

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE SEPTEMBER 17, 2015
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Bradford Spaulding, Alternate Member
Ashley A. Ley, Alternate Member

Members Not Present:

Richard Rosenfeld, Esq., Member
Stephen Wayne, Member
Nathaniel Bowler, Alternate Member

Staff Present:

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

The Regular Meeting, which was called to order by the Chairman at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

MINUTES

Minutes of the August 20, 2015 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's August 20, 2015 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the August 20, 2015 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#1508 – 54 Alexandra Drive – Lot 18 – A. Foti: To maintain portions of a new septic system and construct a deck, hot tub, stone patio, walkway, and other related facilities in and proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The property lies along the south side of Alexandra Drive, approximately 280 feet east of Eliot Lane, and is identified as Lot 18, List 002-2001, Card S-006, Zone RA-1, Block 390, and ±1.0003 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated September 4, 2015.

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

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant proposes to maintain portions of a newly constructed septic system and to construct a new deck, stone patio, walkways, and other related features in and proximate to wetlands on the parcel. Although the property supports extensive, relatively undisturbed areas of wetland, a watercourse, and pond to the south, the regulated areas potentially affected by the project lie proximate to the dwelling, and have been historically maintained as manicured lawn. It is estimated that approximately 430 square feet of wetlands and 341 square feet of the upland review areas shall be impacted by the proposed development.

Ms. Fausty reported that pertinent development issues relating to resource loss, water quality, and drainage were addressed during the permit review process. Disturbance shall be minimized and confined to the previously disturbed space, a detailed sediment and erosion control plan has been developed, and a drainage analysis has been performed. The project engineer has determined that the proposed activities will not have an adverse impact upon drainage and adjoining properties given the minimal increase in impervious coverage and the mitigating properties of the large wetland and pond in the southern reaches of the site. The Stamford Engineering Bureau confirmed the conclusions of the submitted drainage report. To mitigate for the wetland loss and enhance the overall conservation values of regulated areas, the applicant supplied a mitigation plan that provides for both the removal of debris and the installation of numerous conservation plantings along the undisturbed wetland edge. Ms. Fausty stated that the mitigation plan appeared appropriate to the site and circumstances.

In response to a question by Dr. Shemitz concerning the wetland delineation, Mr. Pugliesi reported that the limits of wetland and classification were provided by a Connecticut Soil Scientist, and that the shallow fill placed over the wetland soil was most likely the result of grading during the construction of the dwelling. A review of aerial photographs showed no recent, perceptible changes in the status of the area.

Mr. Pugliesi, acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to the conclusions or recommendations contained therein. He did note, however, that references to a private well should be corrected. The parcel is served by the public water supply.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1508 with the conditions outlined in the EPB Staff Agenda Summary Report, dated September 4, 2015, modified to strike references to the use of a private well.

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

#1514 – Merriebrook Lane – Lot D – City of Stamford/Land Use Bureau - Mianus River Park Riverbank Restoration Project: To implement certain riverbank restoration and stabilization

activities in and proximate to wetlands, watercourses, and special flood hazard areas situated in the drinking water supply watershed of the Mianus River. The project affects a portion of Mianus River Park, on property situated along the north side of Merriebrook Lane, approximately 1100 feet west of Westover Road, and is identified as Lot D, List 001-5528, Card N-005Z, Block 373, Zone P, and ±84.5 Acres.

Reference is made to an EPB Agenda Summary Report, dated September 3, 2015.

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

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the City of Stamford Land Use Bureau proposes restoration activities for several severely eroded stretches of riverbank along the Mianus River in Mianus River Park. She reported that over the last several years, two (2) similar projects were successfully implemented under EPB permits, and in cooperation with the local chapter of Trout Unlimited, National Park Service, and Connecticut Department of Energy and Environmental Protection.

In this instance, the proposal includes a revetment composed of recycled Christmas trees fastened to the embankment with a series of wooden anchors to protect the bank from additional erosion impacts, and to capture natural deposits of leaf litter, debris, and other sediments. Over time, the sediments held by the limbs and branches of the trees revegetate to create a more erosion resistant bank in or near its original location. In addition, the applicant shall add boulders, native stones and functional conservation plantings in other select areas to create "hardened" points of access to the river's edge. In the park, unrestricted access to the river by fisherman, dog walkers and others park patrons may contribute to the deterioration of the embankment. The project is expected to affect approximately 435 linear feet of riverbank and known flood areas. Construction and sediment and erosion controls shall be utilized as necessary to protect water quality, the project engineer has confirmed the absence of hydraulic impact, stones and anchoring specifications have been provided to ensure stability, a planting schedule supporting an appropriate array of natural, functional plantings has been supplied, and site supervision shall be provided.

