

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE OCTOBER 23, 2013
SPECIAL MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Peter Conetta, Member
Stephen Wayne, Alternate Member
Bradford Spaulding, Alternate Member

Members Not Present:

None

Staff Present:

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

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

MINUTES

Minutes of the September 26, 2013 Special Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's September 26, 2013 Special Meeting. Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the September 26, 2013 Special Meeting as presented.

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

APPLICATIONS AND PERMITS

#1321 – 579 Erskine Road – Lots C, D, E and F – Star Meadow Ranch, LLC: To maintain fill in and proximate to wetlands and watercourses, and to create an off-setting greater area of wetlands on property situated within the drinking water supply watershed of the Mianus River/Bargh Reservoir. The property lies along the west side of Erskine Road, just north of its intersection with Bentwood Drive, and is identified as Lots C, D, E and F, List 002-3572, Card N-045, Block 400, Zone RA-3, and +101.013 Acres. Reference is made to an EPB Staff Memo dated October 22, 2013.

In Attendance: None

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Discussion: Chairman Stone acknowledged the receipt of written correspondence from the owner's agent (L. D'Andrea, P.E., 10/17/13) granting the Board an extension of the statutory decision deadline on EPB Application 1321 for a period of sixty-five (65) days to allow for the development and review of necessary information.

Motion/Vote: None

#1322 – 135 Mulberry Street – Lots 10-11 - Y. Cabello Ramos: To relocate an existing driveway proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Noroton River. The property lies along the north side of Mulberry Street, approximately 480 feet west of Ridgeway Street, and is identified as Lots 10-11, List 000-2764, Card N-037, Block 328, Zone R-7.5, and ± 0.29 Acres. Reference is made to an EPB Staff Memo dated October 16, 2013.

#1323 – 139 Mulberry Street – Lots 8-9 - Redniss and Mead, Inc. for H. Sandoval: To demolish an existing single family dwelling, and construct a new single family dwelling, drive, drainage, utilities, and other related facilities in and proximate to wetlands and watercourses situated with the non-drinking water supply watershed of the Norton River. The property lies along the north side of Mulberry Street, approximately 530 feet west of Ridgeway Street, and is identified as Lots 8-9, List 002-4908, Card N-038, Block 328, Zone R-7.5, and ± 0.292 Acres. Reference is made to an EPB Staff Memo, dated October 16, 2013.

In Attendance: None

Discussion: Chairman Stone acknowledged the receipt of written correspondence from the owners' agent (T. Milone, P.E., 10/16/13) granting the Board an extension of the statutory decision deadline for EPB Application Nos. 1322 and 1323 for a period of sixty-five (65) days to allow for the development and review of necessary information.

#1327 – 9 West Broad Street – Lot A – W. Hennessey, Esq. for Nine West Broad Property, LLC.: Renovation of portions of an existing commercial office building, reconfiguration of an existing driveway ramp, reconstruction of an existing plaza, modification of drainage, and implementation of other related site improvements within the base floodplain of the Rippowam River and within close proximity to wetlands, watercourses and a designated conservation area. The property lies along the north side of West Broad Street, approximately 525 feet west of Washington Boulevard, and is designated as Lot A, List 002-3729, Card N-002, Block 264, Zone C-L and ± 2.55 Acres. Reference is made to an EPB Agenda Summary Report, dated October 17, 2013.

In Attendance: William Hennessey, Esq., Sandak, Hennessey and Greco

Discussion: Staff Member Talamelli described the application for the Board. The subject property, which lies along the north side of West Broad Street, about 525 feet west of Washington Boulevard, currently supports a large commercial office building, structured parking garage, public plaza, surface parking areas, drives, walkways and other related facilities. The site is characterized by gently sloping urban lands, a 340 foot reach of the Rippowam River, a narrow bank of riparian wetlands, extensive floodplain areas, a designated conservation easement area, and several notable trees. Mr. Talamelli noted that during the peak of the 100-year storm, most of the site is expected to be inundated with flood waters ranging from 0-12 feet. Although the primary floors of the office

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building remain free of flooding, the lowest levels, used primarily for storage and building access, have suffered flood damage, even in storms of lesser intensity.

