ENVIRONMENTAL PROTECTION BOARD CITY OF STAMFORD MINUTES OF THE SEPTEMBER 18, 2014 REGULAR MEETING

Members Present:

Gary Stone, Chairman Louis Levine, Member Stephen Wayne, Member (Arrived 7:33 PM) Bradford Spaulding, Alternate Member Nathanial Bowler, Alternate Member

Members Not Present:

Dr. Leigh Shemitz, Member Richard Rosenfeld, Esq., 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 July 17, 2014 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's July 17, 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 July 17, 2014 Regular Meeting as presented.

In Favor: Stone, Levine, and Spaulding

Opposed: None Abstaining: None Not Voting: Bowler

APPLICATIONS AND PERMITS

#1417 – 233 Saw Mill Road – Tract A-31 – A. P. Strazza, Ill for G. Kunz.: To install an emergency generator and in-ground propane tank within close proximity wetlands, watercourses and designated flood hazard areas situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Saw Mill Road, approximately 1080 feet south of Wind Mill Circle, and is designated as Tract A-31, List 001-1488, Card N-017, Block 394, Zone RA-1 and 1.4495+ Acres.

Reference is made to an EPB Agenda Summary Report Memo, dated September 14, 2014.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to install an emergency generator and underground propane tank proximate to wetlands, watercourses and the base floodplain of the Mianus River (East Branch). The applicant reports that although 55 square feet of the upland review area shall be affected by the project, there are no direct encroachments into the wetlands, watercourses or the designated floodplain areas. Areas affected by the installation are maintained, primarily, as lawn. Ms. Fausty stated that staff concerns relating to water quality have been addressed with the submission of an erosion control plan. No further mitigation required given the limited impact of the development and the density of the natural vegetation that currently borders the regulated areas. Ms. Fausty further acknowledged the receipt of correspondence from Anthony P. Strazza, III, agent for the owner, confirming the receipt of the agenda summary report, and agreement with both the assessment and recommended conditions of approval.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to APPROVE EPB Permit Application No. 1417 with the conditions outlined in the Agenda Summary Report, dated September 14, 2014.

> In Favor: Stone, Levine, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

Board Member Wayne joins the meeting following the vote on EPB Application No. 1417 at 7:33 PM.

#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, watercourses, 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.

Reference is made to an EPB Agenda Summary Report, dated September 10, 2014.

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

Tim Mack, Infinite Real Estate, LLC

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli reported that the applicant proposes to construct a new single family dwelling, drive, septic, drainage and other related facilities proximate to wetlands, watercourses and a designated conservation easement. He reminded members that the parcel was part of a two (2) lot subdivision of property that was extensively studied by the EPB and approved by the Planning Board in 2006. Conditions of the subdivision approval provided for a open space/conservation easement for 95,058 square feet of land including all wetlands, watercourses, and buffer areas, field staking/posting of the conservation easement, EPB permits for the development of Parcels Lots A1 and A2, preservation of significant trees and stone walls to the greatest extent feasible, submission of landscape and drainage

maintenance agreements, a permanent barrier barring access to Old Orchard Lane and any cut through to Forestwood Drive, Engineering Bureau approval for drainage and drive construction, a prohibition on the use of in-ground fuel storage tanks, final erosion control plan, and submission of a performance surety. Mr. Talamelli noted that although the conservation easement boundary was reflected on the filed map, the actual easement document has not executed and filed on the Stamford Land Records.

Mr. Talamelli reported that the property is characterized by gently sloping woodland, gently to moderately sloping developed space, numerous rock outcroppings/ledge, many large trees, and portions of a large wooded wetland. He confirmed that the applicant has submitted plans and reports demonstrating consistency with the subdivision concept and addressing important development concerns relating to wetland/resource impact, drainage, septic feasibility, water quality and conservation.

Development shall be generally confined to unregulated uplands, displacing several existing accessory structures, manicured space, and some light woods. Encroachments into the regulated areas have been limited to necessary debris removal, slope re-grading and certain landscaping activities identified at the time of subdivision. The applicant reports that 2,129 square feet of the buffer and 2,235 square feet of the conservation easement shall be temporarily impacted.

