

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 28, 2019
SPECIAL MEETING**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Laura Tessier, Alternate Member
Emily Gordon, Alternate Member

MEMBERS NOT PRESENT:

Dr. Leigh Shemitz, Member
Louis P. Levine, Member

STAFF PRESENT:

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

The Special 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:

Minutes of the EPB Regular Meeting of January 3, 2019:

Members present and eligible to vote were Stone, Rosenfeld, Ley, Tessier, and Gordon. No corrections were proposed/recommended.

Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the January 3, 2019 Regular Meeting as presented.

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

Minutes of the EPB Special Meeting of January 24, 2019:

Members present and eligible to vote were Stone, Rosenfeld, Ley, Tessier, and Gordon. No corrections were proposed/recommended.

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Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the January 24, 2019 Special Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1902 – 164 Overbrook Drive – Lot 17 – E. Sweet for G. Catchpole: To expand a fieldstone patio and yard areas, install native landscaping, and implement/maintain other related features in and proximate to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property is situated along the east side of Overbrook Drive, approximately 1760 feet north of Toms Road, and is identified as Lot 17, Account 003-9644, Card E-020, Map 99, Block 328, Zone R-20, and ± 0.95 Acres.

#1903 – Wedgemere Road, White Oak Lane, Emerald Lane and Eden Road – City of Stamford, WPCA - Sanitary Sewer Extension: To construct sanitary sewers, drainage, and other related improvements in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Springdale Brook. The project area lies east of Newfield Avenue, in an area generally bounded by Wedgemere Road to the north, Emerald Lane to the south, and Eden Road to the east.

#1904 – Hunting Ridge Road – NA – City of Stamford, Engineering Bureau – Hunting Ridge Road Bridge Replacement Project: To replace an existing concrete bridge with a new span, road surface, drainage, and other related features in and proximate to wetlands, watercourses and the base floodplain of the Mianus River (East Branch). The project area, which lies along a portion of Hunting Ridge Road, just east of its intersection with Old Long Ridge Road, is situated within a drinking water supply watershed.

#1905 – Farms Road – NA – Aquarion Water Company of Connecticut: - Bargh Replacement Raw Water Pipeline: To install a replacement raw water pipeline and associated grading in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (West Branch). The project area lies along the north side of Farms Road in an area generally bounded by the Bargh Reservoir to the east and Taconic Road, to the west.

Reference is made to EPB Staff Memos dated February 11, 2019 and February 18, 2019.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1902, 1903, 1904 and 1905.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to

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ACCEPT EPB Permit Applications No. 1902, 1903, 1904 and 1905.

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

Action Items:

#1826 – 0 High Ridge Road – Lot 2 – High Ridge Developers, LLC: To construct a new single family dwelling, drive, drainage, septic and other related facilities in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Poorhouse Brook. The property is situated along the east side of High Ridge, Road, approximately 200 feet south of Pinner Lane, and is identified as Lot 2, Account 002-3185, Card E-195, Map 27, Block 388, Zone RA-1, and ±1.0028 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated February 20, 2019.

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

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the applicant proposes to construct a new, five (5) bedroom, single family dwelling, drive, drainage, septic, well, and other related facilities in and/or proximate to wetlands and watercourses. The parcel lies in the non-drinking water supply watershed of Poorhouse Brook.

The property, which lies along the east side of High Ridge Road, approximately 200 feet south of Pinner Lane, is currently undeveloped with the exception of a crude watercourse crossing and portions of a subsurface sewage disposal system. The property supports gently to moderately sloping woodlands, gently sloping grasslands, wooded wetlands, a steeply banked watercourse, and several large trees. The property has been highly impacted by past tree cutting practices, the placement of fill, and the piping/channelization of portions of the watercourse.

Given the scope and nature of the development, the applicant is expected to demonstrate that the project minimizes resource impacts, applies suitable drainage control measures, includes appropriate erosion/water quality controls, establishes an appropriate subsurface sewage disposal system, and provides functional conservation enhancements.

