

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE MARCH 18, 2021
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Laura Tessier, Member
Joseph Todd Gambino, Member (Arrived at the Meeting at 7:34PM)
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member
Stephen J. Schneider, Alternate Member

MEMBERS NOT PRESENT:

Dr. Leigh Shemitz, Member
Ashley A. Ley, Member

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Lindsay Tomaszewski, Environmental Analyst
Leslie Capp, Office Support Specialist

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

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Minutes of the Regular Meeting of February 18, 2021

The Board considered the minutes of the February 18, 2021 Regular Meeting. Members present and eligible to vote were Mr. Stone, Ms. Tessier, Mr. Kozlowski, and Mr. Romas. There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Mr. Romas, the Board voted to **APPROVE** the Minutes of the February 18, 2021 Regular Meeting as presented.

In Favor: Stone, Tessier, Kozlowski, and Romas
Opposed: None
Abstaining: None
Not Voting: Schneider

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

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#2021-03 – 30 Crofts Lane – Lot 1 – A. Bernstein and M. Bernstein: To maintain a raised terrace constructed partially within Conservation Easement Area situated in the non-drinking water supply watershed of the Haviland Brook. The property is situated to the southeast of the intersection with Haviland Road and Crofts Lane, and is identified as Lot 1, Account 004-0786, Card E-001, Map 34, Block 392, Zone RA-1, and ± 1.43 Acres.

#2021-04 – 130 Shelter Rock Road – Lot N27 – F. LaFauci and J. LaFauci: To install four (4) above ground propane tanks and maintain a terrace proximate to wetlands and a watercourse on property situated within the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the south side of Shelter Rock Road, approximately 430 feet north of the intersection of Shelter Rock and Rising Rock Roads, and is identified as Lot N27, Account 001-2563, Card E-014, Map 48, Block 394, Zone RA-1, and ± 1.14 Acres.

#2021-05 – 63/69 Oaklawn Avenue – Lots 13/14 – G. Teitel for Young Israel of Stamford, Inc.: To expand and redevelop an existing synagogue building, parking and other related features in and/or proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The properties lie along the north side of Oaklawn Avenue, and are identified as Lots 13 and 14, Accounts 004-4617 and 000-7665, Cards N-010 and N-009, Map 104, Block 352, Zone R-75, and ± 1.555 Acres (combined).

Reference is made to EPB Staff Memos dated March 12, 2021 (Crofts Lane) and March 16, 2021 (Shelter Rock Road and Oaklawn Avenue).

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 2021-03, 2021-04, and 2021-05.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Application Nos. 2021-03, 2021-04, and 2021-05.

In Favor: Stone, Tessier, Kozlowski, Romas and Schneider
Opposed: None
Abstaining: None
Not Voting: None

Mr. Gambino joined the meeting following the Board's vote on "Permit Acceptances" at approximately 7:34PM.

Action Items:

#2020-21- Riverbank Road - NA – City of Stamford – Replacement of Bridge 04071 Riverbank Road Over the East Branch of the Mianus River: Construction of a replacement bridge, grading, wetland creation, and other related activities within the base floodplain and both in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The project area lies along a reach of Riverbank Road, approximately 2,400 feet north of

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June Road, and is located in the general vicinity of property having addresses of 356 and 373 Riverbank Road.

Reference is made to an EPB Agenda Summary Report, dated March 12, 2021.

In Attendance: Charles Scarborough
Harry Day, President, Stamford Land Trust
Louis Casolo, P.E., City Engineer, Stamford
Andre St. Germain, P.E., AECOM
Ryan Apanovitch, AECOM
Thomas E. Weldon, Jr., P.E.

Discussion: Ms. Tomaszewski summarized the application for the Board. She reported that the City of Stamford proposes to demolish/reconstruct a vehicular bridge, implement certain roadway and sightline improvements, grade, landscape and conduct other related activities within the base floodplain and both in and proximate to wetlands/watercourses.

Regulated areas in the vicinity of the project include a reach of the Mianus River (East Branch), designated wetlands/floodplain soils, special flood hazard areas and local regulatory setbacks of 50 feet to wetlands and 100 feet to open water given the project's location within the drinking water supply watershed of the Mianus River. Areas to the north and east of the bridge exhibit moderate to steep slopes, areas of exposed ledge, a low profile dam (and monitoring station) and wetlands consisting of a fairly dense collection of trees, shrubs and groundcovers. Areas to the south and west of the bridge support a more moderate range of slopes and wetlands consisting of an occasional tree, a few shrubs, banks of herbaceous growth, and managed groundcovers.

