

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE NOVEMBER 19, 2015
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Stephen Wayne, Member
Richard Rosenfeld, Esq., Member
Bradford Spaulding, Alternate Member
Nathanial Bowler, Alternate Member
Ashley A. Ley, Alternate Member

Members Not Present:

Dr. Leigh Shemitz, 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 October 15, 2015 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's October 15, 2015 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Wayne, the Board voted to **APPROVE** the Minutes of the October 15, 2015 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

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 Agenda Summary Report, dated October 10, 2015, revised to November 13, 2015.

In Attendance: Marc Civitano

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 activities were expected to impact approximately 576 square feet of the fifty (50) foot regulatory buffer established for drinking water supply watersheds.

Ms. Fausty reminded the members that the EPB had determined to defer from action on this application at the October 15, 2015 meeting to allow for the preparation and evaluation of an alternative planting/mitigation plan. Other issues relating to general resource impact, water quality and drainage were vetted at the prior meeting.

The applicant, in response to the Board's request, submitted a revised planting plan. In response to a question posed by Mr. Stone, Ms. Fausty confirmed that the revised plan includes greater quantities and a more diverse array of conservation plantings to better enhance the wetland edge.

Motion/Vote: Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1515 with the conditions outlined in the EPB Agenda Summary Report, dated October 10, 2015, revised to November 13, 2015.

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

#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, Zone RA-1 and 0.916± Acres.

Reference is made to an EPB Staff Memo, dated November 9, 2015.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Robert Frangione, P.E., Frangione Engineering, LLC, granting the Board and extension of the statutory deadline for decision for a period of sixty-five (65) days. The extension has been granted to allow for the development of necessary information. Accordingly, a final decision on EPB Permit Application No. 1516 shall be rendered on or before January 25, 2016.

Motion/Vote: None

#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.

Reference is made to an EPB Agenda Summary Report, dated November 13, 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 install an emergency generator and three (3) propane tanks proximate to wetlands, a pond and watercourse on the parcel. The site is currently developed with a single family residence, septic, well and other related facilities. The area subject to the development lies within existing manicured space proximate to the dwelling. The applicant reports that approximately sixty (60) square feet of the upland review area will be affected by the project.

Ms. Fausty stated that since the proposed activities shall be limited to existing lawn, and little or no disturbance is anticipated, plantings and/or other forms of mitigation were not requested of the applicant.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1518 with the condition outlined in the EPB Agenda Summary Report , dated November 13, 2015.

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

#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 Agenda Summary Report, dated November 13, 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 install an emergency generator within close proximity to wetlands and a reach of the Mianus River that borders the parcel. The generator shall be served by a new buried propane tank situated outside of the regulated areas.

The site is currently developed with a single family residence, septic, well, pool, and other related facilities. The area subject to the development lies in an area currently occupied by patio and lawn which is situated more than eight-five (85) feet to the Mianus River and outside of the designated floodplain areas. A steep slope separates the developed upland space from the regulated areas. The applicant reports that approximately thirty-three (33) square feet of the upland review area will be affected by the project.

Ms. Fausty stated that since the proposed activities shall be limited to existing patio/lawn, and little or no disturbance is anticipated, plantings and/or other forms of mitigation were not requested of the applicant.

In response to a question from Mr. Rosenfeld, Ms. Fausty verified that all components of the system, including the lines between the generator and tank, shall be situated outside of the flood prone areas.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1520 with the condition outlined in the EPB Agenda Summary Report , dated November 13, 2015.

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

#1520 – 688 Westover Road – Lot 1 – B. Hoffman for A. Kramer: To replace an underground fuel storage tank with an above ground tank within close proximity to wetlands, watercourses, open space, and special flood hazard areas situated in the drinking water supply watershed of the Mianus River. The property is situated along the west side of Westover Road, approximately 1350 feet south of Merriebrook Lane, and is identified as Lot 1, List 003-4194, Card W-048, Map 101, Zone RA-1, Block 373, and ± 2.68 Acres.

