

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE MARCH 24, 2016  
REGULAR MEETING**

**Members Present:**

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

**Members Not Present:**

Richard Rosenfeld, Esq., 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, 4<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

**MINUTES**

**Minutes of the February 18, 2016 Regular Meeting of the Environmental Protection Board:** The Board considered the minutes of the EPB's February 18, 2016 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 February 18, 2016 Regular Meeting as presented.

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

**APPLICATIONS AND PERMITS**

**#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 Memo, dated March 17, 2016

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C., dated March 17, 2016 withdrawing EPB Permit Application No. 1523

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from further consideration.

**Motion/Vote:** 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  $\pm 1.9337$  Acres.

Reference is made to an EPB Staff Memo, dated March 17, 2016.

**In Attendance:** John Pugliesi, P.E, Edward J. Frattaroli, Inc.  
Robert Jegier  
Aggie Jegier

**Discussion:** Staff Member Talamelli summarized the application for the Board. He reminded the members that EPB Permit Application No. 1524 was considered at the Board's February 18, 2016 meeting where there had been extensive discussion with the project engineer, an abutting property owner, and other interested parties. The Board determined that additional information was warranted to address specific questions and concerns relating to drainage impact, the availability of drainage alternatives, and the details of the proposed mitigation plan. Accordingly, the Board voted to defer from further action pending the submission and review of additional information.

Mr. Talamelli reported that the applicant revised plans, reports and correspondence in response to the questions and concerns raised at the February meeting. The latest drainage report now reflects a decrease in peak flows during the design storm (10-year storm) to abutting parcels at both the "outlet of the driveway crossing" and the "design study point" situated downstream in the large receiving wetland. The decrease was achieved by altering the proposed structured drainage system, routing runoff from the dwelling's roof and portions of the drive to a small wetland area to the west, then adding a weir at the inlet to the piped driveway crossing to better manage the expected flows. The project engineer, in the revised analysis, confirmed that the development, if constructed per the approved plans, would not adversely impact drainage, abutting properties or infrastructure. Mr. Talamelli reported that the Stamford Engineering Bureau Staff endorsed the conclusions of the revised drainage analysis and the specific details of the drainage design plan.

Mr. Talamelli went on to note that the most recent version of the design plan also supports a reconfigured drainage outlet to better direct flows away from the developed portions of the adjoining parcel to the large receiving wetland to the south and east. The project engineer, in his transmittal to the Board, dismissed the further use of swales/open channels on this parcel, citing the presence of ledge and other constraints, and the greater maintenance requirements associated with an open system in this setting.

Finally, Mr. Talamelli reported that a revised mitigation plan detailing the treatment regimen for invasives was not submitted. The project engineer, in his transmittal to the Board, sought additional time to allow the consulting environmental/landscape professionals to visit the site to better define the areas subject to treatment. The project engineer committed to providing a comprehensive plan in advance of any building permit.

Dr. Shemitz, although satisfied by the redesigned drainage, was concerned by both the timeliness of the submittal/availability of final plan revisions, and the absence of complete and comprehensive responses to matters concerning the treatment of invasives and the adequacy of the overall mitigation plan.

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Robert Jegier, an abutting property owner, stated that he had studied the revised development proposal and remains concerned by the apparent diversion of storm water to his property and the reported presence of blockages in the wetland watercourse system downstream of his parcel that may be artificially elevating water levels.

Mr. Pugliesi reaffirmed the conclusions of the drainage report, noting that there would be no increase in runoff to the abutting parcel during the design storm, that the design is consistent with the provisions of the subdivision and far exceeds impact standards applied to most single family dwellings, that existing drainage patterns have been maintained, and that any blockages downstream that may be artificially elevating water levels on the abutting parcel are not associated with his client's project.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1524 with the conditions outlined in an EPB Staff Memo, dated March 17, 2016, modified as follows:

Condition No. Seven (7): Prior to the start of any site activity and issuance of a building permit, submission of a revised planting/mitigation schedule to further define the measures/treatments applied to invasives, **subject to the review and approval of EPB Staff.**

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

**#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, Road, and is identified as Lot 7, List 000-1044, Card S-021Z, Block 384, RA-1 Zone, and  $\pm 1.1081$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated March 18, 2016

**In Attendance:** John Fontana

**Discussion:** Staff member Fausty summarized the application for the Board. Ms. Fausty, reported that the applicant proposes to construct a wood deck, stairs, and stone walkways at the rear of the existing dwelling. The construction shall affect approximately 120 square feet of the upland review area in space that has been historically maintained as a manicured lawn. Concerns relating to water quality and the anticipated long term impact on the total wetland/watercourse system have been addressed with the submission of a detailed erosion/construction control plan and planting plan. Ms. Fausty reported that the landscape plan provided by the applicant supports functional and conservation valued plants, and is appropriate to the site and the circumstances of this application.

