

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

**Members Present:**

Gary Stone, Chairman  
Louis Levine, Member  
Peter Conetta, Member  
Stephen Wayne, Alternate Member  
Bradford Spaulding, Alternate Member

**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 7:34 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 October 23, 2013 Special Meeting of the Environmental Protection Board:**

The Board considered the minutes of the EPB's October 23, 2013 Special Meeting. No changes or alterations were discussed/recommended. Accordingly, upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the October 23, 2013 Special Meeting as presented.

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

**APPLICATIONS AND PERMITS**

**#1317 – 101 Maltbie Avenue – Lot C – J. Rosell:** To construct first and second floor residential additions, implement certain interior renovations, and install other related improvements proximate to wetlands and watercourses and within a designated flood hazard area situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the south side of Maltbie Avenue, approximately 1300 feet east of Long Ridge Road, and is designated as Lot C, List 000-2851, Card S-010, Block 359, Zone R-20, and  $\pm 1.012$  Acres. Reference is made to an EPB Staff Agenda Summary Report, dated November 15, 2013.

**In Attendance:** Jan Rosell

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**Discussion:** Staff Member Talamelli described the application for the Board. He noted that the property currently supports a single family dwelling, detached garage, walkways, patios, walls, dam and other related facilities. The site is characterized by gently to moderately sloping uplands, a 150 foot reach of the Rippowam River, narrow band of riparian wetlands, and broad floodplain areas. Mr. Talamelli noted that during the peak of the 100-year storm, most of the site is expected to be inundated with flood waters ranging from 0-9 feet. There is no dry vehicular access to the property during the peak of the 100-year storm. Dry pavement lies some 300 feet to the west on Maltbie Avenue at Mid River Run.

The applicant proposes to construct first and second floor additions, implement certain interior renovations, and install other related improvements proximate to wetlands and watercourses and within the designated flood hazard areas. Most of the new construction shall be confined to space that is currently occupied by the east wing of the existing dwelling. Exceptions include a new covered entryway and exterior stair. It has been reported that the project affects approximately 907 square feet of the floodplain. There are no anticipated wetland, watercourse or buffer encroachments under this application.

Mr. Talamelli stated that the important technical issues were addressed by the applicant during the permit review process. The project engineer has confirmed that the project will not have an adverse impact upon drainage or adjoining properties, cause any rise in flood heights, or diminish the flood storage capacity of the site. Engineering Bureau Staff verified the conclusions of the engineer's studies/reports. Water quality concerns have been addressed with the submission of a detailed sediment/erosion control plan, and a commitment to reconnect the dwelling to the sanitary sewer. Important flood requirements have been addressed with the submission of data to ensure that the improvements are not "substantial" and the provision of a "draft" flood preparedness plan. The preparedness plan describes the extent of flooding over the site during the 100-year storm, identifies a possible evacuation route for both vehicles and pedestrians, and outlines general measures to both ensure the safety of residents and limit potential damages. Finally, it was reported that the applicant sought to address the issue of mitigation and enhancement. Although not providing a detailed plan, the applicant committed to the removal of debris from the banks of the river, the planting of native species within wetlands/setback areas, and the removal of invasives when encountered. Mr. Talamelli stated that provided that the applicant adjusts and formalizes both the flood preparedness plan and mitigation proposal, the Board may conclude that the project consistent with the technical requirements of both the inland wetland and watercourse and flood prone area regulations, and move to approve the application.

In response to an issue raised by Board Member Conetta, Mr. Talamelli confirmed that no additional storage tanks or other stockpiles of potentially dangerous materials will be applied to the property at this time. The dwelling is currently fueled by oil, stored in an existing above ground tank.

Board member Wayne sought clarification as to the total area of wetlands, watercourses and upland review areas affected by the development. Mr. Talamelli noted that there were no direct wetland, watercourse or buffer area encroachments proposed, and that all activity shall be limited to the flood prone areas.

Jan Rosell acknowledged the receipt of the Staff Agenda Summary Report, and confirmed no objection

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to its conclusions or recommendations.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1317 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 15, 2013.