The Stamford Engineering Bureau has determined that the drainage mitigation plan remains consistent with the subdivision concept and will not adversely impact drainage or adjoining properties. Potential development impacts have been mitigated through a reduction in site imperviousness, the installation of structures to better collect and manage drainage, and use of the large, undisturbed area of wetland on the parcel.

Following extensive testing at the subdivision and individual development level, septic feasibility was reaffirmed, gaining the endorsement of the Stamford Health Department.

To reduce the potential for water quality impact, the applicant has provided a detailed sediment and erosion control plan consisting of perimeter silt fence/haybale protection, a stabilized construction entrance, basin/outlet protection, stockpile areas, asphalt drives/curbs, and final site stabilization measures. In ground fuel storage has been prohibited. The dwelling shall be heated with fuel oil, stored in tanks situated within the building. Drainage structures shall be equipped with deep sumps and bell traps on catch basins and outfalls with rip rapped plunge pools to assist in the collection of sands, silts and debris prior to discharge to the receiving wetland.

To mitigate for the anticipated tree loss, restore historically impacted portions of the buffer/conservation easement, and address the overall conservation needs of the site, the applicant has determined to provide for the removal of accumulated brush and debris from space abutting the wetland areas, the removal of Bittersweet and other invasives from those portions of the conservation easement abutting the development, and the installation of an extensive collection of conservation valued trees shrubs and groundcovers, primarily along the restored slope abutting the wetland areas. Conservation signage shall be installed along the limits of the conservation easement and tree protection measures shall be implemented for identified trees of value based upon the arborist's report developed at the time of subdivision.

In response to questioning by Board Member Levine, Mr. Pugliesi stated that the outstanding conservation easement document shall be executed by the current owner of the parcel, noting that a "draft" has already been forwarded to EPB Staff for review and comment. Mr. Pugliesi further confirmed that his client had received a copy of the agenda summary report and offers no objection to the stated findings and recommendations.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1418 with the conditions outlined in the Agenda Summary Report, dated September 10, 2014.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

#1420 – 120 Dundee Road - Lot G-5 – R. McTavish: To install an emergency generator and two (2) propane tanks proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Dundee Road, approximately 625 feet south of Timber Mill Road, and is identified as Lot G-5, List 001-7087, Card E-010, Block 394, Zone RA-1 and +1.26 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated September 14, 2014.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to install an emergency generator and two (2) above ground propane tanks proximate to wetlands and watercourses. The applicant reports that approximately 18 square feet of the upland review area shall be affected by the project. Areas impacted by the installation have been historically maintained as lawn. Since the proposed activities shall be limited to existing manicured space and little or no disturbance is anticipated, plantings or other mitigative measures have not been requested.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1420.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1420 with the conditions outlined in the Agenda Summary Report, dated September 14, 2014.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None

Abstaining: None Not Voting: None

#1421 – 17 Arnold Drive – Lot 19 – J. Kulick and G. Shapiro: To construct an in-ground pool and attendant facilities proximate to wetlands and watercourses on property situated in the non-drinking water supply watershed of Ayers Brook. The property lies along the north side of Dundee Road, approximately 410 feet east of Joan Road, and is identified as Lot 19, List 002-1678, Card N-005, Zone RA-1, Block 379, and ±1.63 Acres.

#1422 – 61 Loughran Avenue – Lot 28 – D. Pascale: To install an elevated propane tank and platform within the base floodplain of the Rippowam River. The property lies along the south side of Loughran Avenue, approximately 760 feet east of Long Ridge Road, and is identified as Lot 28, List 000-2905, Card S-009, Block 359, Zone R-20, and ±42,853 square feet.

#1423 – 143 Old Mill Lane – Lot 14C – H. Tooter: To reconstruct an in-ground pool, patio, deck and other related facilities proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property is situated at the terminus of Old Mill Lane, and is identified as Lot 14C, List 001-7389, Card N-009, Block 373, Zone RA-2, and ±5.15 Acres.

#1424 – 77 Havemeyer Lane – Lot 97 – Palmer Hill Partners, LLC.: To maintain manicured space, drainage and other related features installed within close proximity to wetlands, and implement certain mitigating activities including the removal of invasive vegetation, installation of native plantings, and construction of a split rail fence as a permanent demarcation feature. The property lies along the east side of Havemeyer Lane, approximately 1825 feet south of Palmer's Hill Road, and is identified as Lot 97, Block 283, Zone C-D, and +19.69 acres.