In response to a question by Mr. Stone, John Fontana confirmed that he has received a copy of the agenda summary report, and agrees with its description of the project, assessment of impact, and recommendations.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1525 with the conditions outlined in an EPB Staff Agenda Summary Report, dated March 18, 2016.

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

**#1526 – 28 Westover Road – Plot A - Singh:** To improve a walkway and 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 Agenda Summary Report, dated March 18, 2016.

**In Attendance:** Dr. Steven Danzer

**Discussion:** Staff member Fausty summarized the application for the Board. Ms. Fausty, reported that the applicant seeks to improve a walkway and maintain portions of a wood deck that had been constructed without a prior permit in and proximate to wetlands. The deck was reportedly constructed in 2011-13 by a prior owner/occupant. The project affects approximately 61 square feet of wetland and 236 square feet of the upland review area in space that has been historically maintained as a manicured lawn. To mitigate impacts, enhance the conservation values of the regulated areas, and better define development limits, the applicant has supplied a detailed landscape plan. Ms. Fausty noted that the plan supports an extensive collection of conservation valued plantings.

In response to a question by Mr. Stone, Dr. Danzer confirmed that he has received a copy of the agenda summary report, and agrees with its description of the project, assessment of impact, and recommendations.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1526 with the conditions outlined in the Agenda Summary Report, dated March 18, 2016.

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

**#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  $\pm 16.58$  Acres.

Reference is made to an EPB Agenda Summary Report, dated March 17, 2016.

**In Attendance:** Michael Manolakas, LEP, CPG, Leggette, Brashears and Graham, Inc.

**Discussion:** Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the applicant proposes to remediate contaminated soil situated within a designated Conservation Easement Area situated on a commercial property at 201 High Ridge Road. As part of a property transfer, the applicant investigated and identified an area containing elevated levels of arsenic, reportedly originating from coal ash. Given the fact that the levels of arsenic exceeded the CT DEEP criteria for exposure, remediation is required. In this instance, the remediation consists of a fern based phytoremediation method in lieu of a standard excavation

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and disposal. Under the supervision a licensed environmental professional, the area will be cleared of understory, and a non-native species of fern that is especially adept at absorbing arsenic shall be planted. The ferns shall be allowed to grow for one (1) season, and then harvested for proper disposal. Note that few large trees are expected to be removed as part of this project, and grades are expected to remain essentially unchanged. Follow-up soil testing will be conducted to assess performance, and if "hot spots" are identified, targeted soil removal will take place. Post remediation, the affected portions of the conservation easement shall be restored with native plantings. It is expected that the project will affect approximately 4,200 square feet of lightly to moderately wooded conservation lands found in the eastern reaches of the site. Remediation will have a positive impact on environmental quality, and identified development concerns have been addressed with the submission of both an erosion control/construction control plan and planting plan. The planting plan consists of a dense and diverse collection of conservation valued plantings. Furthermore, standard conservation posts and signage shall be installed in select areas along the conservation boundary.

Michael Manolakas, LEP, CPG, Leggette, Brashears and Graham, Inc. addressed the Board, fielding questions concerning the goals of the remediation process, oversight, and mitigation. Mr. Manolakas stated that it is hoped that the introduction of 2600-2700 fern to the area will lower the concentration of arsenic in the soil to the target concentration of 10 parts per million or less in a single growing season. Although more commonly applied to properties in the southeast United States, the effectiveness of the process has been well documented. Study references were included in the application package. Mr. Manolakas confirmed that post-remediation soil sampling shall be conducted by licensed professionals to assess the effectiveness of the phytoremediation, areas failing to meet the target concentration shall be the focus of additional remediation, including excavation, and oversight/guidance shall be provided by the DEEP.

Mr. Manolakas acknowledged the receipt of the Agenda Summary Report and offered no objection to its conclusions and recommendations.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1602 with the conditions outlined in the Agenda Summary Report, dated March 17, 2016.

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

**#1609 – 260-292 Long Ridge Road – Lot A1 – 260 Long Ridge Land, LLC:** To regrade an existing paved parking area and conduct other related improvements within the base floodplain of the Rippowam River. This property lies in a non-drinking water supply watershed. The property lies along the west side of Long Ridge Road, approximately 450 feet south of River Ridge Court, and is identified as Lot A1, List 000-7241, Card W-018, Block 247, Zone C-D, and  $\pm 17.60$  Acres.

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

**#1610 – 180 Wildwood Road – Lot A1 – J. Shulman:** To erect a fence and swimming pool enclosure in and within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Wildwood Road, just west of Long Ridge Road, and is identified as Lot A1, List 002-4984, Card S-013, Block 394, Zone RA-1, and  $\pm 1.1348$  Acres.

