

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE AUGUST 3, 2017
SPECIAL MEETING**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Louis P. Levine, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Bradford Spaulding, Alternate Member
Laura Tessier, Alternate Member
Emily Gordon, Alternate Member (Arrived at 7:31PM)

BOARD MEMBERS NOT PRESENT:

Dr. Leigh Shemitz, Member

STAFF MEMBERS PRESENT:

Richard H. Talamelli, Executive Director/Environmental Planner

The Special Meeting, which was called to order by the Chair 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: None

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1718 – 180 Wildwood Road – Tract A-1 – J. Shulman: To erect a fence and swimming pool enclosure in and/or 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 Tract A-1, 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 August 2, 2017.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Andrea Sisca, Esq, Ivey, Barnum and O'Mara, LLC, dated August 1, 2017, granting the Board an extension of sixty-five (65) days to render a decision on EPB Permit Application No. 1718. Accordingly, a final decision shall be rendered on this application on or before October 23, 2017.

Motion/Vote: None

#1720 – Mead Street and Bouton Street West – NA - City of Stamford/Engineering Bureau for Brook Run Terrace Condominium Association – Springdale Brook Channel Wall Stabilization Project: To implement certain wall, channel and streambank stabilization measures in and/or within

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close proximity to wetlands, watercourses and special flood hazard areas associated with Springdale Brook (Non-drinking Water Supply Watershed). The project generally affects a reach of Springdale Brook from Bouton Street West to the northwest to Mead Street to the southeast. Specific properties affected by the project are situated at 7 Mead Street, Units A-G, 0 Bouton Street West, and 49 Bouton Street West.

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

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Louis Casolo, Jr., City Engineer, Stamford Engineering Bureau, dated July 31, 2017, granting the Board an extension of sixty-five (65) days to render a decision on EPB Permit Application No. 1720. Accordingly, a final decision shall be rendered on this application on or before October 23, 2017.

Motion/Vote: None

Note that Ms. Gordon joined the meeting at approximately 7:31 PM in advance of the presentation of EPB Permit Application No. 1724.

#1724 – 72 Fernwood Drive – Lot B – J. Cohen for M. Whitmyer: To construct a residential addition, porch, patio, pergola, barn, drive, drainage, retaining wall, and other related facilities proximate to wetlands and watercourses on property situated within the drinking water supply watershed of the Rippowam River. The property lies along the south side of Fernwood Drive, approximately 925 feet west of Woodbine Road, and is identified as Lot B, List 001-8894, Card S-003, Block 388, Map 17, Zone RA-2, and ± 2.24 Acres.

Reference is made to an EPB Staff Memo, dated August 1, 2017.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept this permit application.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Mr. Rosenfeld, the Board voted to **ACCEPT** EPB Permit Application No. 1724.

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

#1725 – High Ridge Road, Turn of River Road, Perna Lane, Dzamba Grove, Meredith Lane, and vicinity – NA – City of Stamford Water Pollution Control Authority – Perna Lane Sanitary Sewers: To construct sanitary sewers, drainage and other related improvements in and within close proximity to wetlands, watercourses and the base floodplain of the Rippowam River (Non-drinking water supply). The project area lies in the vicinity of High Ridge Road, the limits being generally bound to the north by Meredith Lane, south by Dunn Avenue, east by Dzamba Grove, and west by Redmont Road.

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Reference is made to an EPB Staff Memo, dated August 1, 2017.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept this permit application.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Mr. Rosenfeld, the Board voted to **ACCEPT** EPB Permit Application No. 1725.

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

Action Items:

#1719 – Riverbank Road – NA - City of Stamford/Engineering Bureau - Riverbank Road Bridge

Replacement: To demolish an existing vehicular bridge, construct a new box culvert and wing walls and install drainage and other related features in and/or within close proximity to wetlands, watercourses and special flood hazard areas associated with the East Branch of the Mianus River (Drinking Water Supply Watershed). The project affects a length of Riverbank Road, roughly bounded by Laurel Ledge Road to the northwest and Hedge Brook Lane the southeast.