Reference is made to an EPB Staff Memos dated September 18, 2014 (Arnold Drive), September 4, 2014 (Loughran Avenue), September 18, 2014 (Old Mill Lane), and September 17, 2014 (Havemeyer Lane).

In Attendance: None

Discussion: The Chairman acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1421, 1422, 1423, and 1424.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1421, 1422, 1423 and 1424.

In Favor: Stone, Levine, Wayne, Spaulding and Bowler

Opposed: None Abstaining: None Not Voting: None

SITE PLAN REVIEWS:

#3986-3 - Haviland Road - Parcel 3 - H. Mhatre: Construction of a new, five (5) bedroom, single

family dwelling, drive, drainage, septic, well, and other related facilities. A Site Plan Review by the Environmental Protection Board is required pursuant to Condition Five (5) of Planning Board (Subdivision Application) No. 3986. The subject property lies along the north side of Haviland Road, approximately 475 feet east of East Hunting Ridge Road (accessway), and is identified as Parcel 3, List 004-5225, Block 391, Card N-019, Zone RA-1, and ±1.0037 acres.

Reference is made to an EPB Staff Memo, dated September 11, 2014.

In Attendance: None

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli noted that the applicant proposes to construct a new, five (5) bed room, single family dwelling, drive, drainage, septic, well, and other related facilities on the property. He reminded members that the parcel was part of a three (3) lot subdivision of property that was extensively studied by the EPB and approved by the Planning Board in 2009. The subdivision approval provided for an open space/conservation easement for approximately 1.4878 acres of wetland, slope and woodland, field staking and posting of the designated conservation easement boundary, an EPB Site Plan Review requirement for the development of Parcels 2 and 3, an EPB permit requirement for the development/modification of Parcel 1, a condition requiring the owner to obtain a permit and implement approved wetland restoration activities on Parcel 1 prior to the development of either Parcels 2 or 3, conditions relating to the preservation of stone walls and significantly sized trees to the greatest extent feasible, a prohibition on the use of in-ground fuel storage tanks, a requirement for a soil erosion and sedimentation control plan, and filing of a performance bond or other form of surety acceptable to the Corporation Counsel for the necessary site line improvements. The applicant seeks to satisfy the site plan review requirements of the subdivision approval with the submission of this application.

Mr. Talamelli reported that although the property does not support wetlands or watercourses, the parcel supports a conservation easement which encumbers the western portions of the site and includes areas of steep slope, rock features, and many of the site's largest trees. He noted that the plans submitted and refined under the application process demonstrate consistency with the subdivision concept.

Development shall be confined to previously cultivated space in the approximate center of the parcel. The conservation boundary shall be honored and identified trees of significance shall be maintained.

A drainage plan mimicking the concept supplied at the time of subdivision has been provided. The anticipated increase in coverage/runoff shall be managed by implementing certain grade modifications and installing a structured drainage system consisting of catch basins, tight piped detention, a control structure and stabilized outfall. The Stamford Engineering Bureau has endorsed the submitted drainage analysis and design plan with minor modifications.

Following extensive soil testing at both the subdivision and individual site development level, the Stamford Health Department reaffirmed design feasibility and has endorsed the project.

Potential water quality concerns have been addressed with the submission of a detailed sediment and erosion controls plan, prohibition on the use of in-ground fuel oil storage, and the use of drainage

structures equipped with outlet controls to assist in the collection of sands, silts and debris, prior to a discharge.

Finally, to address the overall conservation needs of the site, the applicant has provided for the reposting of the conservation easement, and the management of existing tree resources based upon an arborist's recommendations developed at the time of subdivision. Note that the plan provides for the removal two (2) dead trees from the conservation easement.

Mr. Talamelli noted that he had spoken to the owner, who had secured a copy of the Agenda Summary Report and offered no objection to the findings or stated conditions of approval.