The project provides for the replacement of the existing bridge with a new, longer, and slightly elevated structure, portions of which will be shifted downstream (south), to improve the roadway alignment and increase the hydraulic opening as the means to improve roadway safety, mitigate historic flooding/overtopping, allow for more efficiently staged construction and minimize the need for extensive rerouting of traffic during the construction phase. An essential component of the application is the applicant's commitment to mitigate project impacts with a wetland creation along the northern/eastern limits of the bridge.

Ms. Tomaszewski reported that the project, as proposed, is expected to temporarily/permanently affect 3,230 square feet of wetlands, 80 linear feet of watercourse, 15,320 square feet of floodplain, and 28,950 square feet of watershed based setback area. Approximately 2,340 square feet of wetlands shall be created. Site plans submitted in support of the application provide for grade change in the low to moderate range and the loss of approximately 49 trees situated on both public and private properties. The project engineers have certified that the construction complies with the applicable elements of both the City Drainage Manual and Flood Prone Area Regulations by not raising flood heights in excess of the City's 0.0 foot standard, increasing damaging velocities, reducing flood storage, or adversely impacting drainage, soils, infrastructure or adjoining properties. All structures have been certified as capable of withstanding the flood, depths, pressures, velocities, impact and uplift forces associated with the base flood. The Stamford Engineering Bureau Staff has confirmed the applicant's various impact analysis. Sediment and erosion controls and water

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management plans have been submitted to protect and preserve water quality during the construction. To mitigate for the loss of wetland and further enhance the conservation values of the area, the applicant has committed to a "wetland creation" north and east of the bridge providing for the excavation of the soil to a depth suitable to create the proper hydrology introduction/reintroduction of suitable soils to sustain the wetland, the installation of wetland/conservation seed mixes/shrub planting, implementation of an invasive plant management plan, and supervised implementation, project certification, and post construction monitoring by qualified environmental professionals.

Ms. Tessier stated that should the Board determine to approve the application, that the conditions should be recrafted to confirm the necessity of having a qualified environmental scientist and soil scientist supervise and then certify the wetland creation activities, re-use of native soils from the site to the extent possible, environmental scientist's approval of the wetland seed mix prior to application, a prohibition on the use of herbicides for the management of invasive plant species unless otherwise approved by the Environmental Protection Board or its Staff, and revision of the planting plan to provide for the installation of a greater number of sizable native trees in lieu of the uniform shrub planting currently proposed.

In response to a question by Mr. Schneider, Mr. St. Germain, P.E., AECOM, stated that the bridge plan currently before the Board was the result of considerable study that balanced the potential resource loss with the need to remedy the structural deficiencies of the bridge, improve river hydraulics, correct a substandard roadway alignment, efficiently stage the construction, and lessen the impact on traffic/emergency response during the construction phase. Mr. Schneider asserted that the Board should be looking to minimize long term environmental impacts rather than the short term inconveniences of the bridge project, He sought further clarification of the alternatives considered by the applicant to reduce wetland and other resource impacts.

Mr. Casolo provided a brief summary of the project history along with an outline of the funding and administrative requirements that have been applied to this project.

Mr. Weldon noted that several alternatives were studied during the planning process, and that the designers sought to minimize impacts to the Scarborough property and yet, improve site lines. He noted that the project is not just a bridge reconstruction exercise, but a site line and safety improvement project as well.

Mr. Casolo stated that the City/State engaged the major stakeholders in the project and negotiated several aesthetic upgrades for the bridge including real stone surfaces, timber rails, vehicle pickets/railings, all elements above those usually offered by CONNDOT on municipal bridge projects. Mr. Casolo noted that he understands the significance of considering impacts upon both the environment and the character of the neighborhood when designing projects of this sort.

Mr. Gambino recognized the importance of enhancing the lines of site and improving safety by his own experiences. However, he suggested that the planting plan be revised to reduce the shrub planting and increase the number of newly planted trees to lessen the overall impact of the project. On both the environment and neighborhood. Ms. Tessier suggested a 1:1 replacement for the trees lost and further noted that it would have been more productive to participate in the discussion of alternatives earlier in the planning phase as the means to minimize impacts and not at the final

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permit review stage.

