

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES
SPECIAL MEETING OF MAY 24, 2017**

Board 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
Emily Gordon, Alternate Member

Board Members Not Present:

None

Staff Members Present:

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

The Special Meeting, which was called to order by the Mr. Stone at 7:30 PM, was held in the Training/Conference Room, 6th 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 April 20, 2017: The Board considered the minutes of the EPB's April 20, 2017 Regular Meeting. Board members present and eligible to vote were Mr. Stone, Mr. Levine, Dr. Shemitz, Mr. Rosenfeld, Ms. Ley, Mr. Spaulding and Ms. Tessier. No corrections were proposed or recommended.

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the April 20, 2017 Regular Meeting as presented.

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

Applications and Permits:

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Acceptances:

#1707 – 24 Linwood Lane – Lot 1A – T. Villani: To modify a driveway and remove and/or regrade fill and drainage structures installed in and proximate to wetlands, watercourses and the base floodplain of the Rippowam River. The property lies along the north side of Linwood Lane, approximately 400 feet east of Wire Mill Road, and is identified as Lot 1A, List 000-7371, Card E-002, Block 378, Zone RA-1, and ± 1.3328 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 11, 2017

#1708 – 263 Mill Road – Lot 16 - City of Stamford/Engineering Bureau for H. Devin – Roadway and Drainage Improvements - To implement roadway and drainage improvements within a portion of Mill Road and within a drainage easement on 263 Mill Road. The proposed regulated activities lie in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Haviland Brook. The property lies on and within the vicinity of 263 Mill Road, and is identified as Lot 16, List 000-1416, Card S-021, Map 15, Block 402, Zone RA-1, and ± 1.03 Acres.

Reference is made to and EPB Staff Agenda Summary Report, dated May 18, 2017.

#1709 – 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, $\pm 50,965$ square feet, and 326 Dundee Road, S. Wruble, Account 000-0059, Card E-023, Map 65, Block 394, Lot 12, Zone RA-1, and $\pm 44,431$ square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated May 22, 2017.

#1710 - 65 Malvern Road – Lot 10 – I. Miner for S. Kurada: To maintain an existing shed, stone wall, patio, fence, fill and other related features that were constructed in and proximate to wetlands situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the east side of Malvern Road, approximately 450 feet south of Club Road, and is identified as Lot 10, List 000-9681, Card E-008, Map 84, Block 379, Zone R-20, and ± 0.61 Acres.

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

#1711 - 267 Silver Hill Lane – Lot 34 – J. Lektorova: To construct residential additions, deck and other related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the north side of Silver Hill Lane, approximately 675 feet east of Loveland Road, and is identified as Lot 34, List 000-3698, Card N-018, Map 98, Block 324, Zone R-10, and ± 0.26 Acres.

Reference is made to an EPB Staff Memo, dated May 15, 2017.

#1712 – 1402 Riverbank Road – Plot E – J. Casale: To demolish an existing garage and construct

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a new garage, second story addition and other related features proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Riverbank Road, approximately 1,650 feet north of Erskine Road, and is identified as Plot E, List 000-4095, Card W-054, Block 399, Map 40, Zone RA-1, and ± 1.0005 Acres.

Reference is made to an EPB Staff Memo, dated May 17, 2017.

#1713 - Stillwater Road – Lot 1 – 1045 Stillwater Associates, LLC: To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 675 feet south of London Lane, and is identified as Lot 1, List 004-5806, Card E-037, Map 103, Block 247, Zone R-20, and ± 0.51 Acres.

#1714 - Stillwater Road – Lot 2 – 1045 Stillwater Associates, LLC: To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 600 feet south of London Lane, and is identified as Lot 2, List 004-5807, Card E-037A, Map 103, Block 247, Zone R-20, and ± 0.51 Acres.

#1715 - Stillwater Road – Lot 3 – 1045 Stillwater Associates, LLC: To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed).. The property lies along the east side of Stillwater Road, approximately 530 feet south of London Lane, and is identified as Lot 3, List 004-5808, Card E-037B, Map 103, Block 247, Zone R-20, and ± 0.53 Acres.

