

STAMFORD PLANNING BOARD
PUBLIC HEARING & REGULAR MEETING MINUTES #3716
TUESDAY, JUNE 28, 2011
4TH FLOOR CAFETERIA
888 WASHINGTON BLVD., STAMFORD, CT

Stamford Planning Board Members present were: Theresa Dell, Claire Fishman, Roger Quick, Dudley Williams, Michael Totilo, Jay Tepper and Zbigniew Naumowicz. Present for staff was Todd Dumais.

Mrs. Dell opened the regular meeting at 7:00 PM and announced that at 7:30 PM the Public Hearing would begin and the remainder of the regular would take place following its conclusion. pm

Regular Meeting

Supplemental Appropriation Request:

State of Connecticut Grant Funds for Canal & Pacific Street Improvements State of Connecticut has authorized \$4.9 million grant in bond funds for improvements to Pacific & Canal Streets. The Harbor Point Infrastructure District (HPID) has agreed to contribute \$2 million towards the cost of the project with the City of Stamford will act as fiduciary agent for the grant agreement.

Ann Brown from the Engineering Department appeared before the Board to discuss this appropriation for the project. She explained that it was for a project in the South End for Canal and Pacific Street and includes Ludlow to the SUT, some road and curb and Walter Wheeler Drive to Henry Street. No City funds are involved.

Mrs. Dell asked when the project would start. Ms. Brown answered they hope to begin this construction season. Mrs. Dell then asked if \$6.9 million was the total? Ms. Brown said they do not expect to exceed that amount.

Mr. Tepper asked where all the funds are coming from? Ms. Brown answered that they are bond funds that come to the City in the form of a grant.

After a brief discussion, Mr. Tepper moved to recommend approval of the supplemental appropriation request. Mr. Quick seconded the motion and it passed unanimously with the eligible members present voting, 5-0 (Dell, Fishman, Tepper, Totilo and Quick).

Zoning Board Referral:

Application 211-11 – Text Change - 737 Canal, LLC, to change Sections 9.K.5.j & 9.J.5.k (Signage Regulations in the SRD-N & SRD-S) to allow signs to be mounted above an established roofline on a parapet façade.

Mr. Dumais explained the application. After a brief discussion and several questions from the Board, it was decided to table action on this item until next weeks meeting.

Public Hearing

Mrs. Dell opened the Public Hearing at 7:30pm. She introduced members of the Board and staff and then explained the Hearing procedures. Mrs. Dell explained that the hearing on application 3994 was a continued from a hearing that began on May 24, continued to June 14 continued to June 21.

Subdivision #3994 – Michael A. Innaurato, For subdivision of an existing property into three (3) parcels. The property is located on the north side of Ingleside Drive; having an address of 258 Ingleside Drive. (*Continued from May 24, June 14 and June 21*).

Board Members Totilo, Naumowicz had not previously listened to the tapes of the meetings they missed. Mr. Quick again recused himself from the hearing on this application and left the table. Mr. Harness asked for the reason of Mr. Quick's recusal. Mr. Quick stated that it was because he was working on a project in another municipality in which Frattoroli Engineer's are also working.

John Pugliesi, Professional Engineer speaking for the applicant, explained the drainage and engineering aspects of the subdivision. He reiterated that there are no adverse impacts to neighboring properties and this subdivision will reduce peak runoff flows. Mr. Pugliesi stated that the record is clear on what they have done to get to this point, and that an onsite detention system may solve some of the concerns of the neighbors and the City Engineer. Mr. Pugliesi then explained a proposed onsite detention system and pointed out that Mr. Casolo's 5/20/11 memo offered no objection to the application continuing with the approval process. He added that the onsite facility will result in no increase in runoff and no increase in pond level and that they have designed this only to show that it is feasible for subdivision purposes. Mr. Pugliesi then noted that most of the drainage in North Stamford is designed for a 10 yr storm this is designed for a 25 year storm event.

Mr. Pugliesi explained there'd be no increase in runoff, no rise in pond level, a 4' x 8' gallery restricting flow on a 2" caliber. Only need to show a feasibility on drainage for a subdivision. Intention was a weir would be constructed because it provided additional improvements to the pond that EPB originally proposed. Sited Page 6 of the study will not cause an impact in peak flow or runoff from property. Most of drainage in North Stamford is designed for a 10-year storm but also adequate for a 25 year storm.

