

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE DECEMBER 19, 2013
REGULAR MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Bradford Spaulding, Alternate Member

Members Not Present:

Peter Conetta, Member
Stephen Wayne, Alternate 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 not recorded due to a failure of the recording device.

MINUTES

Minutes of the November 21, 2013 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's November 21, 2013 Regular 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 November 21, 2013 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#1321 – 579 Erskine Road – Lots C, D, E and F – Star Meadow Ranch, LLC: To maintain fill in and proximate to wetlands and watercourses, and to create an off-setting greater area of wetlands on property situated within the drinking water supply watershed of the Mianus River/Bargh Reservoir. The property lies along the west side of Erskine Road, just north of its intersection with Bentwood Drive, and is identified as Lots C, D, E and F, List 002-3572, Card N-045, Block 400, Zone RA-3, and ±101.013 Acres. Reference is made to an EPB Staff Memo, dated December 16, 2013.

In Attendance: None

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Discussion: Chairman Stone acknowledged the receipt of written correspondence from the owner's agent (L. D'Andrea, P.E., Rocco V. D'Andrea, Inc., 12/9/13) withdrawing EPB Permit Application No. 1321 from further consideration.

Motion/Vote: None

#1332 – 821 Stillwater Road – Parcel D-1 – G. Iovieno: To maintain an existing storm drain, rip rap and other related features situated within close proximity to a watercourse and within the base floodplain of the Rippowam River. The subject property lies along the east side of Stillwater Road, approximately 1685 feet north of Cold Spring Road, and is identified as Parcel D-1, List 001-4440, Card E-016, Zone R-20, Block 247 and 0.7565 Acres. Reference is made to an EPB Staff Memo, dated December 15, 2013.

#1333 – 579 Erskine Road – Lots C, D, E and F – Star Meadow Ranch, LLC: To maintain fill in and proximate to wetlands and watercourses, and to create an off-setting greater area of wetlands on property situated within the drinking water supply watershed of the Mianus River/Bargh Reservoir. The property lies along the west side of Erskine Road, just north of its intersection with Bentwood Drive, and is identified as Lots C, D, E and F, List 002-3572, Card N-045, Block 400, Zone RA-3, and ±101.013 Acres. Reference is made to an EPB Staff Memo, dated December 17, 2013.

#1334 – 64 Merribrook Lane – Lot 1-A – Redniss and Mead, Inc. for G. Ohman and A. Reed: To construct a residential addition and related facilities proximate to wetlands, watercourses, known flood hazard areas and a designated conservation easement situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Merribrook Lane, approximately 600 feet west of General Waterbury Lane, and is identified as Lot 1-A, List 004-2985, Card S-005, Zone RA-1, Block 373, 2.6654 Acres. Reference is made to an EPB Staff Memo, dated December 17, 2013.

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. 1332, 1333, and 1334.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1332 1333, and 1334.

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

#1109 – 74 Research Drive – Parcel “HR” – Ray’s Landscape Supply, LLC for Barnes Realty, LLC: To modify Environmental Protection Board Permit No. 1109 to allow construction of alternative material storage structures, fences, and office trailer, and other related facilities within the base floodplain of the Noroton River. The subject property is situated along the east side of Research Drive, approximately 1000 feet north of Glenbrook Road, and is identified as Parcel “HR” (Including Parcel B, Excluding Parcels A and C), List 000-5489, Card E-004, Zone M-G, Block 319, and ±16,867 square feet. Reference is made to an EPB Agenda Summary Report, dated December 12,

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2013.

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

Discussion: Staff Member Talamelli described the modification proposal for the Board. He reminded members that in July 2011, the Board approved Application No. 1109 to allow construction of elevated material storage bins, fencing and other related facilities within the base floodplain of the Norton River on this property. The bin design approved by the Board consisted on jumbo concrete blocks topped with a double layer of pressure treated plywood. These features were expected to be elevated above the level of the base flood to reduce the potential for impact on both flood heights and flood storage. The permit was approved with seven (7) conditions including provisions for the submission of final flood proof fence design/certifications, submission of a revised drainage impact statement to reflect the placement of the perimeter fences, final zoning approval for the proposed walls, the removal of loose or potentially buoyant debris from the property, the submission of an as-built plan and written certifications, and the completion of several administrative tasks pertinent to the issuance of permit.

Starting in March 2012, EPB Staff conducted a series of informal enforcement actions to address certain activities found to be contrary to both the regulations and permit. These activities included inconsistent use of construction and erosion controls leading offsite encroachments and impacts, the unauthorized placement of equipment and stockpiled soil, the unauthorized installation of retaining walls, and the construction of grade level material storage units. The applicant stated that an alternative site plan would be developed and submitted to the EPB to more aptly address both the operational needs of the business and requirements of the regulations.

Given the absence of progress to bringing the matter to a final resolution, the Board, on May 7, 2013, issued a cease and desist order. On May 16, 2013, the Board conducted a show cause hearing, and after the consideration of testimony, determined to maintain the cease and desist order in effect, and modify the order to require the owner to secure the services of a Connecticut Land Surveyor to redefine property boundaries, install erosion and construction control to better protect adjoining properties and resources, remove encroachments from the regulated areas, complete a transfer of permit to current ownership, complete all outstanding administrative tasks, and seek a modification of permit to gain approval for an alternative storage scheme that addresses both the operational needs of the applicant and requirements of the environmental regulations.