#1716 - Stillwater Road – Lot 4 – 1045 Stillwater Associates, LLC: To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 500 feet south of London Lane, and is identified as Lot 4, List 004-5809, Card E-037C, Map 103, Block 247, Zone R-20, and ± 0.57 Acres.

#1717 - 65 Stanton Lane – Lot 90– J. Domiziano: To construct a new in-ground pool, pool fence and other related facilities proximate to wetlands situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the north side of Stanton Lane, east of Skyview Drive, and is identified as Lot 90, List 002-3687, Map 102, Block 360, Zone R-20, and ± 0.56 Acres.

Reference is made to an EPB Staff Memo, dated May 23, 2017 for EPB Permit Application Nos. 1713-1717.

In Attendance: Josh Hannant, P.E., D'Andrea Surveying and Engineering, P.C.

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

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Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Applications Nos. 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 171, 1716 and 1717.

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

Action Items:

#1707 – 24 Linwood Lane – Lot 1A – T. Villani: To modify a driveway and remove and/or regrade fill and drainage structures installed in and proximate to wetlands, watercourses and the base floodplain of the Rippowam River. The property lies along the north side of Linwood Lane, approximately 400 feet east of Wire Mill Road, and is identified as Lot 1A, List 000-7371, Card E-002, Block 378, Zone RA-1, and ± 1.3328 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 11, 2017

In Attendance: Josh Hannant, P.E., D'Andrea Surveying and Engineering, P.C.

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli reported that the application has been presented to remedy the impacts of certain regulated activities that were conducted without a prior EPB Permit. Prior EPB applications had been submitted, but were withdrawn to allow for the development of required technical information or allow for the processing of a Letter of Map Revision by the Federal Emergency Management Agency. He noted that applicant seeks permission to modify an existing driveway and drainage system, remove/relocate fill, and construct walls and other related facilities in and/or proximate to wetlands, watercourses and the base floodplain of the Rippowam River. Given the circumstances of this site, the applicant is required to assess potential resource impacts, confirm the absence of hydraulic impacts, mitigate potential drainage impacts, provide erosion/water quality controls, and apply appropriate measures to mitigate impacts or to enhance the overall functions and values of the regulated areas.

Mr. Talamelli stated that over the course of these permit evaluations, design alternatives have been adopted by the applicant to minimize the impact on wetlands, buffers, and special flood hazard areas. Existing walls and fill shall be removed, and a new disturbance limit, as defined by a new boulder retaining wall, shall be established approximately fifteen (15) feet closer to the dwelling than originally proposed. A wall detail has been provided. The proposed activities will restore the floodplain to its pre-2013 condition. The applicant reports that the project will temporarily/permanently affect approximately 160 feet of wetlands, 3,100 square feet of the special flood hazard areas, and 2,815 square feet of the upland review area established for non-watershed areas. With the removal of the wall and fill from the floodplain, there shall be no expected rise in flood heights. Compensatory flood storage is not required. Mr. Talamelli went on to state that the proposed corrective actions will not increase the current area of impervious coverage on the property. Accordingly, the project engineer has confirmed that there will be no increase in the volume and peak rate of runoff, and the proposal will not cause any adverse impacts to the site or surrounding areas. The Engineering Bureau has confirmed statements concerning hydraulic and drainage impact. To preserve/enhance water quality, the applicant has submitted a basic

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sediment and erosion control plan, and an existing, but unpermitted, drainage system, shall be retrofit to provide both a full two (2) foot sump and an elbow to assist in the collection of sands, silt and debris, prior to discharge. A mitigation plan has been submitted, providing for a walled demarcation feature along the new wetland edge to the rear of the site, and a detailed planting plan consisting of numerous conservation valued trees, shrubs and groundcovers. Mr. Talamelli recommended that the Board consider design alternatives to further restore and protect the regulated areas. These modifications include the removal of portions of the drainage line/rip rap to the base of the new boulder retaining wall, and the addition of both native planting and a demarcation feature west of the newly repaired drive.

