

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE APRIL 18, 2013  
REGULAR MEETING**

**Members Present:**

Gary Stone, Chairman  
Louis Levine, Member  
Leigh Shemitz, Member  
Stephen Wayne, Alternate Member

**Members Not Present:**

Peter Conetta, Member

**Staff Present:**

Richard H. Talamelli, Environmental Planner  
Pam Fausty, Environmental Analyst

The Regular Meeting, which was called to order by Chairman Stone at 7:30 PM, was held in the Planning Board Conference Area, 7<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was tape recorded.

**MINUTES**

**Minutes of the March 21, 2012 Special Meeting of the Environmental Protection Board:** The Board considered the minutes of the EPB's March 21, 2013 Special Meeting.

Upon a motion by Board Member Levine, the Board voted to **Approve** the Minutes of the March 21, 2013 Special Meeting as presented.

In Favor: Stone, Levine, and Shemitz  
Opposed: None  
Abstaining: Wayne  
Not Voting: None

**APPLICATIONS AND PERMITS**

**#1232 and Jurisdictional Ruling – 104 Westover Avenue – Lot 3 – M. and A Tutak:** To maintain a fence, fill and other related facilities, and implement certain restoration activities in and/or proximate to wetlands/watercourses situated in the drinking water supply watershed of the Mianus River. This item includes discussion of certain activities subject to a jurisdictional ruling pursuant to Section III of the "Inland Wetland and Watercourse Regulations of the City of Stamford" as they relate to "farming" or "agriculture." The property is located along the south side of Westover Avenue, approximately

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1350 feet west of Westover Road, and is identified as Lot 3, List 002-4860, Card S-009z, Zone RA-1, Block 366 and 4.07 Acres. Reference is made to an EPB Agenda Summary Report dated April 13, 2013.

**In Attendance:** William Kenny, William Kenny Associates  
Samuel S. Northrup, Inspector II, Stamford Health Department  
Agata Tutak  
Peter Moss  
Zakhar Maymin  
Zina Maymin

Note that during the discussion of this matter, the Board determined to suspend the rules and consider EPB Permit Application No. 1232 concurrently with the applicant's request for a jurisdictional ruling. The motion, made by Board Member Levine, was unanimously endorsed by the membership.

**Discussion:** Staff Member Fausty offered a brief summary of the project. She noted that the applicant seeks a "jurisdictional ruling" for certain existing operations and uses that the applicant claims are "agricultural" or "farming", and are therefore exempt from regulation under the provisions of the "Inland Wetland and Watercourse Regulation of the City of Stamford." The applicant further requests approval of an inland wetlands permit for other operations/uses that do not qualify for the exemption. Activities subject to the request for a "jurisdictional ruling" include, but are not limited to a duck house, portions of an excavated duck pond, fenced enclosures, chicken coop, vegetable garden, a future goat shed, and certain lands in which the native vegetation had been modified to support pasture. Activities subject to the permit include a perimeter stockade fence not linked to the agricultural uses, filled wetlands altered to provide a pasture/turnout, the creation of a bio-retention and filtration feature, manage invasive vegetation, and the application of mitigation landscaping.

William Kenny detailed many of the elements of his plan for the Board. He noted that portions of the pond shall be modified with the placement of coir logs to create "plantable" cells to slow and treat runoff. In a portion of the filled wetlands held as pasture, a shallow layer of fill material shall be removed to reasonable restore wetland hydrology to the area. Invasive vegetation shall be removed/managed and extensive plantings have been proposed to either offset the impacts of prior clearing violations or to further the conservation values of the property. Mr. Kenny acknowledged that certain adjustments to the plan remain to ensure consistency with the requirements to the Health Department. These adjustments affect separating distances of "barn" structures to wetlands/watercourses. Note that a new plan was offered to address other identified issues.

Samuel Northrup, Inspector II, Stamford Health Department confirmed that although progress had been made to remedy prior code infractions on the parcel and plans had been submitted to address certain water quality and general health concerns, issues relating to one or more animal shelters remain. Specifically, the structures, must be removed or relocated to space situated more than fifty (50) feet to the pond to bring the project in compliance.