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

**#1318 – 133 Thornwood Road – Lot 60 – E. and E. Klosz:** Installation of an emergency generator and propane tanks in and/or proximate to wetlands, watercourses and known flood hazard areas situated in the drinking water supply watershed of the Rippowam River. The property lies along the east side of Thornwood Road, approximately 625 feet south of Bittersweet Lane, and is designated as Lot 60, List 000-9721, Card E-012, Block 190, Zone RA-1 and 1.255± Acres. Reference is made to an EPB Staff Memo dated November 15, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of written correspondence from the owner (E. Klosz, 11/14/13) withdrawing EPB Permit Application No. 1318 from further consideration.

**Motion/Vote:** None

**#1322 – 135 Mulberry Street – Lots 10-11 - Y. Cabello Ramos:** To relocate an existing driveway proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Noroton River. The property lies along the north side of Mulberry Street, approximately 480 feet west of Ridgeway Street, and is identified as Lots 10-11, List 000-2764, Card N-037, Block 328, Zone R-7.5, and ±0.29 Acres. Reference is made to an EPB Staff Memo, dated November 15, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of written correspondence from the owner (Y.C. Ramos, 11/6/13) withdrawing EPB Permit Application No. 1322 from further consideration.

**Motion/Vote:** None

**In Attendance:** None

**#1323 – 139 Mulberry Street – Lots 8-9 - Redniss and Mead, Inc. for H. Sandoval:** To demolish an existing single family dwelling, and construct a new single family dwelling, drive, drainage, utilities, and other related facilities in and proximate to wetlands and watercourses situated with the non-drinking water supply watershed of the Norton River. The property lies along the north side of Mulberry Street, approximately 530 feet west of Ridgeway Street, and is identified as Lots 8-9, List 002-4908, Card N-038, Block 328, Zone R-7.5, and ±0.292 Acres. Reference is made to an EPB

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Staff Agenda Summary Report, dated November 13, 2013.

**In Attendance:** Teodoro Milone, P.E., Redniss and Mead, Inc.  
H. Sandoval

**Discussion:** Staff Member Talamelli summarized the application for the Board. The property lies in an intensely developed residential neighborhood along the north side of Mulberry Street. The site is characterized by the presence of a small single family dwelling, portions of a shared gravel drive, walkways, fenced garden space, sanitary sewer public water and other related facilities. The parcel is characterized by gently sloping uplands, wetlands soil areas, intermittent watercourses, and a few small to moderately sized trees. Mr. Talamelli noted that a majority of the wetland had been historically altered, maintained as coarsely kept manicured space, supporting lawn and only an occasional trees/shrub. Intermittent watercourses line both the northern and western property boundaries. Although impacted by altered banks, the installation of small lengths of pipe, accumulated silt and dense vegetation, the channels function to convey drainage from several adjoining, residentially developed properties, north to south, to an existing 18" pipe under Mulberry Street.

The applicant proposes demolish an existing single family dwelling, and then construct a new single family dwelling, parking, walkways, drainage, utilities, and other related facilities in and proximate to wetlands and watercourses. It was reported that the project will affect approximately 6,747 square feet of wetlands, 2,089 square feet of the non-watershed buffer, and 22 linear feet of watercourse.

Mr. Talamelli noted that the applicant sought to address potential development impacts linked to resource loss, water quality and drainage during the permit application process. Grade change has been significantly reduced, and tree loss has been limited to only one (1) of the larger trees found on the parcel and depicted on the submitted plans. A detailed drainage scheme has been developed to mitigate the impact of an expected increase in overall site imperviousness and runoff. The applicant has determine to mitigate the impacts by developing/managing post-construction watersheds, adding structured drainage and creating a "rain garden" in the southwestern regions of the site. Essential to the drainage plan is the necessity of implementing and maintaining certain plantings and alternative surface treatments, particularly in and along the "rain garden" and the newly established meadow environments. The engineer has confirmed that if constructed per the submitted plans, peak flows for storms up to and including the 25-year event are expected remain unchanged or be diminished. The engineer has concluded that the proposed development will neither diminish the overall storage capacity on the parcel nor adversely impact adjacent downstream properties/infrastructure. The Stamford Engineering Bureau has verified these findings.

