

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JULY 17, 2014
REGULAR MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Richard Rosenfeld, Esq., Member
Bradford Spaulding, Alternate Member

Members Not Present:

Stephen Wayne, Member
Dr. Leigh Shemitz, Member
Nathanial Bowler, 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 Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was recorded.

MINUTES

Minutes of the June 19, 2014 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's June 19, 2014 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the June 19, 2014 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#1411 – 264 Mill Road – Lot C – E. D’Onofrio: To construct a residential addition and an expanded deck proximate to wetlands situated in the non-drinking water supply watershed of Haviland Brook. The site lies along the north side of Mill Road, approximately 1450 feet east of Mill Spring Lane, and is identified as Lot C, List 002-9810, Card N028, Zone RA-1, Block 402, and ±1.009 Acres.

Reference is made to an EPB Staff Memo, dated July 12, 2014.

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In Attendance: Ernesto D'Onofrio

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to expand a deck, remedy certain storm damages caused by fallen trees, and implement other related improvements proximate to the designated wetlands. The applicant reports that approximately 300 square feet of the upland review area shall be impacted by the proposed development. Areas affected by the project include previously developed upland areas stabilized with a gravel strip or maintained as a coarse rocky slope. Ms. Fausty stated that staff concerns relating to water quality have been addressed with the submission of an erosion control plan, and commitment to provide a planting schedule to further stabilize the soil, filter runoff, and enhance the overall conservation values of the site.

Ernesto D'Onofrio acknowledged receipt of the Staff Agenda Summary Report, and offered no objection to any of the stated recommendations or conditions. He reiterated the fact that, although the existing deck shall be expanded, a majority of the work has been proposed to remedy tree and other storm related damages that have occurred over the last several years.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1411 with the conditions outlined in the Agenda Summary Report, dated July 12, 2014.

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

#1413 – 1937 West Main Street – Lot B-2 – West Side Development Partners, LLC for Cytec Industries, Inc.: To construct storm water management facilities, fence and other related facilities, grading and landscaping in and/or proximate to a designated conservation easement situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the north side of West Main Street, approximately 850 feet east of Alvord Lane, and is identified as Lot B-2, List 004-3105, Card N070B, Block 283, Zone M-L, and 827,673 square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated July 7, 2014, revised to July 16, 2014.

In Attendance: Lisa Feinberg, Esq., Carmody, Torrance, Sandak and Hennessey, LLP
Bret Holzwarth, P.E., Redniss and Mead
Steve Wise, West Side Development Partners, LLC
Clay Fowler, West Side Development Partners, LLC
Dominick Celtruda, BL Companies

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli reported that the applicant proposes to construct storm water management structures, fences and other related facilities, implement grading, and install landscaping in and/or proximate to a designated conservation easement. The activities are associated with a larger "Flex Industrial

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Building”, smaller commercial building, parking, drives, and other related features proposed for the site. It was noted that the parcel was created as part of a proposed three (3) lot subdivision approved by the Planning Board in 2009. It was under this subdivision approval that a 152,123 square foot conservation area was established and specific conditions requiring proper conservation easement boundary markings, protection for trees of value, perimeter landscaping, a prohibition on new underground fuel storage, an erosion control plan, and a landscape maintenance agreement originated. There are no wetlands, watercourses or special flood hazard areas on the parcel. The site currently supports remnants of prior industrial uses including building foundations, paved parking and other related facilities and is characterized by the presence of gently to moderately sloping “uplands” that support several vegetation types including managed lawn, transitional grasslands and light woods.

