

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE OCTOBER 19, 2017
REGULAR MEETING**

Board Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Richard Rosenfeld, Esq., Member (Arrived at 7:37 PM)
Bradford Spaulding, Alternate Member
Laura Tessier, Alternate Member
Emily Gordon, Alternate Member

Board Members Not Present:

Dr. Leigh Shemitz, Member
Ashley A. Ley, Member

Staff Members Present:

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

The Regular Meeting, which was called to order by the Chair at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut 06904-2152. The meeting was video recorded.

Minutes: None

Acceptances/Extensions/Withdrawals:

#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 stream bank stabilization measures in and/or within 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 that stretches from Bouton Street West (northwest) to Mead Street (southeast). Specific properties affected by the project include 7 Mead Street, Units A-G, 0 Bouton Street West, and 49 Bouton Street West.

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

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Zvonko Barisic, P.E. Stamford Engineering Bureau, dated October 18, 2017, withdrawing EPB Permit No. 1720 from further consideration.

Motion/Vote: None

Minutes

Regular Meeting of October 19, 2017

Page 2

#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.

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

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Prakash Chakravarti, P.E., Stamford Water Pollution Control Authority, dated October 18, 2017 granting the Board an additional sixty-five (65) days in which to render a decision of EPB Application No. 1725.

Motion/Vote: None

#1732 – 138 Fishing Trail - Lot 66 – F. Rood: To maintain walkways, fences, lighting, walls, patios, planting beds, a dock and other related features installed in and proximate to wetlands and pond situated in the non-drinking water supply watershed of Poorhouse Brook. The property lies along the east side of Fishing Trail, approximately 775 feet south of Short Trail, and is identified as Lot 66, Account 001-1272, Block 390, Map 25 Card E-014, Zone RA-1, and ± 1.0019 Acres.

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

In Attendance: Florence Rood

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 1732.

Motion/Vote: Upon a motion by Mr. Levine, seconded by Mr. Spaulding, the Board voted to **ACCEPT** EPB Permit Application No. 1732.

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

Action Items:

Note that Board Member Richard Rosenfeld arrived at the meeting at approximately 7:37PM during the initial moments of the applicant's presentation of EPB Permit Application No. 1718.

#1718 – 180 Wildwood Road – Tract A-1 – J. Shulman: To maintain a pool fence and related

Minutes

Regular Meeting of October 19, 2017

Page 3

features erected 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 ± 1.1348 Acres.

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

In Attendance: Andrea C. Sisca, Esq., Ivey, Barnum and O'Mara, LLC
Brian McMahon, P.E., Redniss and Mead
Jeffrey Shulman

Discussion: Ms. Fausty addressed the Board. She reported that in June 2017, EPB Permit Application No. 1718 was accepted by the agency. The applicant proposes to maintain a pool fence constructed within special flood hazard areas and within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The installation occurred in "regulated areas" without a prior permit in violation of Section 4.1 of the Inland Wetland and Watercourse Regulations of the City of Stamford. A sixty-five (65) day extension was granted in August 2017 to allow for the development of information necessary to properly evaluate the application. Ms. Fausty reported that the review period has ended, and that basic items of information necessary to thoroughly assess the proposal and confirm regulatory compliance have not been submitted including the engineer's hydraulic impact statement confirming the absence of impact on flood heights, compensatory flood storage calculations, a "floodproof" design for the entire fence system, and a discussion of alternatives to ensure consistency with all applicable safety and environmental/flood regulations and policies. Accordingly, Ms. Fausty recommended that the Board consider denying EPB Permit Application No. 1718.

Mr. Stone then called for the applicant and his representatives to address the Board. Attorney Sisca confirmed that all requested items of information had not been submitted including the hydraulic statement, flood storage data, and an engineer's certification that applies to the entire fence system. She further confirmed that although a prior EPB permit was not secured for the work, her client was the recipient of a citation from the City of Stamford which required her client to install a fence around the pool within thirty (30) days or be subject to fines. Ms. Sisca stated that the fence was installed on the premise that life safety trumped the EPB's Regulations.

Substantial discussion then took place, in which Mr. Shulman, Ms. Sisca and Mr. McMahon stated that the fence installed to date was compliant with an agreement with Staff in that it was only temporary and could be easily removed, that a flood study conducted to assess the hydraulic impacts would, in all likelihood, show inconsistency with the flood regulations by causing a rise in the base flood elevation, that a consulting design professional contacted by the applicant questioned the feasibility of designing a fence that could meet both the hydraulic and building code requirements given the character of the flood and other constraints on the property, that alternatives linked to the existing topography and/or fortification of existing stone walls was explored but dismissed by the Chief Building Official, and that other alternatives involving the placement of a fence along the perimeter both parcels owned by the applicant were previously dismissed by the applicant given the potential impact to wetlands, wildlife corridors, river hydraulics, and other factors. Study costs and the potential implications of removing the fence were extensively discussed.

