

**DRAFT
ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE OCTOBER 15, 2015
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Stephen Wayne, Member
Richard Rosenfeld, Esq., Member
Bradford Spaulding, Alternate Member
Nathanial Bowler, Alternate Member (Joined Meeting at 7:36 PM)

Members Not Present:

Louis P. Levine, Member
Ashley A. Ley, 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 September 17, 2015 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's September 17, 2015 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Dr. Shemitz, the Board voted to **APPROVE** the Minutes of the September 17, 2015 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#1410 – 12 West Haviland Lane – Parcel A – General Portfolio Properties, Inc.: To construct a road, drainage structures, and other pertinent facilities associated with a future residential subdivision. The activities lie in and/or proximate to wetlands, watercourses and conservation areas situated in the non-drinking water supply watershed of Haviland Brook. The site 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 October 8, 2015.

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

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John Leydon, Esq.
Paul George, Custom Modular Homes

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant proposes to construct a private roadway, drainage, and other related features on the fourteen (14) acre parcel that formerly supported the Twin Lakes Swim and Tennis Club. The construction is linked to a five (5) lot residential subdivision that was recently approved by the Planning Board with a positive endorsement of the EPB. Regulated areas consist of wetlands, watercourses, a pond, designated conservation easement areas, and non-watershed upland review areas of twenty-five (25) feet. The applicant estimates that the project, if constructed per the subdivision roadway plan, shall affect approximately 22,399 square feet of the setback, 2,529 square feet of conservation area, and 60 linear feet of watercourse.

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, generally confining roadway development to previously disturbed space and to areas free of significant tree resources. To maintain and enhance water quality, a detailed sediment and erosion control plan has been developed and structured drainage has been equipped with deep sumps, bell traps and other features to better collect and treat runoff prior to discharge. A drainage analysis has been performed by a Connecticut Engineer, and it has been determined that the proposed activities will not have an adverse impact upon drainage and the adjoining properties. The Stamford Engineering Bureau confirmed the conclusions of the drainage report, study methodology and the design of the drainage system. To mitigate for the encroachments and enhance the overall conservation values of the site, the applicant supplied a mitigation plan that provides for both the removal of debris and sediment from the receiving watercourses, and the installation of numerous functional, conservation plantings. Ms. Fausty stated that the mitigation plan appeared appropriate to the site and circumstances.

Note that Alternate Member Bowler joined the meeting during the discussion of this item at approximately 7:36 PM.

In response to a question by Dr. Shemitz, Mr. Pugliesi reported that an increase in the size of some of the existing drainage pipes was attributed to a request by the Stamford Engineering Bureau to design the drainage system for a larger storm. Mr. Pugliesi noted that any expected increases in flow are appropriately mitigated by the large pond and wetland system found in the lower reaches of the property, and that the statements concerning the absence of impact remain valid.

In response to an inquiry by Mr. Rosenfeld, Mr. Pugliesi verified that one (1) of the existing tennis courts shall be maintained on the property. The other courts and related pavement shall be removed to accommodate the proposed structures and features. In response to further questions and comments concerning the conservation encroachment, Mr. Pugliesi noted that although portions of the original conservation area shall be removed/alterd, the total area dedicated to conservation shall be increased under the provisions of the subdivision.

Mr. Pugliesi, acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to the conclusions or recommendations contained therein.

Motion/Vote: Upon a motion by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1410 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 8, 2015.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Spaulding
Opposed:	None
Abstaining:	None

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Not Voting: Bowler

#1515 – 51 Caprice Drive – Lot 60 – M. and L. Civitano: To maintain a retaining wall and fill proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of the cul-de-sac of Caprice Drive, and is identified as Lot 60, List 000-8134, Card N-004Z, Zone RA-1, Block 368, and ± 1.026 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated October 10, 2015

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant seeks the Board's permission to maintain a retaining wall and fill placed within close proximity to wetlands. The matter was brought to Staff's attention as a complaint in July 2014.

Although not situated on the parcel, a wooded wetland system exists on adjoining properties to the west. The applicant reports that the activities impacted approximately 576 square feet of the fifty (50) foot regulatory buffer established for drinking water supply watersheds.