Reference is made to an Agenda Summary Report dated July 28, 2017.

In Attendance: Louis Casolo, Jr., City Engineer, City of Stamford
Richard Geikie, P.E., GM2 Engineers

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the City of Stamford/Engineering Bureau proposes to demolish an existing vehicular bridge, construct a new 11' x 6' concrete box culvert/wing walls, install drainage, erect sheet piling, and establish other related features in and/or within close proximity of wetlands, watercourses and special flood hazard areas associated with the East Branch of the Mianus River. He noted that earlier this year, DOT inspectors determined that the existing bridge, was "structurally deficient", recommending that a portion of Riverbank Road be closed to vehicular traffic to protect persons/property.

Mr. Talamelli reported that the project areas lies within a portion of Riverbank Road, roughly bordered by Laurel Ledge Road to the northwest and Hedge Brook Road to the southeast. The project area supports a reach of the Mianus River (East Branch), a narrow band of wetland soil, special flood hazard areas, stone walls, and several moderate/large trees. Although portions of the bank along this reach of the river remain naturally sloped and vegetated, other space, particularly along the road, have been historically altered with steeply graded fill, placed boulders, and/or stone walls.

Given the nature of the project, the applicant is required to demonstrate that wetland and resource impacts have been avoided/minimized, that potential drainage impacts have been mitigated, that effective water quality controls have been utilized, that the requirements of the "Flood Prone Area Regulations" as they pertain to rise, storage loss and structural floodproofing have been addressed and that measures have been incorporated into the design to mitigate for unavoidable impacts or preserve/enhance the values/functions of the river corridor.

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Mr. Talamelli reported that civil drawings have been submitted to confirm the limits and impacts of the development. The top elevation of the culvert crossing, grade of the approaches, and oval limits of encroachment shall mimic the existing condition. It was reported that the project will temporary/permanently affect approximately 60 square feet of wetland, 117 linear feet of watercourse, 10,091 square feet of the floodplain, and 8,035 square feet of the upland review area. Several trees of twelve (12) inches in diameter or greater, particularly to the south and east of the culvert, will be lost as a result of the project.

The project engineer provided an analysis and statement, confirming that the project will not cause a rise (0.0 feet) in the 100-year flood elevation, increase velocities, or reduce the overall storage capacity of the floodplain in the project area. It was reported that the results of the hydraulic analysis were affected by the elevation, design, and configuration of a private driveway crossing downstream of the project area. Minor changes in grade about the site have been offset by a slight increase in the size of the culvert's hydraulic opening. The project engineer further confirmed that the culvert and associated facilities have been designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. It was noted that flood depths and the dynamics of the flood in this area remain essentially unchanged.

In regards to drainage, the project engineer has certified that the project will not result in any adverse impacts to drainage, soils, the street or adjoining properties, given the near identical footprint and grading scheme as the existing. Mr. Talamelli went to note that new structured storm drainage is proposed for the east side of the culvert to assist in the collection and treatment of surface runoff. Collection structures, although not conforming to City design standards for basin to basin connections, shall be equipped with deep sumps and outlet controls to assist in the collection of sands, silts and debris prior to discharge. West of the new culvert, the applicant has committed to the removal of all accumulated silt and debris from existing pipes and drainageways. Any new drainage to the west would be part of a future project.

To protect water quality, a basic sedimentation and erosion control plan consisting of perimeter silt fence, basin protection, floating silt barrier, sediment basin, final site stabilization measures and seasonal restrictions on unconfined in-water activities has been supplied. In addition, a basic water handling/dewatering plan has been provided that includes temporary diversion barriers and a bypass pipe to allow for the driest conditions possible during project implementation.