Mr. Talamelli stated that detailed site development and grading plans were provided by the applicant. In order to construct the dwelling, drive, revised crossing, and other attendant facilities, grade alterations shall be in the low to moderate range, with cuts/fills not expected to exceed five (5) feet. Walls are proposed to support certain areas of fill, particularly to the north and east of the dwelling. A wall detail has been provided. Development is expected to displace both previously disturbed space and light woods. Encroachments into the regulated areas have been generally limited to those associated with portions of the drive, a revised crossing, drainage, walls, well, and grading. It is estimated that approximately 100 square feet of wetlands, 70 linear feet of the watercourse, and 2,700 square feet of the non-watershed setback shall be affected by this project. Approximately four (4) of the trees reflected on the plans will also be lost as a result of the construction.

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Mr. Talamelli went on to note that the project engineer has submitted a drainage report and plans to assess potential drainage impacts. Construction of a new dwelling, drive, and other related facilities on the parcel shall increase the total site imperviousness by approximately 6,142 square feet, and if left unmitigated, is expected to increase runoff. To manage the increase, the project engineer has determined to create numerous post-construction watersheds and install structured drainage systems consisting of catch basins, pipe, junctions, infiltration units, and other related facilities. If constructed per the approved design, the peak rates of runoff for storms of 1-25 year frequencies shall remain unchanged or shall be diminished. Accordingly, the project engineer has confirmed that development of the site will have no adverse impacts on infrastructure or adjoining properties. Stamford Engineering Bureau Staff has confirmed the conclusions of the drainage report and design.

Mr. Talamelli further noted that that it is the applicant's intent to abandon the septic system previously installed on the property. Galleries shall be reused if proven to be structurally sound or removed/abandoned per the applicable codes. Soil testing was conducted in alternative locations under the supervision of the Stamford Health Department. The applicant has established space for a five (5) bedroom, subsurface sewage system in the western reaches of the property. Limitations posed by slope and seasonal high ground water have been overcome with the use of low profile concrete galleries and the placement of select septic fill. Stamford Health Department has endorsed the subsurface sewage disposal concept outlined on the plans.

To reduce the potential for water quality impacts, the applicant has developed a sediment and erosion control plan. The dwelling shall be served by propane gas held in a new subsurface tank. The proposed drainage system shall include collection structures equipped with deep sumps and bell traps and rip rap plunge pools to assist in the collection of sands, silts and debris prior to discharge. Infiltration shall be used to filter and cool runoff prior to discharge.

Mr. Talamelli went on to state that mitigation plans were submitted to compensate for the anticipated tree loss, restore historically impacted portions of the buffer, stabilize the channel, and address the overall conservation needs of the site. The plans provide for the mechanical removal of invasive Knotweed and Porcelainberry, the installation of a substantial number of conservation valued trees, shrubs and groundcovers (primarily along the restored wetlands/watercourses), the construction of a stone retaining wall to provide a physical barrier to the wetlands/watercourses, reinforcement of portions of the watercourse with boulders and/or coir logs, and the addition of snow fences or similar protective measures along the drip lines of trees expected to be incorporated into the post construction landscape.

Finally, Mr. Talamelli stated that the Staff report includes conditions of approval to further protect site resources. These recommendations include revised plans/details to extend the demarcation feature to the west to ensure the protection of wetlands in rear yard areas, add in-stream controls to protect water quality during the channel enhancement work, apply notes to provide for the removal of all accumulated cut brush and debris from the regulated areas, and apply notes prohibiting the installation of in-ground fuel oil storage tanks on the property.

In response to a questions from Ms. Tessier concerning the availability of alternatives that would increase the setback to the wetlands and watercourses to the north and east, Mr. D'Andrea responded that the house was generally sited in the area of greatest disturbance. Pushing the dwelling further to the west would diminish the usable rear yard space, limit the new septic areas, impact trees that

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provide a valuable screen to the traffic on High Ridge Road, and would unnecessarily expand the paved driveway and need for additional mitigating drainage structures.