Mr. Casolo reminded the members that the structure has been deemed “obsolete” and “structurally deficient,” earning a condition of “serious” by the CONNDOT with traffic already being diverted off select girders, and special signalization, barriers, inspections, and weight limitations employed.

Mr. Scarborough confirmed his appreciation of the applicant’s efforts to improve the aesthetics of the bridge, but noted that those conversations had been a “fall-back” position. He reported that he attempted to solicit a bridge/roadway design change to reduce the impacts, but the engineers did not want to consider modifications, such as removing the “kink” in the road in the other direction, and start the process over. Mr. Scarborough stated that he was surprised by the numbers of trees lost, but was gratified by the 1:1 replacement suggested by the Board. He further stated that the notion that the bridge is hydraulically “insufficient” is not correct, and that in his experience, the roadway has never overtopped.

Mr. Day testified that he had not favored plan from the beginning, and still does not favor it as it impacts a historic area and a historic home. Mr. Day went on to note that the environment in this area is unique, and that the project adversely and unnecessarily impacts the river and designated wetlands, primarily to improve site lines. A substantial number of large trees shall be lost, and generally, trees in excess of 30” are not truly replaceable in most of our lifetimes. The visual and environmental impacts of this project could be reduced if the project is accomplished in other ways such as a realignment to the north towards the Land Trust property. Mr. Day went on to note that although there is no real pattern of accidents in this area, and the movement to improve site lines, as proposed, will only enable drivers to drive faster and more recklessly.

In response to a question by Ms. Tessier concerning the status of the project and the opportunity to reevaluate site conditions, Mr. Casolo indicated that the consequences of further design changes or delays were “severe,” and may result in the loss of federal funding and a reevaluation process that could take years to complete – a consequence that is particularly troublesome given the overall condition of the bridge. Mr. Casolo stated that many of the basic planning decisions were made many years ago, believes that alternatives were considered, and that the project, balanced the needs of the environment, neighborhood, traffic, safety and the applicable engineering standards outlined by the State and Federal governments. He noted that the applicant understands and respects the concerns of both the Board and interested parties, demonstrating its resolve with its acceptance of the aesthetic improvements that will be applied to the bridge and the multi-seasonal inspection/certification requirements associated with the wetland creation. Both requirements were not typical for a municipal bridge project of this nature.

Ms. Tessier restated her position that given these reported circumstances and constraints, it is difficult to firmly establish what the consequences of the alternative designs would be.

Mr. Weldon asserted that alternatives were examined several years ago and were presented at a public information meeting. He noted that a proposed bridge/roadway realignment to the other side of the road had been critically reviewed based on several factors such as tree loss, the necessity of substantial rock removal, and impacts upon the existing dam/monitoring station. With rock removal comes many additional issues including the necessity of blasting, property damage, materials disposal, etc. He noted that the applicant did not turn a “blind eye” to these concerns, but attempted

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to best serve the neighborhood, environment and the design guidelines outlined by the State and Federal government. Mr. Day responded that in his view, the potential rock loss would be less problematic to the area than the anticipated tree and wetland loss.

In response to a question by Mr. Kozlowski concerning the alternative of an in-place remedy for the deficient bridge, Mr. Weldon stated that an in-place reconstruction was, in part, dismissed because of site logistics, project constructability, traffic impact and emergency response concerns if this fairly remote crossing was completely shut down for the 8-10 months necessary to complete the project.

In response to a question by Mr. Gambino concerning jurisdiction and timely permitting, Mr. Apanovitch noted that the initial project designer had been responsible for the outreach and assessment of local permitting requirements. That initial designer had withdrawn from the team early in the process. Discussion ensued on the design process and timely coordination with the permitting agencies. Mr. Gambino noted that ideally, it would have been better to be involved in the process earlier.

Mr. Schneider stated that if the bridge were to be replaced in kind, wetland damage and tree loss could be significantly reduced. Mr. Casolo responded that although he could not provide an exact count, even an in-kind replacement would result in tree loss given the need to comply with federal standards for design width.

Mr. Schneider stated that by bundling the application review with the funding issue, the applicant has tied the Board's hands.

Debate ensued between parties on the width of the existing bridge and the applicant's ability to stage, construct and maintain the flow of traffic. Mr. St. Germain responded that the existing bridge, given the need to maintain minimum work space, stage, and provide protective barriers, does not have enough room to conduct the replacement and maintain the flow of traffic, even if temporary reinforcing were applied.

