

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE JANUARY 19, 2017  
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  
Laura Tessier, Alternate Member

**Members Not Present:**

None

**Staff Present:**

Richard H. Talamelli, Environmental Planner  
Pamela Fausty, Environmental Analyst

The Regular Meeting, which was called to order by the Mr. Stone 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 EPB's Regular Meeting of December 15, 2016:** The Board considered the minutes of the EPB's December 15, 2016 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Rosenfeld, Ms. Ley, Mr. Spaulding, and Ms. Tessier. No corrections were noted.

Upon a motion by Ms. Ley, the Board voted to **APPROVE** the Minutes of the December 15, 2016 Regular Meeting as presented.

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

**APPLICATIONS AND PERMITS:**

**Withdrawals:**

**#1630 – 4 Old Orchard Lane and 326 Dundee Road – Lots 4 and 12 - City of Stamford/Engineering Bureau for B. and N. Fauble and S. Wruble – Drainage Improvements:** To reconstruct a drainage swale, grade and landscape in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The project shall occur within an existing easement on the following properties: 4 Old Orchard Lane, B. and N. Fauble, Lot 4, Account 001-3342, Card W-002, Map 65, Block 394, Zone RA-1, ±50,965 square feet, and 326 Dundee Road, S. Wruble, Account 000-0059, Card E-023, Map 65, Block 394, Lot 12, Zone RA-1, and ±44,431 square feet.

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Reference is made to an EPB Staff Memo, dated January 18, 2017.

**#1632 – Cascade Road – Lot A-2 –North Ridge Contractors, LLC:** To construct a new subdivision road, culvert crossing, walls, drainage, and other related facilities associated with a proposed six (6) lot subdivision of property. The proposed regulated activities lie in and within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The property lies along the east side of Cascade Road, across the street from Michael Road, and is identified as Lot A-2, List 002-4916, Card S-023, Map 27, Block 384, Zone RA-1, and  $\pm 8.95$  Acres.

Reference is made to an EPB Staff Memo, dated January 18, 2017.

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

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from William Kenny, William Kenny Associates (January 10, 2017) and John Pugliesi, P.E., E.J. Frattaroli, Inc. (January 5, 2017) withdrawing EPB Permit Applications Nos. 1630 and 1632 from further consideration.

**Motion/Vote:** None

**Extensions:**

**#1640 – 153 Guinea Road – Lot 1 – J. McGowan:** To maintain a stone retaining wall, fill and landscaping installed proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Guinea Road, approximately 1840 feet south of June Road, and is identified as Lot 1, Account 001-6912, Card N-009, Map 80, Block 396, Zone RA-2 and  $\pm 1.0876$  Acres.

Reference is made to an EPB Staff Memo, dated January 13, 2017.

**#1642 – 92 Newfield Drive – Lot 13 – D. Romano:** To restore disturbed wetland and upland review areas situated within the non-drinking water supply watershed of Ayers Brook/Rippowam River. The subject property lies along the south side of Newfield Drive, approximately 1120 feet west of Newfield Avenue, and is identified as Lot 13, Account 000-6369, Card S-005, Map 105, Block 379, Zone RA-1 and  $\pm 1.58$  Acres.

Reference is made to an EPB Staff Memo, dated January 11, 2017.

**#1643 – 166 East Middle Patent Road – Plot B – S. Danzer for M. Moore:** To replace and improve an existing patio situated within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of East Middle Patent Road, approximately 585 feet north of Cherry Hill Road, and is identified as Plot B, Account 000-2032, Card W-006, Map 30, Block 400, Zone RA-3 and  $\pm 3.090$  Acres.

Reference is made to an EPB Staff Memo, dated January 13, 2017.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Jacqueline McGowan (January 12, 2017), Aleksandra Moch (January 11, 2017), and Steven Danzer (January 12, 2017) granting the Board an extension of time in which to render a decision on EPB Application Nos. 1641, 1642 and 1643 for a period of sixty-five (65) days. Accordingly, final decisions shall be rendered on these applications or before March 27, 2017.

