

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JULY 23, 2019
SPECIAL MEETING**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Ashley A. Ley, Member
Laura Tessier, Alternate Member

MEMBERS NOT PRESENT:

Dr. Leigh Shemitz
Louis P. Levine, Member

STAFF PRESENT:

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

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

MINUTES:

Minutes of the EPB Regular Meeting of June 20, 2019:

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

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the June 20, 2019 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1913 – 84 Farms Road – Lot B-1 – Fairfield County Engineering, LLC, for E. Horowitz: To construct a residential addition, drainage and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Farms Road, approximately 850 feet west of Riverbank Road, and is identified as Lot B-1, Account 002-8972, Card S-003, Map 47, Block 395, Zone RA-3, and ± 4.923

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Acres.

Reference is made to an EPB Staff Memo, dated July 16, 2019.

#1914 – 38 Alma Rock Road – Lot 16 – J. Raab and C. Rabb: To maintain a wood deck and other related features constructed within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Poorhouse Brook. The property lies along the south side of Alma Rock Road, approximately 480 feet west of High Ridge Road, and is identified as Lot 16, Account 000-2043, Card S-004, Map 36, Block 387, Zone-RA-1, and ± 1.0014 Acres.

Reference is made to an EPB Staff Memo, dated July 16, 2019.

#1915 – 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 an EPB Staff Memo, dated July 16, 2019.

#1916 – 118 Shadow Ridge Road – Lot 37 – M. Kolitsov: To install a fence 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 Shadow Ridge Road, just south of Wild Horse Road, and is identified as Lot 37, Account 001-2355, Card E-016, Map 83, Block 358, Zone R-10, and ± 0.23 Acres.

Reference is made to an EPB Staff Memo, dated July 16, 2019.

#1917 – 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.

Reference is made to an EPB Staff Memo, dated July 16, 2019.

#1918 – 11 Hedge Brook Lane – Lot 21 – Fairfield County Engineering for T. Sterling: To install a sports court, patio, shed, drainage and other related features within the base floodplain and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Hedge Brook Lane, just south of Riverbank Road, and is identified as Lot 21, Account 002-8976, Card W-001, Map 32, Block 398, Zone RA-1, and ± 1.001 Acres.

Reference is made to an EPB Staff Memo, dated July 18, 2019.

#1919 – 2949 Long Ridge Road – Plot A - Rock Rimmon Country Club, Inc.: To construct a new

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tennis court, improve an existing driving range/practice tee, and conduct other related activities proximate to wetlands situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Long Ridge Road, approximately 785 feet north of Old Long Ridge Road, and is identified as Plot A, Account 001-9366, Card E-193Z, Map 7, Block 403, Zone RA-2, and ± 115 Acres (± 32.3 Acres in Connecticut).

Reference is made to an EPB Staff Memo, dated July 18, 2019.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1913, 1914, 1915, 1916, 1917, 1918 and 1919.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Applications No. 1913, 1914, 1915, 1916, 1917, 1918 and 1919.

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

Action Items:

#1909 – 237 West Lane – Lot 33 – Fairfield County Engineers for D. Pearl and A. Pearl: To fill an existing swimming pool, remove a fence, fill and grade to expand lawn areas, and construct a retaining wall, patio and other features in and proximate to wetlands and watercourses on property situated within the non-drinking water supply watershed of Toilsome Brook. The site lies along the south side of West Lane, approximately 640 feet west of the intersection with East Lane and is identified as Lot 33, List 001-2617, Card N-013, Zone R-20, Map 104, Block 216 and 0.9169 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 17, 2019.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineering, LLC
Alexandra Moch, Landscape Designer

Discussion: Mr. Talamelli summarized the application for the Board. He noted that the Agenda Summary Report was prepared by Lindsay Tomaszewski, Environmental Analyst. Mr. Talamelli reported that the applicant proposes to demolish the existing in-ground swimming pool, remove the protective fence, fill and regrade affected spaces, and construct a retaining wall, patio and other features in and proximate to the site's wetlands and watercourses. The property, which currently supports a single family residence, detached garage, pool, pool house, drive, walkways, and other related features, is characterized by the presence of gently sloping developed lands, a few large trees, a small perennial watercourse, and designated wetland soil areas. The regulated areas generally lie along the western and southern limits of the property. It was noted that the wetland, particularly to the west, has been maintained as lawn accented by a few large trees.

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Given the scope and nature of the project, the applicant is expected to demonstrate that the project avoids or minimizes potential impacts on regulated areas, resources of value, drainage and water quality.

