

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JUNE 21, 2018**

Board Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member (Arrived at the meeting at 7:32 PM following introductions)
Ashley A. Ley, Member
Laura Tessier, Alternate Member

Board Members Not Present:

Bradford K. Spaulding, Alternate Member
Emily Gordon, Alternate Member

Staff Members Present:

Richard H. Talamelli, Executive Director/Environmental Planner
Pamela Fausty, Environmental Analyst

The Regular Meeting, which was called to order by the Mr. Stone 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

Minutes of the EPB's Regular Meeting of May 17, 2018: The Board considered the minutes of the EPB's May 17, 2018 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Mr. Rosenfeld, and Ms. Ley. No corrections were proposed/recommended.

Upon a motion by Ms. Ley and seconded by Mr. Rosenfeld, the Board voted to **APPROVE** the Minutes of the May 17, 2018 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extension/Withdrawals:

#1809 - 125 Wedgemere Road - Lot 3C - W. Wolff: To demolish existing wood decks and construct a new wood deck, patio and other related features proximate to wetlands and watercourses situated

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

in the non-drinking water supply watershed of Springdale Brook. The property lies along the cul-de-sac of Wedgemere Road, approximately 1,375 feet east of Newfield Avenue and is identified as Lot 3C, Account 001-9014, Card N-011Z, Map 69, Block 380, Zone RA-1 and ± 0.913 Acres.

#1810 – 209 Cascade Road – Lot 3 – P. and W. Cecio: To construct a residential addition, drive, drainage, and other related features proximate 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, approximately 800 feet south of Michael Road, and is identified as Lot 3, Account 001-3574, Card S-019, Map 36, Block 384, Zone RA-1 and ± 1.67 Acres.

Reference is made to EPB Staff Memos dated June 15, 2018 and June 14, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Willard Wolff (June 13, 2018) and Richard Regan, P.E., D'Andrea Surveying and Engineering, P.C. (June 13, 2018) granting the Board extensions of the statutory deadlines for decision on EPB Permit Applications No. 1809 and 1810 for a period of sixty-five (65) days. Accordingly, decisions of these applications shall be rendered on or before August 27, 2018.

Motion/Vote: None

#1815 – 0 Woodway Road – Lot 9 - Aquarion Water Company for Woodway Country Club: To construct a new 24" ductile iron water transmission main in and proximate to wetlands, watercourses and special flood hazard areas in the non-drinking water supply watershed of the Noroton River. The project area lies along a reach of Woodway Road, and is generally bound by Hoyt Street to the east and Regent Court to the west. Specifically, the property affected by this application is identified as 0 Woodway Road, Lot 9, Account 002-5425, Card N-016Z, Map 79, Block 381, Zone RA-1 and ± 3.16 Acres.

Reference is made to an EPB Staff Memo, dated June 18, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 1815.

Motion/Vote: Upon a motion by Mr. Levine and seconded by Dr. Shemitz, the Board voted to **ACCEPT** EPB Permit Application No. 1815.

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

Action Items:

#1803 – 546 Wire Mill Road – Parcel A – G. Backman: To construct/relocate propane tanks, generator and related facilities within a special flood hazard area situated in the non-drinking water supply watershed of the Rippowam River/Haviland Brook. The property lies along the north side of Wire Mill Road, approximately 335 west of Blackwood Lane, and is identified as Parcel A, Block 377, Zone RA-1, Card N-011, Account 001-0785, Map 67, Zone RA-1, and ± 2.357 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated June 14, 2018.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant seeks the Board's permission to construct two (2), above ground propane tanks, an emergency generator, and related facilities within a designated special flood hazard area on the property. The system shall provide an emergency backup power supply for the existing residence.

The property currently supports a single family dwelling, in-ground pool, pool house, sheds, fences, septic system, well and other related features. Regulated areas consist of mapped wetland soil areas, watercourses, an open water pond, non-watershed setbacks of twenty-five (25) feet, and special flood hazard areas associated with the Rippowam River/Haviland Brook. Note that the pond and wetland/watercourse system lies primarily in the western reaches of the property.

The applicant must demonstrate that the project will have an acceptable impact upon resources, drainage, and water quality, and remains consistent with Stamford's "Flood Prone Area Regulations" as they relate to hydraulic impact, flood storage, and structural floodproofing.