Mr. Pugliesi then discussed Mr. Risolis' June 3rd comments and how they addressed many of the issues raised by being more conservative in the calculations adding in and in additional 4 acres of drainage and included that into the site. He explained that he was the original engineers for the Shady Knoll subdivision so they physically modeled it and the Egan's house is 11' above the pond level on a 25 year storm and that the driveway is 3.6' above 25 year storm pond elevation. He explained that water never reaches culvert level on our side. Outlined several dwellings and found elevations all above 25 year pond flood levels. Mr. Pugliesi noted that the main function of a wetland is to provide storm water detention. He added that the development with construction of weir will control flow off-site and will have no adverse impact. Mr. Pugliesi discussed a series of addendums in response to concerns. Regarding 6/17/11 Risoli letter: additional 4 acres to be incorporated and that he disagrees that design of weir would be affected by backwater effect; they performed a tailwater study as requested and addressed all issues raised. Mr. Pugliesi stressed that all of the reports and iterations showed no adverse impacts. After last Tuesday's meeting, they surveyed area north of the pond and found a low spot and discovered that's a discharge point. They met last Friday regarding the Tailwater condition and have two issues of restriction – the culvert and a restriction in the channel. They determined how much area (another 6 acres drains into this area). Discharge from the pond itself decreases but pond water level would rise. Have a .08 proposed increase in pond level. Less than an increase over entire depth of pond. In addendum they came to the same conclusion, decrease in water runoff and minor increase in pond level. He explained how they then had a meeting on the 24th to go over Lou Casolo's letter; all information was given to him. Mr. Pugliesi added that we have proven we have had feasibility on this development; addressed runoff issues on these properties and addressed opponent's speculations.

Joe Risoli commended his colleague for investigating all issues brought up and they've done a lot of work addressing them. Logic says is somebody being hurt or not being hurt but he didn't like to make this determination. Every textbook on hydrology can't model an entire pond, we have a weir, a dam to constrict the flow out of here and that if we get rid of weir, we are controlling impact through a detention system. Have a problem with a detention system and asked what happens when this it requires maintenance. Mr. Risoli then recommend having a separate detention system on each lot. Still confused, are we talking about using both, then still opposed to weir and asked for clarification to have it approved by the City Engineer, because Lou is not clear in his final paragraph.

Ronald Gold, Attorney for Applicant

Mr. Risoli's comments. A pond and a wetland are designed to take water, you have a right to drain under Connecticut law. The pond in a small area is not on the Innaurato property and that the key under Connecticut law is what is the damage. There is none because it's in a wetland regulated area. Mr. Gold then discussed EPB letter and how they don't have to do separate systems. Weir and/or on-site detention system. We intend just to the weir because EPB says this is so but they have proposed 290' of 4' x 4' galleries to take water and instead of into the pond to store it in galleries and meter it out. It's an expensive idea but we will propose if that is the difference in getting a subdivision approval.

John Pugliesi said an onsite detention facility run with weir and without weir will not cause increases in runoff or pond level. Submitted as-built plan for Shady Knoll.

Mrs. Dell asked when does weir work? Mr. Pugliesi said a 1' opening at bottom maintains pond level.

Attorney Gold referred to compendium exhibit 2. Egan's property, house is very far away from pond which will rise 1.5" in a 10' storm event. It is protected by the wetland area and there is an upland buffer review area. Water levels will not rise in a manner that would impact the neighbors. Weir should be included with combo of the onsite detention basin.

Attorney John Harness representing four abutting property owners stated that the entire pond not located on Applicant's property. Mrs. Egan has not given approval to use her portion of the pond. There are no EPB permits because there currently are no EPB permits. Mr. Quick is employing the land technology company in a subdivision in another town and Frattaroli using survey in another town and this is a conflict. Mr. Harness again provided a summary of why this subdivision doesn't have required frontage.

Attorney Gold made concluding comments and reiterated that this subdivision does in fact comply with the Zoning Regulations with definition of lot frontage and "street" (defined both). Read the EPB letter into record.

Mrs. Dell said the EPB permit is still valid; why still in affect?

Attorney Gold said in order to appeal EPB permit. Tells you what you can do in a regulated area. Couldn't get permits until after you get subdivision approval.

Mr. Williams asked if a portion of the pond is on Egan property, what's response to this? Attorney Gold said if problem, use detention system.

Mr. Pugliesi said EPB permits are for disturbance in a regulated area.

Mr. Williams said he was initially concerned with the number of lots but that his questions about drainage had been addressed.

Mr. Tepper said disregarding history, doesn't warrant a judicial ruling. He stated that he personally has had no contact or discussion with Mr. Quick about this and it is the practice of the Board not to do so when someone recuses themselves. Mrs. Dell, Mr. Williams and Mrs. Fishman also indicated that they did not have contact with Mr. Quick regarding this application. Mr. Tepper then stated that we have a well defined and simple set of guidelines we live with, this application was in compliance with the Master Plan, meets all zoning requirements, environmental impact approved permits from EPB and approval from City Engineer.