Peter Moss, a neighbor residing at 690 River Road, stated that the proposal, including the construction of facilities necessary to raise ducks, chickens, quail, goats and other domesticated

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animals, may not be reasonable given the relatively small size of the parcel, the proximity of the site to adjoining residences, and the extensiveness of the regulated areas. Mr. Moss expressed his concern about the potential impact the project may have on the quality of surface and ground waters in this important drinking water supply watershed. Despite the numerous mitigative measures proposed by the applicant, he remains skeptical that the owners will be able to maintain the conditions necessary to preserve the neighborhood and protect resources.

Zakhar Maymin, a neighbor residing at 681 River Road, noted that the proposed activities are not suitable for this property, and he questioned the Board's efforts to shape the plans and craft conditions to make a marginal project workable and permissible.

Zina Maymin, a neighbor residing at 681 River Road, noted that it is unlikely that the property will be able to support the uses/operations proposed, and questioned the applicant's ability to construct and maintain the enclosures, sheds, and other features necessary to protect surface and groundwater quality. She reminded the Board that most of the surrounding parcels draw their potable water from wells.

**Motion/Vote:** The Board determined to **DEFER** from action on this matter until the next regularly scheduled meeting to allow the applicant to prepare a final, comprehensive plan of development, and to address the pertinent issues/concerns raised during the review process. It was determined that the items of additional information may include a concise depiction of all final shed locations, the details of proposed bank/outlet stabilization measures, a statement from the Stamford Health Department confirming the application of minimum separating distances of animal shelters to wetlands/watercourses, and a statement from the Stamford Engineering Bureau confirming the conclusions of the submitted drainage impact analysis.

**#1238 – Chestnut Hill Road – City of Stamford, Engineering Bureau (Chestnut Hill Road Drainage Improvements):** To install culverts, head walls, end walls, rip rap, drainage, and other related features in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The work area lies in and along a section of Chestnut Hill Road, which is generally bound by West Haviland Lane to the east and Chestnut Hill Lane to the west. Reference is made to an EPB Staff Agenda Summary Report, dated April 11, 2013.

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

**Discussion:** Staff Member Talamelli summarized the application for the Board. He noted that the City of Stamford's Engineering Bureau seeks permission to construct certain storm water drainage and roadway improvements in/proximate to wetlands and watercourses. The improvements are proposed to remedy a partial failure of the existing roadway, piping and other related elements of the road/drainage system in Chestnut Hill Road - conditions that have limited that access over this reach of roadway for a number of years. It is the applicant's intent to restore and enhance drainage and roadway function by implementing a remedial action plan consisting of the replacement of the existing substandard pipes with a 36" x 72" precast concrete box culvert, the construction of new head and end walls, the addition of rip rap, and the installation of certain drainage structures to better collect, treat, and convey storm water in and about the proposed crossing and along select areas in the project area. Approximately 3,510 square feet of wetland, 6,082 square feet of buffer and 60 linear feet of

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watercourse shall be temporarily or permanently affected by the project. Potential development impacts, including those linked to resource loss, drainage impact, sediment and erosion control, dewatering, and water quality were addressed by the applicant during the review process.