Minutes

Regular Meeting of October 19, 2017

Page 4

The Chair, Board Members Tessier and Rosenfeld, and Staff Member Talamelli stated that an agreement with Staff only allowed placement of a temporary construction fence to meet immediate pool barrier requirements, that an EPB Permit is required to install a permanent, code compliant pool fence in regulated areas, that it would be unwise to conduct a costly hydraulic analysis on a fence that is likely to cause a rise in flood heights, and that the consulting professionals should exhaustively analyze alternative designs and technologies that would satisfy both the pool barrier and hydraulic impact requirements. EPB Members/Staff clearly reaffirmed the position that an EPB permit is required for activities affecting regulated areas, and given the potential impacts a rise in flood waters, loss of storage, or discharge of debris may have on persons and property, both on and off the site, the hydraulic impact, storage, floodproofing, and other pertinent requirements of the Inland Wetlands and Flood Regulations, simply cannot be disregarded.

Motion/Vote: Upon a motion by Mr. Levine, seconded by Gordon, the Board voted to **DENY** EPB Permit Application No. 1718 upon a determination that information required for a complete and accurate assessment of potential impacts and regulatory compliance was not provided by the applicant.

In Favor: Stone, Levine, Spaulding and Gordon

Opposed: None

Abstaining: Rosenfeld

Not Voting: Tessier

#1721 – 1040 Westover Road – Lot 4 – M. Ritacco and T. Bocuzzi: To construct a wood deck, and other related features within close proximity to wetlands and a pond situated in the drinking water supply watershed of the Mianus River. The property lies along the east side of Westover Road, approximately 830 feet north of Nathan Hale Drive, and is identified as Lot 4, List 001-1886, Card E-072, Block 368, Zone RA-1, and ± 1.9353 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 14, 2017.

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

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the application was reviewed by Leigh DeMarco, Environmental Analyst. Mr. Talamelli stated that the applicant seeks the Board's permission to construct a recreational deck, and maintain an existing wood playset and "kiddie" pool proximate to the pond and wetlands found on the parcel. The property, which lies along the east side of Westover Road, north of Nathan Hale Drive, currently supports a single family dwelling, drive, septic system, public water service, and other related facilities.

A moderately sized pond and wetland area occupies the eastern portions of the site. The east edge of the pond is undeveloped and supports moderate woods. The west side of the pond is developed, and is characterized by a mix of natural and manicured spaces. Setbacks of 50 feet to wetlands and 100 feet to open water apply given the site's location within the drinking water supply watershed of the Mianus River.

Minutes

Regular Meeting of October 19, 2017

Page 5

Given the scope and nature of the project, the applicant is expected to demonstrate that impacts to resources and regulated areas, drainage, and water quality are avoided/minimized. Mr. Talamelli reported that the new construction shall be confined to existing developed space no less than eighty (80) feet to the wetlands/watercourses. The proposed work will not necessitate any grade changes or result in the loss of significant vegetation. It is reported that approximately 925 square feet of the upland review areas shall be affected by the project. To mitigate potential drainage impacts, the project engineer has proposed to install additional storage as provided by a thirteen (13) inch layer of stone/gravel under the deck. A statement from the project engineer confirming the absence of impact on drainage, soils and the abutting parcels has been confirmed by Stamford Engineering Bureau Staff. To limit water quality impacts, a sediment and erosion control plan has been developed, consisting of perimeter silt fence, stockpile areas, and final soil stabilizing measures. As mitigation, the applicant proposes to remove accumulated debris and implement a planting plan consisting of a few conservation valued trees and shrubs in an open space along the northern limits of the pond.

In response to a question by Mr. Rosenfeld, Mr. Talamelli responded that the planting plan was suitable for the circumstances of the application, with the proposed enhancements confined to a more open area situated in the northern reaches of the parcel. The remaining pond edge, in the opinion of Staff, remains appropriately vegetated.

Mr. D'Andrea acknowledged the receipt of the agenda summary report and offered no objection to any of the conclusions or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, seconded by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1721 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 12, 2017.

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

#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 Agenda Summary Report, dated October 11, 2017.

