

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE NOVEMBER 21, 2019
REGULAR MEETING**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Ashley A. Ley, Member
Thomas Romas, Alternate Member
David J. Kozlowski, Alternate Member

MEMBERS NOT PRESENT:

Louis P. Levine, Member
Laura Tessier, Member
Stephen Schneider, Alternate 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 October 17, 2019:

Members present and eligible to vote on these minutes were Mr. Stone, Ms. Ley, Mr. Romas, and Mr. Kozlowski. No corrections or modifications were recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the October 17, 2019 Regular Meeting as presented.

In Favor:	Stone, Ley, Romas, and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	Shemitz

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1922 – 38 West Washington Avenue – Lot 4 – Redniss and Mead, Inc. for A. Gupta: To construct a new two (2) family residence, drives, drainage, utilities and other related features within the base floodplain of the Rippowam River. The property lies along the west side of West Washington Avenue, approximately 400 feet north of North Street, and is identified as Lot 4, ,

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Account 001-4328, Card W-005, Map 115, Block 242, Zone R-5, and ± 0.111 Acres.

Reference is made to an EPB Staff Memo, dated October 28, 2019.

#1923 – 2 Cider Mill Road – Lot A-7 – S. Reynolds: To maintain a shed situated within close proximity to a pond and wetland areas in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Cider Mill Road, approximately 285 feet north of Sawmill Road, and is identified as Lot A-7, Account 001-2676, Card E-002, Map 141, Block 394, Zone RA-1, and ± 1.0988 Acres.

Reference is made to an EPB Staff Memo, dated November 5, 2019.

#1924 – 72 Briar Brae Road – Lot 2 – K. Quinlan, A.I.A for D. Moskowitz and R. Orenstein: To construct a residential addition, deck and other related features proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The property is situated along the south side of Briar Brae Road, approximately 150 feet west of the Briar Brae Connector Road, and is identified as Lot 2, Account 001-3414, Card S-008, Map 16, Block 390, Zone RA-1 and ± 1.02 Acres.

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

#1925 – 35 Bird Song Lane – Lot 4 - City of Stamford Engineering Bureau for G. Moore – Bird Song Lane Roadway and Drainage Improvements: To implement certain roadway and drainage improvements in and proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The activities lie within both a portion of Bird Song Lane and a proposed drainage easement on property situated at 35 Bird Song Lane, Lot 4, List 000-6588, Card N-022Z, Map 44, Block 386, Zone RA-2, and ± 1.025 Acres.

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

In Attendance: None

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Mr. Romas, the Board voted to **ACCEPT** EPB Permit Applications Nos. 1922, 1923, 1924 and 1925.

In Favor:	Stone, Shemitz, Ley, Romas, and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	None

Action Items:

#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

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387, Zone RA-1, and ±3.532_Acres.

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

In Attendance: John Pugliesi, P.E., E.J. Frattaroli, Inc.
David Devin
Louis Fusco, Landscape Architect, Louis Fusco Landscape Architects
Tom Lombardo, President, North Stamford Association
Gail Okun, North Stamford Association

DISCUSSION: Staff Member Fausty summarized the application for the Board. She noted that the Agenda Summary Report was prepared by Environmental Analyst, Lindsay Tomaszewski. The applicant is proposing to construct a residential addition, wood landing, and other related features in a designated conservation easement area and proximate to wetlands and watercourses. Related features, include a stone retaining wall, parking, driveway expansion, walkways and replacement septic system, all of which have been proposed for space situated outside of regulated areas.

The property, which lies along the west side of North Stamford Road, currently supports a two (2) story, single family dwelling, a two (2) story accessory structure, septic, drives, parking and other related facilities. The regulated areas includes an extensive wetland area, brook, non-watershed setbacks of twenty-five feet, and a dedicated conservation easement area. The easement was established as part of a prior subdivision review.