Mr. Talamelli noted that the consulting engineer conducted a watershed analysis, finding that the existing pipes under Chestnut Hill Road, if fully functional, could only accommodate storms of a 10-year frequency or less. Storms exceeding a 10-year frequency shall continue to overtop to road, damage the facilities, and diminish the usefulness of the travel way. The new box culvert, installed in accordance with the submitted plans, shall be capable of accommodating storm flows associated with the more intense a 25-year storm event. The project engineer has certified, that the project, if constructed in accordance with the proposed design, will not result in additional flood impact or velocity damages and will not adversely impact, drainage, soil, infrastructure or the adjoining properties either upstream or downstream. A preliminary site dewatering plan was developed in order to allow the contractor to work under "driest" conditions possible. Construction is expected to be conducted during the summer months to the extent feasible. However, provisions have been made for the use of a temporary piped diversion, coffer dams, and stabilized dewatering swales. Construction staging shall be limited to the existing roadway areas. The road shall be closed in both directions, and materials can be stockpiled safely on the existing paved surfaces more than 50 feet to wetlands/watercourses. Limitations on fueling and servicing of equipment have been noted. An erosion control scheme has been developed for the project consisting of haybales or silt fence along the anticipated limits of disturbance, inlet protection for existing/new catch basins, in-water protections, rip rap outfall protection, and final stabilization for disturbed earth surfaces. New drainage structures, particularly in the western reaches of the project area, shall be installed as the means to better collect, treat and discharge drainage, and reduce potential impacts upon the new culvert. New catch basins shall be equipped with deep sumps and outlet controls (bell traps or elbows) to assist in the collection of silt and debris before discharging to the receiving watercourse. To mitigate for the anticipated loss of six (6) of the area's larger trees, further stabilize the roadway embankment, displace lawn, and enhance the conservation values of the regulated areas, the applicant has provided a mitigation plan consisting of a selection of conservation-valued trees, shrubs and groundcovers. Mr. Talamelli further noted that through the review process, alternatives were considered that resulted in fewer wetland impacts, including, but not limited to, reductions in the total area affected by rip rap and other engineered features.

Board Member Levine sought clarification on the role of EPB Staff in the review of the final construction plans and inspections. Mr. Talamelli noted that EPB Staff will be working cooperatively with Engineering Bureau Staff to finalize the details of the project and conduct inspections. There is particular interest in refining the final design of the landscape plan to ensure the plant selection, placement and other elements are appropriate.

In response to a question by Board Member Shemitz, Mr. Talamelli responded that in this instance, a culvert design exceeding the 25-year standard was not pursued given the potential impacts the larger hydraulic structures and elevated road profile would have on drainage, regulated areas and the adjoining properties.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB

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Permit Application No. 1238 with the conditions outlined in the Agenda Summary Report, dated April 11, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1301 – 635 Glenbrook Road – Lot 42 – Redniss and Mead for The Little Workers of Sacred Hearts of Jesus and Mary, Inc.:** Construction of a gymnasium, drainage, and other related facilities within the base floodplain and proximate to wetlands situated in the non-drinking water supply watershed of the Norton River Watershed. The property lies along the south side of Glenbrook Road, approximately 550 feet east of Courtland Avenue, and is designated as Lot 42, List 002-6596, Card E-438, Block 314, Zone R-7.5 and 1.58 Acres. Reference is made to an EPB Staff Memo, dated April 12, 2013.

**In Attendance:** Richard Redniss, Redniss and Mead.

**Discussion:** Chairman Stone acknowledged the receipt of correspondence from Brian McMahon, P.E., Redniss and Mead, dated April 12, 2013 granting the Board an extension of the decision deadline for this application for a period of sixty-five (65) days.

**Motion/Vote:** None

**#1302 – 20 Wyndover Lane – Lot 10 – S. Silijovic:** To remediate disturbance of wetlands and buffer areas and install a wall proximate to wetlands situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the north side of Wyndover Lane, just west of Wyndover Lane North and is identified as Lot 10, List 000-5007, Card N-005, Zone R-20, Block 360, 1.091 Acres. Reference is made to an EPB Staff Agenda Summary Report, dated April 14, 2013.

**In Attendance:** Kenneth Frattaroli, E.J. Frattaroli, Inc.  
Saban Silijovic

**Discussion:** Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the applicant proposes to construct a stone wall along the eastern and southern perimeters of the property, and to implement certain measures to mitigate the effects of certain unauthorized tree removal and filling activities that have impacted a pocket wetland and associated buffer areas on the parcel. The proposed activities affect approximately 1,300 square feet of wetland and 3,876 square feet of the non-watershed buffer. Development issues associated with the potential resource loss/impact and erosion control have been addressed with the submission of a sediment and erosion control plan and a detailed, professional developed mitigation proposal that provides for the removal of all fills, the addition of demarcation features and the application of extensive native planting.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1302 with the conditions outlined in the Agenda Summary Report, dated April

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14, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1303 – 54 Oakdale Road – Lot 5 – R. Hennemuth:** Construction of a residential addition within a designated flood hazard area situated within the non-drinking water supply watershed of the Noroton River. The property lies along the west side of Oakdale Road, approximately 120 feet north of Glen Terrace and is identified as Lot 5, List 001-1910, Zone R-7.5, Block 314, 0.5820 Acres. Reference is made to an EPB Staff Memo, dated April 11, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of correspondence from Robert Hennemuth, dated April 11, 2013, requesting that EPB Permit Application No. 1303 be withdrawn from further consideration.

