

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE JUNE 20, 2019  
REGULAR MEETING**

**BOARD MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Dr. Leigh Shemitz, Member  
Ashley A. Ley, Member  
Laura Tessier, Alternate Member  
Emily Gordon, Alternate Member

**MEMBERS NOT PRESENT:**

Louis P. Levine, Member

**STAFF PRESENT:**

Richard Talamelli, Executive Director/Environmental Planner  
Lindsay Tomaszewski, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM.

**MINUTES:**

**Minutes of the EPB Special Meeting of May 23, 2019:**

Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Ley, Ms. Tessier, and Ms. Gordon. No corrections or modifications were recommended.

Upon a motion by Ms. Ley, and seconded by Dr. Shemitz, the Board voted to **APPROVE** the Minutes of the May 23, 2019 Special Meeting as presented.

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

**APPLICATIONS AND PERMITS:**

**Acceptances/Extensions/Withdrawals:**

**#1910 – Main Street – NA – City of Stamford Engineering Bureau – Main Street Pedestrian Bridge Rehabilitation:** To rehabilitate the existing Main Street Bridge by improving the existing substructure and superstructure, installing scour protection, and implementing other related improvements in and proximate to a watercourse and special flood hazard areas situated in the non-drinking water supply watershed of the Southwest Shoreline. The project area, which affects a section of Main Street and certain adjoining spaces, is generally bordered to both the north and south

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by property associated with the Town/City of Stamford and Mill River Park, to the east by Clinton Avenue, and west by West Main Street/Mill River Street.

**#1911 – 128 North Stamford Road – Parcel B – D. Devin:** To construct a residential addition, wood landing, and other related features in a designated conservation easement area and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Poorhouse Brook. The property is situated along the west side of North Stamford Road, approximately 580 feet north of Lakeside Drive, and is identified as Parcel B, Account 004-2096, Card N-010, Map 36, Block 387, Zone RA-1, and  $\pm 3.532$  Acres.

**#1912 – 145 Acre View Drive - Lot 19 – D. Zabat:** To modify an existing driveway, drainage, and related features 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 Acre View Drive, approximately 120 feet north of Cricket Lane, and is identified as Lot 19, Account 000-9071, Card E-012, Map 27, Block 388, Zone RA-1, and  $\pm 1.0042$  Acres.

Reference is made to EPB Staff Memo, dated June 17, 2019 as to EPB Application Nos. 1910, 1911 and 1912.

**In Attendance:** None

**Motion/Vote:** Upon a motion by Dr. Shemitz, and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1910, 1911 and 1912.

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

### **Action Items:**

**#1831 - 2 Scofieldtown Road - Lots A1/A2 - Redniss and Mead, Inc. for Bethany Assembly:** To construct a new senior living/memory care facility with associated parking, walkways, walls, drainage, and other related improvements proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook/Rippowam River. The property is situated along the west side of Scofieldtown Road, just north of its intersection with High Ridge Road, and is identified as Lot A1/A2, Account No. 000-6831, Card W-002, Map 32, Block 377, Zone RA-1, and  $\pm 3.43$  Acres.

Reference is made to EPB Staff Agenda Summary Report, dated April 12, 2019, an EPB Staff Memo, dated June 14, 2019, and all plans, reports, correspondence, minutes, and other related materials held in the EPB files.

In Attendance: Richard Redniss, AICP, Redniss and Mead, Inc.  
Bret Holzwarth, P.E., Redniss and Mead, Inc.  
William Kenny, William Kenny Associates, LLC  
Meaghan Miles, Esq., Carmody, Torrence, Sandak and Hennessey  
Thomas Lombardo, President, North Stamford Association

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**Discussion:** Mr. Talamelli briefly summarized the history of the application for the Board. He noted that the Board accepted the application in December 2018, staff issued a detailed request for information in January 2019, the Board granted an extension request in February 2019, the applicant provided a detailed presentation at a meeting in April 2019, and that Board members outlined specific comments and areas of concern at a meeting conducted in May 2019. Mr. Talamelli stated that the applicant has sought to revise the plans/reports in response to the Board's comments/concerns, EPB staff summarized those changes in its memo of June 14, 2019, and the applicant was on hand this evening to review the changes and answer any additional questions and concerns.

Mr. Redniss submitted several exhibits to outline the benefits of the revised proposal. He noted that in brief, the plan has been revised to remove the permanent buffer encroachments north of the building including the concrete perimeter wall and on-site pedestrian pathway. He sought to clarify that the proposed sidewalk improvements along Scofieldtown Road were not affected by the revision, remaining an essential component of the plan necessary to ensure public safety. He then relinquished to podium to Mr. Kenny to cover the technical details of the revised proposal.

