

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE MAY 16, 2013  
REGULAR MEETING**

**Members Present:**

Gary Stone, Chairman  
Louis Levine, Member  
Leigh Shemitz, Member (Arrived 7:46 PM)  
Peter Conetta, Member  
Stephen Wayne, Alternate Member (Arrived 7:36 PM)

**Members Not Present:**

None

**Staff Present:**

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

The Regular Meeting, which was called to order by Chairman Stone at 7:33 PM, was held in the Planning Board Conference Area, 7<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was recorded.

**MINUTES**

**Minutes of the April 18, 2013 Regular Meeting of the Environmental Protection Board:**

Upon a motion by Board Member Levine, the Board voted to **SUSPEND** the rules and modify the order of items on the agenda to consider "Applications and Permits" at this time.

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

**APPLICATIONS AND PERMITS**

**#1304 - 111 Four Brooks Road - Lot B-6 - R. Mirque:** To construct a two (2) car garage, relocate septic tank, remove shed, install drainage and other related activities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the east side of Four Brooks Road, approximately 500 feet south of Four Brooks Circle, and is identified as Lot B-6, List 001-5216, Card E-007, Block 377, Zone RA-1, and  $\pm 1.10$  Acres. Reference is made to an EPB Staff Agenda Summary Report, dated May 9, 2013.

**In Attendance:** Randall Mirque

**Discussion:** Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to construct a detached garage, septic tank, drainage and other related facilities on this non-watershed parcel. Associated with the project are additional activities to mitigate the impact of historic

**Minutes**  
**Environmental Protection Board**  
**Regular Meeting of May 16, 2013**  
**Page 2**

encroachments, including the removal of both an accessory building and assorted debris from the regulated areas. The proposed activities are expected to affect approximately 1,922 square feet of the buffer. Development issues associated with the project, including potential resource losses/impacts, water quality, and drainage have been addressed with the submission of a detailed sediment and erosion control plan, a code compliant septic area endorsed by the Health Department, drainage mitigation plan endorsed by the Engineering Bureau, and the applicant's commitment to provide a mitigation proposal that provides for debris removal, shed removal and planting enhancement.

Mr. Mirque acknowledged the receipt of the Agenda Summary Report and confirmed his agreement with the reported findings and recommendations.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1304 with the conditions outlined in the Agenda Summary Report, dated May 9, 2013.

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

**#1313 – 9 West Broad Street – Lot A – M. Baroni for Nine West Broad Property, LLC:** To conduct soil remediation activities including the excavation of a paved parking lot, and the removal and proper disposal of contaminated soils from areas situated in known flood hazard areas and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the north side of West Broad Street, approximately 120 feet west of Washington Boulevard, and is identified as Lot A, List 002-3729, Card N-002, Block 264, Zone C-L and  $\pm 2.55$  acres. Reference is made to an EPB Staff Memo, dated May 15, 2013.

**In Attendance:** Anne Campbell

**Discussion:** Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process.

**Motion/Vote:** Upon a motion by Board Member Conetta, the Board voted to **ACCEPT** EPB Permit Application No. 1313.

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

Note: Board Member Wayne arrived at the meeting following the vote on Application No. 1313 at 7:36PM.

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

**ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:**

**74 Research Drive – Parcel “HR” – Barnes Realty, LLC – Show Cause Hearing:** Show Cause Hearing to

**Minutes**  
**Environmental Protection Board**  
**Regular Meeting of May 16, 2013**  
**Page 3**

consider testimony pertinent to certain conditions found to be in violation of both the "Inland Wetland and Watercourse Regulations of the City of Stamford" and the terms, conditions and plans associated with a prior permit issued by the EPB. These conditions include: a) Failure to construct elevated materials storage bins, fencing, walls, and other related features in accordance with the provisions of EPB Permit No. 1109 resulting in alternative surface storage that affects both the base floodplain and other regulated areas proximate to the Norton River, and b) Failure to install and maintain effective sediment and erosion/construction controls resulting in offsite discharges of silt, sediment, and debris to regulated areas. The property lies along the east side of Research Drive, approximately 1000 feet north of Glenbrook Road, and is identified as Parcel "HR", List 000-5489, Card E-004, Zone M-G, Block 319, and  $\pm 16,867$  square feet. Reference is made to an EPB Agenda Summary Report, dated May 9, 2013.