Ms. Fausty stated that important issues pertaining to general resource impact, water quality and drainage have been addressed. The soil has stabilized and the Stamford Engineering Bureau, upon its evaluation of the plans, confirmed that the project will not adversely impact drainage or adjoining properties. A basic planting plan was submitted to mitigate for the prior tree loss, further stabilize the soil and enhance the overall conservation values of the regulated areas. However, Ms. Fausty reported that the plan must be revised to provide for the removal of debris, and increase the diversity, size, quantity of the landscaping features proposed.

Mr. Stone noted that the application was the response to a complaint received in July 2014, and wanted to know why the remedy took more than a year to develop. Ms. Fausty stated that during the past fifteen months, the applicant had been developing information including new survey data.

Mr. Spaulding stated that the proposed planting was at best, sparse, and reaffirmed the Staff's position that the mitigation plan be retooled to increase the quantity and quality of the landscape features proposed.

Dr. Shemitz viewed the substandard mitigation plan as problematic, noting that the project started as a violation, and it seems appropriate that given the duration of the violation, that the applicant return with a revised plan to seek the Board's endorsement.

Ms. Fausty noted that typically plan revisions of this sort are addressed by Staff, particularly when the impacts appear acceptable. However, should the Board determine to defer from action, the restoration may not be completed in the near future given the diminishing window for fall planting.

Motion/Vote: Upon a motion by Mr. Wayne, the Board voted to **DEFER** from action on EPB Permit Application No. 1515 to allow for the preparation and evaluation of an alternative planting/mitigation plan.

In Favor: Stone, Shemitz, Wayne, Rosenfeld, and Bowler
Opposed: None
Abstaining: None
Not Voting: Spaulding

#1517 – 1287 Rock Rimmon Road – Lot 11 - Kemry Hills Landscaping, LLC for R. Rehfield: To replace a pool fence, renovate pool and patio decking, and install certain drainage improvements proximate to wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River (East Branch). The site lies along the north side of Rock Rimmon Road, approximately 1,400 feet east of Old Long Ridge Road, and is identified as Lot 11, List 000-8929, Card E080, Zone RA-2, Block 403, and ± 1.257 Acres.

Reference is made to an EPB Staff Agenda Summary Report for Application No. 1517, dated October 10, 2015.

#1518 – 133 Brookhollow Lane – Lot 16 - G. Lauterbach: To install a generator and three (3) propane tanks proximate to wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River. The site lies along the east side of Brookhollow Lane, approximately 1700 feet north of Old Mill Lane, and is identified as Lot 16, List 001-2893, Card E007, Zone RA-2, Block 373, and ± 1.701 Acres.

#1519 – 163 Mill Brook Road – Lot 8 – J. Murphy for J. P. Murphy Revocable Trust: To install a generator proximate to wetlands and a reach of the Mianus River on property situated within the drinking water supply watershed of the Mianus River. The site lies along the terminus of Mill Brook Road, and is identified as Lot 8, List 003-5072, Card No. W009, Zone RA-1, Block 373, and ± 1.203 Acres.

Reference is made to an EPB Staff Memo for Applications No. 1518 and 1519, dated October 8, 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. 1517, 1518 and 1519.

Motion/Vote: Upon a Motion by Mr. Rosenfeld, the Board voted to **ACCEPT** EPB Permit Applications No. 1517, 1518 and 1519.

In Favor: Stone, Shemitz, Wayne, Rosenfeld and Bowler.
Opposed: None
Abstaining: None
Not Voting: Spaulding

#1517 – 1287 Rock Rimmon Road – Lot 11 - Kemry Hills Landscaping, LLC for R. Rehfield: To replace a pool fence, renovate pool and patio decking, and install certain drainage improvements proximate to wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River (East Branch). The site lies along the north side of Rock Rimmon Road, approximately 1,400 feet east of Old Long Ridge Road, and is identified as Lot 11, List 000-8929, Card E080, Zone RA-2, Block 403, and ± 1.257 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated October 10, 2015.

