

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE DECEMBER 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 November 19, 2015 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's November 19, 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 November 19, 2015 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#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.

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

In Attendance: Bert Hoffman, Esq.

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant seeks the Board's permission to replace an existing underground fuel oil storage tank with a new, above ground fuel oil tank. The property currently supports a single family residence, septic, well, and other related facilities, and is characterized by the presence of both manicured/wooded uplands, a reach of the Mianus River, riparian wetlands, special flood hazard areas, and an open space preserve/conservation easement.

The new, above ground tank is expected to lie in previously developed uplands, approximately ninety (90) feet to the banks of the Mianus River, and outside of the known wetland, floodplain and open space/conservation areas. Approximately twenty-four (24) square feet of the upland review area shall be impacted by the project. Disturbance is limited to that associated with the construction of a new concrete pad to level and support the tank. Ms. Fausty reported that the new tank is exterior rated and supports basic leak prevention technology including a double walled steel vessel. Alternatives, such as a tank situated outside of regulated areas or within the confines of the building footprint were considered but dismissed due to access, or other limitations. Given the significant setback to the environmental resources, the minimal disturbance necessary to install the structure, and the leak prevention measures applied to the tank, Staff offered no objection to the proposal.

Significant discussion ensued on the design of the tank. Dr. Shemitz and Ms. Ley noted that although the replacement of an older, underground facility with a new above ground tank is a positive, no tank can be designed to be absolutely leak proof, spill proof or free from damages, accidental or otherwise. Accordingly, it was noted that future applications of similar circumstance, Staff should investigate the use of additional measures and technologies to limit the potential for water quality or other related impacts, such as alarms, spill containment, and overfill protection.

In response to questioning by Mr. Stone, Bert Hoffman, Esq., acknowledged the receipt of the agenda summary report and offered no objection to the findings and recommended conditions.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1520 with the conditions outlined in the EPB Agenda Summary Report, dated December 10, 2015.

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

#1521 – 30 Lumanor Lane – Lot 16B – Fairfield County Engineering, LLC for E. Mayer: To maintain propane tanks and install a replacement septic system 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.

Reference is made to an EPB Staff Agenda Summary Report, dated December 11, 2015.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineers

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty reported that the applicant seeks the Board's permission to install a new subsurface disposal system, and maintain several propane tanks that had been situated within close proximity to the wetlands and watercourses. The property lies within the drinking water supply watershed of the Rippowam River. It has been reported that the existing septic system has shown evidence of failure and is in need of a complete replacement. The design of the replacement system recently gained the approval of the Stamford Health Department. The propane tanks, which service an existing swimming pool, had been added or upgraded without EPB approval approximately ten (10) years ago, and prior to the current owner's occupation of the premises.

Ms. Fausty confirmed that the activities, which affect approximately 1,708 square feet of the upland review area, shall be confined to manicured upland space, that an appropriate erosion control plan has been supplied, and that a mitigation plan, providing for both the removal of yard debris and installation of native plantings along the stream corridor to further stabilize the soil, filter runoff, and enhance the conservation value of the space, is currently under development. Staff has sought to move the project forward given the opportunity to promptly remedy the septic failure given the delay in the winter weather. The mitigation plan shall be finalized under the direction of EPB Staff.

In response to questioning by Mr. Stone, Wayne D'Avanzo, P.E., acknowledged the receipt of the agenda summary report and offered no objection to the findings and recommended conditions. It was reiterated that the details of the planting mitigation plan shall be finalized with EPB Staff.

Motion/Vote: Upon a motion by Ms. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1521 with the conditions outlined in the EPB Agenda Summary Report, dated December 11, 2015.

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

#1524 - Malibu Road/Old Orchard Lane – Parcel A2 – Realty Strategies, LLC: To construct a new single family dwelling, drive, drainage, septic, utilities, and other related facilities in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the south terminus of Malibu Road, approximately 420 feet south of Butternut Lane, and is identified as Parcel A2, List 003-8405, Card E-006Z, Block 394, RA-1 Zone, and ± 1.9337 Acres.