**Motion/Vote:** None

**Action Items:**

**#1637 - 193 Shelter Rock Road - Lot N-30 - R. Wordell for K. Lubash:** Construction of a shed and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Shelter Rock Road, approximately 480 feet north of Riverbank Drive, and is identified as Lot N-30, List 001-0045, Card W-016, Block 394, Zone RA-1, and  $\pm 1.0002$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated January 12, 2017.

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

**Discussion:** Staff Member Fausty summarized the application for the Board. She reported that the applicant proposes to install a shed proximate to the designated wetlands and watercourses. Concerns relating to general resource impacts, drainage, and water quality have been satisfactorily addressed through the permit review process. The shed, ramp and associated grading shall be confined to the existing driveway or in other space that has been historically altered. Grade change is minimal, and no additional vegetation is expected to be altered or lot. Existing drainage patterns shall be maintained. Approximately 714 square feet of the upland review area shall be impacted by the development. An erosion control plan has been provided to minimize the potential for water quality impacts during the construction phase. Ms. Fausty noted that a recommended condition of approval requires the applicant to provide a shed design having a measure of spill protection.

Ms. Fausty further reported that the property has been the subject of a prior EPB Permit application that allowed for the construction of retaining walls, a pool patio renovation, and grading in regulated areas. Under that prior permit application, extensive mitigation planting was required. She noted that given the absence of additional impacts posed by the shed, no additional planting mitigation is warranted.

Mr. Pugliesi acknowledged the receipt of the Staff Agenda Summary Report and offered no objection to its findings and recommendations.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1637 with the conditions outlined in an EPB Staff Agenda Summary Report, dated January 13, 2017

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

**#1641 – 23 Overhill Road – Lot 17 – Frangione Engineering, LLC for K. Bivona:** To demolish an existing structure and construct a new single family dwelling, drive, drainage, sanitary sewer, water service, utilities, and other related facilities in/proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The subject property lies along the east side of Overhill Road, just south of Barncroft Road, and is identified as Lot 17, Account 002-1518, Card E-002, Map 89, Block 375, Zone RA-1 and  $\pm 0.847$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated January 12, 2017.

**In Attendance:** Robert Frangione, P.E., Frangione Engineering, LLC  
Kathleen Bivona

**Discussion:** Staff Member Talamelli summarized the application for the Board. He reported that the applicant seeks the Board's permission to demolish the existing residential structure, and construct a new single-family dwelling, drive, drainage, sanitary sewer, water service, utilities, and other related facilities proximate to the designated wetlands and watercourses. The property, which lies along the east side of Overhill Drive, just south of Barncroft Road, is characterized by its gently sloping manicured space, intermittent watercourses, narrow wetland soil areas, and a few large trees. The wetlands and intermittent watercourses generally border the eastern and western limits of the parcel. Both watercourses convey runoff in a northerly direction to structured drainage under Barncroft Road, and eventually a pond and wetland systems found on residentially developed parcels to the north and east.

Mr. Talamelli noted that the property had been the subject of a prior EPB permit application that expired by limitation in 2009. Other than some miscellaneous excavation, little or no activity was conducted on the parcel.

Primary development issues relating to resource impact, drainage, and water quality were addressed during the review process. Although there are no anticipated encroachments into the designated wetlands and watercourses, approximately 2,642 square feet of the non-watershed upland review area is expected to be affected. Grade change is in the low to moderate range with the projected fills not expected to exceed 3.5 feet. With the exception of several foundation plantings, no significant individual or groups of trees are expected to be lost. The applicant provided a report assessing the potential impact on drainage. Redevelopment of the parcel with new, larger dwelling, drive, turn around and other related features is expected to result in a significant increase in total site imperviousness and the runoff if left unmitigated. To better collect and manage the post-construction runoff, the project engineer proposes to grade and install a structured drainage system consisting of catch basins, pipes, junction boxes, recharger units. If constructed in accordance with the proposed design, a reduction in both the rate and volume of runoff will be realized for both the lower (1-year) and higher intensity storms (25-year). The engineer concluded that the development will not adversely impact drainage, infrastructure or adjoining properties. Engineering Bureau Staff has endorsed the proposal. Water quality impacts have been addressed with the submission of a sediment and erosion control plan, a prohibition on the installation of in-ground fuel oil storage tanks, the use of stormwater/infiltration, collection structures equipped with deep sumps and outlet controls, and a new connection to the existing sanitary sewer. The site will no longer be served by a subsurface sewage disposal system. To further improve water quality and address the overall conservation needs of the site, the applicant has provided for the protection of large trees with construction fence, the placement of a boulder demarcation feature along the twenty-five (25) foot wetland setback to the east, and the implementation of landscape plan consisting of numerous conservation shrubs and groundcovers. Many of the proposed plantings have substantial wildlife/habitat value.