Ms. Fausty reported that given the scope and nature of the project, the applicant is expected to demonstrate that impacts to resources and regulated areas, drainage, and water quality are avoided or minimized to the greatest extent possible. The submitted development plan indicates that approximately 63 square feet of the conservation easement and 663 square feet of the wetland setback will be temporarily/permanently affected by the improvements. Grade change remains in the low to moderate range, and no significantly sized individual or groups of trees will be lost. A wall detail has been provided. The project engineer has submitted a report to evaluate potential drainage impacts. Under proposed conditions, it was determined that the increase in runoff will be negligible, with any increase appropriately mitigated by the large receiving pond and wetland systems found in the area. A formal drainage system will not be needed. The project engineer has concluded that the proposed development will not have adverse impacts on local drainage patterns or adjoining properties. Study methodology, conclusions and the design have been endorsed by the Stamford Engineering Bureau. To preserve water quality, the applicant has provided an erosion control plan consisting of perimeter silt fence, stone tracking pad, final stabilization measures and other related features. To mitigate the potential impacts of development or provide suitable and functional enhancements, the applicant has provided plans that include fenced tree protection for nearby trees of value, invasive plant removal, an extensive native planting plan, and an expanded conservation easement of approximately 328 square feet. The conservation space shall be re-pinned, re-posted and further defined with a boulder demarcation feature.

Thomas Lombardo, President of the North Stamford Association, addressed the Board. He provided an informative accounting of property ownership and use over the past 130 years, and expressed concern that this owner may be seeking to implement the improvements necessary to restore an unpermitted commercial use. It was reported that the parcel has been exclusively residential since

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1963 when the historic “general store” was permanently closed. Mr. Lombardo requested that the appropriate sections of the Agenda Summary Report be corrected to remove any references to a proposed commercial use/activity.

Extensive discussion ensued between Board Members, the applicant, and his representatives concerning the necessity and impact of the extensive area dedicated to paved drives, parking and handicapped access. Ms. Ley and Dr. Shemitz sought to establish if alternative designs or surface treatments were considered to reduce total site imperviousness or promote infiltration. Mr. Pugliesi reported that professional home office use is permitted in the zone, that the layout presented is necessary to provide basic parking and accessibility needs for a home office use, that potential drainage impacts were suitably managed, and that the mitigative measures outlined in the application, including the additional conservation space, demarcation features, walls, debris removal, and plantings more than adequately offset potential impacts. However, upon further discussion with the owner and other members of the team, Mr. Pugliesi stated that porous pavers or other similar features would be incorporated into the final plan to the extent possible.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Kozlowski, the Board voted to **APPROVE** EPB Permit Application No. 1911 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 15, 2019 modified to require an amendment to the Agenda Summary Report to appropriately reference the residential use throughout, and a modification of the site plan to require the use of porous pavers or similar features to construct any necessary handicapped parking spaces.

In Favor: Stone, Shemitz, Ley, and Kozlowski
Opposed: Romas
Abstaining: None
Not Voting: None

#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 Acres.

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

In Attendance: Wayne D’Avanzo, P.E., Fairfield County Engineers.
Ellis Horowitz

Discussion: Staff Member Fausty summarized the application for the application for the Board. She noted that the applicant proposes to construct a residential addition, install drainage and implement other related improvements proximate to wetlands and watercourses. The property, which lies along the south side of Farms Road, currently supports a residence, septic, well, drive, walkways, and other related features. The regulated areas consist of two (2) small ponds, watercourses, and associated wetland areas, primarily in the central and southern reaches of the property.

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The applicant proposes to construct a 450 square foot addition along the western plane of the dwelling, portions of which lie within the regulatory setback for open water situated in drinking water supply watersheds. The applicant is expected to demonstrate that the project minimizes or eliminates impacts upon regulated areas and valued resources, mitigates potential drainage impacts, and protects/preserves water quality.