Ms. Fausty reported that the facilities shall be constructed proximate to the dwelling in the eastern portions of the site. The space consists of gently sloping upland areas maintained as manicured lawn. The installation will necessitate minimal site disturbance, grade change and vegetation loss. Approximately 266 square feet of the special flood hazard area shall be impacted by the development. There are no direct impacts upon any wetland, watercourse, pond or upland review area. An erosion control plan consisting of perimeter silt fence and final stabilization measures has been developed to preserve and protect water quality. A Connecticut Engineer has confirmed the absence of drainage impact, hydraulic impact and flood storage loss. Note that a shallow excavation shall be formed in the northeastern reaches of the site to offset the flood storage lost with the placement of the generator and related features. The project engineer also supplied the necessary details and certifications to confirm that the facilities have been designed in accordance with Section 7.1 of the Stamford Zoning Regulations ("Flood Prone Area Regulations") and are capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. The project has been endorsed by both the Stamford Health Department and Engineering Bureau. Ms. Fausty further reported that the applicant submitted a planting plan to further stabilize the soil, improve aesthetics, and screen the facilities from the abutters.

In response to questions raised by Mr. Rosenfeld, Mr. Talamelli confirmed that the "Flood Prone Area Regulations of the City of Stamford" support elevation and floodproofing requirements that are more

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

strict than the NFIP minimum when it comes to “dangerous materials” such as propane gas. He further confirmed that the elevation and floodproofing standards are different for the generator and tanks. The generator shall be installed on a certified “floodproof” platform elevated to the Minimum Elevation Standard (MES) – the elevation of the 100-year storm plus one (1) foot of freeboard. The above ground propane tanks shall be installed on a certified “floodproof” platform elevated to the level of a more intense, 500-year storm.

Motion/Vote: Upon a motion by Mr. Levine and seconded by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1803 with conditions outlined in the Agenda Summary Report of June 14, 2018.

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

#1812 – 95 Intervale Road #1 – Parcel 1 – A. Carlucci: To expand an existing recreational deck in a designated conservation easement area and proximate to wetlands situated in the non-drinking water supply watershed of Ayres Brook/Rippowam River. The dwelling lies within the planned residential development known as “Stonebrook” - the entrance of which lies along the south side of Intervale Road, approximately 1,200 feet east of Turn of River Road. Reference is made to Account 004-1803 in records maintained by the Stamford Tax Assessor.

Reference is made to an EPB Staff Agenda Summary Report, dated June 15, 2018.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant seeks the Board’s permission to expand an existing recreational deck in a designated open space preserve/conservation easement area and proximate to wetlands on the property.

The dwelling unit lies within the planned residential development known as “Stonebrook”. The complex currently supports more than fifty (50) residences, drives, drainage, sanitary sewers, water service, and other related facilities. The property is characterized by an extensive system of wetlands and watercourses preserved under the terms of a conservation easement agreement. The conservation easement was required as an important element in the land use permit/approval process. Subsequently, the developer secured EPB approval to allow the installation/maintenance of wood decks on several units that were constructed during the initial phases of development. Those decks were situated, in part, within the designated conservation easement. The approval was conditioned upon the installation of a fenced demarcation feature along newly defined limits of development. The unit subject to EPB Permit Application No. 1812 supports one of the decks that encroach, in part, into the conservation easement.

Ms. Fausty reported that the applicant requests the Board’s permission to replace an existing 10’ x 12’ wood deck with a new 10’ x 20’ wood deck. The proposed deck shall be generally aligned with the existing dwelling, and although increasing the encroachment into the easement with structure, will not exceed the development limits outlined by the Board in its prior approval. All development shall be

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

confined to areas west of the existing fenced demarcation feature and in uplands currently maintained as lawn. Grade and vegetation impacts are minimal. The applicant reports that approximately 32 square feet of the non-watershed setback and 25 square feet of the conservation easement shall be affected by this project. To offset potential water quality impacts, an erosion control plan has been submitted consisting of perimeter silt fence, a layer of crushed stone under the deck, gutter outfall protection, and the application of topsoil, seed and mulch to any disturbed earth surfaces. Ms. Fausty noted that additional planting was not warranted given the density of the understory east of the fenced demarcation feature.

Ms. Ley noted that she generally discourages the use of conservation easement areas for these purposes. However, given the fact that the proposed deck expansion does not exceed the previously approved development limits as defined by the fenced demarcation feature, she would not be in opposition to this particular application.

In response to a question by Ms. Tessier concerning alternatives, Ms. Fausty stated that an expansion of the deck in a northerly direction would misalign the deck with the rear plane of the dwelling, and would potentially result in greater site disturbance and resource loss. Ms. Tessier reminded the Board that approval of this application may set precedent, and that future encroachments may have a cumulative impact upon regulated areas.

Motion/Vote: Upon a motion by Dr. Shemitz and seconded by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1812 with conditions outlined in the Agenda Summary Report of June 15, 2018.

