

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE APRIL 17, 2014
REGULAR MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Stephen Wayne, Alternate Member
Bradford Spaulding, Alternate Member
Nathanial Bowler, 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, 7th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was recorded.

MINUTES

Minutes of the January 9, 2014 Special Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's January 9, 2014 Special Meeting. No changes or alterations were discussed or recommended. Accordingly, upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the January 9, 2014 Special Meeting as presented.

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

Minutes of the March 20, 2014 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's March 20, 2014 Regular Meeting. No changes or alterations were discussed or recommended. Accordingly, upon a motion by Board Member Levine, the Board voted to **APPROVE** the Minutes of the March 20, 2014 Regular Meeting as presented.

In Favor: Stone, Levine, Spaulding and Bowler
Opposed: None
Abstaining: None

Not Voting: Wayne

APPLICATIONS AND PERMITS

#1333 – 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 Agenda Summary Report dated April 10, 2014.

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

Discussion: Staff member Fausty summarized the details of the application for the Board. Ms. Fausty noted that the applicant proposes to maintain the fill placed within wetlands and to implement a plan to create a greater area of wetlands in alternative locations on this property. The 100+ acre parcel lies along the west side of Erskine Road, just north of Bentwood Drive, and is generally characterized open fields and manicured spaces to the east, wooded uplands to the north and west, and wooded wetlands, a pond and watercourses to both the south and west. It is noted that the western portions of the site slope steeply towards the Bargh Reservoir.

Ms. Fausty reported than more than one (1) year ago, an investigation resulted in a determination that substantial filling and grading on the property led to the loss of approximately 13,800 square feet of wetland and the creation of conditions that resulted in soil erosion and the discharge of sediment to both regulated areas and downstream properties. This application has been submitted to maintain the fill installed to date, ensure the stabilization of sloping fills, and mitigate for the unauthorized loss of wetlands by creating approximately 14,100 square feet of wetlands elsewhere on the parcel. The environmental consultant for the project selected two (2) potential sites for the wetland creation; the first lying contiguous to the existing filled wetlands to the south, and the second, adjoining a pond and wetland/watercourse system to the west. Both areas will be excavated and graded, lined with wetland soils, and vegetated with native wetland grasses and wildflowers. The consultant has concluded that the created wetland areas will exhibit functions similar to those areas lost by the prior filling and grading. To address important water quality concerns, the applicant has provided an erosion control plan and committed to certain measures to better control and treat runoff prior to discharge including but not limited to the maintenance of berms along the top of slope, reconstruction of catch basins to support full sumps and outlet controls, verification of energy dissipater design, and the removal of silts and sediments from down gradient watercourses/drainage structures. The engineer has confirmed that if completed per the submitted design, the project will not adversely impact drainage, soils, infrastructure or the adjoining properties. The Stamford Engineering Bureau reviewed the submitted plans, offering no objection to the project as proposed.

In response to a question from Board Member Spaulding concerning lot designations and the cause of the initial wetland encroachment, Leonard D'Andrea stated that the lot designations were based upon those reflected on historic mapping, and that the owner conducted the activities based on the information reflected on a plan secured at the time of purchase. It was later determined that the plan

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had been developed only as a “marketing tool” that neglected to show all the designated wetland areas. Mr. D’Andrea went on to note that the issue had been compounded by a misinterpretation of the wetland statutes as they relate to the filling of wetlands in an agricultural setting.

Chairman Stone acknowledged the receipt of two (2) letters from interested parties (Okun, 4/17/14 and Lombardo, 4/17/14) outlining concerns about the impact further truck traffic would have on the local roadways in North Stamford if fill is removed from the site. The letters further requested that there be a clear structure in place to ensure compliance with the terms any permit granted by the Board.

Board Member Levine acknowledged that he was disturbed by the extent of the unauthorized filling and grading activities, but agreed with the applicant’s engineering and environmental professionals that the project, as proposed, will serve to help mitigate offsite impacts and restore wetland areas of similar function and value to the property.

In response to a question by Board Member Wayne concerning the Board’s ability to monitor the flow of truck traffic, Chairman Stone confirm the absence of regulatory authority. Ms. Fausty noted that given the extent of excavation expected that it was highly unlikely any material would need to be removed from the site.

Board Member Spaulding noted that he had inspected the site, determining that he was not in favor of any additional disturbance in the vicinity of the lower wetland, noting that it seemed counterproductive to disturb the soil, remove the trees, and regrade to create the wetland system proposed by the applicant.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **APPROVE** EPB Permit Application No. 1333 with the conditions outlined in the EPB Staff Agenda Summary Report dated April 10, 2014.

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

#1405 – 612 Scofieldtown Road – Scofieldtown Park/Yard - Landfill Capping Project – Lot 15 – City of Stamford/Engineering Bureau: To fill, grade, construct drainage, and implement other related improvements in and/or proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Poorhouse Brook. Work shall be conducted in accordance with the provisions of the “Landfill Closure Plan for Scofieldtown Park, Stamford, Connecticut “ (TRC, March 2011) and the requirements of a consent Order SRD-205 (CT DEP, September 2010). The site lies along the west side of Scofieldtown Road, just north of Rock Rimmon Road, and is identified as Lot 15, List 002-5936, Card W-35, Zone RA-2, Block 390, and ±18.1 Acres.

Reference is made to an EPB Staff Memo, dated April 10, 2014.