In Attendance: Doug Prior-Crofoot
Rebecca Rehfield

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant proposes to replace a pool fence, renovate pool and patio decking, and install certain drainage improvements proximate to the wetlands and watercourses. The approximate 200 square feet of regulated area affected by the development currently supports structure or lawn. Important development issues relating to resource protection and water quality have been addressed by confining the construction to previously developed

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space, and supplying a sediment and erosion control plan that provides for the use of temporary controls, the application of final soil stabilizing measures, and addition of rip rap to an existing, but reduced, drainage pipe. To enhance the functional and conservation values of regulated areas, the applicant has provided a basic planting plan for the space abutting the pool area. Ms. Fausty noted that the planting plan should be expanded to fill the space adjoining the modified drainage outlet.

Mrs. Rehfield acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to the conclusions or recommendations contained therein.

Motion/Vote: Upon a motion by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1517 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 10, 2015.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	Bowler

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT, STATUS REPORTS, AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2218 - Wallenberg Drive - Lot 34 - Wallenberg, LLC (J. Isaacs):

To construct a new single family dwelling with associated septic system, site grading and drainage in and proximate to wetlands, watercourses, and designated conservation/open space areas on property situated within the drinking water supply watershed of the Bargh Reservoir (Mianus River). The property lies along the east side of Wallenberg Drive, approximately 150 feet south of South Lake Drive, and is identified as Lot 34, List 003-7997, Card E-003, Block 400, Zone RA-3, 2.04 Acres.

Reference is made to an EPB Staff Memo, dated October 5, 2015.

In Attendance: None

Discussion: Mr. Stone acknowledged to the receipt of a letter from Jacqueline O. Kaufman, Esq, requesting an extension of the effective period of EPB Permit No. 2218. 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 conditions have not changed as to warrant a reevaluation, and that the permit were routinely and legally issued. Mr. Talamelli further noted that this is the final extension that can be granted under the provisions of the statute. Accordingly, it was recommended that the Board approve the extension request for a period of one (1) year until October 10, 2016.

Motion/Vote: Upon a motion by Mr. Rosenfeld, the Board voted to **EXTEND** the effective period of EPB Permit No. 2218 for a period of one (1) year until October 10, 2016.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Bowler.
Opposed:	None
Abstaining:	None
Not Voting:	Spaulding

#2912 – 1231 Washington Boulevard – Lot B - Parish of Saint Andrews Episcopal Church:

Construction of a multi-family residential building (94 residential units), a parish hall, parking, drainage, landscaping, accessways, walls, and other related improvements within the base floodplain of the Rippowam River. The subject property lies along the east side of Washington Boulevard, approximately 540 feet north of Broad Street, and is identified as Lot B, List 002-6728, Card E-065A, Map 121, Block 328, and +57,311 square feet.

Reference is made to an EPB Staff Memo, dated October 6, 2015.

In Attendance: Matt Ferguson

Discussion: Staff Member Talamelli summarized the matter for the Board. He referenced correspondence authored by Reverend Bartlett W. Gage, Saint Andrews Episcopal Church (September 2, 2015) requesting consideration of a proposal to reduce the total sum due the EPB for Annual Compliance Fees for the years 2011-15. He noted that the Church, given the circumstances outlined in the correspondence, requests that the \$5,415.00 annual fee be reduced to \$1,000.00 per year for the four (4) years that are due.

Mr. Talamelli provided a brief history of the project. He noted that in July 2009, the Environmental Protection Board issued EPB Permit No. 2912 allowing construction of ninety-four (94) residential units, a parish hall, parking, drainage, landscaping accessways, walls and other related improvements on the property. Condition two (2) of the permit provided for an "Annual Permit Compliance Fee" in the amount of Five Thousand Four Hundred Fifteen and 00/100 Dollars (\$5,415.00). As typical, the initial fee was expected to be filed with the EPB prior to the start of any site activity and issuance of building permit. Subsequent fees were expected to be submitted on an annual basis on or before the anniversary of the permit's effective date until the project was satisfactorily completed. Mr. Talamelli verified that both the application fee and annual compliance fee were based upon a formula that considered the square footage of both the proposed residential building and parish hall.