This modification proposal was submitted in July 2013. Staff Member Talamelli noted that the proposal, refined during the review process, seeks to better address the erosion/construction control, water quality, drainage, hydraulic and flood storage impact, and structural floodproofing issues raised during the prior months. Mr. Talamelli confirmed that the commercial building that formally occupied the western limits of the site was recently razed, allowing for the relocation of the new storage units and other pertinent features to the west to the less intensely flood areas away from the river. Most of the block storage bins shall be situated at grade in the vicinity of the remaining foundation slab, which lies above the base flood elevation of 41 feet NAVD-88. In the space where the units exceed the limits of the existing slab, asphalt pavement shall be applied, the top of which shall similarly, lie above the limits of the base flood. In lieu of the building, a trailer is proposed for the western portions of the site to provide necessary office and storage space. The trailer shall be set on jumbo blocks with the finished floor elevated to 43 feet NAVD-88, which is two (2) feet above the projected base

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flood elevation. Final tie down, utility and stair landing details are pending. Fence, storage bin, and trailer foundation details have been provided along with the necessary floodproofing certifications. Pavement shall be removed from areas adjoining the river to the east, lessening the encroachment by 20-40 feet. These areas shall be planted with a collection functional conservation plantings, invasive vines shall be removed, and a length of fence shall be installed to provide a necessary demarcation feature. A sediment and erosion control plan was provided to limit impacts during the redevelopment, and the engineer has confirmed that the project will not have an adverse impact on drainage and adjoining properties, river rise, and flood storage capacity. Mr. Talamelli reported that the Engineering Bureau has determined to offer no objection to the project.

Chairman Stone acknowledged the receipt of recent correspondence from Richard Jacobson, Environmental Protection Officer, Environmental Protection Commission, Town of Darien, Connecticut (12/18/13). The correspondence listed several concerns important to both Darien Town Officials and residents abutting the development. Areas of interest included the restoration of boundary markers, restoration of important demarcation features, removal of debris, and the installation of planting along the river, most of which lies within the Town of Darien, not within the jurisdiction of the Stamford EPB.

Leonard D'Andrea, Rocco V. D'Andrea, Inc. acknowledged the receipt of the Staff Agenda Summary Report, and confirmed that his client has no objection to its conclusions or recommendations. He further acknowledged the receipt of the letter from Mr. Jacobson, confirming that the letter had been forwarded to his clients for further action.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** the **MODIFICATION** of EPB Permit Application No. 1109 with the conditions outlined in the EPB Staff Agenda Summary Report, dated December 12, 2013. Staff was further directed to supply the applicant with a copy of the letter from Richard Jacobson, Environmental Protection Officer, Environmental Protection Commission, Town of Darien, dated December 18, 2013.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2843 – Ingleside Drive – Lot B-1 – M. Innaurato: To construct a new single family residence, patio, pool, driveway, septic system, berm, and water control structure within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of

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Poorhouse Brook. The property lies along the west side of Ingleside Drive, just south of Spring Hill Lane East, and is identified as Lot B-1, List 004-5436, Card N-013B, Block 217, Zone RA-2, and 2.21 Acres. Reference is made and EPB Staff Memo, dated December 9, 2013.

#2844 - Ingleside Drive – Lot B-2 – M. Innaurato: To construct a new single family residence, patio, pool, driveway, and septic system within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of Ingleside Drive, approximately 125 feet south of Spring Hill Lane East, and is identified as Lot B-2, List 004-5435, Card N-013A, Block 217, Zone RA-2 and 2.01 Acres. Reference is made and EPB Staff Memo, dated December 9, 2013.

In Attendance: None.

Discussion: Chairman Stone acknowledged the receipt of a letter from Michael Innaurato requesting the extension of the permits. In response to questioning by the Chair, Staff Member Talamelli noted that that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension requests for a period of one (1) year until December 24, 2014.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 2843 and 2844 for a period of one (1) year until December 24, 2014.

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

#2910 - Mill Road – Lot 2 – D. Cappello: To construct a new single family dwelling, drive, drainage, septic and other related facilities in and proximate to wetlands on property situated within the non-drinking water supply watershed of Haviland Brook. The property is situated along the north side of Mill Road, approximately 275 feet east of Mill Spring Lane, and is identified as Lot 2, List 000-5619, Card N-016, Block 402, Zone RA-1 and 1.01 Acres. Reference is made to an EPB Staff Memo, dated December 16, 2013.

In Attendance: None.

Discussion: Chairman Stone acknowledged the receipt of a letter from David Capello requesting the extension of permit. In response to questioning by the Chair, Staff Member Talamelli noted that that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension request for a period of one (1) year until August 21, 2014.

Motion/Vote: Upon a motion by Board Member Spaulding, the Board voted to **APPROVE** the extension of EPB Permit No. 2910 for a period of one (1) year until August 21, 2014.

In Favor: Stone, Levine, and Spaulding.

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Opposed: None
Abstaining: None
Not Voting: None

ADJOURN:

Adjourn the Regular Meeting of December 19, 2013.

There being no more business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Regular Meeting of December 19, 2013.

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

Meeting adjourned at 7:36 PM.

Gary Stone, Chairman
Environmental Protection Board

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