

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JANUARY 18, 2018
REGULAR MEETING**

Board Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Bradford K. Spaulding, Alternate Member
Emily Gordon, Alternate Member

Board Members Not Present:

Laura Tessier, Alternate Member

Staff Members Present:

Richard H. Talamelli, Executive Director/Environmental Planner

The Regular Meeting, which was called to order by the Chair at 7:32 PM, was held in the Cafeteria, 4th Floor, Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

Minutes:

Minutes of the EPB Regular Meeting of November 16, 2017:

The Board considered the minutes of the EPB's November 16, 2017 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Dr. Shemitz, Mr. Rosenfeld, Ms. Ley, and Ms. Gordon. No corrections were proposed/recommended.

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

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

Applications and Permits:

Acceptances/Extensions/Withdrawals:

#1735 – 237 Foxwood Road – Lot 15 – R. Perler: To maintain a wood dock and other related features constructed in and proximate to wetlands and watercourses situated in the non-drinking

water supply watershed of Haviland Brook. The property lies along the east side of Foxwood Road, approximately 375 feet north of Fox Ridge Road, and is identified as Lot 15, Account 000-4715, Block 401, Map 24, Card S-013Z, Zone RA-1, and ± 2.1450 Acres.

Reference is made to and EPB Staff Memo, dated January 11, 2018.

#1736 – 125 Turn of River Road – Lot 9 – A. Lipsker for Tap Capital Partners, LLC: To construct a new single family dwelling, drive, and other related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Ayres Brook/Rippowam River. The property lies along the east side of Turn of River Road, approximately 215 feet north of Talmadge Lane, and is identified as Lot 9, Account 002-2741, Block 379, Map 77, Card E-024, Zone R-10 and ± 0.1362 Acres.

Reference is made to and EPB Staff Memo, dated January 11, 2018.

#1801 – Juniper Hill Road – Parcel A – M. McCullough for M. Grunberg: To construct a new single family dwelling, drive, drainage, septic, well and other related facilities in and or proximate to wetlands, watercourses, and a designated conservation easement situated in the drinking water supply watershed of the Mianus River. The property lies along the east side of Juniper Hill Road, with the driveway access situated approximately 470 feet south of Guinea Road, and is identified as Parcel A, Account 004-5865, Card S-022A, Map 80, Block 373, Zone RA-2, and ± 2.002 Acres. The subject property is located behind the existing dwelling at 3 Juniper Hill Road.

Reference is made to and EPB Staff Memo, dated January 16, 2018.

#1802 – 85 Camp Avenue – Parcels 1, 2 and 3 – The Village at River's Edge: To repair a collapsed section of jumbo concrete block retaining wall in and proximate to wetlands, watercourses, special flood hazard areas, and conservation easement areas within the non-drinking water supply watershed of Springdale Brook. The ± 8.94 Acre property currently supports the planned unit development known as "The Village at River's Edge." Access to the property is situated along the south side of Camp Avenue, approximately 1230 feet east of Hope Street.

Reference is made to and EPB Staff Memo, dated January 17, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1735, 1736, 1801 and 1802.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1735, 1736, 1801 and 1802.

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

Action Items:

#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 a 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 Agenda Summary Report, dated January 12, 2018.

In Attendance: Matthew Popp, Environmental Land Solutions, LLC

Discussion: Mr. Talamelli summarized the application for the Board. He noted that the agenda summary report had been prepared by Leigh DeMarco, Environmental Analyst. Mr. Talamelli reported that the applicant seeks the Board's permission to maintain a series of walkways, fences, walls, patios, planting beds, and other related features that had been installed in and proximate to wetlands and a pond situated in the watershed of Poorhouse Brook. The features had been installed without the prior consent of the agency. The property, which lies along the east side of Fishing Trail, approximately 775 feet southeast of Short Trail, currently supports a single family dwelling, drive, septic and other related features. The site is characterized by the presence of gently to moderately steep uplands to the west, and an open water pond and associated wetland areas to the east.

For more than twenty (20) years, the owner engaged in an extensive landscaping project in the areas adjoining the pond, displacing what was reported as large expanses of manicured lawn with a more "native" collection of plantings placed at both grade level and in elevated beds. Accompanying the plantings is a series of gravel walkways, low profile timber walls, fences, and patios.