A detailed site development plan was provided by the applicant. Approximately ninety (90) square feet of the 100-foot setback to open water is affected by the project. Projected grade change is minimal, and no significant individual or groups of trees shall be lost or altered as a result of the construction. The development shall be confined to existing developed space. To mitigate potential drainage impacts, the project engineer has provided for the installation of a storm water management system consisting of pipes, junctions, area drains, and an array of five (5) Cultec infiltration units. The project engineer has confirmed, that if installed per the submitted plans, that the project will not have an adverse impact on drainage or the adjoining properties. The Stamford Engineering Bureau has reviewed the submittals and has confirmed that the study methods, findings and design were reasonable. Water quality concerns have been addressed with the submission of a temporary/permanent sediment and erosion control plan and use of a drainage system that embraces infiltration and includes collection structures equipped with deep sumps and outlet controls. To mitigate impacts or enhance the quality of the regulated areas, the applicant has supplied a plan that provides for the removal of accumulated wood debris and the installation of numerous, conservation valued trees and shrubs, primarily along the center pond and a reach of the watercourse situated in the southern portions of the property.

Mr. D'Avanzo acknowledged the prior receipt of the EPB Staff Agenda Summary Report. In response to a question by Mr. D'Avanzo concerning the "Permit Compliance Fee," Ms. Fausty responded that the fee shall be paid annually until the project is completed.

Motion/Vote: Upon a motion by Mr. Romas, and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1913 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 15, 2019.

In Favor: Stone, Shemitz, Ley, Romas, and Kozlowski
Opposed: None
Abstaining: None
Not Voting: None

#1921 – Cascade Road - NA – City of Stamford – Cascade Road Drainage and Roadway Improvements: To install pipes, catch basins, headwalls, rip rap, guiderails, and other related features in and proximate to an open space/conservation easement, wetlands and a pond situated in the drinking water supply watershed of the Rippowam River (North Stamford Reservoir). The project, which improves existing road and drainage facilities, is located within a reach of Cascade Road, just north of both Michael and North Ridge Road(s).

In Attendance: John Pugliesi, P.E., E.J. Frattaroli, Inc.

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Discussion: Staff Member Talamelli summarized the application for the Board. He noted that the City of Stamford proposes to install pipes, catch basins, headwalls, retaining walls, rip rap, guiderails, and other related features in and proximate to wetlands, a pond and designated open space/conservation easement areas in and along a reach of Cascade Road, just north of both Michael and North Ridge Roads.

The project has been proposed to repair and improve existing road and drainage facilities that are currently in failure. Subsidence of the existing headwall/retaining wall has resulted the loss of the roadway shoulder, the collapse of portions of the paved travel way, and reduced pipe function. The applicant proposes to restore and enhance the project area by removing select vegetation, excavating accumulated fill/debris, constructing a new retaining wall/headwall, adding an additional pipe, installing rip rap inlet protection, installing a curb, and constructing catch basins to both better collect/manage stormflows and improve water quality. A Merritt Parkway style wooden guardrail shall be installed to improve traffic safety and preserve the shoulder. It is expected that work shall be generally confined to the existing City Right of Way. Exceptions may be linked to the placement of tree protection, erosion controls, and limited staging.

Mr. Talamelli noted that with applications of this nature, the applicant is required to minimize resource impacts, utilize measures to preserve water quality during and post-construction, and effectively mitigate potential drainage impacts. Accordingly, the project engineer/surveyor has provided a detailed site development plan that shows that grades and development limits remain essentially unchanged from the existing. Approximately 320 square feet of wetlands, 22 linear feet of watercourse (as defined by the pip), and 3,300 square feet of the upland review area will be temporarily/permanently affected by the project. As noted on the design plans, up to four (4) of the larger trees in the development envelope may be lost or altered.