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

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**#1611 – 33 Putter Drive – Lot 14 – Petralar Homes, LLC:** To construct residential additions, expand a drive, and implement other related improvements within the base floodplain of Springdale Brook. This property lies in a non-drinking water supply watershed. The property lies along the north side of Putter Drive, approximately 400 feet west of Hope Street, and is identified as Lot 14, List 002-0491, Card N-004, Block 380, Zone R-20, and  $\pm 0.7039$  Acres.

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

**#1612 – 2118 Long Ridge Road – Lot 3 – K. and G. Chybowski:** To construct residential additions, a deck, drive, retaining walls, and other related improvements within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Long Ridge Road, just north of Wildwood Road, and is identified as Lot 3, List 001-9079, Card W-126, Block 398, Zone RA-1, and  $\pm 1.5$  Acres.

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

**#1613 – Wildwood Road – Tract K-1 – J. Shulman:** To erect a fence and swimming pool enclosure in and within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Wildwood Road, approximately 350 feet west of Long Ridge Road, and is identified as Tract K-1, List 002-4985, Card S-014, Block 394, Zone RA-1, and  $\pm 1.00$  Acre.

Reference is made to an EPB Staff Memo, dated March 22, 2016.

**#1614 – 631 Long Ridge Road – Lot 1 – Land Tech for River Oaks Homeowner's Association, Inc.:** To remove invasive plant species, trim and remove overgrown shrubs and remove dead or declining trees in and/or within close proximity to wetlands, watercourses and conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the east side of Long Ridge Road, access of which lies approximately 1000 feet north of Buckingham Drive, and is identified as Lot 1, Block 359, Zone R-D, and  $\pm 28.29$  Acres.

Reference is made to an EPB Staff Memo, dated March 22, 2016.

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1609, 1610, 1611, 1612, 1613 and 1614.

**Motion/Vote:** Upon a Motion by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1609, 1610, 1611, 1612, 1613 and 1614.

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

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

**ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:**

**OTHER BUSINESS:**

**#2849 – Old Well Road/Eden Road – Lot 12 – Old Well 12, LLC and 37 Old Well, LLC:** To construct a new single family residence with associated driveway, patio, stone walls, storm water detention, and associated grading within and proximate to a designated conservation area, and proximate to designated wetland areas on property within the non-drinking water supply watershed of Springdale Brook. The property lies along the east side of Old Well Road, approximately 525 feet south of Eden Road and is identified as Lot 12, List 001-7999, Card E-003, Block 380, Zone RA-1, and  $\pm 45,722$  sq/ft.

Reference is made to an EPB Staff Memo, dated March 22, 2016.

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Leonard C. D'Andrea, P.E., D'Andrea Surveying and Engineering, P.C., dated January 7, 2016 requesting an extension of EPB Permit No. 2849 on the behalf of his client, Old Well, 12, LLC. He further acknowledged the receipt of correspondence from Goitom Bellete, Old Well 12, LLC, dated March 21, 2016 and Joseph Altamura, 37 Old Well, LLC, dated March 21, 2016 requesting a transfer of EPB Permit No. 2849 from Old Well 12, LLC to 37 Old Well, LLC.

In response to questioning from Mr. Stone, Mr. Talamelli confirmed that there were no outstanding violations on the property, that conditions on the site have not changed as to warrant re-evaluation of the permit, and that the permit was routinely and legally issued by the Board. Accordingly, Mr. Talamelli recommended that the Board grant the requests made by Mrssrs. D'Andrea, Bellete and Altamura.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 2849 for a period of one (1) year until January 29, 2017.

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

Upon a Motion by Mr. Levine, the Board voted to **APPROVE** the transfer of EPB Permit No. 2849 for from Old Well 12, LLC to 37 Old Well, LLC.

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

**Timeliness of Submittals:** A brief discussion ensued between Board members on the timeliness of information submitted by applicants/consultants in support of permit applications. Members have expressed concern that information submitted as late as the evening of the meeting may diminish the thoroughness of the Board's review. Staff was directed by the Board to adhere to the existing fifteen (15) day information submittal policy which is intended to allow EPB Staff sufficient time for review, referral for review and comment to and by other agencies, and then transmission to Board members in a time frame to allow members proper review.

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The Board allowed exception, when additional information or a proposed alteration is minimal, lacks complexity, and that the change/plan revision is clearly defined and visually illustrated during the presentation.

**ADJOURN:**

**Adjourn the Regular Meeting of March 24, 2016.**

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of March 24, 2016.

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

The meeting was adjourned at 9:00 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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