Water quality issues have been addressed with the submission of a detailed temporary and permanent sediment and erosion control plan, the use of natural gas, the construction of a "rain garden," and the addition of functional plantings in wetlands and along the watercourses. Extensive mitigation has been proposed including provisions for the removal of accumulated silt and debris and unpermitted pipe sections from the watercourse, removal of invasive vegetation, the addition of boulder demarcation features, the addition of protective measures for trees expected to be incorporated into the post-construction landscape, implementation of an extensive, conservation oriented planting plan, and the application of certain management requirements to further the value of the naturalizing environments. Mr. Talamelli noted that through the application process, the

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applicant considered and ultimately embraced design alternatives to reduce wetland impacts, lessen visual impacts, and reduce dependence on structures to define the limits of development, accommodate drainage, and/or improve water quality. Specific improvements gained through the permit process included the elimination of large retaining walls, minimization of grade impacts, reduction in the footprint of the dwelling, elimination of a proposed individual drive, and the installation of a "rain garden" in lieu of costly structured drainage on the property and in the street.

There were no questions or comments by Board members.

Teodoro Milone, P.E., Redniss and Mead acknowledged the receipt of the Staff Agenda Summary Report, and confirmed no objection to its conclusions or recommendations.

**Motion/Vote:** Upon a motion by Board Member Wayne, the Board voted to **APPROVE** EPB Permit Application No. 1323 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 13, 2013.

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

**#1324 – 50 Westover Avenue – Plot B – J. Baker and T. Baker:** To construct an in-ground pool, patio, equipment, fence, and other related facilities in and/or proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Westover Avenue, approximately 650 feet west of Westover Road, and is designated as Plot B, List 000-7140, Card S-003, Block 366, Zone RA-1 and  $\pm 1.02$  Acres. Reference is made to an EPB Staff Agenda Summary Report, dated November 13, 2013.

**In Attendance:** Tom Ryder, Land Tech Consultants  
Jason Baker

**Discussion:** Staff Member Fausty described the application for the Board. She noted that the applicant seeks the Board's permission to construct an in-ground pool, patio, equipment, propane tank, and other related facilities on the parcel. More than sixty (60) percent of the site has been classified as wetland, although substantial portions of the wetland have been historically maintained as a manicured lawn. Only areas in the extreme eastern portions of the site support uncultivated space. Alternative locations outside of regulated areas are limited by septs, structures and certain zoning constraints. Staff concerns relating to sedimentation and erosion control, drainage and long term commitment of 1,495 square feet of wetland to more urbanized uses have been addressed with the applicant's submission of a detailed erosion control plan, the use of surface treatments that encourage infiltration, and the submission of a planting mitigation plan that provides for the removal of invasives and displaces more than 2,312 square feet of lawn with a diverse collection of functional, conservation plantings.

Prompted by a question by Board Member Spaulding, Tom Ryder confirmed that the placement of the proposed in-ground propane tank was driven by nothing more than the availability of access.

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Tom Ryder, an authorized agent for the applicant, acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to its conclusions or recommendations.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1324 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 13, 2013.

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

**#1325 – 247 Chestnut Hill Road – Lots 3A/5 – K. Hoyt-Topalian:** Construction of garage, kitchen and dining room additions within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the north side of Chestnut Hill Road, approximately 425 feet east of West Haviland Lane, and is designated as Lots 3A and 5, List 002-3930, Card N-012, Block 392, Zone RA-1 and  $\pm 0.88$  Acres. Reference is made to an EPB Staff Memo, dated November 18, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of written correspondence from the owner's agent (J. Giancola, 11/15/13) granting the Board an extension of the statutory deadline for decision on EPB Permit Application No. 1325 for a period of sixty-five (65) days.

**Motion/Vote:** None

**#1326 – 13 Paragon Lane – Lot 1 – Paragon Associate Realty, LLC.:** To substantially improve a single family dwelling, construct a parking space, and implement other related activities within the base floodplain of the Rippowam River. The property lies along the south side of Paragon Lane, approximately 130 feet east of Washington Boulevard, and is designated as Lot 1, List 002-5563, Card S-002, Block 244, Zone R-6 and  $\pm 0.212$  Acres. Reference is made to an Agenda Summary Report, dated November 14, 2013.