The applicant proposes to renovate portion of the existing commercial office building, reconfigure an existing driveway ramp, reconstruct existing plaza space, modify drainage, and implement other related site improvements within the base floodplain of the Rippowam River and proximate to the designated wetlands, watercourses, and conservation easement areas. It has been reported that the project affects approximately 14,200 square feet of the floodplain and 4,450 square feet of the non-watershed buffer. There are no direct wetland, watercourse or conservation easement encroachments proposed at this time. Mr. Talamelli noted that potential development impacts may include direct physical impacts upon existing areas of resources during and post construction, impacts to the flood potential of the river, impacts upon the flood storage capacity of the floodplain, water quality impacts caused by the discharge of silts, sediments or other pollutants during and post construction, drainage impacts caused by altered flow patterns or substantial increases in imperviousness, or the creation of conditions that may compromise the integrity of structures or increase hazards to persons/property.

Mr. Talamelli noted that the applicant sought to address the identified concerns during the permit application process. Grade change and impacts to important tree resources shall be limited, particularly in critical areas along the river. Although certain modifications to existing site conditions are proposed including the reconfiguration of the driveway ramp, reconstruction of elevated plaza areas, and the addition/retrofitting of storm water collection systems, drainage patterns and the overall rate/volume of runoff will remain essential unchanged. Accordingly, the engineer has confirmed that the development will not have any significant effects or adverse impacts to existing drainage systems or adjoining properties. With the anticipated removal/reconfiguration of the ramp, lobby space and other features, a net gain of approximately 525 cubic feet of flood storage will be realized. Given the project's location relative to the river, the proximity to other nearby structures, and the absence of proposed fills, the engineer further concluded that the development will neither increase the river's water surface elevation nor create any obstructions that would restrict the flow of water within the river. Water quality concerns have been addressed with the submission of a detailed sediment and erosion control plan, and the retrofitting the existing drainage system to improve function and overall sediment/debris trapping capabilities. These measures include the installation of new trench drains, the replacement of substandard mortar, frames and grates on existing storm water collection structures, the installation of bell traps/elbows on storm outlets, the addition of a new oil/grit separator, and the removal of a 4" PVC discharge for plaza drainage, therefore eliminating a poorly crafted and unstable point of discharge from the Rippowam River. Although the structural improvements to the building are less than "substantial", the applicant has determined to apply construction methods/treatments, particularly to the lower levels to increase the level of flood resistance including a reduction in the total square footage subject to flooding, the elimination of existing condenser units situated at the garage level, and the creation of new entrance lobby and other space composed of materials having a higher level of flood resistance. These improvements include vented exterior walls formed by glass blocks, aluminum/glass entry doors, treatment of existing block walls with a cement based coating and waterproof paint, retrofitting of existing elevators with pit float sensors and programming to ensure that cars remain parked at the first floor level during time of flood, and the restoration of certain gasketed doors to spaces known to support building utilities. In addition, several exterior structures partially or fully exposed to flooding have been designed and certified to comply with the flood regulations. A flood preparedness plan has been submitted to describe the nature of flooding over and about the property, identify the floodproofing measures incorporated into the building, and identifying possible evacuation

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routes. In addition, evacuation signage shall be posted at all exterior doors and travelways to further assist persons during a flood emergency. Finally, mitigation has been proposed including the addition of protection for trees expected to be maintained in the post construction landscape, reposting of standing conservation signage along the limits of the existing conservation easement, and a commitment to provide a public access easement to allow for the future installation, use and maintenance of a pedestrian pathway or riverwalk along this reach of the Rippowm River. The agreement, offered by the applicant, provides an important link to adjoining properties and a future pedestrian pathway that is an essential component of the Mill River Park project.

In response to a question by Board Member Levine, Mr. Talamelli confirmed that although minor technical details remained, the Stamford Engineering Bureau has confirmed the conclusions, study methodology and overall design of the submitted reports/plans.

