavation/removal of impacted soils, the collection/testing of confirmatory samples, the disposal/treatment of impacted soils, site restoration, and periodic, follow-up groundwater monitoring. The excavation shall be relatively shallow and above observed groundwater levels. Approximately 14,552 square feet of the floodplain shall be impacted by the project. Mr. Talamelli noted that concerns relating to water quality, erosion control and hydraulic impact have been addressed with the submission of an engineer's statement concerning flood impact, an erosion control plan and detailed construction sequencing plan. The project engineer has specifically noted that provided that the affected areas are returned to their original grade, there will be no increase in flood heights.

Lindi Higgins of AE COM acknowledged the receipt of the Staff Agenda Summary Report, and offered no objections to the conditions/recommendations contained therein.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1240 with the conditions outlined in the Agenda Summary Report, dated February 12, 2013.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

#1241 – 156 Rocky Rapids Road – Tract K-19 – R. J. Leavy: To install an emergency generator and propane tanks proximate to wetlands and watercourses and within the base floodplain of the Mianus River (East Branch). The property lies along the east side of Rocky Rapids Road, approximately 525 feet north of Shelter Rock Road, and is identified as Tract K-19, List 000-9889, Card E-009, Block 394, Zone RA-1, 1.0037 Acres. Reference is made to an Agenda Summary Report, dated February 15, 2003.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the site supports a reach of the Mianus River (East Branch), several watercourses, wetlands, and extensive known flood hazard areas. The proposed facilities, which include an emergency generator and two (2) propane tanks, shall be situated within developed yard space, approximately 50 feet to

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the nearest wetland, and 90 feet to the river. Approximately 10 square feet of the upland review area and 34 square feet of the floodplain shall be affected by the development. Staff concerns relating to erosion control, hydraulic/flood storage impacts, and structural floodproofing have been addressed with an engineer's statement confirming the absence of any hydraulic impacts, a plan to provide compensatory flood storage, and the details of generator/tank decks that have been appropriately elevated and designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors. Ms Fausty noted that the applicant has determined to provide erosion control details in advance of any building permits.

Motion/Vote: Upon a motion by Board Member Wayne, the Board voted to **APPROVE** EPB Permit Application No. 1241 with the conditions outlined in the Agenda Summary Report, dated February 15, 2013.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

#1301 – 635 Glenbrook Road – Lot 42 – Redniss and Mead for the Little Workers of Sacred Hearts of Jesus and Mary, Inc.: **#1301 – 635 Glenbrook Road – Lot 42 – Redniss and Mead for The Little Workers of Sacred Hearts of Jesus and Mary, Inc.:** Construction of a gymnasium, drainage, and other related facilities within the base floodplain and proximate to wetlands situated in the non-drinking water supply watershed of the Norton River. The property lies along the east side of Glenbrook Road, approximately 500 feet north of Courtland Avenue, and is designated as Lot 42, List 002-6596, Card E-438, Block 314, Zone R-7.5 and 1.58 Acres. Reference is made to an EPB Staff Memo, dated February 6, 2013.

#1302 – 20 Wyndover Lane – Lot 10 – S. Silijkovic: To remediate disturbance of wetlands and buffer areas and install a wall proximate to wetlands situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the north side of Wyndover Lane, just west of Wyndover Lane North and is identified as Lot 10, List 000-5007, Card N-005, Zone R-20, Block 360, 1.091 Acres. Reference is made to an EPB Staff Memo, dated February 15, 2013.

#1303 – 54 Oakdale Road – Lot 5 – R. Hennemuth: Construction of a residential addition within a designated flood hazard area situated within the non-drinking water supply watershed of the Noroton River. The property lies along the west side of Oakdale Road, approximately 175 feet north of Glen Terrace, and is identified as Lot 5, List 001-1910, Card W-007, Zone R-7.5, Block 314, 0.5820 Acres. Reference is made to an EPB Staff Memo, dated February 15, 2013.

In Attendance: Richard Redniss, Redniss and Mead

Discussion: Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Applications No. 1301, 1302 and 1303.

Motion/Vote: Upon a motion by Board Member Wayne, the Board voted to **ACCEPT** EPB Permit Applications No. 1301, 13902 and 1303.

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In Favor: Stone, Levine, and Wayne
Opposed: None
Abstaining: None
Not Voting: None

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2428 – South Brook Drive – Lot 1 – WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 1, List 003-9979, Card E001, Block 400, Zone RA-3, 2.43 Acres.

#2429 – South Brook Drive – Lot 2 - WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 2, List 003-9982, Card W002, Block 400, Zone RA-3, 2.14 Acres.

#2430 – South Brook Drive – Lot 3 - WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 3, List 003-9983, Card W003, Block 400, Zone RA-3, 2.06 Acres.

#2431 – South Brook Drive – Lot 6 - WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. . The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 6, List 003-9981, Card W001, Block 400, Zone RA-3, 2.06 Acres.

In regards to EPB Permits No. 2428-31, reference is made to an EPB Staff Memo, dated February 10, 2013.

In Attendance: None

Discussion: Chairman Stone acknowledged the receipt of a letter from John Pugliesi, P.E., E.J. Frattaroli, Inc. (December 3, 2012) requesting extension of the effective periods of EPB Permits

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No. 2428, 2429, 2430 and 2431. Staff Member Talamelli noted that the request has been submitted in accordance with Section 7.4 of the Regulations, that there were no reported violations on the property, that conditions have not changed as to warrant a reevaluation, and that the permits were routinely and legally issued. Accordingly, Staff recommended that the Board approve these extension requests for a period of one (1) year. Board Member Levine confirmed that he has no relationship to the applicant.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **EXTEND** the effective period of EPB Permits No. 2428, 2429, 2430 and 2431 for one (1) year. Accordingly, the permits shall remain in full force and effect until January 27, 2014.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

ADJOURN:

Adjourn the Regular Meeting of February 21, 2013

There being no further business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Regular Meeting of February 21, 2013.

In Favor: Stone, Levine, and Wayne.
Opposed: None
Abstaining: None
Not Voting: None

Meeting adjourned at 7:58 PM.

Gary Stone, Chairman
Environmental Protection Board

Minutes: Prepared from meeting notes taken by Richard H. Talamelli, Environmental Planner

3/3/13
3/4/13
3/15/13