In response to a question from Mr. Rosenfeld concerning tree impacts, Mr. Talamelli responded that the four (4) trees expected to be impacted by the development did not appear unique, and that an extensive planting plan was provided to mitigate for their loss. Ms. Tessier reminded Staff of the importance of maintaining mature trees, the limitations of planting immature replacements, and the necessity of being sensitive to woodland impacts in future applications.

Mr. D'Andrea acknowledged the receipt of the Staff Agenda Summary Report, and offered no objections to its findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 1826 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 20, 2019.

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

#1829 – 60 East Middle Patent Road – Lot 12 – Fairfield County Engineering, LLC for L. DeFonce and G. Ferone: To remove a stone rubble stockpile, construct stone walls, and create a pond in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of East Middle Patent Road, approximately 845 feet east of Taconic Road, and is identified as Lot 12, Account 002-5407, Block 400, Map 30, Card W-003, Zone RA-3, and ± 2.019 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated February 20, 2019.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineering

Discussion: Ms. Fausty summarized the application for the Board. She stated that the applicant seeks the Board's permission to construct a retention pond, install drainage, modify a drainage channel, construct stone walls, install a generator and implement other related improvements in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the north side of East Middle Patent Road, approximately 845 feet east of Taconic Road.

The property currently supports a single family dwelling, drive, septic, well, patios, walkways, bocce court, and other related features. The parcel is characterized by the presence of manicured uplands, wooded uplands, wooded wetlands, a small man-made pond, and a watercourse. Portions of the watercourse have been historically piped/altered.

Ms. Fausty stated that although the applicant seeks to maintain portions of an unpermitted wall and install a new generator within the upland review area, the primary objective of the application is to address a serious soil erosion and sediment control issue that affects regulated areas. Ms. Fausty

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reported that the erosion is likely the result of the swift moving surface waters that flow from the adjoining parcels, the unchecked discharge of existing roof and driveway drainage, and the effects of certain, unauthorized tree clearing and construction activities (expanded drive and patios) that have increased total site impervious and the flow of storm water to the regulated areas.

Mitigation efforts include provisions to slow the velocity of the runoff, capture sediments, and stabilize the soil, by implementing temporary erosion control, dewatering, and construction phasing plans, installing drainage structures, stabilizing outfalls, creating the retention pond, and implementing an extensive native landscape plan in and proximate to the regulated areas. It is expected that the project will affect approximately 992 square feet of wetlands, 150 linear feet of watercourse, and 2,380 square feet of the upland review area. Ms. Fausty concluded that the planting mitigation plan was appropriate for the site and circumstances of this application. She further noted that the project impact statement and general development scheme have gained the endorsements of both the Stamford Health Department and Engineering Bureau.

Ms. Tessier noted that the erosion hazards may have been exacerbated by certain unpermitted activities including tree cutting, a driveway expansion and patio construction. She asked if the mitigation would be necessary if the unpermitted encroachments were removed and the space restored to its original condition. Mr. D'Avanzo reported that many of the encroachments were inherited by these owners, and that in his professional opinion, the work would still be necessary to fully mitigate the impacts of the other identified factors.

Mr. D'Avanzo confirmed the prior receipt of the Staff Agenda Summary Report and offered no objection to the proposed findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 1829 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 20, 2019.

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

#1832 - 181 Turn of River Road – Unit 5 (aka 5 Sterling Lake Lane) - NA - J. Carter for R. Martino and M. Freed: To install a standby emergency generator proximate to wetlands, watercourses and conservation easement areas situated in the non-drinking water supply watershed of Ayres Brook. The project area lies within the planned development known as “Sterling Lake” which is situated along the east side of Turn of River Road, approximately 415 feet north of Intervale Road. Reference is made to Account No. 004-0694.