William Hennessey, Esq., the applicant's authorized agent, acknowledged the receipt of the Staff Agenda Summary Report, and confirmed no objection to its conclusions or recommendations.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1327 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 17, 2013.

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

#1328 – 51 Overbrook Drive – Parcel A-1 – 111 Overbrook Drive, LLC: Construction of new single family dwelling, drive, drainage, walls, sanitary sewer, and other related facilities in and/or proximate to wetlands and a designated Open Space Preserve/Conservation Area situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the east side of Overbrook Drive, approximately 700 feet north of Toms Road, and is designated as Parcel A-1, List 004-4303, Block 328, Zone R-20, and 0.6066± Acres. Reference is made to an EPB Agenda Summary Report, dated October 18, 2013.

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

Discussion: Staff Member Fausty described the application for the Board. Although certain wall construction and grading activities are underway, the property currently remains generally undeveloped. The parcel was the result of a two (2) lot subdivision of property endorsed by the Planning Board in December 2006. Under the subdivision review process, the limits of wetlands and an adjoining intermittent waterway were identified, and a conservation easement was offered by the applicant to protect both regulated areas and the adjoining woodland areas.

The applicant proposes to develop the parcel with a new single family dwelling, drive, drainage and other related facilities. In order to construct necessary storm and sanitary sewer connections, an encroachment into the conservation easement has been proposed. The activities affect approximately 1,100 square feet of the conservation easement. It is noted that these activities were

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anticipated during the subdivision review process. Ms. Fausty, reported that potential development concerns, including water quality during and post construction, drainage, and the value of necessary restoration work, have been addressed with the submission of a detailed sediment and erosion control plan, a drainage report/plan and planting plan. The project engineer confirmed that the project will have no adverse effect on site drainage or the adjacent properties. Ms. Fausty noted that the Stamford Engineering Bureau had completed its review of the design plan and agrees with the conclusions/study methodology embraced by the applicant. Minor adjustments to a previously submitted planting plan have been requested by Staff to more adequately address the restoration and conservation needs of the project and property.

Leonard D'Andrea, an authorized agent for the applicant, acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to its conclusions or recommendations.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1328 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 18, 2013.

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

SITE PLAN REVIEWS:

#3974-B3 – Hope Street – Parcel B-3 – M. Pavia: Site Plan Review to allow construction of a new single family dwelling, drive, drainage, sanitary sewer, and other related facilities on Parcel B-3, Hope Street, pursuant to a condition of Planning Board (Subdivision) No. 3974. The subject property lies along the west side of Hope Street, approximately 545 feet south of Putter Drive, and is identified as Parcel B-3, List 004-5057, Card N-039, Block 380, Zone R-20, and $\pm 26,203$ square feet. Reference is made to EPB Agenda Summary Report, dated October 20, 2013.

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

Discussion: Staff Member Talamelli described the application for the Board. Mr. Talamelli reported that the property had been the result of a three lot subdivision endorsed by the Planning Board in September 2008. The subdivision had been approved with eight (8) conditions including provisions for a conservation easement for wetlands and adjoining woodlands situated in the western reaches of the site, field staking and posting of the conservation easement boundary, a site plan review requirement for Parcels B-1, B-2 and B-3, a requirement for a final erosion control plan, prohibition on in-ground fuel storage, and certain provisions for the protection of trees and stone walls to the extent feasible. Many of the tree protection requirements had been based upon the recommendations of a Connecticut Arborist.

The site, which lies along the west side of Hope Street, approximately 545 feet south of Putter Drive, supports a multi-bay garage and an existing asphalt/gravel drive. The site is characterized by gently to moderately sloping uplands, a narrow band of wetlands, designated conservation easement, and several small to moderately sized trees.