**In Attendance:** None

**Discussion:** Board Member Talamelli summarized the enforcement action for the Board. He noted that in July 2011, the Environmental Protection Board approved a permit application to allow construction of elevated material storage bins, fences, walls, and other related features on the parcel. The property was subject to EPB permitting given the presence of known flood hazard areas and upland review areas proximate to the Norton River. In August 2011, the property was transferred to the current owners. In March 2012, EPB Staff, determined that activities, contrary to both the regulations and the terms of the EPB Permit, had been conducted in regulated areas including the placement of equipment, construction of block retaining walls, stockpiling/processing of soil, and construction of grade level, cement block storage bins. It was noted that the storage structures did not conform to the floodproof specifications noted on the permit plans. Consequently, the owner was directed to install the erosion controls, remove the equipment, block perimeter walls, and stored soil, and develop a concise, written timetable for the completion of the storage bins depicted on the permit plans. Staff noted that it would consider alternative designs for the elevated bins provided the structures were consistent with the provisions of the flood regulations. In March 2013, the owners provided a preliminary alternative plan for the property which provided for the demolition of the existing building and the relocation of bins to the western reaches of the site. The alternative site would potentially minimize impacts on the floodplain and other regulated areas. Both the owner and engineer were advised that the alternative plan would require further Board approval to ensure that all relevant provisions of the "Inland Wetland and Watercourse Regulations" and "Flood Prone Area Regulations" are appropriately addressed including the necessary hydraulic impact statements, compensatory flood storage calculations, erosion controls, water quality measures, and structural floodproofing details for pertinent structures. Since March 2013, numerous complaints have been filed with the EPB concerning the condition of the property and certain actions that have affected both the regulated areas and abutting parcels. The reported conditions/actions include the dumping of plowed or dumped snow, deposition and processing of fill, and the parking of trailers and other vehicles in regulated areas, maintenance of ineffective construction controls resulting encroachments onto conservation lands situated in the Town of Darien, the absence of effective erosion controls resulting in the discharge of materials to the river, the absence of effective site maintenance procedures resulting in the discharge of debris to regulated areas, and the maintenance of certain floodplain encroachments that were inconsistent with the prior permits. In May, 2013, given the absence of progress to remedy these matters and bring the site into compliance with the regulations/permit, the Board authorized the issuance of a cease and desist order. A show cause hearing was scheduled to consider the pertinent facts and circumstances.

In response to a question by Chairman Stone, Mr. Talamelli reported that the preliminary alternative plan for the property provides for the demolition of the existing building and the creation of more traditional storage facilities in the western reaches of the parcel with less extensive floodplain encroachment.

Extensive discussion ensued on the terms and compliance deadlines of the modified cease and desist order recommended by Staff.

**Minutes**  
**Environmental Protection Board**  
**Regular Meeting of May 16, 2013**  
**Page 4**

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **MAINTAIN** the **CEASE AND DESIST ORDER IN EFFECT**, and **MODIFY** the order to require certain corrective actions outlined in the Agenda Summary Report, dated May 9, 2013. Specifically, these measures included the following:

- Direct the owner to secure the services of a Connecticut Land Surveyor to redefine property boundaries and then properly install/maintain sediment and erosion controls and other construction controls along the perimeter of the development to protect adjoining properties and resources. All control measures shall be certified by the project engineer as fully and properly installed by the project engineer by June 14, 2013.
- Remove all encroachments, including the stockpiled fill from regulated areas. The complete removal of encroachments and fill shall be confirmed and certified by the project engineer by July 12, 2013.
- Upon the completion of the preliminary remedies noted above, complete a transfer of permit to current ownership, comply with all outstanding administrative conditions, and seek a modification of permit to gain approval for an alternative storage scheme by July 12, 2013. If approved, the alternative scheme shall be completed by December 20, 2013.

The Board further authorized Staff to publish a notice of facts and conduct in a newspaper having general circulation in the City of Stamford, and notify the Corporation Counsel to pursue all necessary actions to gain compliance, if the violation is not resolved in the manner and time frame outlined above.

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

Note: Board Member Shemitz arrived at the meeting during the later stages of discussion of the enforcement action at 7:46 PM, and therefore, did not vote on this matter.

Upon a motion by Board Member Levine, the Board voted to **SUSPEND** the rules to modify the order of items on the agenda to reconsider the Minutes of April 18, 2013.

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

**MINUTES**

**Minutes of the April 18, 2013 Regular Meeting of the Environmental Protection Board:** The Board considered the minutes of the EPB's April 18, 2013.

Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the April 18, 2013 Regular Meeting as presented.

In Favor: Stone, Levine, Shemitz, and Wayne.

## Minutes

### Environmental Protection Board Regular Meeting of May 16, 2013 Page 5

Opposed: None  
Abstaining: None  
Not Voting: Conetta

#### **OTHER BUSINESS:**

**#1006 - East Middle Patent Road – Lot 11 – T. Hanna – Extension of EPB Permit No. 1006:** Construction of a new single family dwelling, with associated septic system, driveway, swimming pool, drainage improvements, stone walls, and site grading in and/or proximate to wetlands and watercourses situated in the drinking water supply watershed of the Barch Reservoir/Mianus River. The property lies along the north side of East Middle Patent Road, approximately 350 east of Taconic Road, and is identified as Lot 11, List 002-1314, Card W002, Block 400, Zone RA-3, and  $\pm 2.02$  Acres. Reference is made to an EPB Memo, dated May 15, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged to the receipt of a letter from Tim Hanna, TMA Construction, LLC, (May 2, 2013) requesting an extension of the effective period of EPB Permit No. 1006. Staff Member Fausty confirmed 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 permit were routinely and legally issued. Accordingly, it was recommended that the Board approve the extension request for a period of one (1) year.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **EXTEND** the effective period of EPB Permit No. 1006 for a period of one (1) year until June 28, 2014.