In May 2010, a building permit application was endorsed by EPB Staff to allow for the construction of a new, flood proof residential building, parking, drainage, streetscape, landscaping and other related features on a portion of the property. The project was initiated and managed by a local developer. In September 2011, following a determination that the residential component, parking drainage and other related features had been constructed in accordance with the terms, conditions and plans associated with EPB Permit No. 2912, signatures authorizing the issuance of a certificate of occupancy were issued.

In September 2011, a building permit application was endorsed to construct the required parking, walkways, drainage, streetscape, landscapes, and other related facilities on property associated with the church. Mr. Talamelli stated that the parish hall authorized by the EPB permit was neither applied for nor constructed. In December 2014, the physical elements of the parking/walkway project were completed. Staff established that the outstanding issues were limited to the submission of required landscape and drainage maintenance agreements, and the submission of annual compliance fees for the years 2011-12, 2012-13, 2013-14 and 2014-15. In September 2015, counsel for the church submitted the required drainage and landscape agreements.

Mr. Talamelli stated that the "Inland Wetland and Watercourse Regulation" allow the Board to waive compliance fees for projects, which at its discretion, do not involve a significant degree of follow-up compliance inspection. He reiterated Staff's position that the request to reduce the annual fee from \$5,415.00 per year to \$1,000.00 per year appeared reasonable, noting that in this instance, the fee had been based on the square footage of the buildings proposed, a majority of the square footage had been attributed to the residential

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component under the control of others, and that the extent of the compliance inspection necessary to ensure proper implementation of the parking plan only was less than anticipated. Mr. Talamelli went on to state that the Corporation Counsel's office had been consulted to verify both the process and circumstances of the request.

Upon questioning by Mr. Rosenfeld, Mr. Talamelli stated that he did not believe that an endorsement of this proposal would set precedent given the unique circumstances of the request.

Motion/Vote: Upon a motion by Mr. Rosenfeld, the Board to **APPROVE** a reduction in the Annual Compliance Fee to One Thousand and 00/100 Dollars (\$1,000.00) per year for the four (4) years past due based upon the reasons and rationale outlined in the EPB Staff Memo, dated October 6, 2015.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	Bowler

Revision of Fees: Staff Member Talamelli offered a brief report on the status of proposed fee revisions. He stated that in the next several months, he hoped to be able to organize the materials generated by staff, and develop recommendations for the revision of the EPB's Fee Schedule. Recommendations shall be presented to the Board for review and an endorsement before moving forward through the approval process.

2016 Meeting Schedule: Discussion of potential meeting dates for the EPB for the year 2016.

Reference is made to EPB Staff Memo, dated October 2015.

In Attendance: None

Discussion: Staff Member Talamelli presented the "Draft" Meeting Schedule for 2016. He noted that the document reflects meetings scheduled for the Board's traditional "Third Thursday" of each month. During its preparation, Staff sought to identify potential conflicts with school vacations and holidays. Based on the lessons of the prior years, an additional meeting has been scheduled for the earliest part of January to consider budget.

At the prompting of the Chair, Members of the Board acknowledged the receipt of the schedule, and noted no exceptional conflicts that would preclude their participation. However, Mr. Wayne noted that the March 17, 2016 meeting falls on St. Patrick's Day, and that individuals choosing to celebrate the holiday may not be able to participate in the monthly meeting. Mr. Wayne suggested that the Board consider moving the meeting to March 24, 2016, the fourth Thursday of the month, if a venue is available.

Motion/Vote: Upon a motion by Mr. Wayne, the Board voted to **APPROVE** the proposed 2016 Regular Meeting Schedule as reflected in the EPB Staff Memo, dated October 2015, modified to reschedule the March 17, 2016 to March 24, 2016 if a venue is available.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Bowler
Opposed:	None
Abstaining:	None
Not Voting:	Spaulding

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ADJOURN:

Adjourn the Regular Meeting of October 15, 2015.

There being no further business, the Board, upon a motion by Mr. Wayne, voted to **ADJOURN** the Regular Meeting of October 15, 2015.

In Favor:	Stone, Shemitz, Wayne, Rosenfeld, and Spaulding.
Opposed:	None
Abstaining:	None
Not Voting:	Bowler

Meeting adjourned at 8:18 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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