Ms. Ley and Dr. Shemitz confirmed the necessity of the additional demarcation feature and planting given the proximity of the drive to regulated areas.

Josh Hannant acknowledged the receipt of the agenda summary reports and confirmed his support for its stated findings and recommendations.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to APPROVE EPB Permit Application No. 1707 with the conditions outlined in the Agenda Summary Report, dated May 11, 2017.

In Favor: Stone, Levine, Shemitz, Rosenfield, and Ley

Opposed: None

Abstaining: None

Not Voting: Spaulding, Tessier, and Gordon

#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 an EPB Staff Memo, dated May 23, 2017.

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

Discussion: Mr. Stone acknowledged the receipt of correspondence from John Pugliesi, P.E., E.J. Frattaroli, Inc., dated May 18, 2017 granting the Board an extension of sixty-five (65) days in order to generate necessary additional information.

Motion/Vote: None

#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 ±2.25 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 19, 2017

In Attendance: Brian French, P.E., D'Andrea Surveying and Engineering, P.C.

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Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli reported that the evaluation was conducted by the Board's Environmental Analyst, Leigh DeMarco. He noted that the applicant proposes to reconstruct and expand an existing driveway, construct retaining walls, and install both utilities and structured drainage in and proximate to the wetlands and watercourses that affect the parcel. Essential elements of the project include the measures necessary to protect and sustain the function of a driveway culvert, and to remedy moderate to severe erosion of the river banks. The applicant is required to assess potential resource impacts, mitigate drainage impacts, provide erosion/water quality controls, and apply appropriate measures to mitigate impacts or to enhance the overall functions and values of regulated areas. The project is expected to affect approximately 192 square feet of wetlands, 32 linear feet of the watercourses, and 5,860 square feet of the upland review area establish for drinking water supply watershed areas.

Mr. Talamelli reported that the applicant has provided a site development and grading plan for the project that seeks to avoid areas of resource. An erosion control plan has been developed that includes provisions for dewatering and the installation of certain in-water controls to limit impacts during the watercourse phase. Stone rip rap shall be installed in critical bends in the watercourse to prevent further scour and downstream impacts. In addition, upland controls include the use of perimeter silt fence, basin protection, designated stockpile areas, and the application of final soil stabilizing measures. New driveway drainage structures shall be equipped with deep sumps and bell traps to assist in the collection of silt and debris. Infiltration galleries shall be utilized to both mitigate drainage impacts and treat/cool driveway runoff prior to discharge. The project engineer determined that the proposal will properly mitigate potential drainage impacts, and that there will be no adverse impacts on drainage soils or abutting parcels. The conclusions of the drainage report and design have been verified by Engineering Bureau Staff. A planting plan, appropriate to the circumstances of this application, has been offered by the applicant. The plan provides for the installation of numerous conservation valued trees and shrubs, particularly along the edge of the watercourse.

In response to a question by Ms. Tessier concerning the use of rip rap and other features to "harden" the edge of the watercourse, the project engineer, Brian French, stated that he can investigate the use alternative bank stabilization treatments, such as planted coir logs, to protect the bank and soften the edge. He noted that the final treatment would be drive by certain factors such as water velocity.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1703 with the conditions outlined in the Agenda Summary Report, dated May 19, 2017 modified to add an additional condition which directs the project engineer to investigate the use of alternative bank treatments to "soften" the edge, subject to the review and approval of EPB Staff.

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

#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. The property lies along the north side of the cul-de-sac of Tamar Lane, approximately 270 feet east

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of High Ridge Road, and is identified as Lot 4, List 004-5801, Card N-002, Map 84, Block 324, Zone R-10, and ± 0.3099 Acres.