To preserve water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter fences/haybales or coir logs, basin protection, pavement sweeping, designated stockpile areas, and the application of final stabilizing groundcovers. Rip rap shall be added to the inlet to stabilize the pipes and protect the improved headwall. Work shall be confined to periods of "low flow." If dewatering becomes necessary, the applicant has provided for the creation of a sump west of the culvert, the use of an "in-water diversion" and pumping to a "dirt bag" or other similar device to enable the contractor to excavate in the "driest" conditions available. To the extent feasible, machinery, vehicles, and materials shall be fueled/parked/staged off-site. Emergency provisions have been outlined for pending storms and spill kits shall be maintained on the property. Weather conditions shall be closely monitored, and if a significant storm is predicted, contractors shall cease excavation and secure the site. Existing leak offs have been eliminated, and new catch basins have been equipped with deep sumps and outlet controls to assist in the collection of sands, silt and debris prior to discharge. It was noted that an alternative design was embraced by the applicant to offset basins from the culver to enhance sediment trapping capabilities. The engineer notes that the project will restore proper functionality of the existing storm drain system and will not have any significant effect or adverse impact on adjoining properties or downstream areas. The location and elevation of the existing 24" RCP shall remain unchanged. Note that an additional 12" PVC pipe is proposed for the road, reportedly allowing for the passage of the twenty-five (25) year storm. The road currently overtops during storms of magnitude. As mitigation for the project, the applicant has provided for the protection of several trees in the project area with snow fence, and expects to apply a seed mix to the disturbed space adjoining the wetland. Mr. Talamelli reported that shrub planting in the right of way is not proposed at this time

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given the minimal impacts, and the necessity of improving sightlines. However, the applicant is amenable to the idea of developing a planting scheme for regulated areas, subject to EPB Staff approval, as impacts and final conditions are assessed.

Dr. Shemitz stated that she believed that the addition of shrub planting along the edge of the pond and wetland areas is an essential component of this project to stabilize the soil, filter runoff and improve the overall conservation values to the site. Careful selection and placement of the plantings may alleviate potential sightline concerns.

In response to questions by both Dr. Shemitz and Ms. Ley concerning the anticipated repair, Mr. Pugliesi stated that the construction of a new subdivision road and culvert to the south and east of the project area in no way led to the deterioration and failure of the road, and that the City's project, if constructed per the submitted plans, will substantially improve drainage by allowing for the passage of flows associated with the twenty-five (25) year storm. Currently, storms exceeding a ten (10) year overtop and impact the travelway. Mr. Pugliesi further noted that alternative culvert designs and design frequencies exceeding a twenty-five (25) year event were not considered given the nature and circumstances of the project.

Mr. Pugliesi acknowledged the receipt of the EPB Staff Agenda Summary Report, and offered no objection to the findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Kozlowski to **APPROVE** EPB Permit Application No. 1921 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 15, 2019.

In Favor:	Stone, Shemitz, Ley, Romas, and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	None

Site Plan Reviews: None

Subdivision Reviews: None

Enforcement – Status Reports & Show Cause Hearings: None

Other Business:

#3986-2 – 15 East Hunting Ridge Road – Lot 2 - J. Rumore: Construction of a new, single family dwelling, drive, drainage, septic, well, and other related facilities. A Site Plan Review by the Environmental Protection Board is required pursuant to Condition Five (5) of Planning Board (Subdivision Application) No. 3986. The subject property lies along the east side of East Hunting Ridge Road, approximately 240 feet north of Haviland Road, and is identified as Lot 2, List 004-5224, Map 34, Block 391, Card N-019A, Zone RA-1, and ± 1.00 acres.

Reference is made to an EPB Staff Agenda Summary Report, dated November 13, 2019.

In Attendance: Robert Frangione, P.E., Frangione Engineers

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Joseph Rumore

Discussion: Staff Member Fausty summarized the site plan review application for the Board. She reported that the applicant proposes to construct a new, single family dwelling, drive, drainage, septic and other related features on the parcel. She reminded the Board members that the parcel was part of a three (3) lot subdivision of property that was extensively studied by the EPB and approved by the Planning Board in 2009. The subdivision approval provided for an open space/conservation easement for approximately 1.4878 acres of wetland, buffer, slope and woodland, field staking and posting of the designated conservation easement boundary, an EPB Site Plan Review requirement for the development of Parcels 2 and 3, conditions relating to the preservation of stone walls and significantly sized trees to the greatest extent feasible, a prohibition on the use of in-ground fuel storage tanks, a requirement for a soil erosion and sedimentation control plan, and filing of a performance bond. The applicant seeks to satisfy the site plan review requirement with the submission of this EPB Site Plan Review Application for Parcel 2.