Mr. Talamelli reported that the project will affect approximately 37 square feet of wetlands and 3,900 square feet of the non-watershed upland review area. No trees of size shall be impacted and grade change has been limited to one (1) foot or less. Potential tree impacts have been evaluated by a licensed arborist. The project engineer has submitted a drainage statement/report which indicates that the project, although including a sizable grade level patio outside of the regulated areas, will result in a net decrease in overall site imperviousness. Accordingly, the project engineer has concluded that the project will not adversely impact drainage soil, or the abutting properties. The Stamford Engineering Bureau has independently confirmed the conclusions of the drainage study/report. To assist in the protection of water quality, the applicant has provided an erosion control plan consisting of perimeter controls, an anti-tacking pad, designated construction access, stockpile areas, and the application of final stabilization measures. To displace lawn, stabilize the soil, filter runoff, and enhance the overall conservation values of the property, the applicant has supplied a landscape mitigation plan consisting of approximately forty-five (45) conservation valued shrubs. Plantings shall border both the watercourse and wetlands to the south and west. Mr. Talamelli reported that Staff, although generally pleased with the plantings, has recommended that the plan be modified to avoid space currently occupied by several large trees and expand the watercourse buffer to a minimum width of ten (10) feet

Alexandra Moch and Wayne D'Avanzo, P.E., acknowledged the receipt of the EPB Staff Agenda Report, and offered not objections to its 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. 1909 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 17, 2019.

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

Site Plan Reviews: None.

Subdivision Reviews:

#4037 – 280 Ocean Drive East – Lot 3 - C. Shanahan: To subdivide the existing ± 2.17 acre parcel into three (3) lots capable of supporting residential development. The property is situated along the east side of Ocean Drive East, approximately 800 feet north of Shippan Avenue, and is identified as Lot 3, Account 002-4852, Card N--038, Map 145, Block 150, Zone R-20, and ± 2.17 Acres.

Reference is made to and EPB Staff Agenda Summary Report, dated July 16, 2019.

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

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Matthew Popp, Environmental Land Solutions, LLC
Gerald Fox, III, Esq.
Carl Shanahan

Discussion: Ms. Fausty summarized the subdivision application for the Members of the Board. She reported that the applicant seeks to subdivide the existing ± 2.17 acre parcel into three (3) lots capable of supporting residential development. This waterfront property currently supports a single family dwelling, in-ground pool, drive, walkways, drainage, sanitary sewer, public water, and other related features. The site is characterized by the presence of gently to moderately sloping developed lands, a severely sloping bluff/escarpment, special flood hazard areas, and a few moderately to large sized trees. Ms. Fausty noted that portions of the bluff have been historically stabilized with the construction of stone retaining wall and rip rap.

Ms. Fausty reported that the applicant has provided plans, reports and other pertinent documents to demonstrate that the subdivision is technically feasible and consistent with applicable City regulations/policies, compliments the land, is not the product of extraordinary measures, supports lots having livable and usable space, and protect important areas of resource. All development shall be confined to the existing, gently sloping, developed space in the western and central portions of the property. Grade change is minimal and tree loss has been generally been avoided based on recent modifications to the plans. Substantial setbacks to the top of the steeply sloping bluff and special flood hazard areas have been maintained. Conceptual dwellings, drives, patios, and other related features are expected to increase total site imperviousness and the volume/rate of runoff if left unmitigated. To address potentially damaging drainage and resource impacts, the applicant has provided a mitigation plan consisting of grading and the use of structured drainage including collection structures, pipes, roof drains, junctions and banks of recharger units sited on each property. If constructed to the plan, the project engineer has concluded that the subdivision can be developed with no adverse impacts on drainage, resources, soils and adjoining properties. The Stamford Engineering Bureau Staff has reviewed the submittals, determining to offer no objection to the conclusions of the drainage report or design of the conceptual mitigation plan. To assist in the protection of water quality, a temporary sediment and erosion control plan has been provided, drainage collection structures have been equipped with deep sumps and outlet controls, and infiltration has been incorporated into the drainage system to filter and cool runoff prior to discharge. To address the conservation needs of the property and community, the applicant has determined to dedicate a conservation easement for the steeply sloping bluff/escarpment and special flood hazard areas, and provide standard conservation signage. The easement adjoins other resource rich spaces on abutting properties that have been afforded protection under the terms of a conservation easement agreement. In addition, a planting plan has been provided to stabilize the soil, screen abutters, and enhance the streetscape. Ms. Fausty noted that revisions to the planting plan may be warranted to better define the conservation easement, provide a measure of safety, preserve the slope, filter runoff, and improve aesthetics.

In response to questions by Ms. Ley, Mr. D'Andrea confirmed that the entire bluff will be incorporated into the proposed conservation easement, and although no further activities are proposed for the areas adjoining Long Island Sound, any future proposals affecting the conservation easement would be subject to a permit from the Environmental Protection Board.