Mrs. Fishman said she's heard all the discussion and objects to the tone of being berated by the attorney's.

Mrs. Dell closed the Public Hearing on application #3994 at 9:47pm. After a brief recess, Mrs. Dell opened the Public Hearing on application #3996 at 10:00pm.

Subdivision Application #3996 of John M. Godina & Elaine L. Godina. For subdivision of property into five (5) parcels. The property is located on the west side of Woodbine Road, (in-between Woodbine Road & Aspen Lane); having an address of 44 Woodbine Road.

Mrs. Fishman read the Legal Notice into the record. Mrs. Dell introduced members of the Board. Mr. Quick recused himself from this application and left the table. Mr. Naumowicz was seated in his place.

John Pugliesi, Professional Engineer speaking for the Applicant. He submitted the Certificate of Mailing to the Board and then described the existing property conditions, existing trees, meadows, house site at a high point of the property, and the existing drainage conditions. Mr. Pugliesi then described the details of the proposed five lot subdivision of and noted that it was somewhat extraordinary for a parcel of this size to not contain any wetlands. He added that there proposed open space buffers, a total area of 34,070 s.f. which is 11.2% of the entire lot. Mr. Pugliesi next described the locations of the proposed septic areas and code compliant areas for the four lots, conceptual houses locations and explained how the storm water detention design was done in accordance with the wishes of EPB staff. Mr. Pugliesi concluded by stating that all lots conform to City Zoning and Subdivision regulations.

Mrs. Dell went to the Public and asked if there was anyone wishing to speak in favor of the application, there was no people wishing to speak. Mrs. Dell then went to the Public for anyone wishing to speak in opposition to the application, there was no people wishing to speak. David Lasnick, Attorney in Stamford representing Wendy and David Lewis wished to speak neither in favor or opposed but made a request. He explained how his client was Lot 26 on the subdivision map an adjacent property. He stated that there is a concern, sensitive to creating the buffers in 1987 when larger subdivision went in and asked that Board specifically state accessway not be used for ingress/egress. Mr. Lasnik noted that he had already asked Godina's to release their claim to use this agreement and gave Board copy of agreement.

There being no further questions from the Board or Public comment, Mrs. Dell closed the Public Hearing on #3996 at 10:25pm.

After a brief recess, Mrs. Dell re-opened the regular meeting at 10:30pm.

Subdivision #3994 – Michael A. Innaurato, For subdivision of an existing property into three (3) parcels. The property is located on the north side of Ingleside Drive; having an address of 258 Ingleside Drive.

Mr. Dumais provided the Board with a summary of the application. He explained that this was for the Innaurato Subdivision , 3 lots, located at 258 Ingleside Drive in a RA-2 Zoning District. That the property is approximately 6.38 acres, contains a pond, wetland areas, areas of steep slopes, an existing single-family home and four other existing detached accessory structures .

Mr. Dumais further explained that the applicant has proposed a three (3) lot subdivision as follows:

Lot B-1 – 2.21 acres, of which .855 acres is proposed open space. Contains, wetlands, steep slopes and a portion of the pond.

Lot B-2 – Accessway lot, 2.008 acres, 2.088 acres included the accessway, of which .867 acres is proposed open space. Contains, wetlands, steep slopes and a portion of the pond.

Lot B-3 – 2.09 acres of which .67 acres is proposed open space. Contains the existing home, wetlands, steep slopes and a portion of the pond.

And that the applicant is providing for a total of 43% open space between the three lots. He highlighted the reports from:

EPB, no objections to subdivision application recommended several conditions for approval.

Health Department, no objections offered 6 conditions of any approval.

Engineering, originally offered no objections to the Subdivision continuing by way of 5/20/11, however, subsequently issued two additional memos asking for clarifications to the revised drainage reports.

Mr. Dumais then described the Public Hearings, May 24th, Applicant presented, neighbors spoke both in favor of and in opposition to (2- Neighbors who spoke in favor of the application and 7 – Neighbors who spoke in opposition to the application, issues raised by the opposition summarized as; need to preserve the land, drainage impacts to adjoining properties – listed as a concern by several people, impacts to the wetlands, it's a historic area and this would negatively impact the neighborhood, loss of trees.

John Harness, attorneys for several neighbors also spoke in opposition to the application and provided three general areas for the basis of his clients opposition.