In response to recommendations provided the staff at the Fisheries Unit of the Department of Energy and the Environment (DEEP), certain measures shall be applied to limit potential impacts upon fish habitats including the replication of existing streambed elevations, use of native streambed materials to ensure adequate flows, the creation of a low flow channel within the culvert to maintain flow throughout the year, the placement of boulders to either mitigate the impact of proposed sheet piling or provide necessary in-water resting stations, the protection/replacement of streamside vegetation valued for its ability to shade the watercourse, and limitations on 'unconfined' in-stream activity to the yearly low flow period (June 1 to September 30) to limit sedimentation impacts, maintain seasonal migratory behaviors, and protect resident fishes during certain developmental phases. Fenced protection shall be provided for trees of value in the project area, and the City has committed to the development of a professionally drawn landscape plan to mitigate for the projected tree loss, stabilize the soil, shade the river, and enhance the overall conservation values of the project area.

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In response to an inquiry by Mr. Rosenfeld, Mr. Talamelli stated that the so-called list of “deliverables” including the final planting plan, storage/stockpile plans, and watershed protection elements could be reasonably developed and secured by Staff prior to project implementation. Conditions Numbers Four (4) and Six (6) clearly outline the requirements for submission and approval.

Mr. Casolo thanked the Board for consenting to a special meeting to consider this important public undertaking. Mr. Casolo assured the Board that the project will be promptly implemented under the strict supervision of both the Engineering Bureau and Engineering Consultant. Mr. Casolo reported that a copy of the Agenda Summary Report was received and that he offered no objection to any of the findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 1719 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 28, 2017.

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

Site Plan Reviews:

#3732-1 – Newfield Avenue – Lot 1 – Nassau Newfield Avenue, LLC: To construct a new single family dwelling, drive, drainage, septic, pool, and other related facilities on property that supports wetlands and a designated open space preserve/conservation easement area. The property lies in the non-drinking water supply watershed of the Rippowam River. A site plan review by the EPB is required by a Condition of Planning Board No. 3732. The property lies along the east side of Newfield Avenue, approximately 450 feet south of Lakeside Drive/Davenport Ridge Road, and is identified as Lot 1, List 004-2397, Card E-107, Map 61, Block 382, Zone RA-1, and ± 1.003 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 24, 2017.

In Attendance: Leonard D’Andrea, D’Andrea Surveying and Engineering, LLC
Ryan Salvatore, Nassau Newfield Avenue, LLC

Discussion: Mr. Talamelli summarized the application for the Board. Mr. Talamelli stated that the summary of conditions and analysis contained in an Agenda Summary Report, dated July 24, 2017, was prepared by Environmental Analyst Leigh DeMarco.

Mr. Talamelli reported that the applicant seeks to comply with a Condition of Planning Board (Subdivision) No. 3732 to secure a Site Plan Review Approval from the Environmental Protection Board for a new single family dwelling, drive, drainage, septic, public water service, pool and other related facilities proposed for the property. Mr. Talamelli noted that the EPB participated in the review of the proposed three (3) lot subdivision in 1999. Conditions applied to the approval included an “Open Space Preserve/Conservation Area” designation for wetlands and adjoining upland review areas, the filing of a “Conservation Easement” for the designated “Open Space

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Preserve/Conservation Area”, the installation of standard pins/signage along the conservation boundary, site plan approval for the development of Lots 1 and 3, the preservation of stone walls and significant trees to the greatest extent feasible, a prohibition on the use of in-ground fuel oil storage, a final sediment and erosion control plan, and other requirements relating to a prior Health Department approval for the subsurface sewage disposal systems, and the application of certain administrative notes to the final map.

Under the Site Plan Review Process, the applicant is required to demonstrate that the development proposal is consistent with the overall subdivision concept by protecting resources of value, ensuring that drainage is properly managed, that site specific water quality measures are applied, and that appropriate measures are implemented to mitigate unavoidable impacts or enhance the overall conservation values of the property.