**Motion/Vote:** None

**#1306 - Long Ridge Road -- Parcel 1-R - GR Capital, LLC:** To construct parking areas, retaining walls and other related facilities proximate to wetlands, watercourses and conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the west side of Long Ridge Road, approximately 550 feet south of Northwood Lane, and is identified as Parcel 1-R, Block 375, Zone C-N, and ±0.1152 Acres.

**#1307 - Long Ridge Road - Parcel 2-R - GR Capital, LLC:** To construct a commercial building, parking, retaining walls, drainage, a septic system and other related facilities proximate to wetlands, watercourses and conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the west side of Long Ridge Road, approximately 600 feet south of Northwood Lane, and is identified as Parcel 2-R, Block 375, Zone C-N, and ±0.6925 Acres.

Note that given the proximity of the parcels and the common ownership and development objectives, EPB Applications No. 1306 and 1307 were considered concurrently. Reference is made to an EPB Agenda Summary Report, dated April 11, 2013.

**In Attendance:** Leonard C. D'Andrea, P.E., Rocco V. D'Andrea, Inc.

**Discussion:** Staff Member Talamelli summarized the applications for the Board. Mr. Talamelli noted that the applicant proposes to construct a commercial building, parking areas, retaining walls, drains, a septic system and other related facilities on the properties. The properties, which lies along the west side of Long Ridge Road, some 800 feet north of the Merritt Parkway, support ,moderately sloping uplands, an intermittent watercourse, and designated wetlands. The parcels abut portions of an open water pond known as Hoth's Ice Pond or Hoth's Pond. The Board was reminded that in January 2013, it had endorsed a proposed two (2) lot subdivision of property that led to the current lot

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designations/configurations. The subdivision had been approved with several conditions including provisions for the dedication of an open space/conservation areas for wetlands, watercourses and non-watershed buffers, field delineation of the open space/conservation easement, prior EPB permitting for the development of Parcels 1R and 2R, a requirement for a final sediment and erosion controls plan, a prohibition on in-ground fuel storage, and other conditions relating to general subdivision administration.

Potential development effects pertinent to these applications include those directly impacting resources, water quality and drainage. Mr. Talamelli noted that the project, although not directly impacting wetlands, affects approximately 1,500 square feet of both the buffer and 1,500 square feet of the designated opens space/conservation easement. No significant individual trees or groups of trees will be impacted. A detailed drainage assessment prepared by the project engineer resulted in a determination that minor increases in flow are directed to the nearby pond, and that the development will not cause any adverse impact to the site or surrounding areas. The Stamford Engineering Bureau has confirmed the conclusions of the drainage report, and offers no objection to moving forward with the application provided that certain technical details are addressed prior to building permit. A septic system design has been endorsed by the Stamford Health Department. Substantial water quality measures have been incorporated into the design and include the use of natural gas to heat the structure, a prohibition on in-ground fuel storage, preparation of a detailed sediment and erosion control plan, use of catch basins with deep sumps and outlet controls, the addition of an oil/grit separation in the paved parking areas, and the construction of a "Rain Garden" in the western reaches of the site to further detain, filter, treat and cool runoff prior to discharge. Mr. Talamelli went on to note that substantial mitigation has been provided to enhance the conservation values of the site or offset potential impacts. Proposed activities include provisions for the removal of accumulated brush and debris from regulated areas, the removal of invasive plant growth, the installation of function plantings within the "Rain Garden," provisions for the installation of valued and aesthetically pleasing landscape features throughout the site, the application of pins and posts along the limits of the conservation easement, and the description of the maintenance measures that will be applied to both the "Rain Garden" and naturalizing space situated between the outward limits of development and the regulated areas.