Mr. Stone and Dr. Shemitz noted that the conifer revetment had not been previously considered by the agency. Any approval necessitates a moderate to long term evaluation to ensure that this treatment is successful and suitable for future projects. Mr. D'Andrea confirmed that he had visited other sites in the region that have applied the conifer revetment, noting that the treatment appears to be successful. He agreed that supervision during implementation and post-construction evaluations are important, and recommended that the engineer provide evaluations and monitoring reports to the Board at the six (6) month and one (1) year anniversaries of the project's completion.

In response to Mr. Stone, Mr. D'Andrea, confirmed the prior receipt of the Staff Agenda Summary Report, and offered no objection to its conclusions or recommendations, modified to include the necessary evaluations and monitoring reports.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1514 with the conditions outlined in the EPB Staff Agenda Summary Report, dated

September 3, 2015 modified to include engineering evaluations and monitoring reports at the six (6) month and one (1) year anniversaries of the project's completion.

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

#1516 – 28 Quaker Ridge Road – Parcel B – Frangione Engineering, LLC. for Gerkos, LLC: To demolish an existing dwelling and construct a new single family dwelling, drive, septic system and other related facilities within close proximity to wetlands, situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the north side of Quaker Ridge Road, approximately 350 feet east of East Hunting Ridge Road, and is designated as Parcel B, List 001-0344, Card N-002, Block 391, and ±0.916 Acres.

Reference is made to an EPB Staff Memo, dated September 14, 2015.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1516.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1516.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT, STATUS REPORTS AND SHOW CAUSE HEARINGS:

518 Hope Street – Lot B – R. Serricchio – Withdraw Cease and Desist Order: Removal of Indigenous vegetation, excavation and grading within a designated "Open Space Preserve" without the prior written authority of the Environmental Protection Board in violation of Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." Property situated along the west side of Hope Street, approximately 100 feet south of Toms Road and is identified as Lot B, Account 003-6645, Card W-163A, Map 105, Block 215, Zone R-7.5, and 10,711 square feet.

Reference is made to an EPB Staff Memo, dated September 4, 2015.

In Attendance: None

Discussion: Staff Member Talamelli reported on the history and current status of the enforcement action. Mr. Talamelli noted that in March 1995, the Environmental Protection Board

conducted a Show Cause Hearing, finding that Robert Serricchio of 518 Hope Street, Stamford, Connecticut had removed or caused the removal of indigenous vegetation, excavated and graded areas designated as an "Open Space Preserve" without the prior written consent of the Environmental Protection Board. By conducting these regulated activities without a prior permit, Robert Serricchio was found to be in violation of Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." Accordingly, the Board determined to maintain the cease and desist order in effect and modify the order to require the submission of a landscape/restoration plan and professional supervision leading to the submission of "as-completed" certifications by June 1995. The Board further determined to file a notice of violation of the Stamford Land Records. That notice of violation was posted in the Stamford Land Records in March 1995.

In December 1996 the Environmental Protection Board granted a permit to maintain lawn grass, regrade, and implement other landscape enhancements in portions of the designated open space preserve. There was no indication in the record that the work was ever completed and certified.

In May 2015, EPB Staff was contacted by individuals representing the "current" owner of the site. A title search conducted in advance of a pending sale uncovered the "Notice of Violation." In June 2015, EPB Staff met with both the prospective owner and broker to evaluate the open space and define the measures necessary to bring the site into compliance with both the prior enforcement actions and permit. Staff noted that little or no work had been accomplished to restore the space. The steeply sloping area to the rear of the site was littered with significant accumulations brush and other assorted debris, and the required planting had not been installed/maintained. Accordingly, it was determined that the owner/broker would arrange for the staking of the open space limits, the removal of all accumulated brush and debris, and the installation of eight (8) plantings similar to those specified on the permit plans. It was agreed that, given the conditions, the owner/broker may install, subject to Staff approval, appropriate conservation shrub planting in lieu of the proposed evergreens. Staff noted that upon completion and inspection, the matter would be placed on an agenda for a release of the violation notice.

In August, 2015, EPB Staff inspected the site, finding that the open space limits had been staked, accumulated brush and debris had been removed, and eight (8) Arrowwood shrubs had been installed as agreed.

Given these circumstances, Mr. Talamelli recommended that the Board act to withdraw the cease and desist order and direct Staff to file a notice of compliance on the Stamford Records.

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

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

OTHER BUSINESS:

#2910 – Mill Road – Lot 2 – D. Capello: 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 Memo, dated September 16, 2015

In Attendance: None

Discussion: Mr. Stone acknowledged to the receipt of a letter from David Capello requesting an extension of the effective period of EPB Permit No. 2910. 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 until August 21, 2016.

Motion/Vote: Upon a motion by Ms. Ley, the Board voted to **EXTEND** the effective period of EPB Permit No. 2910 for a period of one (1) year until August 21, 2016.

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

ADJOURNMENT:

Adjourn the Regular Meeting of September 17, 2015.

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of September 17, 2015.

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

Meeting adjourned at 7:58 PM.

Gary H. Stone, Chairman
Environmental Protection Board