1. Due Process – His clients deprived of this by the Board changing the Zoning regulations to get around a judges ruling of the previous PB approval of a subdivision on this property
2. Does Not Comply to the Zoning Regulations – Lot B-1 still does not meet the requirement for lot frontage under the new definition of frontage (points to third sentence in the definition of frontage) and Spring Hill Lane East as not being a street under the definition of street.
3. Does Not Comply w/ Subdivision Regulations – Drainage impacts to adjoining properties.

Mr. Dumais noted the meeting was continued to June 14th in which Mr. Gold rebutted comments raised by the opposition and then Mr. Harness raising additional comments. The hearing was continued to the 21st to discuss the Engineering / drainage aspects of the subdivision which was continued to the 28th. Mr. Dumais then stated that brings us to tonight's meeting.

He explained that the Board now has several options, Disapprove (without prejudice), Disapprove (citing specific reasons); Approve (subject to conditions) or Take No Action. This in would affectively an approval by the Planning Board by way of the C.G.S. Sec. 8-26(d), Failure to act in the permitted period of time. He noted that e had prepared both draft actions

for a disapproval and for an approval and after the Board discusses he will provide the appropriate set.

Each member of the Board, then discussed their feeling on the application. Each member indicated that they believed the subdivision meet all zoning and subdivision requirements.

Mr. Dumais then distributed and the Board discussed the following Draft Conditions for approval:

1. A combination of the proposed weir structure and an onsite drainage detention system resulting in zero increase in the surface water level of the pond and a zero increase in peak rate of offsite storm water runoff is approved in concept, subject to final review and approval by the City Engineer prior to the issuance of any building permit for Parcels B-1 or B-2.
2. Delineation of "Open Space Preserve/Conservation Area" – shall be field staked with permanent markers prior to the filing of the final subdivision map. The delineation of said space shall be iron pipes and Environmental Protection Board (EPB) approved conservation signage installed along all property boundaries, turning points and at intervals of no less than 100 feet along continuous stretched of the conservation boundary. The areas so designated are 119,802 square feet and are shown on a map dated revised April 12, 2011, entitled "Map Depicting Preliminary Subdivision of Property of Michael A. Innaurato Stamford, Connecticut" on file in the Planning Board office.
3. Filing of a new "Conservation Easement Agreement" or an amendment to the existing "Conservation Easement Agreement" to include the area designated as "Open Space Preserve/Conservation Area" prior to the filing of the final subdivision map.
4. Driveway easement serving Parcels B-1 and B-2 shall be delineated on the final map and vehicular ingress and egress for said parcels shall be restricted to said easement.
5. An Inland Wetland and Watercourses Permit from the EPB is required for the development of Parcel B-1 and B-2 (note to appear on final map).
6. Significantly sized trees shall be preserved to the greatest extent feasible with specific measures to ensure their protection outlined on a plan subject to the review and approval of the EPB staff (note to appear on final map).
7. Submission of a standard "Landscape Maintenance Agreement" to ensure the success of plantings in Open Space Areas prior to the issuance of any building permits, zoning permits or before any transfer of property (note to appear on final map).
8. Submission of a standard "Drainage Facilities Maintenance Agreement" to ensure the function and maintenance of drainage structures prior to the issuance of any Building Permits, Zoning permits or before any transfer of property (note to appear on final map).
9. In-ground fuel tanks shall be prohibited (note to appear on final map).
10. Site development shall not begin until a final soil erosion and sedimentation control plan is approved by the EPB and those control elements are properly installed and functional (note to appear on final map).

11. Filing of a performance bond or other form of surety acceptable to Corporation Counsel for instillation of erosion controls, drainage improvements, construction of the common driveway, and landscaping, prior to the start of any work on the site.
12. Conditions (1-6), as described in the letter from Anne Fountain, Director of Health and Social Services to the Norman Cole, Land Use Bureau Chief dated May 7, 2011 (note to appear on final map).
13. In accordance with CGS 8-26c, approval shall expire on June 28, 2016 unless all "work" as said term is defined in CGS 8-26c(b), has been completed by said date (note to appear on final map).
14. Subdivision reference number to be placed on final map.

After a brief discussion, Mr. Tepper moved to recommend approval of the Innaurato Subdivision #3994 with 14 conditions. Mr. Williams seconded the motion and it passed unanimously with the eligible members present voting, 4-0 (Dell, Fishman, Tepper and Williams).

There being no further business to discuss, Mrs. Dell adjourned the meeting at 10:55 pm.

Respectfully Submitted,

Claire Fishman, Secretary
Stamford Planning Board