Mr. Kenny's comments focused on the changes to the plan and the impacts on the various buffer areas and their functions. Under the revised plan, permanent buffer encroachments north of the building have been diminished with the removal of both the wall and on-site pedestrian pathway. Temporary impacts shall be limited to minor regrading and implementation of the various conservation enhancements proposed by the applicant including the removal of invasives, installation of native landscaping, and application of the recommended demarcation features. Watersheds draining to the wetland have been adjusted to mimic the existing condition. He noted that the buffer areas located directly north of the building are higher in elevation than the proposed development, and support disturbed soils (pond spoils), few large trees, and many invasives. Accordingly, the development will not drain to the wetland and the buffer is not highly valued for its stormwater treatment functions. Mr. Kenny stated that the buffer of higher value lies to the north and west of the proposed building, between the neighboring parking lots and the developed school parcels and the wetland. This space, which is more than eighty (80) feet in width, lies upgradient of the wetland, is forested, and will be permanently preserved under the terms of a conservation agreement.

Ms. Ley acknowledged the value of the proposed changes and offered recommendations to strengthen and clarify any proposed approval conditions relating to sewage disposal. Specifically, she offered the following alternative language: "The proposed building shall be required to connect to the public sanitary sewer. The potential impacts of an on-site treatment and disposal system have not been evaluated. Any change to the sanitary discharge and treatment shall require EPB review and approval."

In response to a question by Ms. Tessier concerning the exploration of alternatives, Messrs. Kenny and Redniss confirmed that the current zoning precluded relocation of the building in a southerly direction, and that a variance was not pursued given the absence of a viable hardship. Ms. Tessier affirmed her view that wetland protection may take precedent or at least, the applicant should allow the Zoning Board of Appeals to decide the value of a variance request.

In response to a question by Dr. Shemitz concerning the reduction in shrub planting north of the building, Mr. Kenny noted that the shrubs previously aligned with the top and bottom of the wall had

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been inadvertently removed from the plan when the alternative grading was employed. These plantings would be restored on a revised wetland buffer planting plan if the project was approved. In response to an additional question by Dr. Shemitz concerning the removal of large trees from the buffer, Mr. Kenny stated that no large trees were being eliminated from the upland review area under either the original or revised proposal, and that the revised grading north of the building enables the applicant to preserve two (2) additional trees that lie just south of the twenty-five (25) foot setback.

Ms. Tessier offered appreciation for the applicant's efforts to modify the proposal. However she remained concerned that the project may have both short and long term impacts upon the wetland given the "degree of site development." She noted that the wetland was already impacted by the low intensity uses and limited occupancy associated with the church, and it can be reasonably expected that the impacts will grow with the full-time uses and increased occupancy linked to the proposed memory care facility. Ms. Tessier went on to state that buffers serve as "critical tools" in the protection of wetland functions, and that buffer widths should be related to both the land use activities from which the wetland is being buffered and the characteristics of the buffer itself. It was noted that water quality and other benefits vary with the width of the buffer, flow patterns, vegetation type, percent slope, soil type, surrounding land use, pollutant type, and other pertinent factors. Typically, buffer distances should be greater in areas of steep slope or higher intensity uses. In this instance, Ms. Tessier suggested that the buffer proposed by the applicant is inadequate and likely ineffective in the protection of wetland functions given the proposed use, the intensity of the development, and the expected increase in the level of human activity. Ms. Tessier suggested that the issue of buffers be addressed as part of any upcoming review of the EPB Regulations.

Thomas Lombardo, President of the North Stamford Association addressed the Board, reading into the record correspondence from Douglas York, former President of the North Stamford Association, dated June 10, 2019, clarifying the organization's position on the project.

Discussion between Board Members followed, with further suggestions by Ms. Ley, Dr. Shemitz, and Ms. Tessier to strengthen and clarify the language relating to sewage disposal, provide for the return of additional shrub planting to the buffer north of the building, and require the submission of preconstruction and progress photographs to document project compliance.

**Motion/Vote:** Upon a motion by Dr. Shemitz, and seconded by Ms. Gordon, the Board voted to **APPROVE** EPB Permit Application No. 1831 with the conditions outlined in the EPB Staff Memo, dated June 14, 2019, amended to modify Condition Twelve (12) to more clearly define the terms relating to sewage disposal per the recommendations of Ms. Ley, add a Condition No. 20 to require the restoration of shrub planting to the affected portions of the buffer north of the building, and add a Condition No. 21 to require the submission of pre-construction and progress photographs to document project compliance.

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

**#1907 – 736 Den Road – Parcel B – Fairfield County Engineering, LLC for D. Broggi:** To construct/expand a wood deck, drainage and related features in a conservation easement and

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proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property is situated along the north side of Den Road, approximately 700 feet west of Long Ridge Road, and is identified as Parcel B, Account 003-6993, Card N-007, Map 57, Block 394, Zone RA-1, and  $\pm 1.814$  Acres.

Reference is made to EPB Staff Agenda Summary Report, dated June 14, 2019.

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

**Discussion:** Ms. Tomaszewski summarized the application for the Board. She reported that the applicant proposes to construct/expand a wood deck, install drainage, and implement other related activities in a designated conservation easement and within close proximity to a pond, watercourse, and designated wetland areas. The property lies within the non-drinking water supply watershed of Haviland Brook.