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The applicant proposes to construct a new single family dwelling, drive, drainage, sanitary sewer and other related facilities on the parcel. A site plan review was required as a condition of the subdivision approval to ensure consistency with the subdivision concept, protect resources, mitigate potential drainage impacts, preserve water quality, and apply enhancements to further the conservation and aesthetics values of both the property and neighborhood. Mr. Talamelli reported that the applicant determined to address pertinent issues by confining development to uplands outside of the regulatory setback and outside of the conservation easement, and minimizing impacts upon the existing character of the parcel by constructing a “walkout” to take advantage of the slope, and maintaining trees per the recommendation of the subdivision arborist. Potential drainage impacts have been mitigated with the submission of drainage plan that includes provisions for the development of post construction watersheds, grading, and the installation of structures consisting of catch basins, pipes, drywells and stabilized outlets. The engineer concluded, that if implemented per the plan, that the development is consistent with the subdivision concept and will cause no adverse impacts upon surrounding properties or City drainage system. Mr. Talamelli noted that the Engineering Bureau endorsed the plan and report as presented. To preserve and enhance water quality, a temporary erosion control plan was submitted, drywells have been utilized to infiltrate and treat storm water, collection devices have been equipped with deep sumps and bells to assist in the collection of silt/debris, and in-ground fuel tanks have been prohibited. The dwelling shall be served by natural gas. Finally, Mr. Talamelli noted that the conservation and aesthetic needs of the parcel and neighborhood have been addressed with the applicant’s commitment to re-stake/repost the conservation boundary, install snow fence protection for trees expected to be incorporated into the post construction landscape, remove invasive Knotweed and other similar species from regulated areas, and install valued plantings to enhance both the conservation easement and streetscape.

At the prompting of Board Member Conetta, Mr. Talamelli reconfirmed the Engineering Bureau’s endorsement of the project.

John Pugliesi, P.E., an authorized agent for the applicant, acknowledged the receipt of the Staff Agenda Summary Report, and offered no objection to its conclusions or recommendations.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** the Site Plan pursuant to a condition of Planning Board (Subdivision) No. 3974 with the conditions outlined in the EPB Staff Agenda Summary Report, dated October 20, 2013.

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

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

481 Old Long Ridge Road – Lot 61A – T. Blackstone - Enforcement: Report to consider the status of a violation at 481 Old Long Ridge Road, Stamford, Connecticut. The enforcement action

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concerned certain regulated activities conducted in regulated areas without the prior written authority of the EPB in violation of Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." These activities included the deposition of fill, excavation, grading, driveway construction, alteration of vegetation, and other associated disturbances in and/or proximate to wetlands and watercourses situated within the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Old Long Ridge Road, approximately 525 feet south of Rock Rimmon Road, and is identified as Lot 61A, List 001-0073, Card E-047, Map 14, Block 402, Zone RA-2, and ± 2.54 Acres. Reference is made to an EPB Staff Memo, dated October 21, 2013.

In Attendance: Kofi DeGraft-Johnson

Discussion: Staff Member Fausty described the matter for the Board. She reminded the Members that a Show Cause Hearing was conducted on September 26, 2013 to consider the facts and circumstances relevant to the violation. Neither the owner nor a representative were in attendance. Following a review of the file and extensive discussion, the Board, unanimously voted to maintain the cease and desist order in effect, and modify the order to require the installation of erosion controls, the removal of all fill and stockpiled materials from regulated areas, and the submission of a professionally developed restoration plan on or before October 10, 2013. She reported that the Board required the plan to include a timetable for implementation not exceeding the outward limits of the fall planting season, meaning on or about November 15, 2013. The matter would be given further consideration at the October meeting. Notice of the Board's decision was forwarded to the owner by certified mail on or about September 30, 2013.

Staff Member Fausty noted that since the September hearing, there had been no meaningful progress to remedy the violation. There had been no response from the owner, and a recent inspection revealed that the encroachments remained. Accordingly, Ms. Fausty recommended that the Board direct Staff to file a notice of violation on the Stamford Lands Records, publish notice of facts and conduct in a newspaper having general circulation in the City of Stamford, and refer the matter to the Corporation Counsel to achieve compliance with both the order and regulations.