Reference is made to EPB Staff Agenda Summary Report, dated February 12, 2019.

In Attendance: None

Discussion: Ms. Fausty summarized the application for the Board. She noted that the Agenda Summary Report was prepared by Environmental Analyst Leigh DeMarco. The applicant

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requests the Board's permission to install a stand-by emergency generator proximate to wetlands, watercourses and conservation easement areas.

The project is located within "Sterling Lake", a planned unit development that lies along the east side of Turn of River Road, approximately 415 feet north of Intervale Road. The wetlands and watercourses, which occupy the northern portions of the site, generally drain east to west from several residential properties to a culvert under Turn of River Road. The conservation easement was draped over the wetlands, watercourses and portions of the non-watershed buffer during the City's initial review of the project more than twenty (20) years ago.

Ms. Fausty reported that the generator and the supporting concrete pad lie adjacent to one of the individual living units, in space currently occupied by lawn and foundation plantings. Although there are no direct wetland or conservation easement encroachments proposed, approximately eighteen (18) square feet of wetland/watercourse setback area shall be affected. The development will not result in substantial changes in grade, increases in site imperviousness, or losses of significant vegetation. The Stamford Engineering Bureau has endorsed the project. Erosion controls shall be utilized as necessary to prevent offsite impacts, and the generator shall be powered by the existing natural gas service. Mitigation is not warranted given the nominal impacts of the project.

There were no questions/comments by members of the Board.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit Application No. 1832 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 12, 2019.

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

Site Plan Reviews: None

Subdivision Reviews: None

Enforcement – Status Reports & Show Cause Hearings: None

Other Business:

#1524 – Malibu Road – Lot A2 – Realty Strategies, LLC to A. Montanez: To construct a new single family dwelling, drive, drainage, septic, utilities, and other related facilities in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the south terminus of Malibu Road, approximately 400 feet south of Butternut Lane, and is identified as Parcel A2, List 003-8405, Card E-006Z, Block 394, Zone RA-1, and ± 1.9337 Acres.

Reference is made to EPB Staff Memo, dated February 12, 2019.

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In Attendance: None

Discussion: Mr. Stone stated that Staff report confirms that there were no reported violations on this property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. It was recommended that the Board approve the proposed transfer of permit and extension request as proposed. The permit shall remain in full force and effect until April 4, 2020.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the transfer of EPB Permit Application No. 1524 from Matthew Alpert, Realty Strategies, LLC of 128 Cross Road, Monroe, Connecticut 06468 to Anel Montanez, 15 Congress Street, Stamford, Connecticut 06902.

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

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the extension of EPB Permit Application No. 1524 for a period of one (1) year. Accordingly, the permit shall remain in full force and effect until April 4, 2020.

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

Consider Filling the Position of Environmental Analyst (Possible Executive Session)

Upon a motion by Rosenfeld, and seconded by Ms. Ley, the Board voted to **ENTER INTO AN EXECUTIVE SESSION** for the purpose of considering an appointment for the position of an Environmental Analyst in accordance with Chapter 6, Article V, Section 6-21D of the City Code.

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

The Board entered into executive session at approximately 8:04 PM. All members of the Board and the EPB Director attended the session. Recording devices were disabled.

At approximately 8:15 PM, the executive session was ended. Mr. Stone noted that regular meeting would be resumed, with the initial item being a vote concerning the appointment of a candidate for Environmental Analyst. Recording devices were reactivated.

Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the

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appointment of candidate Lindsay Tomaszewski to the position of Environmental Analyst, and to direct Staff to engage in the actions necessary to facilitate her hiring.

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

ADJOURN:

Adjourn the Special Meeting of February 28, 2019:

Motion/Vote: There being no further business, and upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **ADJOURN** the Special Meeting of February 28, 2019.

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

Meeting adjourned at 8:17 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Draft 1: 3/12/19

Draft 2: 3/15/19