In response to a question posed by Board Member Shemitz, Mr. Talamelli stated the maintenance provisions for both the "Rain Garden" and important space between the walls and pond have been outlined by the landscape/environmental professional on the submitted plans, and as typical, Staff is recommending that the Board include provisions for standard landscape and drainage maintenance agreements to ensure that the recommended procedures are followed.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1306 with the conditions outlined in the Agenda Summary Report, dated April 11, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1307 with the conditions outlined in the Agenda Summary Report, dated April 11, 2013.

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In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1308 - 777 Long Ridge Road - Lot 13 - GE Global Operations for Tishman Speyer:** To install an emergency generator proximate to wetlands and watercourses and within the base floodplain of the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Long Ridge Road, approximately 875 feet south of Loughran Avenue, and is identified as Lot 13, List 003-2661, 003-2660 and 001-5008, Card E-061, E-062 and E-063, Block 359, Zone C-D, and ±16.987 Acres. Reference is made to an EPB Agenda Summary Report, dated April 12, 2013.

**In Attendance:** Joseph Lenahan, P.E., Fuss and O'Neill  
Bill Berger, General Electric  
Kyungbong Kang, General Electric  
Dan Maloney, General Electric  
Terry Moore, General Electric  
Matthew Cabuccio, General Electric

**Discussion:** Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to construct an emergency generator with a self-contained diesel fuel supply on the subject property. The 16.987 acres property currently supports several commercial buildings, parking structures, paved accessways and other related features. The site is marked by a reach of the Rippowam River, designated wetlands, and extensive special flood hazard areas.

The proposed emergency generator shall be sited in an existing paved parking area proximate to the wetlands and watercourses. Although there are no direct wetland/watercourse/buffer encroachments proposed, approximately 1,705 square feet of the floodplain shall be impacted by the development. The applicant has provided a detailed erosion control plan, and has addressed the important flood hazard requirements by confirming the absence of hydraulic impacts, providing for compensatory flood storage, and elevating the facilities on a steel structure above the 500-year storm. Ms. Fausty reported that the Engineering Bureau has confirmed the conclusions of engineering studies/conclusions.

Noting the use of diesel to support the emergency generator, Chairman Stone and Board Member Shemitz requested testimony concerning the measures incorporated into the design to prevent vandalism, spills and or leakage. Joseph Lenahan, P.E., noted that the accepted design includes use of a double walled steel tank with leak detection, locking caps, and on-site security services. He further noted that the facilities are sited in an existing asphalted and curbed parking lot, the drainage of which does not discharge directly to regulated areas. Drainage flows to an existing sump tank and sediment chamber prior to discharge. The tank/chamber provides detention, and the facilities can be pumped or otherwise maintained in the event of product loss.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB



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Permit Application No. 1308 with the conditions outlined in the Agenda Summary Report, dated April 12, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1309 - 336/338 Courtland Avenue - Lot 1 - City Realty, LLC:** To demolish an existing building, construct new commercial buildings, retaining walls, paved accessways, drainage, and other related facilities proximate to wetlands, watercourses and designated open space areas situated in the non-drinking water supply watershed of the Southwest Shoreline. The property is identified as Lot 1, List 003-6233, 003-6234 and 002-6235, Card W-058, W-059 and W-060, Block 304, Zone M-L, and ±3.806 Acres. Reference is made to an EPB Agenda Summary Report, dated April 11, 2013.

**In Attendance:** John Pugliesi, P.E., E.J. Frattaroli, Inc.  
Kenneth Frattaroli, E.J. Frattaroli, Inc.  
Mickey Ferro  
Phil Decresenzo

**Discussion:** Staff Member Talamelli described the application and the property for the Board. Mr. Talamelli noted that the site is intensely developed, supporting at least two (2) commercial buildings, extensive asphalt parking areas, accessways, drainage structures, sanitary sewers and other related improvements. The site is characterized by the by gently sloping developed space, a watercourse/drainageway, a narrow band of wetland, and a designed open space/conservation easement that was established as art of a prior subdivision approval. Any remaining vegetation is confined, almost exclusively, within the open space areas. Most of that vegetation was planted and/or maintained as part of the prior subdivision approval or subsequent, Staff level enforcement actions.