**In Attendance:** Leonard D'Andrea, P.E., Rocco V. D'Andrea, Inc.

**Discussion:** Staff Member Talamelli described the application for the Board. The subject property lies within an intensely developed residential neighborhood along the south side of Paragon Lane, just east of Washington Boulevard. The parcel currently supports a single family dwelling, drive, walkways, fences, a shed and other related facilities, and is characterized by gently sloping uplands, a fairly typical collection of trees/shrubs, and known flood hazard areas. Mr. Talamelli noted that the property, in its entirety, lies within the special flood hazard area, with flood depths ranging from 1.1-2.8 feet during the peak of the 100 year storm. Although the first floor of the dwelling peaks above the limits of the flood, both the existing basement and garage are expected to be affected by floodwaters ranging from 2.0-6.6 feet in depth. There is no dry vehicular access to the site during a base flood event. Dry pavement exists some 250 feet to the north and west on Washington

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Boulevard.

The applicant proposes to improve the dwelling and bring it into compliance with the strict structural floodproofing requirements of Stamford's Flood Prone Area Regulations. Associated site improvements include the construction of an additional parking space, a new front entrance, new condenser pads, and minor regrading. Potential development impacts include direct resource impacts during and post-construction, impacts upon the flood potential of the river or flood storage capacity of the site caused by the placement of structures or fill, water quality impacts caused by silts, sediments and other pollutants, drainage impacts caused by altered flow patterns or substantial increases in imperviousness, and/or the creation of conditions that may compromise the integrity of structures or increase hazards to persons or property.

Mr. Talamelli reported that most of the work shall be confined to the existing building envelope, that grade change shall be held to approximately one (1) foot of the existing, and that no trees of value shall be impacted by the development. Given the extensive nature of the floodplain, encroachment into space affected by the 100-year storm is unavoidable. Approximately 1,200 square feet of the floodplain shall be affected by the development. The project engineer has verified that the project will not impact existing drainage patterns or the adjoining properties, cause a rise in flood heights or result in a loss of flood storage. Engineering Bureau Staff verified the conclusions of the engineer's studies/reports. Water quality impacts have been mitigated with the submission of a detailed, temporary/permanent erosion control plan, provisions for the reconnection of the building to the sanitary sewer, and the removal of an existing interior oil tank. The revitalized dwelling shall be serviced by natural gas. The dwelling shall be made compliant with the flood regulations by establishing the first floor above the minimum elevation standard, reconstructing both the basement and garage to comply with the provisions of "fully enclosed areas situated below the minimum elevation standard," raising or floodproofing of site utilities, and providing engineering/architectural certifications confirming that the new structure conforms to the pertinent floodproofing standards and is capable of withstanding the flood forces. Mr. Talamelli further noted that a draft flood preparedness plan had been developed to describe the nature of flooding on the parcel, define the floodproofing measures incorporated into the design of the dwelling, show a probable evacuation route, and outline general practices and procedures to reduce risks to both persons and property.

There were no questions or comments by the Board regarding this application.

Leonard D'Andrea, P.E. acknowledged the receipt of the Staff Agenda Summary Report, and confirmed no objection to its conclusions or recommendations.

**Motion/Vote:** Upon a motion by Board Member Wayne, the Board voted to **APPROVE** EPB Permit Application No. 1326 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 14, 2013.

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

**#1329 - 285 Haviland Road - Plot A - B. and R. McInerney:** To construct an in-ground pool, raise

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walls, modify a deck, and install other related facilities proximate to designated wetlands and conservation areas situated in the non-drinking water supply watershed of Haviland Brook. The subject property lies along the east side of Haviland Road, approximately 630 feet north of Cross Country Trail, and is identified as Plot A, List 002-5695, Card N018, Block 391, Zone RA-1, and  $\pm 3.27$  Acres (Exclusive of Accessway).

**#1330 – 30 Windmill Circle – Lot A-24 – X. Kastrati:** To construct an in-ground pool, walls, drainage, and other related facilities proximate to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The subject property lies along the south side of Wind Mill Circle, approximately 150 feet west of Saw Mill Road and is identified as Lot A-24, List 001-6339, Card W-002, Block 394, and  $\pm 1.18$  Acres.