Motion/Vote: Upon a motion by Board Member Wayne, the Board voted to **APPROVE** Site Plan Review Application No. 3986-3 with the conditions outlined in the Agenda Summary Report, dated September 11, 2014.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

SUBDIVISION REVIEWS:

#4012 – 745-751 High Ridge Road – Lots B/C – G and T High Ridge Associates: To subdivide an existing 1.9224 square foot property into six (6) parcels capable of supporting residential development. All subdivided parcels shall be served by sanitary sewers and the public water supply. The subject property lies along the east side of High Ridge Road, approximately 420 feet north of Belaire Drive. The property is currently comprised of two (2) parcels identified as 751 High Ridge Road, Lot C, List 000-4644, Map 84, Block 324, Card E-083, R-10, ±33,410 square feet (Stanley) and 745 High Ridge Road, Lot B, List 000-9390, Map 84, Block 324, Card E-082, R-10, ±49,168 square feet (G and T High Ridge Associates, LLC).

At the applicant's request (D'Andrea, 9/17/14), this item was deferred to a subsequent meeting of the EPB.

#4016 – 12 West Haviland Lane – Parcel A – General Portfolio, Inc.: To subdivide an existing ±14.0 acre property into five (5) parcels capable of supporting residential development. All sites shall be served by private wells and subsurface sewage disposal systems. The property lies along the south side of West Haviland Lane, approximately 360 feet west of Haviland Road, and is identified as Parcel A, Map 12,404, List 004-1389, Card S001A, Zone RA-1, Block 392, and ±14.0 Acres.

Reference is made to an EPB Agenda Summary Report dated September 13, 2014.

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

Matthew Popp, LA, Environmental Land Solutions, LLC.

John Leydon, Esq.

Paul George, General Portfolio, Inc.

Discussion: Staff member Fausty summarized the subdivision application for the Board. She reported that the applicant seeks to subdivide the fourteen (14) acre parcel into five (5) properties capable of supporting residential development. Subdivision and subsequent development necessitates the construction of a road and drainage in the common space, and drainage, wells, septic systems, and other related features on individual lots. The property, which currently supports a narrow asphalt drive, several buildings, sheds, pools, tennis courts, paved parking areas, septics, and other facilities formerly associated with the Twin Lakes Swim and Tennis Court, is characterized by the presence of extensive wetlands, watercourses, a pond, sloping woodlands, and designated conservation areas. The conservation areas were established under a prior subdivision application.

Ms. Fausty noted that the applicant appears to have demonstrated that the subdivision is technically feasible, reasonably protects areas of identified resource, complements the land, and is not the product of extraordinary measures and features that often require extensive upkeep and maintenance. She notes that the applicant has developed an overall site development plan that provides for the continued protection of wooded slopes along the site's perimeter, the pond, stream and wetland resources. Development is generally confined to the gently to moderately sloping woodlands and many of the gently sloping areas disturbed by the site's prior use/development. Storm water shall be managed through a combination of grading, new/enhanced structures and the natural storm water attenuating functions of the site's pond, wetlands and watercourses. The conclusions of the drainage report, and the preliminary design have been endorsed, in concept, by Engineering Bureau Staff. Soil testing has been conducted under the supervision of the Stamford Health Department and the feasibility of subsurface sewage disposal has been demonstrated. Water quality concerns have been addressed with the submission of a detailed erosion controls plan, use of outlet controls on new/improved drainage structures, and a commitment to remove accumulated sediment and debris from the receiving water bodies. Trees have been evaluated by a Connecticut Arborist, and recommendations to preserve valued groups of trees have been incorporated into the preliminary site development plans. Certain landscape enhancements have been proposed to improve the streetscape, restore areas impacted by a proposed tennis court removal, and enhance the edges of the regulated areas. To avoid conflict with the proposed right of way, conservation easement protection for space along the proposed subdivision road shall be eliminated. However, the applicant has proposed to expand the total area of the conservation easement by some 41,499 square feet, bringing the total to approximately 5.887 acres or about 42% of the site. Ms. Fausty noted that formal EPB permits shall be required for the road and the development of Lots A-2 and A-3, and that Board may consider further expansion of the conservation easement on Lots A1 and A2 to protect the full width of the pond buffer.