The parcel currently supports a single family dwelling, detached garage, drive, walkways, septic system, well, and other related features. The property is characterized by the presence of gently to moderately sloping developed lands, large rock outcroppings and areas of exposed ledge, portions of an open water pond, watercourse, and narrow wetland fringe. As a condition of a prior subdivision, a conservation easement encumbers the regulated areas.

Given the scope and nature of the project, the applicant is expected to demonstrate that the project will have an acceptable impact on resources, drainage, and water quality.

Ms. Tomaszewski stated that the deck improvements shall be confined to developed uplands and primarily, over an area that is occupied by rock outcroppings and ledge. The project engineer has determined that drainage is necessary to both mollify potential drainage impacts posed by the deck construction/expansion, and remedy known areas of erosion caused, in part, by the discharge of existing roof drainage. The infiltrators have been proposed in an upland portion of the conservation easement. Alternatives outside of the easement were limited by the presence of the wetlands/watercourses, the existence of ledge, and certain septic/well setbacks outlined by the Health Code. The project affects approximately 330 square feet of the easement and upland review area. Development will not result in the loss of significant vegetation or necessitate extensive changes to grade. Most of the space affected by the drainage system is currently occupied by lawn. The Stamford Engineering Bureau has endorsed the project and has confirmed the absence of drainage impact. To preserve water quality, a basic erosion control plan has been provided consisting of perimeter silt fence, designated stockpile areas, and the application of final soil stabilizing measures.

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

**Motion/Vote:** Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 1907 with the conditions outlined in the EPB Staff Agenda Summary Report, dated June 14, 2019.

In Favor: Stone, Shemitz, Ley, Tessier, and Gordon  
Opposed: None

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Abstaining: None

Not Voting: None

**#1908 – 1222 Rock Rimmon Road – Lot A2 – R. Knapp:** To construct a second story deck and other related features proximate to wetlands and pond situated in the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the south side of Rock Rimmon Road, approximately 270 feet west of Pond View Lane, and is identified as Lot A2, Account 002-1774, Card W-085, Map 14, Block 402, Zone RA-2 and +1.70 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated June 14, 2019.

**In Attendance:** None

**Discussion:** Ms. Tomaszewski summarized the application for the Board. She reported that the applicant proposes to construct an elevated wood deck and other related facilities within close proximity to a pond, watercourse, and designated wetland areas. The property lies within the drinking water supply watershed of the Mianus River (East Branch). The parcel currently supports a single family dwelling, drive, walkways, septic system and other related features. Developed uplands are generally confined to the eastern portions of the parcel, the pond, watercourse, and narrow wetland fringe lie to the west.

Given the scope and nature of the project, the applicant is expected to demonstrate that the project will have an acceptable impact on resources, drainage, and water quality, and that any mitigation activities proposed to offset unavoidable impacts are valued and meaningful.

Ms. Tomaszewski stated that all work shall be confined to previously developed upland areas, and will involve approximately 106 square feet of the upland review area. Development will not result in the loss of significant vegetation or necessitate extensive excavation or changes to grade given the cantilever. Most of the space affected by the deck is currently occupied by a stone patio or planting beds. The Stamford Engineering Bureau has endorsed the project and has confirmed the absence of drainage impact. To preserve water quality, a basic erosion control plan has been provided consisting of perimeter silt fence, and the application of final soil stabilizing measures. To filter runoff, displace existing lawn, improve the aesthetics, and enhance the overall conservation value of the regulated areas, the applicant has supplied a landscape/mitigation plan that provides for select tree pruning, the removal of invasives (by hand) and the installation of numerous conservation valued trees, shrubs and groundcover, primarily along the pond's edge.

Discussion between Board Members and Staff ensued concerning the proposed location of erosion controls.

**Motion/Vote:** Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 1908 with the conditions outlined in the EPB Staff Agenda Summary Report, dated June 14, 2019.

In Favor: Stone, Shemitz, Ley, Tessier, and Gordon

Opposed: None

Abstaining: None

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Not Voting: None

**Site Plan Reviews:** None

**Subdivision Reviews:** None

**Enforcement – Status Reports & Show Cause Hearings:** None

**Other Business:**

**Status of Inland Wetland Regulation Update:** Ms. Tomaszewski stated that she had begun to assemble both copies of regulations from other communities and legislative amendments adopted by the State of Connecticut since our Regulations were last amended in 2010. It is expected that the further information and updates will be provided to the Board in advance of the September 2019 meeting. A brief discussion ensued on the Board's role as a conservation commission and the interest of Board members to review and comment upon proposed ordinances, regulations, and other matters affecting Stamford's environment.

**ADJOURN:**

**Adjourn the Regular Meeting of June 20, 2019:**

There being no further business, and upon a motion by Ms. Tessier, and seconded by Ms. Gordon, the Board voted to **ADJOURN** the Regular Meeting of June 20, 2019.

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

Meeting adjourned at 8:46 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

Drafts: 6/25/19, 6/27/19, 6/28/19, 6/29/19, 7/15/19, 7/23/19