Mr. Casolo noted that it does make sense to engage EPB Staff and/or the Members of the Board earlier in the process. He reiterated his commitment to working with the EPB and its Staff to adopt the recommendations outlined in the agenda summary report and raised by the Board at this evening's meeting. Mr. Casolo stated that given competing priorities associated with the project, the process has been challenging. But the City has been presented with a serious safety issue that must be remedied, and the thought of losing the funding and rescoping the project over some number of years seems unacceptable. Mr. Day expressed his opinion that he would be happy if the bridge were replaced right where it is, and although it is not a perfect solution, does not think that many would be upset by the outcome.

Ms. Tessier reconfirmed her position that the project had advanced to the point where the Board is merely "tinkering around the edges." It would have been best if a full alternative examination had been presented along with a detailed accounting of impacts for each alternative design considered. Mr. Schneider raised the matter of setting precedent and suggested that the applicant not assume projects that have advanced to this stage are complete and acceptable until the Board reviews and approves a permit.

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Further discussion ensued between members of the design team and members on matters that included the relocation of utilities, methods to account for the anticipated loss of trees, the value of trees of varying size and condition in the overall environment, the use of existing soils to create the wetlands, and other related matters.

Mr. Stone stated that he is not inclined to reject this application given the condition of the bridge and the safety and response considerations described by the applicant, but the applicant needs to take note that the Board takes sensitive projects like this very seriously, and moving forward, there needs to be better communication and engagement earlier in the process to identify and address the concerns relevant to the agency.

Motion/Vote: Upon a motion by Ms. Tessier and seconded by Mr. Romas, the Board voted to **APPROVE** EPB Permit Application No. 2020-21 with the conditions outlined in the EPB Staff Agenda Summary Report, dated March 12, 2021, modified to include an additional condition requiring a detailed accounting of the trees, no less than 6-8 inches in diameter, in the project area, and the development of an alternative planting plan to restore the affected space with native tree plantings at a minimum 1:1 ratio regardless of condition.

In Favor: Stone, Tessier, Gambino, and Romas

Opposed: Schneider

Abstaining: None

Not Voting: Kozlowski

#2021-01 – 264 Cedar Heights Road – Plot A – Redniss and Mead, Inc. for D. Russell: To construct a residential addition, attached garage, drainage and other related features within close proximity to wetlands and watercourses and within the base floodplain of the Rippowam River. The property lies along the south side of Cedar Heights Road, approximately 475 feet east of Wire Mill Road, and is identified as Plot A, Card S-043, Account 000-9961, Map 76, Block 359, Zone R-20, and +0.522 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated March 12, 2021.

In Attendance: Brian McMahon, P.E., Redniss and Mead.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the applicant proposes to construct a garage addition and other related features within close proximity to wetlands and watercourses and within the base floodplain of the Rippowam River.

The property, which lies along the south side of Cedar Heights Road, currently supports a single family dwelling, attached garage, drive, parking, patios, walkways, walls, and other related features. The dwelling is served by sanitary sewers and public water. The site is characterized by gently to severely sloping developed lands, a ±185 foot long reach of the Rippowam River, a narrow wetland fringe, expansive floodplain areas, and a few large trees. Mr. Talamelli noted that the river banks along most of this reach are steeply sloped or have been historically modified with the placement of walls. Lawn or mulched space generally encroaches up to the “top of bank.” Drains have been extended through the bank and to the river in several areas to accommodate existing roof drainage.

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Mr. Talamelli reminded the Members that the applicant had previously submitted an EPB Permit Application to allow construction of a proposed garage expansion along the eastern plane the existing dwelling in January 2020. The plan of development called for the removal of several large trees, a hefty increase in impervious surface, substantial drainage improvements, river bank modifications, wall construction, and encroachments into both the wetland/watercourse setback and the deeper, more vigorously flowing floodwaters adjoining the river. Additional information was requested by Staff, including a verification of flood impacts and discussion of possible alternative designs to reduce the encroachment and flood exposure. Unable to provide the necessary information in a timely manner resulted in the application being withdrawn in July 2020.