Mr. Talamelli reported that the detailed plans and reports developed in support of this project remain consistent with the subdivision concept. The site plan shows that all development shall be confined to uplands outside of the designated conservation area with the proposed grading generally reflective of that proposed at the time of subdivision. A drainage management plan has been developed to offset the potential impacts of development. The plan provides for a specific grading schedule and the addition of structured drainage consisting of catch basins, pipes, junctions, a Cul-tech recharge system and level spreaders. The project engineer notes that if constructed in accordance with the proposed design, that the development will not adversely impact drainage soils, infrastructure and adjoining properties. The Stamford Engineering Bureau Staff has reviewed the submitted plans/reports and has endorsed the project. Water quality concerns have been addressed with the submission of a detailed erosion control plan, a prohibition on the use of in-ground fuel oil storage, and a drainage management scheme that provides for the use of collection structures having deep sumps/outlet controls and infiltration. Infiltration relies on the soil's natural ability to cool and treat runoff prior to discharge. In addition, the Stamford Health Department supervised soil tests and has endorsed the proposed subsurface sewage disposal system. To mitigate the development and ensure consistency with the conservation requirements outlined at the time of subdivision, the applicant has acted to fence trees of value, limit the disruption of stone walls to that only associated with the new driveway opening, install conservation pins/posts and signage along the conservation boundary, provide a boulder demarcation feature along the conservation boundary, and remove observed accumulations of brush and other debris from the regulated areas. The mitigation was deemed appropriate given the circumstances of this application.

Mr. Talamelli reported that a search of the land records by EPB Staff in advance of this meeting revealed that although the final subdivision map had been signed and filed on the Stamford Land Records, the required conservation easement may not have been executed. The attorney for the owner, Michael P. Murray, Esq., Ivey, Barnum and O'Mara, LLC. has submitted correspondence, dated August 1, 2017, committing to the execution and filing of the standard conservation agreement for the lands shown on the map designated as the “Open Space Preserve/Conservation Easement” requesting that the requirement be made a condition of any approval granted by the Board.

Ms. Ley observed that the boulder demarcation feature, proposed to define the conservation easement boundary, provided for the placement of deeply embedded stones at intervals of approximately ten (10) feet, and was concerned that the large openings between boulders would allow for the continued disposal of debris and mowing of vegetation in the regulated areas. Mr. Talamelli responded that the Board typically requires demarcation features consisting of standard pins/posts/signage, along with a split rail fence, wall, grade change, and/or the placement of

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boulders. He noted that the development plan can be modified to address her concerns by adding a fence or wall, or by reducing the size of the openings between boulders.

Mr. Salvatore stated that he would prefer to install additional boulders or reduce the size of the openings, given the visual impact of a fence. However, he noted that he would accept a split rail fence or other similar structures should the Board determine to approve the application.

Mr. D'Andrea thanked the Board for the opportunity to present this site plan review application. He further acknowledged the receipt of the Agenda Summary Report, and offered no objection to the findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Site Plan Review Application No. 3732-1 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 24, 2017, modified to include the following.

- Execution/filing of a standard, City of Stamford Conservation Easement for the areas designated as the "Open Space Preserve/Conservation Easement Area" on the submitted maps/plans in accordance with Condition No. 2 of Planning Board (Subdivision) No. 3732, and as offered by Michael P. Murray, Esq., Ivey Barnum and O'Mara, LLC, in correspondence dated August 1, 2017, and
- Modification of the demarcation feature plan to require the "edge to edge" placement of boulders along the conservation easement boundary not to exceed five (5) feet to better define the easement boundary and prevent future encroachments, including the unauthorized management of the area's vegetation.

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

SUBDIVISION REVIEWS:

ENFORCEMENT- STATUS REPORTS & SHOW CAUSE HEARINGS:

OTHER BUSINESS:

ADJOURN:

Adjourn the Special Meeting of August 3, 2017:

Upon a motion by Mr. Levine, and seconded by Mr. Rosenfeld, the Board voted to **ADJOURN** the Special Meeting of August 3, 2017.

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

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The meeting was adjourned at 8:00 PM.

Gary H. Stone
Chairman
Environmental Protection Board

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