In response to questioning by Mr. Levine and Ms. Tessier, Mr. Frangione confirmed that the existing well shall be abandoned in accordance with the applicable provisions of the health code, and that site specific soil testing was conducted in the vicinity of the proposed infiltration system to confirm the suitability of the soils and feasibility of the system proposed.

Mr. Frangione acknowledged the receipt of the Staff Agenda Summary, report and offered no objection to its findings and recommended conditions of approval.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1641 with the conditions outlined in an EPB Staff Agenda Summary Report, dated January 12, 2017.

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

**#1646 – 17 Doral Farm Road – Lot 57 – A. Krim:** To construct a one (1) story residential addition, deck and other related facilities proximate to wetlands situated in the non-drinking water supply of the Rippowam River. The subject property is situated within the complex known as “Doral Farms”, access of which lies along the south side of Roxbury Road, approximately 420 feet west of Overhill Road. The property is identified as Lot 57, Account 003-5260, Card E-002, Map 89, Block 368, Zone RA-1D and  $\pm 10,250$  sq/ft.

**In Attendance:** Scott Farquharson, Baybrook Remodelers

**Discussion:** Staff Member Talamelli summarized the application for the Board. He reported that the applicant seeks the Board’s permission to demolish the existing recreational deck, and construct a 168 square foot, single story residential addition, a 300 square foot deck, and related features along the eastern face (rear) of the dwelling. The wetlands, which occupy low lying areas to the east, support vegetation ranging from lawn grass in the drier fringe areas to a collection of small trees, shrubs and groundcovers in the wetter center. It was noted that the wetlands generally drain north to south, with overflow eventually entering the development’s structured storm drain system.

Given the scope and nature of the improvement, the applicant is expected to demonstrate that the project is technically feasible and minimizes impacts upon resources, drainage and water quality. Mr. Talamelli stated that all work shall be confined to uplands more than eighteen (18) feet to the wetland, and will involve approximately 468 square feet to the upland review area. Development and will not necessitate substantial changes in grade, or result in the loss of any significant vegetation. The Stamford Engineering Bureau has endorsed the project. In their review correspondence, Engineering Staff noted that the new development replaces, in part, an existing deck, and that any additional imperviousness will not result in any adverse drainage impact to drainage or adjoining properties. To maintain water quality, an erosion control plan has been provided consisting of perimeter silt fence, designated stockpile areas, and final soil stabilizing measures. Soil stabilizing measures include provisions for the placement of stone under the new addition/decking, gutter outfall protection, and the seeding of the disturbed soils. To mitigate the impact of the site’s development, improve water quality, and enhance the conservation value of the regulated areas, the applicant has provided a planting plan consisting of numerous conservation-valued trees. The plantings shall displace what is currently held as manicured lawn.

In response to questions by Ms. Tessier and Ms. Ley, Mr. Talamelli confirmed that the project reduces the historic creep of lawn into the regulated areas, and based upon an examination of available mapping/data, the wetland does not appear to lie within a designated conservation easement area. It was noted that most of the regulated area in the vicinity of this project lies within the development’s common space.

Scott Farquharson acknowledged the receipt of the Staff Agenda Summary, report and offered no objection to its findings and recommendations.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1646 with the conditions outlined in an EPB Staff Agenda Summary Report, dated January 12, 2017.