The applicant proposes to demolish an existing commercial building, construct new commercial buildings, walls, roadways, drainage and other related facilities on the parcel, replacing the existing materials reclamation operation with a state of the art, single stream recycling facility. The focus of the improvements is to provide the space necessary to house the specialized recycling equipment and confine required sorting and loading operations to the interior of buildings. Potential development effects associated with the project may include direct site and resource impacts and post construction, water quality impacts caused by silts sediments, oils and floatables, wind drive debris and other pollutants, and drainage impacts caused by altered flow patterns or substantial increases in imperviousness.

Mr. Talamelli reported that although no wetlands will be altered, approximately 3,195 square feet of the setback and conservation easement area shall be affected by the development. Only minor grade changes and no significant trees are expected to be lost as a result of the development. The project engineer has confirmed that given the absence of grade change and increases in imperviousness, that the project will not cause any adverse impacts to surrounding properties or infrastructure. Extensive improvement to the drainage system is proposed to better collect, convey and treat site

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runoff. Water quality measures incorporated into the design include a detailed erosion control plan, catch basins with deep sumps and outlet controls, oil and grit separator, "Flex Storm" basin filters, and interior drains connected to both an interior separator and the sanitary sewer. To mitigate potential impacts and enhance the overall conservation values of the site, the applicant has made provisions for the removal of accumulated silt and debris from regulated areas, the removal of invasive plant growth, relocation/protection of existing conservation plantings, additions of conservation and screening landscape features and the placement/restoration of required demarcation features.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1309 with the conditions outlined in the Agenda Summary Report, dated April 11, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1311 – 8 Saddle Hill Lane – Lot 1A – A. Rapaport:** To construct a detached garage with covered walkway and relocate a propane tank proximate to wetlands and ponds on property situated within the non-drinking water supply watershed of Haviland Brook. The site lies along the west side of Saddle Hill Lane, just north of Saddle Hill Road, and is identified as Lot 1A, List 000-5140, Zone RA-1, Block 401, 1.290± Acres. Reference is made to an EPB Staff Memo, dated April 12, 2013.

**In Attendance:** None

**Discussion:** Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process.

**Motion/Vote:** Upon a motion by Board Member Wayne, the Board voted to **ACCEPT** EPB Permit Application No. 1311.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1312 – 301 Haviland Road – Parcel 1 – A. Loglisci:** Removal of an existing drive, construct a new drive and parking areas, install drainage and implement certain conservation enhancements in and proximate to wetlands, watercourses and designated conservation easement areas situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the north side of Haviland Road, just east of East Hunting Ridge Road, and is identified as Parcel 1, List 002-2478, Zone RA-1, Block 391, and 1.46± Acres. Reference is made to an EPB Staff Memo, dated April 18, 2013.

**In Attendance:** None

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**Discussion:** Chairman Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process.

**Motion/Vote:** Upon a motion by Board Member Wayne, the Board voted to **ACCEPT** EPB Permit Application No. 1312.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

**ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:**

**OTHER BUSINESS:**

**457 Westover Road – Lot 34 – P. Pirri – Modification of EPB Permit No. 2045:** Modification of an existing EPB Permit to maintain alternative pond bank stabilization measures. The property is located along the east side of Westover Road, approximately 1000 feet north of Bartina Lane, and , and is identified as Lot 2, Card E-034, List 000-4170, Zone RA-1, Block 368 and 1.071± Acres. Reference is made to an EPB Staff Memo, dated April 15, 2013.

**In Attendance:** None

**Discussion:** Staff Member Fausty summarized the modification proposal for the Board. Ms. Fausty noted in 2001, the EPB approved Permit Application No. 2045 to allow for the reconstruction and stabilization of pond banks at a property situated at 457 Westover Road. The approved measures included the creation of sloping embankments and the installation of certain landscape enhancements. A subsequent submission of as-built plans and written certifications showed that along portions of the pond, stone retaining walls were constructed in lieu of the sloping embankments and that certain landscape enhancements remained incomplete. The applicant seeks modification of the permit to maintain the alternative bank stabilization measures. Although certifying the structural stability of the walls, the project engineer acknowledges the necessity of completing several additional items to bring the matter to a conclusion, including the installation of a driveway curb and the application of additional planting.

