

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JANUARY 21, 2016
REGULAR MEETING**

Members Present:

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

Members Not Present:

Nathanial 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 7:32 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 December 17, 2015 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's December 17, 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 December 17, 2015 Regular Meeting as presented.

| | |
|-------------|-----------------------------------|
| In Favor: | Stone, Levine, Spaulding, and Ley |
| Opposed: | None |
| Abstaining: | None |
| Not Voting: | Rosenfeld |

Note: Dr. Shemitz arrived at the meeting at approximately 7:37 PM following the approval of the minutes and during the initial moments of the presentation on EPB Application No. 1516.

APPLICATIONS AND PERMITS

#1516 – 28 Quaker Ridge Road – Parcel B – Frangione Engineering, LLC. for Gerkos, LLC: To construct residential additions and a deck, install a new septic system, provide drainage, and implement other related improvements proximate to wetlands 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 Agenda Summary Report, dated January 14, 2016.

Minutes
Environmental Protection Board
Regular Meeting of January 21, 2016

In Attendance: Robert Frangione, P.E., Frangione Engineering
Natalia Gerasimoff
Susan Kosterich

Discussion: Staff Member Talamelli summarized the application for the Board. He reported that the since the initial submittal in September 2015, the scope of work outlined in the application has been reduced from new residential construction to a project primarily focused on improvements to the existing residential structure and its attendant facilities. Specific improvements include several residential additions, a deck, new septic system, construction of certain drainage features, grading and landscaping.

Mr. Talamelli noted that the property, which lies within the non-drinking water supply watershed of Haviland Brook, currently supports a single family dwelling, asphalt drive, walkways, walls, a septic, well and other related facilities. The property is characterized by the presence of gently to moderately sloping, manicured uplands, a "finger" of wetland soils, and several large trees. The wetland, which lies to the rear of the dwelling in the north central portions of the site, currently supports coarsely kept manicured space consisting of lawn grass, a few weedy patches, and an occasional small to moderately sized tree. During significant rain events, the wetland reportedly overtops and flows, via a shallow depression, to the southwest towards the gutter line in Quaker Ridge Road.

Potential development impacts include direct physical impacts on the regulated areas and the site's larger trees, drainage effects that impact soils, the street, infrastructure or adjoining properties, and diminished water quality due to erosion sedimentation, improperly sited septic, the proliferation of manicured spaces, and other related sources. The applicant reports that these potential impacts were appropriately addressed during the review process. Only minor changes to the existing grade have been proposed, and only five (5) of the larger trees reflected on the plans will be lost. There are no direct wetland encroachments proposed. The project affects approximately 1,240 square feet of the upland review area. Drainage has been accommodated with the provision of a site drainage plan that ties proposed roof and footing drainage into the existing storm system in Quaker Ridge Road. The project engineer has confirmed that the receiving system can accommodate the increase in flow, and that the project, as currently proposed, will not cause any adverse hydrologic or hydraulic impacts to surrounding downstream properties or drainage facilities. Mr. Talamelli reported that the Stamford Engineering Bureau has confirmed the conclusions of the drainage report and design. Water quality matters have been addressed with the submission of a detailed temporary and permanent erosion control plan and a septic design plan that has gained an endorsement by Stamford Health Department Staff. To mitigate the loss of site vegetation, stabilize the soil and improve wetland function, the applicant has provided a landscape mitigation plan consisting of numerous, conservation valued trees and shrubs confined to a portion of the designated wetland. Mr. Talamelli indicated that the Board may consider adjustment to the mitigation plan to advance the wetland restoration and limit future encroachments. Such enhancement may include the reallocation of the proposed planting to greater portion of the wetland and installation of a demarcation feature, such as a split rail fence, or boulders to provide a hardened line of lawn and landscape.

Board members engaged in discussion on the value of the planting plan and the necessity of a demarcation feature given the circumstances of this application.

In response to questioning by Mr. Stone, Robert Frangione, acknowledged the receipt of the agenda summary report, and offered no objection to the recommended conditions, provided that the applicant has the opportunity to work with Staff to develop a reasonable compromise on the scope of any modified mitigation scheme. Mr. Frangione noted that the wetland occupies a fairly significant portion of the rear yard and has been historically impacted. He reported that his clients are agreeable to implementing the planting/restoration

Minutes
Environmental Protection Board
Regular Meeting of January 21, 2016

scheme proposed, but would not want to significantly expand the planting mitigation or implement an intrusive demarcation feature that would substantially limit the rear yard for basic residential uses. Mr. Talamelli confirmed his willingness to work with the applicant to develop a plan that balances the needs of both the homeowners and the Board.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1524 with the conditions outlined in the EPB Agenda Summary Report, dated January 14, 2016.