**#1331 – 591 Westover Road – Lot 1 – D. Rogers for D. Fins:** To construct a replacement septic system and other related facilities proximate to wetlands, watercourses and open space areas situated in the drinking water supply watershed of the Mianus River (West Branch). The subject property lies along the east side of Westover Road, approximately 280 feet north of West Glen Drive, and is identified as Lot 1, List 003-8024, Card E-047B, Block 368, Zone RA-1, and  $\pm 1.049$  Acres.

Reference is made to an EPB Staff Memo, dated November 19, 2013 for applications Nos. 1329, 1330 and 1331.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1329, 1330, and 1331.

**Motion/Vote:** Upon a motion by Board Member Spaulding, the Board voted to **ACCEPT** EPB Permit Applications No. 1329, 1330, and 1331.

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

### **SITE PLAN REVIEWS:**

### **SUBDIVISION REVIEWS:**

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

**481 Old Long Ridge Road – Lot 61A – T. Blackstone – Enforcement:** Deposition of fill, excavation, grading, driveway construction, alteration of vegetation, and other associated disturbances in and/or proximate to wetlands and watercourses situated within the drinking water supply watershed of the Mianus River (East Branch). Activities had been conducted without the prior written authority of the EPB in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations.” The property lies along the east side of Old Long Ridge Road, approximately 525 feet south of Rock Rimmon Road, and is identified as Lot 61A, List 001-0073, Card E-047, Map 14, Block 402, Zone RA-2, and  $\pm 2.54$  Acres. Reference is made to an EPB Staff Memo, dated November 18, 2013.



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**In Attendance:** None

**Discussion:** Chairman Stone initiated the discussion by seeking to determine if the owner or a representative were present for this matter. None were present.

Staff Member Fausty then described this enforcement matter for the Board. She reminded the members that a Show Cause Hearing was conducted on September 26, 2013 to consider the facts and circumstances relevant to the violation. Neither the owner nor a representative attended that hearing. Following a review of the file and extensive discussion, the Board voted to maintain the cease and desist order in effect, and to modify the order to require the installation of erosion controls, the removal of all fill and stockpiled materials from regulated areas, and the submission of a professionally developed restoration plan on or before October 10, 2013.

At a meeting conducted on October 23, 2013, the Board considered the status of this enforcement action. Staff Member Fausty reported that there had been no meaningful progress to remedy the violation. The encroachments remained, there had been little or no communication between the parties, and a professionally developed remediation plan had not been submitted. Ms. Fausty recommended that the Board direct Staff to file a notice of violation on the Stamford Lands Records, publish notice of facts and conduct in a newspaper having general circulation in the City of Stamford, and refer the matter to the Corporation Counsel to achieve compliance with both the order and regulations. The owner's husband, Kofi DeGraft-Johnson, was present at the meeting and requested the opportunity to secure the approvals necessary to gain access to the dry lands situated to the rear of the site for grazing, the development of orchards, or other similar uses. Following extensive discussion, the Board determined to defer from further action to allow the owner to submit a permit application and other pertinent support documents to the Board in advance of the November 21, 2013 meeting.

Ms. Fausty reported that the November deadline passed without the submission of a permit application. Communication was limited to a single e-mail received on November 21, 2013 from Kofi DeGraft-Johnson requesting a postponement. Given the absence of meaningful progress to remedy this violation, Staff Member Fausty recommended that the Board direct Staff to file a notice of violation on the Stamford Lands Records, publish notice of facts and conduct in a newspaper having general circulation in the City of Stamford, and refer the matter to the Corporation Counsel to achieve compliance with both the order and regulations.

Extensive discussion between Members ensued.

**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 direct Staff to file a notice of violation on the Stamford Land Records, publish a notice of facts and conduct in a newspaper having a general circulation in the City of Stamford, and refer the matter to the Corporation Counsel to bring the actions necessary to gain compliance with both the prior cease and desist order (as modified) and the regulations.

In Favor: Stone, Levine, Conetta, Wayne, and Spaulding.  
Opposed: None  
Abstaining: None

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Not Voting: None

**OTHER BUSINESS:**

**ADJOURN:**

**Adjourn the Regular Meeting of November 21, 2013.**

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

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

Meeting adjourned at 8:00 PM.

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Gary Stone, Chairman  
Environmental Protection Board

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