In support of the application to maintain these features, the applicant submitted a survey and site development plan to document the encroachments, an engineer's report to assess potential drainage impacts, and an environmental professional's report to assess potential impacts on the regulated areas. Mr. Talamelli reported that approximately 675 square feet of wetlands and 925 square feet of wetland setback area have been affected by the project. The drainage analysis established that the increase in the rate and volume of runoff attributed to the walkways and patio were negligible, and that the project has no impact on the adjacent or downstream properties. The Stamford Engineering Bureau confirmed the conclusions of the drainage report. The environmental assessment concluded that the collection of native plantings installed in and proximate to the pond have improved the function of the regulated areas. The plantings likely provide enhanced nutrient uptake, production export, wildlife habitat and shoreline stabilization compared to the previously lawned condition. The assessment also suggests that the existing low vinyl and wire mesh fencing located along the pond edge protects the vegetation from foraging Canada Geese and White-Tailed Deer. Mr. Talamelli noted that the report provides for only minor modifications to the existing landscape including the removal of invasive vegetation and many of the ornamental grasses to allow more space for the recolonization of wet meadow plant species. All removals shall be conducted by hand, without the use of herbicides.

Mr. Popp reconfirmed that all proposed removals shall be completed by hand given the agency's concerns for water quality. Mr. Popp further acknowledged the receipt of the Agenda Summary Report and offered no objection to the findings and 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. 1732 with the conditions outlined in the EPB Staff Agenda Summary Report, dated January 12, 2018.

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

#1734 – 74 Research Drive – Lot HR – Taybros, LLC: To construct a new, floodproof, industrial use building, drive, parking, utilities, and other related facilities within the base floodplain of the Noroton River. The property lies along the east side of Research Drive, approximately 1,000 feet north of Glenbrook Road, and is identified as Lot HR, Account 000-5489, Block 319, Map 106, Card E-004, Zone M-G, and $\pm 16,867$ square feet.

Reference is made to an EPB Agenda Summary Report, dated January 11, 2018.

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

Discussion: Mr. Talamelli summarized the application for the Board. He reminded the members that the subject property had been before the Environmental Protection Board on a number of occasions, the last occurring in 2011, when the then owner of the parcel sought the Board's permission to construct elevated storage bins, fenced enclosures, and other related facilities in support of a proposed landscape business.

Mr. Talamelli stated that the property lies along the east side of Research Drive, approximately 1,000 feet north of Glenbrook Road. A metals sorting company currently conducts operations on the parcel. The site supports asphalt parking, concrete pads, block walls, drainage, utilities, fences and other related features. The parcel is characterized by its gently sloping urban lands, special flood hazard areas, and a few small to moderately sized trees and shrubs, most of which were installed as part of a prior mitigation/restoration plan required by the EPB. The corporation boundary, meaning the border between Darien and Stamford, is coincident with the parcel's eastern property boundary. Further to the east lies a reach of the Noroton River and a very narrow bordering fringe of wetland soils.

Mr. Talamelli reported that the applicant proposes to construct a new, floodproof, industrial use building, loading dock, parking, accessways, drainage, utilities, and other related facilities on the parcel. The structure enables the applicant to relocate an existing metal sorting operation from the paved portions of the property to the interior of the new structure. Given the nature of the resources and activities proposed, pertinent development issues relate to resource impact, drainage, water quality, hydraulic impact, flood storage loss, structural floodproofing, flood preparedness, and the value of the measures proposed to mitigate impacts.

Mr. Talamelli reported that the development will result in the alteration of approximately 3,035 square feet of the floodplain. There are no direct impacts upon wetlands, watercourses or non-watershed buffer areas. Setbacks of approximately 75 feet have been maintained to both the river and bordering wetland fringe. Development of the parcel will necessitate only minor alterations to the existing grade, primarily to establish the loading dock areas, provide building access, and/or supply the necessary flood storage. No vegetation of value shall be removed or altered as a result of the project.

The project engineer has submitted a statement concerning drainage impact, noting the proposed development will occupy existing developed space, and that given the current surface conditions, there will no increase in imperviousness or storm water runoff. Existing drainage patterns shall remain essentially unchanged. The engineer has concluded that the development, if constructed as designed, will have no adverse impact on local drainage patterns or adjacent properties. The Stamford Engineering Bureau has verified the conclusions of the report.