Reference is made to an EPB Staff Memo, dated May 15, 2017

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C, dated May 15, 2017 granting the Board an extension of sixty-five (65) days in order to generate necessary additional information.

Motion/Vote: None

#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, 28, 36 and 37, Block 384, Zone RA-1, and ± 8.95 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 23, 2017 for EPB Permit

#4031 – Cascade Road – Lot A-2 –North Ridge Contractors, LLC: To subdivide an existing ± 8.95 acre property into six (6) parcels capable of supporting residences, septic, wells, drives, and other related facilities on property 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, 28, 36 and 37, Block 384, Zone RA-1, and ± 8.95 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 22, 2017.

In Attendance: John Pugliesi, P.E., E.J. Frattaroli, Inc.
John Leydon, Esq.
Robert Rondano, Jr.
Nicholas Lee, Lee Horticultural Services
Matt Popp, Environmental Land Solutions

Discussion: Mr. Stone established that the presentations/discussions relative to EPB Permit No. 1706 and Planning Board (Subdivision) No. 4031 would occur simultaneously. Staff Member Fausty then provided a brief summary of the application for the Board. She reported that the applicant seeks the Board's permission to subdivide the existing ± 8.95 acre property into six (6) parcels capable of supporting residences, septic, wells, drives, and other related facilities. Necessary facilities and infrastructure improvements include a new subdivision road, a culvert crossing, walls, and drainage.

The property, which lies along the east side of Cascade Road, is currently "undeveloped" supporting only a detached garage and drive, remnants of the residential development that previously occupied space closest to Cascade Road. A wetland corridor bisects the property north to south, ultimately

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draining to the Rippowam River and North Stamford Reservoir south and east of the site. Along the west side of the watercourse, gently to moderately sloped uplands support a mix of landscaped and lightly wooded space formerly associated with the prior development. East of the watercourse, gently to severely sloping uplands support moderate to dense, relatively unaltered, woodlands, numerous stone walls and other related features. Many of the trees occupying the entire property exceed 12 inches DBH. It was noted that the parcel abuts several State and Water Company owned properties, and is fully located within the drinking water supply watershed of the Rippowam River/North Stamford Reservoir. Subdivision feasibility as well as direct and indirect resource impacts, short and long terms impacts to regulated areas, erosion control, water quality, drainage, and other concerns are pertinent to the review of these applications. Ms. Fausty noted that the review process has shaped the design of the roadway and culvert crossing, grading, drainage and tree protection plans. Approximately 4,664 square feet of wetlands, 68 linear feet of watercourse, and 16,098 square feet of the upland review area are expected to be affected by the development as currently proposed.

Board members acknowledged the receipt of the subdivision/permit application plans and reports as well as the Staff Agenda Summary Reports. Prompting of the Chair, Board Members stated for the record, their initial comments and concerns about both the subdivision and EPB Permit application.

Mr. Spaulding stated that he was concerned by the extensive cuts proposed for the wooded hillside east of the watercourse, and the amount of fill being proposed, particularly in the wetlands and stream areas, in the general vicinity of the bridge/culvert crossing.

Ms. Ley provided more extensive comments. She noted that the portions of the property were essentially "undevelopable" with areas of steep slopes, significant wetlands, and a wetland/watercourse corridor. Based on observations made during a field inspection, she determined that the wetland/watercourse system was high functioning and was characterized by very few invasive species. She noted that she had few concerns for the lots proposed for the lands closest to Cascade Road given the availability of access and the prior disturbance. However, she expressed greater concern for the crossing and access to the rear four (4) lots east of the watercourse, and the fragmentation that would occur to this habitat corridor if the project was permitted. She stated that the site is part of a larger habitat network identified in Connecticut DEEP 2015 Wildlife Action Plan. She reported that the wildlife action plan recommends several strategies for preserving upland forest including the management of invasive species, the promotion of diverse forest habitats, encouraging zoning reform to conserve forest size, and the enforcement of smart growth principals. Ms. Ley stated that she did not feel that the applicant sufficiently analyzed alternatives to maintain that wildlife corridor, and that she would like to see additional thought given to a project that narrows or eliminates the roadway/crossing or involves a cluster or conservation subdivision. She referenced the Stamford Masterplan (2002) that encourages the conservation of environmentally sensitive lands in North Stamford and elsewhere in the City, and the use of cluster or conservation subdivisions on all parcels having environmentally sensitive lands. In addition, she noted that per the Master Plan recommendations, environmentally sensitive lands such as wetlands, steep slopes, and perhaps floodplain areas should be partially or fully deducted from calculations of yield, except as an incentive in connection to greenways, trail linkages and access. She stated that the applicant should not assume credit for preserving the wetlands given the recommendations of the Master Plan. Finally, she noted that the Master Plan calls for an expansion of Stamford's tree preservation tools.