Board Member Spaulding raised a number of issues relating to the proposed removal of the tennis court and the access necessary to conduct the proposed restoration activities. In response, Mr. Pugliesi noted that it was not the applicant's intent to remove both the court and all historically placed fill, but to remove the layer of clay soils, install top soil, and replant in accordance with the plans developed by the landscape architect. Mr. Pugliesi further stated that two (2) routes were available to the court site, each having a reasonable impact on resources.

As part of a brief presentation offered by the development team, Messrs. Pugliesi, Popp and Leydon reaffirmed the details of the subdivision, the drainage concept, and the decisions relating to the

selection of the open space/conservation easement. Mr. Pugliesi and Popp were concerned by the proposed expansion of the conservation easement along the pond given the potential constraints the terms may have on both future lot development, and recreational opportunities. Both Mr. Pugliesi and Popp asserted that any concerns about the status of the area, access, and the value of mitigation would more aptly be addressed under a future EPB Permit.

Given the necessity of EPB Permits for the development of Lots A-1 and A2, the Chairman, suggested transmittal of a recommendation to the Planning Board that eliminates the requirement for an expanded conservation easement at this time, but includes comments that clearly define the EPB's concerns.

Staff Member Talamelli reminded the members that the standard easement document does not preclude most recreational uses, and the Board's ability to secure a conservation easement for the space may be limited under a future permit process.

Motion/Vote: Upon a motion by Board Member Spaulding, the Board voted to **OFFER NO OBJECTION** to PB Application No. 4016 with the conditions outlined in the Agenda Summary Report, dated September 13, 2014, modified to eliminate Condition No. 1 relating to the proposed expansion of the conservation easement along pond areas, and to add a statement expressing the Board's concerns relating to tennis court access, and the scope of the work necessary to remove and adequately restore court areas.

In Favor: Stone, Levine, Spaulding, and Bowler

Opposed: Wayne Abstaining: None Not Voting: None

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2509 – Wallenberg Drive – Lot 36 – P. Levine: Request to extend the effective period of EPB Permit No. 2509 for one (1) year. The permit allowed for the construction of a single family dwelling and associated facilities in and/or proximate to wetlands, watercourses and designated Conservation Areas situated in the drinking water supply watershed of the Bargh Reservoir/Mianus River. The property lies along the east side of Wallenberg Drive, approximately 575 feet south of South Lake Drive, and is identified as Lot 36, List 003-7996, Card E-002, Block 400, Zone RA-3, 2.13 Acres. Reference is made and EPB Memo, dated July 11, 2013.

In Attendance: None.

Discussion: The Chairman acknowledged the receipt of a letter from Edward V. O'Hanlon, Esq., Robinson and Cole, dated June 16, 2014. Staff Member Talamelli 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 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 2, 2015.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** extension of the effective period of EPB Permit No. 2509 for a period of one (1) year until August 2, 2015.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

#1120 – 371 Taconic Road - Lot 25 – V. and E. Loganchuk: Request to extend the effective period of EPB Permit No. 1120 for one (1) year until September 23, 2015. The permit allowed for the installation of a new fence, stone wall and other related features in and/or proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Taconic Road, approximately 2300 feet north of Farms Road, and is identified as Lot 25, List 002-2397, Card W-3, Block 400, Zone RA-3, 4.101 Acres (0.487 Acres within the City of Stamford).

Reference is made to an EPB Staff Memo, dated September 17, 2014.

In Attendance: None.

Discussion: The Chairman acknowledged the receipt of a letter from Teodoro Milone, P.E., Redniss and Mead, dated July 2, 2014. 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 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 September 23, 2015.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** extension of the effective period of EPB Permit No. 1120 for a period of one (1) year until September 23, 2015.

In Favor: Stone, Levine, Wayne, Spaulding, and Bowler

Opposed: None Abstaining: None Not Voting: None

ADJOURN:

Adjourn the Regular Meeting of September 18, 2014

There being no more business, the Board, upon a motion by Board Member Levine, the Board voted to **ADJOURN** the Regular Meeting of September 18, 2014.

In Favor: Stone, Levine, Wayne, Spaulding and Bowler.

Opposed: None Abstaining: None

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Not Voting: None

Meeting adjourned at 8:40 PM.

Gary Stone, Chairman
Environmental Protection Board

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