In Attendance: None

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Discussion: Chairman Stone acknowledged the receipt of written correspondence from the applicant (J. Brown, 4/10/14) granting the Board an extension of the statutory deadline for decision on EPB Permit Application No. 1405 for a period of sixty-five (65) days to allow for the development of the necessary information. Accordingly, a final decision shall be made on the subject application on or before June 30, 2014.

Motion/Vote: None

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

#4014 - 114 Hubbard Avenue – Lot 2 – Hubbard Avenue Associates, LLC : Subdivision of an existing ±71,773 square foot property into five (5) parcels capable of supporting residential development. All subdivided parcels are expected to be served by sanitary sewers and the public water supply. The subject property lies along the west side of Hubbard Avenue, approximately 300 feet south of Vuono Drive, and is identified as Lot 2, List 002-6604, Card W-013, Block 255, Zone R-10, and ±71,773 square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated April 10, 2014.

In Attendance: Leonard D'Andrea, P.E., Rocco V. D'Andrea, Inc.
Goitom Bellette
Mike DeMilt, President Hubbard Heights Association
Peter Barielle

Discussion: Staff Member Talamelli summarized the details of the subdivision application for the Board. Mr. Talamelli stated that the applicant proposes to subdivide the 71,773 square foot parcel into five (5) parcels capable of supporting residences, drives, drainage, utilities, and other related facilities. All parcels shall be served by sanitary sewers, and the public water supply. One (1) of the proposed residences shall be accessed from Hubbard Avenue. The remaining four (4) units shall be served by a planned extension of an existing City Street (Golf View Circle) that will end in a new, permanent cul-de-sac.

Mr. Talamelli noted that the property, which lies along the west side of Hubbard Avenue, south of Vuono Drive, currently supports a single family dwelling, drive, patio, walls, fences, sanitary sewer, water service, utilities, and other related facilities. The existing dwelling is currently undergoing extensive renovation. The property is generally characterized by gently to moderately sloping uplands (east to west), and only a few moderately to large size trees. There are no wetlands, special flood hazard areas or other areas regulated by the Board on the parcel. It is important to note that the property abuts the large, open recreational space associated with the E. Gaynor Brennan Golf Course.

Typical of all subdivisions, the applicant is charged with the task of demonstrating that the property can reasonably support development with an acceptable impact on resources, water quality, drainage and other related factors. The applicant is further required to address City's policies pertaining to open space and conservation. Mr. Talamelli stated that the applicant has provided a preliminary site

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development plan showing that the proposed development can be accomplished with low to moderate grade change and the loss of approximately six (6) additional trees. He noted that several trees, particularly in the western regions of the site, had already been removed in advance of the filing of this subdivision application. A drainage analysis was submitted confirming the absence of impact on drainage, adjoining properties and infrastructure. Potential development effects shall be mitigated with the creation of twelve (12) post-construction watersheds, grading, and the introduction of structured drainage systems both in the extended road and on private properties. If constructed per the design plans, the engineer has concluded that for a twenty-five (25) year storm, there would be no change in peak flows at Hubbard Avenue (east) and a reduction in peak flows at the municipal golf course (west). The project has been endorsed by the Stamford Engineering Bureau. Water quality issues had been addressed with the submission of a temporary/permanent sediment and erosion control plan, connections to the sanitary sewer, the use of collection structures equipped with deep sumps and outlet controls, infiltration, and a fuel supply of either propane or natural gas. No fuel oil storage is proposed. Conservation requirements had been addressed with the submission of an arborist's report to identify and manage trees of value/interest, and a conservation easement to protect approximately 6,699 square feet of land found in three (3) separate areas on the parcel. One of the spaces proposed is linked to the open space associated with the golf course and contains several of the larger trees remaining on the property. The conservation shall be pinned and posted, and a landscape/mitigation plan shall be implemented to improve aesthetics, enrich the streetscape, screen abutters, and enhance the overall conservation values of the property.

In response to a question by Chairman Stone, Mr. D'Andrea noted that he had received a copy of the Agenda Summary Report, and offers no objection to any of the stated recommendations or conditions.

Mike DeMilt, President of the Hubbard Avenue Homeowners Association, sought clarification as to the design, purpose and enforceability of one of the proposed open space/conservation areas. Mr. D'Andrea responded, noting that the stone wall that separates Parcels 1, 2 and 3 had been constructed prior to the subdivision, and although it may further the illusion that Lot 1 supports more usable land, the area will be dedicated as an "open space/conservation easement" which is secured with a map and conservation easement and defined in the field with monuments, standard posts/signage, and extensive plantings.

Pete Barielle sought clarification as to the look of the posted conservation signs. Mr. D'Andrea noted that typically, the easement boundary is marked by the surveyor with iron pins or drill holes at property boundaries and turning points. The signage, printed on a four (4) inch metal disk, is affixed to a 4'x4' wood post, approximately three (3) feet in height. The posts are installed in the vicinity of each pin/drill hole.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **OFFER NO OBJECTION** to Planning Board No. 4014 with the conditions outlined in the EPB Staff Agenda Summary Report dated April 10, 2014.

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

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of April 17, 2014.

There being no more business, the Board, upon a motion by Board Member Wayne, voted to **ADJOURN** the Regular Meeting of April 17, 2014.

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

Meeting adjourned at 8:11 PM.

Gary Stone, Chairman
Environmental Protection Board

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