Mr. Talamelli noted that this application had been shaped by the Board's request for alternatives and to address the pertinent hydraulic impact standards outlined in the regulations. The addition had been relocated to the southern and eastern planes of the dwelling. As a result, several large trees have been preserved, only minor increases in impervious surface were realized, structural drainage and grading requirements were limited, and the overall encroachments into the regulated areas and some of the most dynamic floodwaters along the river were reduced. The applicant reported that approximately 5,009 square feet of the floodplain and 1,577 square feet of the regulatory setback for non-watershed areas shall temporarily/permanently affected by the development.

Mr. Talamelli went on to detail the project and its potential impacts. In regards to drainage, the project engineer has stated that drainage patterns shall remain essentially unchanged, and that the increase in total site imperviousness, if you include a historic patio expansion, is limited to approximately 49 square feet. Roof drains shall be discharged to grade or tied to an existing piped system that discharges to the river. Accordingly, the engineer has concluded that the proposed construction will not cause adverse drainage impacts on neighboring or downstream properties. Engineering Bureau Staff has endorsed the findings relative to drainage impact. The project engineer further noted that the addition lies in an "ineffective flow area," static, non-moving portions of the floodplain which are not contributing to the conveyance of flow within the river. Improvements within the "ineffective flow area" do not impact water surface elevations. The project engineer has plotted the ineffective flow areas under two (2) scenarios considering both the existing bridge as well as the pending, bridge enhancements proposed for Cedar Heights Road. Under both scenarios, the improvements lie outside of the "ineffective flow area," therefore enabling the engineer to conclude that the project will not cause any rise to the water surface elevation within the river during a 100-year event. Furthermore, the project engineer noted that the project is expected to occupy approximately 13.6 cubic yard of flood storage on the property. A minor excavation and regrading of soils has been proposed for rear yard areas to provide approximately 14.5 cubic yards of additional storage. The Stamford Engineering Bureau Staff has similarly endorsed the findings relative to hydraulic impact and storage. To preserve water quality, a detailed sediment and erosion control plan has been provided by the applicant. Mr. Talamelli reported that the plan provides for the installation of perimeter silt fencing, material stockpile areas in spaces subject to less intense flooding, pavement sweeping, basin protection and final stabilization measures applied to all disturbed earth surfaces. Compliance issues relative to structural floodproofing and flood preparedness were also addressed by the applicant. The applicant supplied data to show that costs associated with the proposed addition are not "Substantial" under the flood regulations. Accordingly, structural floodproofing of the entire dwelling is not required at this time. A "Draft" Flood Preparedness Plan had been prepared to establish the scope of flooding on the site, provide recommended measures to limit hazards to

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persons and private property and depict a probable evacuation route. Finally to mitigate potential impact, filter runoff and enhance the overall conservation values of the site, the applicant has determined to remove/relocate fire wood and other related storage from some most of the intensely flooded space along the river, provide fenced tree protection for larger trees proximate to the development envelope and install native planting along the top of the riverbank bank in select areas. Mr. Talamelli noted that the proposed intensity of the planting was appropriate given the scale of the project and the likelihood that the proposed bridge replacement may affect plantings extended along the riverbank in a northerly direction. Finally, Mr. Talamelli stated that the recommended conditions of approval include a request for plan revisions to discontinue the use of existing roof drain systems that convey roof waters directly to the river. Roof drain discharges shall be reconfigured to discharge the storm water to the ground, over splash pads and through the enhanced planted edge.

Mr. McMahon acknowledged the receipt of the agenda and report, and offered no objection to its findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Tessier and seconded by Mr. Romas, the Board voted to **APPROVE** EPB Permit Application No. 2021-01 with the conditions outlined in the agenda summary report of March 12, 2021.

In Favor: Stone, Tessier, Gambino, Schneider, and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

Site Plan Review:

None

Other Business:

None

ADJOURN:

Adjourn the Regular Meeting of March 18, 2021:

Motion/Vote: There being no further business, and upon a motion by Mr. Romas and seconded by Ms. Tessier, the Board voted to **ADJOURN** the Regular Meeting of March 18, 2021.

In Favor: Stone, Tessier, Gambino, Schneider and Romas
Opposed: None
Abstaining: None
Not Voting: Kozlowski

Meeting adjourned at 9:42PM.

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Gary H. Stone, Chairman
Environmental Protection Board

Versions 1-3: April 5, 2021, April 7, 2021, April 8, 2021 (Drafts)
Version 4: April 9, 2021 as to Board