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

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

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

**25 Vanech Drive – Lot 5 – J. Nash – Resolution of Enforcement Action:** Clearing of natural vegetation, deposition of fill, installation of walls, and storage of construction materials within the base floodplain of Toilsome Brook and in/proximate to wetlands without the prior written authority of the Environmental Protection Board in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford.” The property lies along the west side of Vanech Drive, approximately 330 feet south of Oaklawn Avenue, and is identified as Lot 5, Account 001-8674, Card W004, Block 216, Map 104, Zone R-10, and ±0.63 Acres. This enforcement action was initiated in May 2011.

Reference is made to an EPB Staff Memo, dated January 11, 2017

**In Attendance:** None

**Discussion:** Mr. Talamelli summarized project history and the current status of the enforcement action. He noted that in May 2011, it was determined that J. Nash of 25 Vanech Drive, Stamford, Connecticut 06905 had cut or authorized the cutting of vegetation, deposited fill, installed stone walls, and stored construction materials in and within close proximity to wetlands, watercourses and the base floodplain of Toilsome Brook. By conducting these regulated activities without a prior permit, J. Nash was found to be in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford.” A cease and desist order was issued, and a show cause hearing was conducted in accordance with the regulations. As a result of that hearing, the Board determined to maintain the cease and desist order in effect and to modify the order to require the submission of a complete EPB Permit Application or to provide a full restoration plan in advance of the July 2011 meeting. The Board further determined to immediately file a notice of violation of the Stamford Land Records, and to both publish Notice of Facts and Conduct and refer the matter to the Corporation Counsel should the owner fail to comply with the established deadlines. Note that in June 2011, a Notice of Violation was posted in the Stamford Land Records.

In lieu of a full permit application, the applicant determined to develop a mitigation plan that provided for the restoration of grades and the reintroduction of native vegetation to the regulated areas. The restoration activities were implemented from 2011-16. In December 2016, EPB Staff reviewed its files, and inspected the site, finding that the regulated areas had been satisfactorily restored and certified by the consulting landscape professional. Given these circumstances, Mr. Talamelli recommended that the Board withdraw the cease and desist order, and direct Staff to file a notice of compliance on the Stamford Records.

Dr. Shemitz stated that she appreciated the efforts necessary to ensure that these important enforcement matters are brought to a full and proper resolution.

**Motion/Vote:** Upon a motion by Dr. Shemitz, the Board voted to **WITHDRAW** its cease and desist order and **FILE** a notice of compliance on the Stamford Land Records.

In Favor:	Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed:	None
Abstaining:	None

Not Voting: Spaulding and Tessier

**OTHER BUSINESS:**

**#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  $\pm 2.43$  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  $\pm 2.14$  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  $\pm 2.06$  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  $\pm 2.06$  Acres.

Reference is made to an EPB Staff Memo, dated January 11, 2017

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from John Pugliesi, P.E., E.J. Frattaroli, Inc. (November 30, 2016) requesting the extension of permits. Mr. Talamelli confirmed 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, 2018.

**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, 2018.

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

**Personnel Matter - Consideration of Filling the Position of Environmental Analyst (Possible Executive Session):**

Mr. Stone noted that the next item on the agenda concerned a personnel matter relating to a potential appointment for the position of Environmental Analyst. The Chair sought to establish if the members desire to discuss the matter in executive session.

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Upon a motion by Mr. Levine, the Board voted to **ENTER INTO AN EXECUTIVE SESSION** for the purpose of considering an appointment for the position of an Environmental Analyst in accordance with Chapter 6, Article V, Section 6-21D of the City Code.

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

The Board entered into executive session at approximately 7:54 PM. All members of the Board and Staff present attended the session. All recording devices were disabled.

At approximately 8:25 PM, the executive session was ended. Mr. Stone noted that regular meeting would be resumed, with the initial item being a vote concerning the appointment of a candidate for Environmental Analyst. All recording devices were reactivated.

Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** the appointment of candidate Leigh E. Demarco to the position of Environmental Analyst, and to direct Staff to engage in the actions necessary to facilitate her hiring.

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

**ADJOURN:**

**Adjourn the Regular Meeting of January 19, 2017:**

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of January 19, 2017.

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

Meeting adjourned at 8:35 PM.

Thank you.

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Gary H. Stone, Chairman  
Environmental Protection Board

Meeting Minutes Assembled from Notes Prepared by Richard H. Talamelli, Environmental Planner