Board Member Shemitz stated that the alternative stabilization measures pursued by the applicant have resulted in a reduction in the overall width of the plantable space between the drive and pond. Accordingly, the ability of the area to filter runoff and otherwise offset potential development impacts has been diminished. Alternative actions including the relocation of stone block curbing and the installation of additional native landscaping may be available to the applicant.

**Motion/Vote:** Upon a motion by Board Member Shemitz, the Board voted to **DENY** the proposed

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modification of EPB Permit No. 2045, based on a finding that the proposed mitigation was inadequate, and that alternative actions may be available to enhance environmental quality or limit detrimental effects.

In Favor: Levine, Shemitz, and Wayne.  
Opposed: Stone  
Abstaining: None  
Not Voting: None

**122 Palmer's Hill Road – Lot A - Benchmark Investments IX - Modification of Conservation Easements:** To modify the boundaries of existing conservation easements to follow development limits authorized under prior permits/approvals. The property generally lies along the south side of Palmers Hill Road, just east of Havemeyer Lane, and is identified as Lot A, List 000-0205, Card S-006, Block 283, Zone R-10, and  $\pm 21.8759$  acres. Reference is made to an EPB Staff Memo, dated April 10, 2013.

**In Attendance:** William Hennessey, Esq., Sandak, Hennessey and Greco  
Richard Redniss, Redniss and Mead

**Discussion:** Staff Member Talamelli summarized the proposal for the Board. Mr. Talamelli acknowledged the receipt of correspondence from William J. Hennessey, Esq., dated April 4, 2013 describing a proposal to modify the limits of existing conservation easements at 122 Palmers Hill Road. The property currently supports the life care facilities known as "Edge Hill." Permission is sought to remove the conservation restriction from those portions of the property generally situated within the paved drive and parking loop in the western reaches of the site. The Board, through its prior permit actions, permitted the use of these areas to construct buildings, walkways, parking, driveways, drainage, utilities and other related features. It has been reported that portions of the space within the loop may be utilized for future renovations/expansion of the "Edge Hill" Facilities. Mr. Talamelli noted that given the absence of resources and the conditions of the prior EPB approvals, the Board may determine to modify the limits of the conservation easements as reflected on a draft plan titled "Easement Map Depicting Revised Conservation Easement, Stamford, Connecticut," Prepared for Benchmark Investments IX, by Redniss and Mead, Undated, provided that the owner supplies a standard, City of Stamford Conservation Modification Agreement and appropriate final mapping within thirty-five day (35) days of publication. The agreement and plans shall be subject to the review and approval of EPB and Law Department staff prior to execution and filing on the Stamford Land Records.

**Motion/Vote:** Upon a motion by Board Member Levine, the Board voted to **APPROVE** the proposed Modification of the Conservation Easement Boundaries with the conditions outlined in the EPB Staff Memo, dated April 10, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

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**Selection of an alternative date for the Regular Meeting of June 20, 2013:** Staff Member Talamelli requested that the Board consider rescheduling the Regular Meeting of June 20, 2013 due to upcoming Staff commitments. Following extensive discussion, it was determined that the matter would be given further consideration at the next regularly scheduled meeting to allow the members to review their calendars.

**Personnel Matters:** Chairman Stone summarized the matter for the Board. He reported that recent discussions with the Land Use Bureau Chief resulted in a determination the Board could utilize fifty (50) percent of the Land Use Inspector's time to assist in the completion of certain tasks pertinent to the operation of the EPB. This matter has been placed on the agenda for consideration, since the Ordinance specifies that the Environmental Protection Board shall be the sole appointing authority for its director and staff.

Following extensive discussion, it was determined that additional information, including a description of duties and supervision, were warranted prior to any appointment.

**ADJOURN:**

**Adjourn the Regular Meeting of April 18, 2013.**

There being no more business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Regular Meeting of April 18, 2013.

In Favor: Stone, Levine, Shemitz, and Wayne.  
Opposed: None  
Abstaining: None  
Not Voting: None

Meeting adjourned at 9:55 PM.

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Gary Stone, Chairman  
Environmental Protection Board

Minutes: Prepared from meeting notes taken by Richard H. Talamelli, Environmental Planner