Extensive comments were also provided by Ms. Tessier. She noted, that based on her own inspection of the property, the regulated areas are of high quality and that the site is particularly

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sensitive given both its location within the watershed and its offsite river/reservoir connection. She went on to note that she understands the concept of subdivision feasibility, but, at this point, is concerned by the idea of approving a subdivision and locking into a specific certain density or lot layout, when further site analysis/activity may reveal additional site constraints. In addition, Ms. Tessier questioned the findings of the submitted soils report, noting differences in the locations/classifications of soils reflected on mapping supplied by the USDA. The soils report may have overly stated the suitability of the soils for certain uses, particularly along the back edge of the property, where four (4) homes and septic systems are proposed. Ms. Tessier went on to commend the applicant for protecting significant trees. However, she noted that there is a problem with preserving only the significant trees on property. Over time, only mature wooded vegetation remains. Ultimately those trees fail, and without the younger, smaller, trees to regenerate and compensate for the loss, the wooded nature of property ceases more quickly. She further noted that trees that have grown in groupings, where they have been protected by other trees from the stresses of wind shear and other factors, are suddenly unprotected. These trees will eventually fail because they simply did not have the protections offered by the lesser trees or the structure necessary to withstand the wind on their own. Ms. Tessier went on to state that it is not that the site is incapable of supporting development, but given the constraints of the property, the pristine nature of the wetland corridor, and the offsite linkage to the river/reservoir, the Board needs to look at the big picture and question the proposed density of development. Ms. Tessier then commented on the public/private status of the proposed roadway. She stated that the applicant's decision to construct a public street rather than a private drive is significant, noting that not only that the size requirements are different, but the maintenance requirements are different. So, road salts and deicing and all those kinds of concerns factor in, and not that you wouldn't do those with a public road, but the impact is likely to be somewhat less with a private drive that services fewer lots than a public street that is servicing a greater preponderance of development. Finally, Ms. Tessier stated that she would like further information pertaining to the concept of alternatives, a less intense development, perhaps a two (2) lot subdivision, or something else to evaluate in terms of what can be achieved on the site and still respect the environmental constraints.

Messrs. Rosenfeld and Levine raised issues relating to the necessity of State permitting, how concerns raised by the Aquarion Water Company have been addressed in the development plans, and the selection and role of the independent site monitor proposed to oversee the anticipated construction operations.

Dr. Shemitz also provided extensive comments. She stated that she was concerned by the extensive environmental impact the project may have on the stream corridor. She noted that based on her personal observations, the wetlands are particularly pristine and productive. She was concerned by the long term impacts of the newly introduced managed landscapes would have on water quality and parroted the comments of other Board members in terms of forest impacts. She also was concerned by the impact the project may have on the wildlife corridor due to fragmentation, which is especially important given the quality of the regulated areas east of the site leading to the Rippowam River and North Stamford Reservoir. She stated her position that there may be, with this design, irretrievable and irreversible losses of wetland and watercourse resources which would be caused by the proposed activity, including the extent to which such activity would work against future ability to protect, enhance and restore the resources given the extensive proposed road building. She further stated that the question of putting a road across the wetland/watercourse corridor, much less that scale of the road, and the steepness of the proposed road, east of the stream, there will be anticipated impacts on the wetlands and watercourses, and also impacts on the wetlands and