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

**#2853 – 12 Hedgebrook Lane – Lot 3 – A. and M. Barkin – Modification of EPB Permit No. 2853:** Modification of EPB Permit No. 2853 to maintain alternative grading, pool fence, shed, fireplace, patio and other related facilities installed in/proximate to wetlands, watercourses and known flood hazard areas situated within the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Riverbank Road, approximately 550 feet west of Long Ridge Road, and is identified as Lot 3, List 002-8973, Card E-066, Block 398, Zone RA-1 and  $\pm 43,560$  square feet. It is noted that access to the parcel is gained over a common drive from Hedgebrook Lane. Reference is made to an EPB Staff Memo, dated May 9, 2013.

**In Attendance:** Adam Barkin  
Melissa Barkin  
John Pugliesi, E.J. Frattaroli, Inc.

**Discussion:** Staff Member Talamelli summarized the permit modification proposal for the Board. He noted that in March 2009, the Environmental Protection Board approved a permit to allow construction of an in-ground swimming pool spa, retaining walls, patio, pool equipment and other related features in and proximate to wetlands, watercourses and known flood hazard areas on the property. An inspection of the site in November 2010 resulted in a determination that an alternative development scheme had been implemented

**Minutes**  
**Environmental Protection Board**  
**Regular Meeting of May 16, 2013**  
**Page 6**

that increased the total areas of encroachment into the wetland/watercourse setback or floodplain with a shed, stone fireplace, wall, patio, fence, and drainage, eliminated flood protection offered by a required retaining wall, fill and drainage check valve, and resulted in stockpiles of wood and other assorted debris. In addition, it was determined that many of the mandatory permit requirements remained unfulfilled including the necessary landscape certifications, floodproofing/engineering certifications, a standard landscape maintenance agreement, flood hazard disclosure, and compliance fees.

Mr. Talamelli went on to note that the permit modification sought by the applicant seeks to maintain many of the alternative grading activities and structures installed on the parcel. To address important concerns relating to resource impact, flood rise, floodproofing and drainage, the project engineers established that the alternative development had been confined to developed upland space no less than thirty (30) feet to the pond and wetlands, that post construction grading was marginally less extensive than permitted, that the project remains consistent with the hydraulic impact thresholds in effect at the time of permit, and given the overall reduction in imperviousness, that the project would not adversely impact drainage or adjoining properties. It was further noted that the alternatively constructed fence situated in flood prone areas was inspected by a Connecticut Engineer, and has been certified as capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Melissa and Adam Barkin, acknowledged the receipt of the Staff Memo of May 9, 2013, and offered no objection to the requirements contained within. It is noted that the Staff Memo supported a comprehensive list of items necessary to ensure compliance with the modified permit.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** the proposed modification of EPB Permit No. 2853 with the condition that all terms and condition of the permit remain in full force and effect and must be complied with.

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

**Selection of an alternative date for the Regular Meeting of June 20, 2013:** Staff Member Talamelli requested that the Board consider rescheduling the Regular Meeting of June 20, 2013 due to upcoming Staff commitments. Following extensive discussion, it was determined that the Board's Regularly scheduled meeting of June 20, 2013 would be cancelled. In its place, a Special Meeting shall be conducted on Thursday, June 13, 2013 at 7:30 PM in the Planning Board Conference Area, 7<sup>th</sup> Floor, Stamford Government Center, 888 Washington Boulevard, Stamford Connecticut.

**Personnel Matters:** Staff Member Talamelli summarized the matter for the Board. He reported that discussions with the Land Use Bureau Chief resulted in a determination the Board could utilize approximately fifty (50) percent of the Land Use Inspector's time to assist in the completion of certain tasks pertinent to the operation of the EPB. The proposal would broaden the role of the Land Use Inspector to include additional tasking and decision making on the behalf of the Board, particularly in the absence of senior EPB Staff Members. This matter has been placed on the agenda for consideration, since the Ordinance specifies that the Environmental Protection Board shall be the sole appointing authority for its director and staff.

Extensive discussion ensued between Board Members. Issues pertinent to the discussion included the necessity of "clarity" in terms of duties and assignments, training, supervision, performance assessment, and the duration of any appointment. Additional discussion focused on the potential impact any appointment may have on future requests for additional technical staff to address the needs of both the department and

**Minutes**  
**Environmental Protection Board**  
**Regular Meeting of May 16, 2013**  
**Page 7**

community. The matter would be given further consideration at a future date,

**ADJOURN:**

**Adjourn the Regular Meeting of May 16, 2013.**

There being no more business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Regular Meeting of May 16, 2013.

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

Meeting adjourned at 8:46 PM.

-----  
Gary Stone, Chairman  
Environmental Protection Board

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

5/18/13  
5/30/13  
6/05/13  
6/06/13