Ms. Fausty reported that the property, which is currently vacant, is characterized by the presence of moderately to severely sloping uplands, wetlands, stone walls, rock outcroppings/ledge, and an extensive conservation easement area. Vegetative cover ranges from grasses/herbaceous covers to the south and west, to moderately dense wetlands to the north and east. It was noted that the conservation easement area includes some of the most steeply sloping areas of woodlands, numerous rock outcroppings/ledge, wetlands, non-watershed buffers of at least twenty-five (25) feet, stone walls, a small cemetery, and other related features, primarily along the southern and eastern perimeters of the site. The cemetery is served by a five (5) foot wide pedestrian easement to allow for access and maintenance.

The site plan approval requires the applicant to demonstrate that the proposed development remains consistent with the subdivision concept, particularly in terms of the location of the proposed structures/features, drainage impact, water quality and resource protection.

Ms. Fausty noted that the dwelling and its attendant facilities have been confined to uplands in the approximate center of the property. The conservation boundary shall be honored, and identified trees of significance in the development envelope have been maintained in accordance with the recommendations of a Connecticut arborist. Note that certain design modifications to both the drive and septic systems were made by the applicant to further the Board's objectives pertaining to tree protection. Potential drainage impacts has been managed through grading and the construction of a structured drainage system consisting of pipes, junctions and infiltrators. If constructed in accordance with the design plans, development can proceed without adverse impacts upon drainage, soils and the adjoining properties. The Stamford Engineering Bureau has reviewed the plans/reports and has confirmed that the study methods, conclusions, and design are reasonable. The Stamford Health Department has reviewed the proposed sub-surface sewage disposal system, and has reaffirmed feasibility and offers no objection to the project. Potential water quality concerns have been addressed with the submission of a detailed sediment and erosion control plan, prohibition on the use of in-ground fuel oil storage, and the use of both infiltration and drainage structures equipped with outlet controls to assist in the collection of sands, silts and debris prior to a discharge. The dwelling shall be served by propane gas. Finally, to address the overall conservation needs of the site, the applicant has provided for the re-posting of the conservation easement, the protection and management of existing tree resources based upon an arborist's recommendations, and the installation of conservation valued

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plantings in and along the wetland and conservation easement in the southwestern portions of the parcel. Ms. Fausty noted that adjustments to the proposed planting plan may be warranted to provide a better demarcation, prevent encroachments, and enhance the bio-filtration functions of the buffer.

In response to an inquiry by Mr. Kozlowski, Mr. Frangione noted that the cemetery space is generally confined to a small, walled area in the southeastern reaches of the property. He believes that the grounds are private, and that the pedestrian easement established at the time of subdivision allows for necessary access and maintenance. There were no further questions or comments by Board members.

Mr. Frangione further confirmed that he had secured a copy of the EPB Staff Agenda Summary Report, and offered no objection to the findings or stated conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Kozlowski, the Board voted to **APPROVE** EPB Site Plan Review No. 3986-2 with the conditions outlined in the EPB Staff Agenda Summary Report, dated November 13, 2019.

ADJOURN:

Adjourn the Regular Meeting of November 21, 2019:

Motion/Vote: There being no further business and upon a motion by Mr. Kozlowski, and seconded by Mr. Romas, the Board voted to **ADJOURN** the Regular Meeting of November 21, 2019.

In Favor:	Stone, Shemitz, Ley, Romas, and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	None

Meeting adjourned at 8:26 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Draft 1: December 3, 2019
Draft 2: December 4, 2019
Draft 3: December 5, 2019
Draft 4: December 6, 2019
Draft 5: December 10, 2019
Draft 6: December 12, 2019 (Board Review/Meeting)