#1525 - 301 Quarry Road – Lot 7 – J. Fontana for JLF Services, LLC: To construct a wood deck, stairs, and other related facilities within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The property lies along the terminus of Quarry Road, approximately 1050 feet east of Blue Rock Road, and is identified as Lot 7, List 000-1044, Card S-021Z, Block 384, RA-1 Zone, and ± 1.1081 Acres.

Reference is made to an EPB Staff Memo, dated December 15, 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. 1524 and 1525.

Motion/Vote: Upon a Motion by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1524 and 1525.

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:

OTHER BUSINESS:

#1032 - Interlaken Road - Lot 2 – T. Kalamaras: To construct a new single family dwelling, drive, drainage, septic, well, and other related facilities proximate to wetlands, watercourses, a pond, and designated open space preserve/conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. The site lies along the south side of Interlaken Road, approximately 500 feet south and west of Lakeside Drive, and is identified as Lot 2 List 004-1851, Card S-018, Block 383, Zone RA-1, and ± 1.613 Acres.

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

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Thomas Kalamaras requesting the extension of permit. In response to questioning by the Chair, Staff Member Talamelli noted that 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 January 25, 2017.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit Application No. 1032 for one (1) year, remaining in full force and effect until January 25, 2017.

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

#1112 - 45 Ryan Street - Lot 34 - 45 Ryan Street, LLC: To demolish an existing single family dwelling and construct a new commercial building, parking, drainage and other related facilities within the base floodplain of Springdale Brook and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Springdale Brook. The property is situated along the east side of Ryan Street, approximately 180 feet north of Camp Avenue, and is identified as Lot 34, List 001-6725, Card E-009, Block 347, M-L, and ± 0.12 Acres.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Derek Daunais, P.E., Rocco V. D'Andrea, Inc. requesting the extension of permit. 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 September 26, 2016.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit Application No. 1112 for one (1) year, remaining in full force and effect until September 26, 2016.

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

Request to Release Conservation Easements at both 19 Clinton Avenue and 61 Clinton Avenue – City of Stamford/Mill River Collaborative:

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

Discussion: Mr. Talamelli summarized the matter for the Board. Mr. Talamelli reported that the City of Stamford and Mill River Collaborative seek release of the standard, City of Stamford, Conservation Easements that were historically executed and applied to properties at 19 Clinton Avenue and 61 Clinton Avenue, Stamford, Connecticut. The release allows for the purchase of public access/conservation easements from numerous individual property owners to facilitate the construction of the Mill River Trail System along the east side of the Rippowam River. The construction will eventually link Mill River Park by a system of walkways and boardwalks to similarly protected and enhanced space in the south end. Mr. Talamelli noted that successful implementation of the project has the potential to yield significant public benefit, protecting resources, enhancing water quality, and furthering education/recreational opportunities.

Mr. Talamelli went on to state that funding, in part, has been provided by the State of Connecticut under an "Open Space and Watershed Land Acquisition Grant." Receipt of the funding is contingent upon the City's ability to secure easement rights to allow public access. The conservation easement/agreement employed by the City of Stamford and applied to these parcels does not grant the general public the right to enter the "Conservation Areas" for any purpose. The standard agreement utilized by the State of Connecticut under this grant program includes both public access rights and certain conservation restrictions to ensure that the space will be protected and maintained in a natural state.

Mr. Talamelli stated that the Corporation Counsel's Office has recommended that approval of the proposed release be subject to a condition that prohibits the recording of the release documents, until substitute public access/conservation easements, satisfactory to the Corporation Counsel, have been executed.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the release of Conservation Easements applied to 19 Clinton Avenue and 61 Clinton Avenue, Stamford, Connecticut on the condition that documents authorizing the release shall not be recorded until substitute public access/conservation easements, satisfactory to the Corporation Counsel, have been executed.

In Favor:	Stone, Levine, Shemitz, Spaulding, and Ley.
Opposed:	None

Minutes
Environmental Protection Board
Regular Meeting of December 17, 2015

Abstaining: None
Not Voting: None

ADJOURN:

Adjourn the Regular Meeting of December 17, 2015.

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

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

Meeting adjourned at 7:55 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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