The owner, Kofi DeGraft-Johnson stated that he had installed erosion controls and conducted a soils assessment per the direction of Staff earlier in the summer. He believed that he had been working to accomplish his goals for the use of the property while complying with the requirements of City wetlands regulations.

Chairman Stone noted that the matter had been pending for approximately four (4) months without an application for permit, a request for use, or other meaningful response leading to a full and proper resolution.

Kofi DeGraft Johnson stated that he hoped that the full removal of the fill was not the only option. He noted that although he knew that wetlands existed on the parcel, he did not recognize the full extent of the regulations, and requested the opportunity to secure the approvals necessary to gain access to the dry lands situated to the rear of the site for grazing, the development of orchards, or other similar uses.

Extensive discussion ensued, resulting in Chairman Stone providing a brief description of the permit

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process, and the minimum requirements necessary to develop and submit a meaningful permit application.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **DEFER** from further enforcement action at this time to allow for the submission of an EPB Permit Application in advance of the next regularly scheduled meeting.

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

OTHER BUSINESS:

Lakeside Drive/Ponus Ridge Road – Lots IP-02 and CP-16 – Aquarion Water Company of Connecticut – Jurisdictional Ruling: Jurisdictional ruling from the Environmental Protection Board, to establish if the proposed Laurel Raw Water Transmission Main Replacement Project is a permitted operation and use under the provisions of the “Inland Wetland and Watercourse Regulations of the City of Stamford.” Permitted operations and uses do not require a prior permit from the Environmental Protection Board. The properties subject to this request lie along the east side of the North Stamford Reservoir, north of the treatment plant at 149 Lakeside Drive. Reference was made to an EPB Staff Memo, dated October 13, 2013.

In Attendance: Michael Wilson P.E., Haestad Engineers

Discussion: Chairman Stone described the request for the Board. Aquarion Water Company of Connecticut proposes to replace and upgrade certain facilities situated along the east side of the North Stamford Reservoir, north of its treatment plant on Lakeside Drive. Under the project, approximately 3,670 linear feet of 42 inch pre-stressed concrete cylindrical pipe shall be replaced with a new 48 inch iron ductile pipe. It was reported that between 1997 and 2012, this reach of the “raw water transmission main” experienced numerous breaks that have impacted the utility’s ability to draw, filter and supply drinkable water to customers. The new main is expected to closely follow the path of the existing pipe, utilizing existing service roads and staging areas. Although several wetland, watercourse and watershed buffer encroachments are proposed, nominal tree loss and grade change is expected. An erosion control plan has been supplied to help mitigate potential water quality impacts. Under Section 3.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford, construction and uses by water companies necessary for the impounding, storage and withdrawal of water in connection with public water supplies are permitted operations and uses not requiring a prior permit. A brief discussion ensued concerning the project’s consistency with the “permitted operations/use” section of the regulations.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** a request for a jurisdictional ruling, confirming that the Laurel Raw Water Transmission Main Project is a permitted operation and use per Section 3.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford.”

In Favor: Stone, Levine, Conetta, Wayne, and Spaulding.

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Opposed: None
Abstaining: None
Not Voting: None

2014 Meeting Calendar: Discussion of potential meeting dates for the EPB for the year 2014. Reference is made to EPB Staff Memo (Draft), dated October 2013.

In Attendance: None

Discussion: Staff Member Talamelli noted that a 2014 Regular Meeting Schedule for the Environmental Protection Board had been developed. The draft document reflects meetings scheduled for the traditional "Third Thursday" of each month, and identifies potential conflicts with school vacations, and holidays. At the prompting of the Chair, Members of the Board acknowledged the receipt of the schedule, and noted no exceptional conflicts that would preclude participation.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **ADOPT** the 2014 Regular Meeting Schedule for the Environmental Protection Board as presented.

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

ADJOURN:

Adjourn the Special Meeting of September 26, 2013.

There being no more business, the Board, upon a motion by Board Member Levine, voted to **ADJOURN** the Special Meeting of October 23, 2013.

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

Meeting adjourned at 8:12 PM.

Gary Stone, Chairman
Environmental Protection Board

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