Mr. Talamelli noted that potential development impacts relating to resource loss, water quality and drainage had been addressed during the review process. Although significant grade change and tree loss was expected within the proposed development envelopes, trees and other resources situated in and along the conservation easement shall be maintained. The applicant reported that approximately 41,410 square feet of the existing conservation area shall be affected by the project, primarily by the construction of the proposed storm water detention basin. Most of the easement area affected by the development is currently covered by asphalt. In regards to drainage, the proposed development is expected to increase the total impervious area by approximately 5.6 acres when compared to the historic conditions. If left unmitigated, an increase in the rate and volume of runoff would be expected. To mitigate the increase, the applicant developed a storm water management scheme which provides for the removal of existing pavement, and the construction of vegetated swales, catch basins, pipes, manholes, infiltration units (210 – 8’ x 8’ Retain-it Units), and a micro-pool detention pond. If constructed per the preliminary design plans, the total peak rate of runoff, as well as the peak rate of runoff in each of the basins studied shall be reduced for the 2, 10 and 25-year storms. Accordingly, the engineer has determined that the anticipated development will not result in any adverse hydraulic or hydrologic impacts on adjacent downstream properties or facilities. The Engineering Bureau has endorsed the concept presented. Given the location of the project relative to a culvert/watercourse that drains to Rosa Hartman Park, Binney Pond and ultimately the waters of Long Island Sound, the means to protect and enhance water quality is a threshold issue. Accordingly, the engineer has provided a detailed erosion control plan, has reconnected the site to sanitary sewer, prohibits the use of in-ground fuel storage, and incorporated several water quality controls into the design of the drainage system including basins with both deep sumps and outlet controls, oil and grit separators, infiltration, and the construction of a storm water detention pond (micro-pool). Specific maintenance procedures for the site’s drainage systems, including the proposed detention basin, have been outlined by the applicant. Such measures include seasonal review by qualified inspectors, sediment removal, woody growth removal, erosion repair, and other related measures. To mitigate for the anticipated loss of vegetation and improve both the aesthetic and conservation values of the parcel, the applicant shall expand the existing conservation easement by approximately 52,299 square feet, particularly along the west side of the development. The expansion provides important protection for the proposed storm water detention basin and allows for the creation of a larger, contiguous block of open space. The new limits of the conservation easement shall be pinned and posted, debris and remnant structures shall be removed, trees shall be managed/non-native plant species shall be removed under the direction of a Connecticut Arborist, and planting plans have been developed for the conservation easement, the detention pond, and the plantable space within the development envelopes, primarily along the accessways and

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planted islands.

Lisa Feinberg, Esq. addressed the Board on the behalf of her client. She introduced the development team, acknowledged the receipt of the amended agenda summary report, and confirmed her client's agreement with the stated findings and recommendations.

Upon questioning by Board Member Rosenfeld, Brett Holzwarth, P.E., Redniss and Mead, noted that a specific plan for the long term maintenance of the micro-basins has been developed including but not limited to the monthly removal of debris from outlet structures, monthly mowing of embankments, semi-annual landscape inspections, fore bay sediment removal on a five (5) year basis, and pond sediment removal on a ten (10) year basis.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1413 with the conditions outlined in the Agenda Summary Report, dated July 7, 2014, revised to July 16, 2014.

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

#1414 – 1214 Long Ridge Road - Lot 33C – I. Strezoski: To construct a deck and other related facilities proximate to wetlands on property situated within the non-drinking water watershed of the Rippowam River. The site lies along the west side of Long Ridge Road, approximately 90 feet south of Midrocks Drive, and is identified as Lot 33C, List 000-1447, Zone RA-1, Block 375, and ± 1.000 acre.

Reference is made to an EPB Staff Memo, dated July 12, 2014.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the existing residential structure is currently being renovated. As part of the project, the applicant intends to construct a recreational deck and two (2) small additions proximate to the designated wetlands and watercourses. The applicant reports that the development will impact approximately 400 square feet of the upland review area, in space that is currently occupied by a manicured lawn.

Ms. Fausty stated that staff concerns relating to water quality and drainage have been addressed with the submission of an erosion control plan, the Health Department's endorsement of a suitable septic/code compliant area, and a statement that affirms that the project will have no significant impact on the existing drainage patterns. The Stamford Engineering Bureau had reviewed the design plans and has determined to offer no objection to the development as proposed. Although a mitigation schedule has not been produced to date, the applicant has committed to the submission of a planting plan to stabilize the soil, filter runoff, displace lawn, and enhance the overall conservation values of the site.

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Board Member Levine confirmed his belief that that the project will have an acceptable impact upon the regulated areas, and he would move to endorse the project as presented provided a suitable planting/mitigation plan is submitted for Staff approval.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1414 with the conditions outlined in the Agenda Summary Report, dated July 12, 2014.

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

#1416 – 316 Erskine Road – Lot 2 – K. Crossman for C. Johns and E. Coleman, Jr.: To reconstruct a wood deck and other related facilities within close proximity wetlands, watercourses and a designated open space preserve situated in the drinking water supply watershed of the Mianus River. Access to the property lies along the east side of Erskine Road, across the road, and approximately 500 feet south of Gun Club Road, and is designated as Lot 2, List 003-2746, Card S-019B, Block 399, Zone RA-2 and 1.4524± Acres.

Reference is made to and EPB Staff Memo, dated July 12, 2004.

In Attendance: Kimberly Crossman
Crystal Johns

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the applicant proposes to reconstruct a wood deck proximate to the site's wetlands, watercourses, a pond, and open space/conservation easement areas. The property has been extensively studied by the Board under a recent EPB Permit Application to allow the installation of a generator and other related facilities in regulated areas. The applicant reports that the deck reconstruction, which involves the relocation of several of the concrete footings to better support a future screened porch, will impact approximately 75 square feet of the upland review area. The space affected by the application is currently occupied by manicured lawn. Encroachments are expected to be less extensive than currently exist. Ms. Fausty stated that staff concerns relating to water quality shall be addressed with the addition of notes and details concerning the use of temporary and permanent erosion controls. Ms. Fausty went on to state that given the extensiveness of the existing naturalized buffer between the development envelope, pond and other related areas, additional planting/mitigation is not warranted.