Mr. Talamelli went on to state that an engineering analysis was provided to assess potential impacts on flood heights. The modeling resulted in a determination that the project will not produce any increase (0.0 feet) in the water surface elevations during a 100-year storm. The findings are consistent with provisions of Stamford's "Flood Prone Area Regulations." To ensure that the storage capacity of the floodplain has been maintained, the applicant has provided calculations confirming that the anticipated excavation, which was primarily linked to a front loading dock, far exceeds the proposed fills associated with minor changes in grade along a rear of the building to provide access. Mr. Talamelli again, reported that the Engineering Bureau Staff has confirmed the study methodology and conclusions of the hydraulic impact study and flood storage analysis.

To assist in the attenuation of water quality impacts, the applicant has maintained extensive setbacks to the river and wetlands, provided an erosion control plan, prohibited the use of in-ground fuel storage tanks/interior drains, and embraced a drainage plan that provides for both the use of infiltration and stormwater collection structures equipped with deep sumps/outlet controls. Most importantly, the construction enables the owner to move a relatively unorganized metal sorting operation from the site's exposed, flood prone, exterior surfaces to the elevated slab and storage bins inside the building.

Civil and architectural plans have been submitted to address the requirements of Stamford's "Flood Prone Area Regulations." Specifically, the lowest floor (the "slab") of the building has been set at an elevation more than one (1) foot above the projected base flood elevation, and the foundation, utilities and related facilities have been designed in accordance with the provisions of "Flood Prone Area Regulations of the City of Stamford" and are capable of withstanding the flood depths, pressures, velocities impact and uplift forces and other factors associated with the base flood. A flood preparedness plan has been provided to describe the nature of flooding over and about the property, identify the floodproofing measures incorporated into the building, describe general flood preparedness measures, and outline possible vehicular and pedestrian evacuation routes.

Finally, Mr. Talamelli stated that a plan of mitigation has been supplied. The plan includes provisions for the installation of certain landscape enhancements to filter runoff, stabilize the soil, screen abutters and enhance the overall conservation values of the site. In addition, the plan provides for the installation of a metal guard rail to better define the limits of the approved development and prevent future encroachments beyond parcel/corporate boundaries and into the regulated areas.

In response to a question by Mr. Rosenfeld, Mr. Talamelli reconfirmed that the structure will be constructed in a manner consistent with the "Flood Prone Area Regulations", with the lowest floor elevated no less than one (1) foot above the expected base flood elevation, and related facilities designed to withstand the flood forces.

Dr. Shemitz praised the solution offered by the applicant to limit the spread of development towards the river.

Mr. D'Andrea acknowledged the receipt of the EPB Staff Agenda Summary Report, and confirmed that both he and his clients offer no objection to the findings/recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1734 with conditions contained in the EPB Staff Agenda Summary Report, dated January 11, 2018.

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

Subdivision Reviews:

Enforcement– Status Reports & Show Cause Hearings: None

Other Business:

#1112 - 45 Ryan Street - Lot 34 – Spindle Point Realty, LLC: To demolish an existing single family dwelling and construct a new commercial building, parking, drainage and other related facilities within the base floodplain of Springdale Brook and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Springdale Brook. The property is situated along the east side of Ryan Street, approximately 180 feet north of Camp Avenue, and is identified as Lot 34, List 001-6725, Card E-009, Block 347, Zone M-L, and ± 0.12 Acres.

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

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

Discussion: In response to inquiry by the Chair, Mr. Talamelli confirmed that there are no reported violations on the property, that the conditions on the site have not changed as to warrant a reevaluation, and that the permits were routinely and legally issued by the Board. Accordingly, Mr. Talamelli recommended that the Board approve the extension request for a period of one (1) year, until September 26, 2018.

Motion/Vote: Upon a motion Mr. Levine, and seconded by Mr. Rosenfeld, the Board voted to **APPROVE** the extension of EPB Permit No. 1112 for a period of one (1) year. Accordingly, the permits shall remain in full force and effect until September 26, 2018. All terms and conditions remain in full force and effect.

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

ADJOURN:

Adjourn the Regular Meeting of January 18, 2018:

There being no further business, the Board, upon a motion by Mr. Levine, and seconded by Mr. Rosenfeld, voted to **ADJOURN** the Regular Meeting of January 18, 2018.

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

Opposed: None
Abstaining: None
Not Voting: Spaulding and Gordon

Meeting adjourned at 7:52 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Minutes: Prepared from meeting notes taken by Richard H. Talamelli, Executive Director/Environmental Planner

Revisions: (1) January 30, 2018
(2) February 7, 2018