

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE MARCH 16, 2017  
REGULAR MEETING**

**Members Present:**

Gary H. Stone, Chairman  
Louis P. Levine, Member  
Dr. Leigh Shemitz, Member  
Richard Rosenfeld, Esq., Member (Arrived 7:34 PM)  
Ashley A. Ley, Member  
Laura Tessier, Alternate Member

**Board Members Not Present:**

Bradford Spaulding, Alternate Member  
Nathanial Bowler, Alternate Member

**Staff Members Present:**

Richard H. Talamelli, Environmental Planner  
Pam 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 Special Meeting of January 11, 2017:** The Board considered the minutes of the EPB's January 11, 2017 Special Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Dr. Shemitz, Ms. Ley, and Ms. Tessier. No corrections were proposed/recommended.

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the January 11, 2017 Special Meeting as presented.

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

**Minutes of the EPB's Regular Meeting of February 16, 2017:** The Board considered the minutes of the EPB's February 16, 2017 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Ms. Ley, and Ms. Tessier. No corrections were proposed/recommended.

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the February 16, 2017 Regular Meeting as presented.

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

**APPLICATIONS AND PERMITS:**

**Acceptances:**

**#1701 – 18 Studio Road – Lot 1B – J. Rosenthal for B. Rapaport:** To replace a septic system and construct related facilities in and proximate to wetlands, watercourses and the base floodplain of the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Studio Road, approximately 350 feet south of Wire Mill Road, and is identified as Lot 1B, List 001-2959, Card E-002, Block 378, Zone RA-1, and 1.89 Acres.

Reference is made to and EPB Staff Memo, dated February 28, 2017.

**#1702 – 68 Doral Farm Road – S. Farquharson, Baybrook Remodelers for D. and J. Konrad:** To construct a one-story addition, deck and other related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The property is located in the residential development known as “Doral Farms”, access to which lies along the south side of Roxbury Road, approximately 420 feet east of Overhill Road. The property is identified as Lot 6, List 003-5209, Card W-006, Block 368, Zone RA-1D, and  $\pm 0.23$  Acres.

Reference is made to and EPB Staff Memo, dated February 28, 2017.

**#1703 – 303 East Middle Patent Road – Lot 2 – J. Peterson and E. Peterson:** To reconstruct and regrade a driveway, construct retaining walls, and install utilities, drainage and other related facilities in and proximate to wetlands and watercourses situated within the drinking water supply watershed of the Mianus River. The property lies along the east side of East Middle Patent Road, approximately 1,500 feet north of Barn Hill Road, and is identified as Lot 2, List 000-1201, Card E-011, Block 400, Zone RA-3, and  $\pm 2.25$  Acres.

Reference is made to and EPB Staff Memo, dated February 28, 2017.

**#1704 – 966 Westover Road – Lot 1 – J. R. Milo:** To construct an above ground pool, pool equipment and other related facilities proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Westover Road, approximately 575 feet south of Highline Trail, and is identified as Lot 1, Account 002-1515, Card W-071, Map 95, Block 373, Zone RA-1 and  $\pm 1.0011$  Acres.

Reference is made to an EPB Staff Memo, dated March 2, 2017.

**#1705 - 24 Tamar Lane – Lot 4 – G and T High Ridge Associates, LLC. for C. and F. Bedu Addo:** To maintain a stone masonry retaining wall constructed within a designated conservation easement/open space preserve area without a prior permit from the Environmental Protection Board.

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The property lies along the north side of the cul-de-sac of Tamar Lane, approximately 270 feet east of High Ridge Road, and is identified as Lot 4, List 004-5801, Card N-002, Map 84, Block 324, Zone R-10, and  $\pm 0.3099$  Acres.

Reference is made to an EPB Staff Memo, dated March 14, 2017.

**#1706 – 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 March 14, 2017.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to accept these permit applications.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to ACCEPT EPB Permit Applications Nos. 1701, 1702, 1703, 1704, 1705 and 1706.

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

**Action Items:**

**#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 Agenda Summary Report, dated March 7, 2017.

**In Attendance:** Toan D. Nguyen, P.E., TDN Engineering, LLC.  
Douglas Romano

Note that Board Member Richard Rosenfeld joined the meeting during the presentation of this application at approximately 7:34 PM.

**Discussion:** Staff Member Talamelli summarized the application for the Board. He reported that the applicant seeks the Board's permission to restore disturbed wetland and upland review areas on

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the property. Mr. Talamelli stated that Staff's inspection of certain permitted alterations to the dwelling in May 2016 resulted in a determination that vegetation had been removed and fill had been installed in and proximate to the designated wetland areas. In addition, the work had been conducted without proper erosion controls, alternative drainage had been installed, and a larger drive, deck and patio had been constructed. The owner was notified of the potential wetland violations/plan deviations, and was directed to refrain from further work, immediately establish properly installed perimeter controls, and assemble a team of qualified surveying/engineering/environmental professionals to assess the property and develop a specific plan/timetable to bring the site into compliance. It is noted that the applicant reported that approximately 3,150 square feet of wetlands and 4,825 square feet of upland review area shall be affected by this project.