In Attendance: Toan Nguyen, P.E., TDN Engineering.
Jonathan Cohen

Discussion: Mr. Talamelli summarized the application for the Board. He noted that the application was reviewed by Leigh DeMarco, Environmental Analyst. Mr. Talamelli reported that the applicant seeks the Board's permission to construct residential additions, a porch, patio, pergola,

Minutes

Regular Meeting of October 19, 2017

Page 6

barn, drive, drainage, retaining walls, and other related facilities on the parcel. The property, which lies along the south side of the Fernwood Drive cul-de-sac, currently supports a single family dwelling, drive, barn, septic system, well and other related facilities. The developed space lies in the approximate center of the parcel. Wetlands and watercourses lie on or immediately adjacent to the property to both the southwest and southeast. The parcel lies within the drinking water supply watershed of the Rippowam River. Accordingly, setbacks of 50 feet to wetlands and 100 feet to open water apply under the regulations.

Given the scope and nature of the project, the applicant is expected to demonstrate that impacts to resources and regulated areas, drainage, and water quality are avoided or minimized to the greatest extent possible. It was noted that the new construction shall be confined to existing developed space no less than seventy (70) feet to wetlands and eighty (80) feet to watercourses. The proposed work will not necessitate substantial grade change or result in the loss of significant vegetation. It is reported that approximately 782 square feet of wetland setback shall be affected by the project. To mitigate potential drainage impacts, the project engineer has proposed a structured drainage system consisting of a catch basin, pipes, and an array of infiltrators to better collect and manage the expected runoff. A statement from the project engineer confirming the absence of impact on drainage, soils and the abutting parcels has been confirmed by Stamford Engineering Bureau Staff. To limit water quality impacts, a sediment and erosion control plan has been developed, consisting of perimeter silt fence, stockpile areas, a designated construction accessway, and final soil stabilizing measures. Collection structures have been equipped with deep sumps and outlet controls to assist in the collection of silts and debris and infiltration is proposed to cool and filter stormwater prior to discharge. As mitigation, the applicant proposes to implement a planting plan consisting of numerous conservation valued shrubs in select areas between the proposed development and the wetlands/watercourses.

In response to a question by Mr. Rosenfeld, Mr. Talamelli responded that the "barn" will not be used for the housing of animals, but the storage of cars, boats and other similar vehicles.

Ms. Gordon asked if alternative locations for the porch and patio were considered, given their proximity to the steeply wooded slopes adjoining the wetlands/watercourses. Mr. Cohen responded that alternative locations were considered. However, it was determined that the best, least disruptive location was within the existing walled, terrace that currently lies along the southern plane of the building.

Ms. Tessier observed that one of the plants types selected may not be desirable from a conservation perspective, and asked the applicant to consider revising the landscape mitigation plan to replace "Beautyberry" with a more suitable native species subject to EPB Staff approval.

Mr. Nguyen confirmed the receipt of the agenda summary report and offered no objection to any of the conclusions or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, seconded by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1724 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 11, 2017, modified to require alteration of the planting plan to replace "Beautyberry" with a more suitable native species subject to EPB Staff approval.

Minutes

Regular Meeting of October 19, 2017

Page 7

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

Site Plan Reviews: None

Subdivision Reviews: None

Enforcement– Status Reports & Show Cause Hearings: None

Other Business:

EPB Meeting Calendar for 2018: Discussion of potential meeting dates for the year 2018.

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

In Attendance: None

Discussion: Staff Member Talamelli presented the “Draft” Meeting Schedule for 2018. He stated that the document generally reflects a regular meeting schedule for the “Third Thursday” of each month. During its preparation, Staff sought to identify and eliminate potential conflicts with school vacations, graduations, holidays and other important events. Mr. Talamelli reminded the members that the calendar includes an additional meeting during the month of January to consider budget matters, and no meeting during the month of August to consider traditional vacation schedules.

Members of the Board acknowledged the receipt of the schedule, and noted no exceptional conflicts that would preclude participation.

Motion/Vote: Upon a motion by Mr. Levine, seconded by Mr. Rosenfeld, the Board voted to **APPROVE** the meeting calendar for 2018 as outlined in an EPB Staff Memo, dated October 13, 2017.

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

ADJOURN:

Adjourn the Regular Meeting of October 19, 2017:

Upon a motion by Mr. Levine, seconded by Mr. Rosenfeld, the Board voted to **ADJOURN** the Regular Meeting of October 19, 2017.

Minutes

Regular Meeting of October 19, 2017

Page 8

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

Meeting adjourned at 8:45 PM.

Gary H. Stone
Chairman, Environmental Protection Board

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