#1521 – 30 Lumanor Lane – Lot 16B – Fairfield County Engineering, LLC for E. Mayer: To install a replacement septic system and grade within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The property lies along the north side of Lumanor Lane, approximately 370 feet east of New England Drive, and is designated as Lot 16B, List 000-1480, Card N-002, Block 384, Map 45, Zone RA-1 and ± 1.0018 Acres.

#1522 - 23 Barry Place (aka 50 Barry Place) – Lots A/B – Barry Place Ventures, LLC: To construct storm water drainage and other related facilities within close proximity to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the west side of Barry Place, approximately 365 feet north of Fairfield Avenue, and is identified as Lots A/B, List 003-1399, Card W-002, Block 35, M-G Zone, and ± 11.7733 Acres.

#1523 – 85 Camp Avenue – Parcels 1, 2 and 3 – Village at River's Edge: To repair a collapsed section of jumbo concrete block retaining wall in and proximate to wetlands, watercourses, special flood hazard areas, and conservation easement areas within the non-drinking water supply watershed of Springdale Brook. The ± 8.94 Acre property currently supports the planned unit development known as "The Village at River's Edge." Access to the property is situated along the south side of Camp Avenue, approximately 1230 feet east of Hope Street.

Reference is made to an EPB Staff Memos dated November 19, 2015 (Westover Road), November 2, 2015 (Lumanor Drive), November 12, 2015 (Barry Place), and November 16, 2015 (Camp Avenue).

In Attendance: Burt Hoffman, Esq.

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1520, 1521, 1522 and 1523.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1520, 1521, 1522 and 1523.

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

SITE PLAN REVIEWS:

#3833-2 – Vine Road – Lot 2 – A. Errico: Construction of a new, single family dwelling, drive, drainage, utilities, and other related facilities on property having a designated “open space preserve/conservation easement.” Prior to development, a Site Plan Review by the Environmental Protection Board is required pursuant to Condition Three (3) of Planning Board (Subdivision Application) No. 3833. The subject property lies along the south side of Vine Road, approximately 1000 feet east of Merriman Road/Vine Place, and is identified as Lot 2, List 004-2951, Map 84, Card S-024C, Block 324, Zone R-20, and $\pm 32,033$ square feet.

Reference is made to an EPB Staff Memo, dated November 10, 2015.

In Attendance: Alexandra Errico
Zenita Errico

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, drainage, utilities and other related facilities on the property. Per a condition of Planning Board (Subdivision) No. 3833, the development of the parcel is subject to a formal Site Plan Review by the EPB to ensure consistency with the provisions of the subdivision, mitigate potential drainage impacts, apply suitable erosion controls/water quality controls, and install functional conservation enhancements.

Mr. Talamelli stated that the parcel, which lies along the south side of Vine Road, is currently “undeveloped” and is characterized by gently sloping uplands, a few large trees, perimeter stone walls, and space dedicated as an “open space preserve/conservation easement.” The conservation easement, which consists of a ± 20 -foot strip of land which borders the south property boundary, was established to preserve several large trees and provide for the installation of both screening and other conservation enhancements. There are no wetlands, watercourses or special flood hazard areas on the parcel.

Mr. Talamelli testified that based on the submittals, it has been determined that the applicant has reasonably addressed the major requirements of subdivision. Development limits/setbacks are generally consistent with those previously depicted, grades have been maintained in the low to moderate range, valued resources had been protected, drainage impacts have been mollified, pollution controls have been provided, and certain conservation measures have been implemented to protect resources or better define and enhance the conservation values of the open space. Specifically, development shall be confined to previously altered space, tree impacts have been minimized, and the limits of the conservation easement boundary shall be honored. To mitigate potential adverse drainage impacts, the applicant shall remove several accessory structures and install two (2), professionally designed, structured drainage systems. The systems shall consist of ten (10) Cul-tec units, a catch basin and piping to the north to intercept and treat driveway runoff, and thirteen (13) Cul-tec units, piping, and a catch basin to the south to accommodate both roof runoff and portions of the drive/parking area. The engineer has concluded that the development, if constructed in accordance with the submitted design, shall not adversely impact drainage and adjoining properties. Mr. Talamelli reported that the Stamford Engineering Bureau has endorsed the project. Water quality impacts have been assured with the submission of a basic sediment and erosion control plan, the use of natural gas, drainage structures equipped with deep sumps and bell traps/elbows, and the use of infiltration structures. To address the screening requirements and further the conservation value of the designated open space/conservation easement, the applicant has supplied a planting plan consisting of a mix of evergreen and deciduous trees, the installation of standard conservation signage/fenced demarcation feature, and use of temporary protective fences for trees identified by the arborist as having value. Mr. Talamelli noted that any approval be conditioned upon the revision of the landscape plan to provide for conservation valued shrub planting in select portions of the conservation easement.