Extensive discussion ensued between Mr. D'Andrea, Board Members and Staff on the necessity of a

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permanent demarcation feature along the edge of the newly proposed conservation easement. Mr. D'Andrea stated that features beyond the proposed plantings, conservation signage, and the steeply sloping bluff itself were not warranted, and that additional measures, such as a fence or high hedge, would seriously impact the aesthetics of the property and an owner's views of Long Island Sound. Following discussion, it was determined that the applicant would work with EPB Staff to develop a demarcation plan that includes a more dense collection of low profile plantings rather than fencing or other similar structures.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **OFFER NO OBJECTION** to Planning Board Application No. 4037 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 16, 2019.

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

#4039 – 57 Viaduct Road – Parcel J - Viaduct Holdings, Management and Development, LLC:

To subdivide the existing ± 1.854 acre parcel into two (2) lots capable of supporting commercial development. The subject property lies along the east side of Viaduct Road, approximately 800 feet east of Hope Street. The property is identified as Parcel J, List 003-8082, Card N-007, Block 319, Map 106, Zone M-G, and ± 1.854 Acres.

Reference is made to an EPB Staff Agenda Summary Report dated July 15, 2019.

In Attendance: None

Discussion: Mr. Talamelli summarized the subdivision application for the Board. He reported that the applicant seeks the Board's permission to subdivide the existing ± 1.854 acre property into two (2) parcels capable of supporting commercial development. The subdivision has been proposed to facilitate the sale of one of the existing commercial buildings and associated features. No new development is planned.

Mr. Talamelli stated that the property lies in an intensely developed industrial area, supporting a large metal warehouse, smaller, concrete block office building, asphalt/gravel parking areas, walls, fences, drainage, and other related features. All facilities are served by sanitary sewer and public water. The use is intense, with most of the property occupied by building or paved/gravel parking. Most of the parking has been historically dedicated to contractor's parking and storage. The property is characterized by the presence of gently to severely sloping developed lands, a 250 foot reach of the Noroton River, a narrow wetland fringe, special flood hazard areas, and a few large trees. The largest trees lie along the wetlands and river in the eastern portions of this property.

Mr. Talamelli further reported that the property had been the subject of a prior EPB Permit that allowed the construction of the larger warehouse building and associated drainage within the floodplain and proximate to the wetlands, and watercourses. The permit was approved with six (6) conditions including City approval for storm drain structures, a drainage maintenance agreement, the

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removal of access fill, catch basin protection, a prohibition on in-ground fuel oil storage tanks, and notification of the Springdale Fire Marshal when construction was started. The project was constructed and verified as “substantially” complete by August 1986.

Mr. Talamelli went on to report that since no additional development is proposed at this time, the potential for further grade, water quality, flood, and resource impacts is minimal. On this and other properties along this reach of the Norton River, the historic commercial/industrial uses have led to numerous encroachments and resource impacts. He noted that the applicant has committed to a plan of mitigation involving the removal of all debris and stored materials found in and along the river, the clearing of all existing drainage structures of accumulated debris, and the dedication of a conservation easement for the watercourse, wetlands, special flood hazard areas and adjoining upland review areas no less than twenty-five (25) feet to the edge of wetland. The proposed open space/conservation easement lies adjacent to other conservation lands found on properties to the south. The limits of the conservation easement shall be posted with standard signage, pins and posts at all property boundaries and turning points, and a boulder demarcation feature shall be applied. Mr. Talamelli suggested that the boulder demarcation feature be reinforced, utilizing larger boulders with reduced spacing or substituted with a fence or guard rail.

Extensive discussion ensued between Board Members and Staff on matters concerning the intensity of development, flood impacts given the limitations of the existing Flood Insurance Study, the design of the demarcation feature, and the necessity of further measures to appropriately restore and enhance the riparian areas.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **OFFER NO OBJECTION** to Planning Board Application No. 4039 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 15, 2019, modified to include additional conditions requiring the submission of a landscape/riparian restoration plan subject to EPB Staff approval, a standard, City of Stamford, landscape maintenance agreement, and additional surety to cover the costs associated with the Staff approved riparian restoration activities.

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

Enforcement – Status Reports & Show Cause Hearings: None.

Other Business: None.

ADJOURN:

Adjourn the Regular Meeting of June 20, 2019:

There being no further business, and upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **ADJOURN** the Special Meeting of July 23, 2019.

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In Favor: Stone, Ley, and Tessier.

Opposed: None.

Abstaining: None.

Not Voting: None.

The meeting was adjourned at 8:17 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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August 7, 2019 (2)