Under this permit application, the applicant sought to restore the regulated areas and address the compliance issues outlined in the prior correspondence drafted by Environmental Protection Board Staff. Mr. Talamelli reported that the applicant has acted to address important matters pertaining to water quality, drainage, and the suitability of the restoration proposal by submitting an engineered site plan that provides for the removal/regrading of fill and an impact statement/plan to mitigate potential drainage impacts. The drainage mitigation plan includes provisions for alternative grading, certain pipe removals, and the addition of structured drainage consisting of piping and two (2) arrays of infiltrators. The engineer has concluded that if constructed per the proposed design, there will be no additional negative hydrological impacts to downstream drainage systems or surrounding properties. Engineering Bureau Staff has reviewed the submitted documents and has verified the conclusions of the drainage report, study methodology and design. In addition, a sediment and erosion control plan has been provided consisting of perimeter silt fencing, an anti-tracking pad, pavement sweeping, stockpile areas, final soil stabilizing measures, rip rap outlet protection and other related measures. A landscape/mitigation plan was also prepared by the consulting soils/environmental professional. The wetland restoration activities consist of a supervised removal of fill to restore the hydrology of the wetland, and the installation of a dense collection of native plantings including numerous trees and shrubs, many of which have substantial habitat and conservation value. Mr. Talamelli stated that the recommended conditions of approval include requirements for a demarcation feature, an outline of general watering/maintenance procedures, a performance bond, professional supervision of the fill removal and grading, a June 2017 deadline for the completion of the work, and a June 2018 follow-up report to assess the status of the planting/restoration activities.

In response to a question by Dr. Shemitz concerning the timeliness of the response to these compliance matters, Mr. Talamelli stated that the response time was linked to the time necessary to assemble a suitable team of professionals, conduct field inspections, draft plans/reports, file the application, and respond to the initial comments drafted by EPB and other City Staff before a presentation could be made to the Board.

Ms. Ley sought clarification as to the type of demarcation feature the agency would expect the applicant to employ on this site. Mr. Talamelli stated that the Board typically allows for the placement of large, entrenched boulders or a fence along the edge of the upland review area.

Ms. Tessier sought further information on the composition of vegetation that formally occupied the regulated areas and the feasibility of the structured drainage systems given the site disturbance and reported restrictive soils. In response, Mr. Romano, Mr. Nguyen, and Mr. Talamelli stated that the

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regulated had supported light to moderate woods, and that although complicated by the site disturbance and reports of restrictive soil, specific test holes dug in the vicinity of the proposed infiltration systems showed that appropriate, functional systems meeting the Engineering Bureau's standard for design could be implemented.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1642 with the conditions outlined in an EPB Staff Agenda Summary Report, dated March 7, 2017

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

**#1648 – 12 Pond View Lane – Lot 5 – C. R. Murphy:** To maintain a split rail fence, install a patio and replace stairs proximate to wetlands and a pond on property situated within the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Pond View Lane, just south of Rock Rimmon Road, and is identified as Lot 5, List 000-1750, Card E-001, Block 402, Zone RA-2, and  $\pm 2.221$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated March 9, 2017.

**In Attendance:** Chris Murphy

**Discussion:** Staff Member Fausty summarized the application for the Board. She reported that the applicant proposes to maintain a post and rail fence, remove portions of a deck, replace deck stairs, and install a patio proximate to the wetlands and pond situated on this parcel. The Board was reminded that the parcel had been the subject of a prior EPB permit in 2012 that allowed the construction of an above ground pool, pool deck and other related features in developed space in and along the regulated areas. A condition of that permit provided for the installation of planting along the pond to stabilize the soil, displace lawn grass, and improve the overall conservation values of the regulated areas. The pool was constructed, the plantings were installed and a standard, City of Stamford Landscape Maintenance Agreement was executed to ensure the success of the planted features.

Ms. Fausty reported that in the years following the issuance of the EPB permit, the pool, and an existing wire fence that once paralleled the pond's edge were removed, a new post and rail fence was installed, and many of the plantings had been removed or relocated. It is reported that the proposed regulated activities, which include the removal of the lower deck, and the construction of a new grade level patio and deck stairs, will affect approximately 540 square feet of the upland review area. The activities shall be confined to existing lawn and other developed space. Overall site disturbance shall be minimal. An erosion control plan has been developed to assist in the protection of water quality, and the applicant has committed to the submission of a new, professionally developed planting plan to restore functional plantings in the most critical areas along the pond's edge. As in the prior application, the planting plan shall include native, conservation valued landscape features to displace

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lawn, stabilize the soil, filter runoff, and improve the overall conservation values of the regulated areas.

In response to a question by Ms. Ley, Ms. Fausty reported that the pond side planting was tied to the prior pool application and had been applied to a greater portion of the pond's edge than what is currently observed in the field. Any new planting plan would be expected to include a similar plant selection applied to most of the pond's edge. Ms. Fausty noted that EPB Staff would work with the applicant to ensure that plantings are installed in suitable locations.

Mr. Murphy 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. 1648 with the conditions outlined in an EPB Staff Agenda Summary Report, dated March 9, 2017

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

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

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

**OTHER BUSINESS:**

**ADJOURN:**

**Adjourn the Regular Meeting of March 16, 2017:**

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of March 16, 2017.

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

The meeting was adjourned at 7:50 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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