Board Member Levine confirmed his belief that that the project will have an acceptable impact upon the regulated areas, and he would move to endorse the project as presented provided a suitable erosion control plan is submitted for Staff approval.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1416 with the conditions outlined in the Agenda Summary Report, dated July 12, 2014.

In Favor: Stone, Levine, Rosenfeld and Spaulding

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Opposed: None

Abstaining: None

Not Voting: None

#1418 - Old Orchard Lane - Lot A1 - Infinite Real Estate, LLC: To construct a new single family dwelling, drive, septic, drainage and other related facilities proximate to wetlands and a designated conservation easement area situated in the non-drinking water supply watershed of Haviland Brook. The property lies at the intersection of Old Orchard Lane and Forestwood Drive, and is identified as Lot A-1, List 004-4497, Card E-005A, Block, 394, Zone RA-1 and ± 1.9135 Acres.

#1419 - 39 North Street - Lot 14 - R. Filarski: To construct a residential addition and implement certain renovations on property situated within the base floodplain of the Rippowam River. The property lies along the south side of North Street, approximately 125 feet west of Washington Court, and is identified as Lot 14, List 001-5367, Card S-030, Block 264, Zone RMF, and $\pm 6,314$ square feet.

Reference is made to an EPB Staff Memo, dated July 15, 2014.

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. 1418 and 1419.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1418 and 1419.

In Favor: Stone, Levine, Rosenfeld and Spaulding

Opposed: None

Abstaining: None

Not Voting: None

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

678 Erskine Road - Lot C – L. Rizzuto, Jr.: Removal of vegetation, excavation, grading and other alterations of land areas in and/or proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the north side of Erskine Road, approximately 800 feet west of Riverbank Road, and is identified as Lot C, List 001-6025, Card S-37, Block 399, Zone RA-2, and ± 11.1561 acres.

Reference is made to an EPB Staff Memo, dated June 19, 2014, a report by the environmental consultant, dated June 17, 2014, and reports from the project engineer, dated June 19, 2014 and July 11, 2014.

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In Attendance: Leonard D'Andrea, P.E., Rocco V. D'Andrea, Inc.
John Leydon, Esq.
Sebastian D'Acunto, Esq.

Discussion: The matter was summarized for the Board by Staff Member Talamelli. He stated that violations of the "Inland Wetland and Watercourse Regulations of the City of Stamford" were remedied in accordance with a restoration proposal titled "Habitat Enhancement Plan," 678 Erskine Road, Stamford, Connecticut, Prepared for Ridgemere Farm, Leandro Rizzuto, Jr., by William Kenny Associates, LLC, revised May 22, 2014. The restoration plan provided for the removal and regrading of fill to restore wetland hydrology, the removal and proper disposal of accumulated debris, the removal of pipes, restoration of watercourse channels, and the application of native vegetation to restore wetland, function, filter runoff, stabilize the soil and enhance the overall conservation values of the parcel.

In June 2014, the work was inspected by EPB Staff and certified as complete by both the supervising engineering and environmental professionals. Mr. Talamelli reminded the Board that at the June 19, 2014 meeting, the Environmental Protection Board considered this request to withdraw the order, but determined to defer action to allow for the review of the submitted certifying documents.

Inspections conducted by both EPB Staff and the owner's engineer in advance of this meeting showed continued growth in areas subject to the restoration. A revised certification/status report was provided by the engineer. Accordingly, Staff recommended that the Board withdraw the cease and desist orders and to file a notice of compliance on the Stamford Land Records. Mr. Talamelli stated that per the direction of the Law Department, the final notice of compliance shall be held by the Law Department until certain claims for fines/costs are satisfactorily resolved.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **WITHDRAW** the cease and desist orders and to **FILE** a notice of compliance on the Stamford Land Records.

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

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of July 17, 2014

There being no more business, the Board, upon a motion by Board Member Rosenfeld, the Board voted to **ADJOURN** the Regular Meeting of July 17, 2014.

In Favor: Stone, Levine, Rosenfeld and Spaulding

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Opposed: None

Abstaining: None

Not Voting: None

Meeting adjourned at 8:00 PM.

Gary Stone, Chairman
Environmental Protection Board

Meeting Minutes Assembled from Notes Prepared By Richard Talamelli, Environmental Planner