In response to a question by Mr. Spaulding, Mr. Talamelli reported that the proposed evergreens range from 6-7 feet and the deciduous trees from 5-6 feet in height as described in correspondence supplied by the landscape designers.

Mr. Stone noted that the revised planting plan shall clearly show all sizing details for plantings proposed for the easement.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Site Plan Review No. 3833-2 with the conditions outlined in the EPB Staff Memo, dated November 10, 2015.

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

SUBDIVISION REVIEWS:

ENFORCEMENT, STATUS REPORTS, AND SHOW CAUSE HEARINGS:

74 Research Drive – Parcel “HR” – Barnes Realty, LLC: Violation of both the “Inland Wetland and Watercourse Regulations of the City of Stamford” and the terms, conditions and plans associated with a prior permit issued by the EPB. Conditions included: a) Failure to construct elevated materials storage bins, fencing, walls, and other related features in accordance with the provisions of EPB Permit No. 1109 resulting in alternative surface storage that affects both the base floodplain and other regulated areas proximate to the Norton River, and b) Failure to install and maintain effective sediment and erosion/construction controls resulting in offsite discharges of silt, sediment, and debris to regulated areas. The property lies along the east side of Research Drive, approximately 1000 feet north of Glenbrook Road, and is identified as Parcel “HR”, List 000-5489, Card E-004, Zone M-G, Block 319, and $\pm 16,867$ square feet.

Reference is made to an EPB Staff Memo, dated November 18, 2015.

In Attendance: None

Discussion: Staff Member Talamelli summarized the facts and circumstances of this matter. Mr. Talamelli stated that the owner of the property, Raymond P. Barnes, President, Barnes Realty, LLC, has requested that a Cease and Desist Order issued by the EPB in May 2013 be withdrawn given his recent efforts to remove unauthorized encroachments, and upon a determination that certain activities authorized under both EPB Permit No. 1109 (7/27/11) and a subsequent permit modification (12/23/13) would not be implemented. These actions have been taken to facilitate a proposed sale of the property.

Mr. Talamelli reported that both the project engineer and EPB Staff recently inspected the property, finding that the activities found to be inconsistent with both the regulations and permit have been appropriately remedied. Encroachments into the floodplain with a construction trailer, blocks, bins, fill, and other assorted materials been removed or relocated to non-regulated areas, loose debris had been cleared, and areas subject to erosion/sedimentation have been stabilized. Accordingly, Staff recommends that the Board vote to withdraw the Cease and Desist Order.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **WITHDRAW** the cease and desist order upon a determination that the violations had been appropriately remedied.

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

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 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.

#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 to an EPB Staff Memo, dated November 11, 2015.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Michael Innaurato requesting the extension of the permits. In response to questioning by the Chair, Staff Member Talamelli noted 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, 2016.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit Nos. 2843 and 2844 for a period of one (1) year, remaining in full force and effect until December 24, 2016.

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

ADJOURN:

Adjourn the Regular Meeting of November 19, 2015.

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of November 19, 2015.

In Favor: Stone, Levine, Wayne, Rosenfeld, and Bowler
Opposed: None
Abstaining: None

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Not Voting: Spaulding and Ley.

Meeting adjourned at 7:51 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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