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watercourses outside of the area the activities proposed which again given the quality of the wetlands and watercourses outside of the areas is of significant concern. She stated that the one thing that is very attractive about building on this site is how outstanding the site is, but that is one of the challenges of building on this site, is how outstanding this site ecologically. Dr. Shemitz cited the significant differences in terms of in the quality of the property east and west side of the stream corridor, accessing those sites does not require such intrusions into the wetlands and watercourses, and that so I think that looking into the design of the proposed project should really take a stronger look perhaps on that side. She stated her believe that there are potentially feasible and prudent alternatives to the proposed regulated activities which would have less adverse impact on the resources, such as developing the west side of the corridor, perhaps cluster housing, avoiding the stream, steep slopes, and wetland.

A presentation was made by the development team consisting of John Leydon, Esq., John Pugliesi, P.E., Nicholas Lee, Matt Popp, and Robert Rondano, Jr. A full range of issues were considered including the historic use of the property, the alternative lot, road, drive, wall, and grading plans considered by the applicant, the tree protection measures recommended by the arborist, the results of necessary soil and percolation testing, the feasibility of the proposed septic designs, the measures incorporated into the drainage system to meet water quality objectives, the impacts of the project on drainage and adjoining properties, the location and purpose the proposed conservation areas, and the value of the proposed planting and mitigation proposals.

Extensive discussion ensued between Board members concerning the options for moving forward. Noting that significant concerns remain, Mr. Leydon, after a brief recess, requested that the Board defer from further action on these applications to allow the applicant the time necessary to develop additional information and consider alternative designs.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **DEFER** from action on EPB Permit Application No. 1706 pending the submission of additional information.

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

Upon a motion by Mr. Levine, the Board voted to **DEFER** from action on Planning Board (Subdivision) No. 4031 pending the submission of additional information.

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

Site Plan Reviews: None

Subdivision Reviews: See above.

Enforcement– Status Reports & Show Cause Hearings:

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398 West Hill Road – Lot 1 – M. Negri and P. Bookless – Resolution of Violation: Removal of indigenous vegetation and the filling of wetlands and adjoining upland review areas 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 West Hill Road, just north of Stony Brook Drive, and is identified as Lot 1, List 000-1607, Card W-023, Block 368, Map 102, and ± 1.0252 Acres. This enforcement action was initiated in November 2007.

Reference is made to an EPB Staff Memo, dated May 15, 2017

In Attendance: None

Discussion: Mr. Talamelli summarized the matter for the Board. Mr. Talamelli reported that, in November 2007, a cease and desist order had been issued to the owners of 398 West Hill Road for certain unauthorized tree removal and filling activities that had occurred in regulated areas. As a result of the Show Cause Hearing, the Board determined to maintain the order in effect and to modify the order to require EPB staff to file a notice of violation on the Stamford Land Records, and the owners to file an application for EPB Permit by December 2007. Mr. Talamelli reported that EPB Permit approved applications in both 2008 and 2010 to remedy the violations. In September 2010, Staff confirmed that the required fill removal and restoration landscaping activities had been completed in substantial compliance with the terms, conditions and plans associated with the permits. Mr. Talamelli went on to state that a recent search of the land records revealed that the notice of violation filed as part of the prior enforcement action remained in place. Given the successful application of the remedies defined in EPB Permit No. 2803 (as modified) and EPB No. 2929, Mr. Talamelli recommended that the Board act to withdraw the cease and desist order and direct Staff to file a notice of compliance on the Stamford Records.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **WITHDRAW** the Cease and Desist Order and **FILE** a Notice of Compliance on the Stamford Land Records.

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

Other Business: None

ADJOURN:

Adjourn the Special Meeting of May 24, 2017:

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Special Meeting of May 24, 2017.

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

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Meeting adjourned at 9:58 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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