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

#1814 – 1260 Rock Rimmon Road – Parcel B – J. and C. Winterle: To install an air conditioner condensing unit(s) proximate to a pond situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Rock Rimmon Road, approximately 450 feet east of Winslow Road, and is identified as Lot B, Account 002-3405, Block 402, Map 7, Card W-087, Zone RA-2, and ± 1.02 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated June 14, 2018.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. The Agenda Summary Report was prepared by Environmental Analyst Leigh DeMarco. Ms. Fausty reported that the applicant seeks the Board's permission to install an air conditioner condensing unit(s) proximate to a pond situated in the drinking water supply watershed of the Mianus River (East Branch).

The property currently supports a single family dwelling, detached garage, drive, septic, well and other related features. Regulated areas consist of an open water pond and drinking water supply watershed

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

buffers of fifty (50) feet to offsite wetlands and one hundred (100) hundred feet to open water. Nearly the entire site is affected by the “regulated areas”.

Ms. Fausty confirmed that the condenser(s) shall be placed to the rear of the dwelling on a concrete pad in space that is currently maintained as manicured lawn. The unit(s) shall lie no less than thirty (30) feet the pond’s edge. Ms. Fausty reported that the work area is reasonably accessible, and that the installation can occur with minimal site disturbance, grade change and vegetation loss. Erosion controls shall be installed as necessary to prevent impacts, and by a condition of permit, any disturbed soils shall be stabilized with topsoil, seed and mulch, sod or other suitable alternatives. The applicant reports that approximately nine (9) square feet of the upland review area shall be affected by the project. Both the Health Department and Engineering Bureau have endorsed the proposal.

Motion/Vote: Upon a motion by Dr. Shemitz and seconded by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1814 with conditions outlined in the Agenda Summary Report of June 14, 2018.

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

SITE PLAN REVIEWS: None

SUBDIVISION REVIEWS:

#4034 – 88 and 94 Mulberry Street – Lot 1 and 46A – Brundage Associates, LLC and Sterling Place, LLC. Resubdivision of two (2) existing properties into three (3) parcels capable of supporting residential development.

Reference is made to an EPB Staff Agenda Summary Report, dated June 12, 2018.

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 that the applicant proposes to subdivide two (2) existing properties into three (3) parcels capable of supporting residential development, drives, drainage, utilities, public water, sanitary sewer, and other related facilities.

Mr. Talamelli stated that the subdivision closely mimics that reflected in PB Application No. 4033 which was previously reviewed and endorsed by the EPB in November 2017. At the time, the Board offered no objection to the proposed subdivision upon a determination that the property was capable of supporting three (3) residences, usable yard space, utilities and other facilities with and acceptable impact upon resources, water quality, drainage, and adjoining properties. The Board further determined that the proposed open space was appropriate and consistent with proposals of similar circumstance and that the mitigation efforts would serve to improve aesthetics and enhance the overall conservation values of the site. Following the receipt of comments, the Planning Board determined to disapprove PB

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

Application No. 4033 for several reasons, including a finding that the residence, as proposed, may have violated the rear yard setback requirement for the zone. This new subdivision application includes changes to the initial design concept to address the Planning Board's comments/concerns. These changes include minor alterations to the lot lines, and a smaller, relocated and reconfigured conceptual dwelling.

Mr. Talamelli confirmed that development issues remain essentially unchanged from the prior application and that the project engineer has again confirmed that the parcels can support three (3) residences and attendant facilities with an acceptable impact on resources, drainage, and water quality. Mr. Talamelli noted that the EPB Staff Agenda Summary Report, dated June 12, 2018 details the measures incorporated into the revised proposal to address important subdivision/development concerns. No additional Staff testimony was sought by Board members.

Mr. D'Andrea, in a brief statement, reconfirmed the changes made to the conceptual development plan. He further 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 Ms. Ley, the Board voted to **OFFER NO OBJECTION** to PB Application No. 4034 with the conditions outlined in the Agenda Summary Report, dated June 12, 2018.

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

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

In a response to a question by Dr. Shemitz, Mr. Talamelli briefly outlined the procedures and technologies adopted by City Staff over the last couple of years to "streamline" the daily building permit review process.

ADJOURN:

Adjourn the Regular Meeting of June 21, 2018:

There being no further business, the Board, upon a motion by Mr. Levine and seconded by Ms. Ley, voted to **ADJOURN** the Regular Meeting of June 21, 2018.

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

Minutes
Environmental Protection Board
Regular Meeting of June 21, 2018

The meeting was adjourned at 8:11 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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

Draft 1: July 9, 2018
Draft 2: July 11, 2018