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

#1526 – 28 Westover Road – Plot A - Singh: To maintain a deck proximate to wetlands on property situated within the non-drinking water supply watershed of the Rippowam River. The site lies along the west side of Westover Road, approximately 400 feet north of Palmer's Hill Road, and is identified as Plot A, List 001-4511, Card No. W-002, Map 113, Zone R-10, Block 362, and $\pm 19,659$ square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated January 15, 2016.

#1601 – 160 South Lake Drive – Lot 37 - M. and B. Snover: To maintain fencing proximate to wetlands on property situated within the drinking water supply watershed of the Mianus River. The site lies along the west side of South Lake Drive, just north of Wallenberg Drive, and is identified as Lot 37, List 003-7988, Card No. S-007, Zone RA-3, Block 400, and ± 2.005 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated January 15, 2016.

#1602 - 201 High Ridge Road – Parcel A – Leggette, Brashears and Graham, Inc. for HRC 201 IV, LLC: To conduct soil remediation activities within portions of a designated conservation easement area. The property lies along the east side of High Ridge Road, approximately 450 feet north of Dubois Street, and is identified as Parcel A, List 003-9650, Card E-019, Map 103, Block 324, Zone C-D, and ± 16.58 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated January 20, 2016.

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. 1526, 1601 and 1602.

Motion/Vote: Upon a Motion by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1526, 1601 and 1602.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT, STATUS REPORTS, AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#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. W-009, Zone RA-1, Block 373, and ± 1.203 Acres.

Reference is made to an EPB Agenda Summary Report dated January 15, 2016.

In Attendance: None

Discussion: Ms. Fausty summarized the matter for the Board. She noted that the Board, in November 2015, approved EPB Permit Application No. 1519 to allow the installation of an emergency generator proximate to wetlands and a reach of the Mianus River. The original plan provided for the installation of an in-ground propane tank confined to non-regulated areas. Further study conducted after the approval resulted in a determination that the proposed tank location was not viable, given the presence of ledge and other restrictive features. Accordingly, the applicant seeks modification of its permit to allow for the installation of four (4) above ground propane tanks in the upland review area. Ms. Fausty reported that the alternative location lies in previously developed space proximate to the approved generator. Extensive setbacks to the river and its floodplain remain, disturbance is expected to be minimal, and no further protections or mitigative measures are required.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** modification of EPB Permit Application No. 1519.

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

#1006 – East Middle Patent Road – Lot 11, TMA Construction, LLC: Construction of a new single family dwelling, with associated septic system, driveway, swimming pool, drainage improvements, stone walls, and site grading in and/or proximate to wetlands and watercourses situated in the drinking water supply watershed of the Bargh Reservoir/Mianus River. The property lies along the north side of East Middle Patent Road, approximately 350 east of Taconic Road, and is identified as Lot 11, List 002-1314, Card W002, Block 400, Zone RA-3, and ± 2.02 Acres.

Reference is made to an EPB Staff Memo, dated January 15, 2016.

In Attendance: None

Discussion: Ms. Fausty summarized the matter for the Board. Ms. Fausty acknowledged the receipt of correspondence from Tim Hanna and Richard Lukaj requesting the transfer of EPB Permit No. 1006 from TMA Construction, LLC to ZL Holding, LLC. Noting that there are no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation, Ms. Fausty

Minutes
Environmental Protection Board
Regular Meeting of January 21, 2016

recommended that the Board approve the proposed transfer of permit. All permit conditions shall remain in full force and effect.

In response to a question raised by Mr. Levine, Ms. Fausty confirmed that the new owner has acknowledged the receipt of the permit and has stated that he understands the stated terms and conditions.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the transfer of EPB Permit No. 1006 from TMA Construction, LLC to ZL Holdings, LLC.

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

#2428 – South Brook Drive – Lot 1 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 1, List 003-9979, Card E001, Block 400, Zone RA-3, and ± 2.43 Acres.

#2429 – South Brook Drive – Lot 2 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 2, List 003-9982, Card W002, Block 400, Zone RA-3, and ± 2.14 Acres.

#2430 – South Brook Drive – Lot 3 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 3, List 003-9983, Card W003, Block 400, Zone RA-3, and ± 2.06 Acres.

#2431 – South Brook Drive – Lot 6 – W. B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. . The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 6, List 003-9981, Card W001, Block 400, Zone RA-3, and ± 2.06 Acres.

Reference is made to an EPB Staff Memo, dated January 11, 2016

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from John Pugliesi, P.E., E.J. Frattaroli, Inc. requesting the extension of permits. 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 requests 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 Applications No. 2428, 2429, 2430 and 2431 for one (1) year, remaining in full force and effect until January 27, 2017.

Minutes
Environmental Protection Board
Regular Meeting of January 21, 2016

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

ADJOURN:

Adjourn the Regular Meeting of January 21, 2016.

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of January 21, 2016.

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

Meeting adjourned at 7:54 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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