

**DRAFT
ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE OCTOBER 16, 2014
REGULAR MEETING**

Members Present:

Gary Stone, Chairman
Louis Levine, Member
Stephen Wayne, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Bradford Spaulding, Alternate Member

Members Not Present:

Nathanial Bowler, Alternate 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 Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was recorded.

MINUTES

Minutes of the September 18, 2014 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's September 18, 2014 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the September 18, 2014 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS

#1415 – Oakdale Road – City of Stamford, Engineering Bureau (Oakdale Road Drainage Improvement Project): To replace an existing storm drain in and/or proximate to wetlands, watercourses and the base floodplain of the Noroton River (non-drinking water supply watershed). The project area lies in and proximate to Oakdale Road, approximately 240 feet north of Glen Terrace, in the vicinity of property situated at 54, 64, 53 and 59 Oakdale Road, Stamford, Connecticut.

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 2

Reference is made to an EPB Agenda Summary Report Memo, dated October 7, 2014.

In Attendance: Joseph Canas, P.E., Tighe and Bond

Discussion: Staff Member Talamelli summarized the application for the Board. He noted that City of Stamford proposes to install new head/end walls, catch basins, pipes, box culverts, junction boxes, check valves, rip rap inlet/outlet protection, and other related facilities in and proximate to wetlands, watercourses and the base floodplain of the Noroton River. The purpose of the project is to mitigate known drainage and flooding issues that affect both the roadway and the abutting, residentially developed parcels. Mr. Talamelli confirmed that a Connecticut Engineer designed the project on the behalf of the City of Stamford. The submitted drainage analysis established that street and property flooding in this area is influenced by both the elevation of the catch basins in the street, and the elevation and timing of peak discharges in both the local drainage areas and Noroton River. Larger and alternatively designed pipes/culverts proposed are expected to improve flood conditions by increasing the overall hydraulic capacity of the system. In-line backflow preventers shall be installed to open and allow the local drainage to peak and discharge before the river peaks, and close as the river exerts a tail water effect upon them. Improvements are expected for storms of a 10-year frequency and less. Due to the influence of flooding in the river, meaningful gains in flood protection for storms exceeding the 10-year event shall not be observed. Although 25 linear feet of watercourse, 95 square feet of wetlands, 842 square feet of the non-watershed buffer, and 10,534 square feet of the floodplain shall be temporarily/permanently impacted by the project, disturbance shall be generally limited to existing pavement, lawn and manicured space. Grade change and tree impacts have been minimized. To promote water quality, the applicant has provided a sediment and erosion control plan, dewatering plan, and construction sequencing/staging plan. He further noted that new drainage collection structures shall be equipped with deep sumps and outlet control to assist in the collection of sands, silts and debris prior to discharge. A landscaping plan has been proposed to mitigate for the anticipated tree loss, stabilize the soil, and further the overall aesthetic and conservation values of the project area. Construction fences have been added, and alternative grading schemes have been proposed to protect several additional large trees. Accumulated debris shall be removed from the river, and several privately owned sheds and other encroachments affected by the project shall be relocated to less flood prone areas away from the river. Mr. Talamelli noted that if implemented in accordance with the submitted plans/reports, the project will serve to reduce road and property flooding with a minimal impact on resources, drainage and the flood potential of the Noroton River.

In response to a question by Mr. Rosenfeld, Mr. Canas stated that the improvements were not expected to considerably improve conditions for storms exceeding the 10-year design standard because of the influence of the nearby Noroton River. In this area, the river overflows its banks and affects both the road and property in storms of 25-year intensity and above.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1415 with the conditions outlined in the Agenda Summary Report, dated October 7, 2014.

In Favor: Stone, Levine, Wayne, Shemitz, and Rosenfeld

Minutes

Environmental Protection Board

Regular Meeting of October 16, 2014

Page 3

Opposed: None
Abstaining: None
Not Voting: Spaulding

#1421 – 17 Arnold Drive – Lot 19 – J. Kulick and G. Shapiro: To construct an in-ground pool and attendant facilities proximate to wetlands and watercourses on property situated in the non-drinking water supply watershed of Ayers Brook. The property lies along the north side of Dundee Road, approximately 410 feet east of Joan Road, and is identified as Lot 19, List 002-1678, Card N-005, Zone RA-1, Block 379, and ± 1.63 Acres.

Reference is made to an EPB Agenda Summary Report Memo, dated October 9, 2014.

In Attendance: Jay Kulick
Gigi Shapiro

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to install an in-ground pool, equipment, replacement fencing and other related facilities proximate to the wetlands and watercourses. The applicant reports that although 78 square feet of the upland review area shall be affected by the project, there are no direct encroachments into the wetlands or watercourses. Areas affected by the installation have been historically maintained as lawn. Ms. Fausty stated that staff concerns relating to water quality have been addressed with the submission of an erosion control plan. A basic planting plan has also been provided to assist in the stabilization of the soil and enhance the values of the buffer.

Both Dr. Shemitz and Mr. Spaulding noted the sparse details on the submitted plans, and expressed concern that excavated materials, if spread throughout the parcel, may lead to additional wetland, drainage, and water quality impacts.

Jay Kulick and Gigi Shapiro acknowledged the receipt of the agenda summary report and confirmed their agreement with both the assessment and recommended conditions of approval. They further consented to a condition to address the Board Members concerns relating to the final disposition of excavated soil.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1421 with the conditions outlined in the Agenda Summary Report, dated October 9, 2014, modified to include an additional condition requiring the removal of excavated materials from the property.

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

#1422 – 61 Loughran Avenue – Lot 28 – D. Pascale: To install an elevated propane tank and platform within the base floodplain of the Rippowam River. The property lies along the south side of Loughran Avenue, approximately 760 feet east of Long Ridge Road, and is identified as Lot 28, List 000-2905, Card S-009, Block 359, Zone R-20, and $\pm 42,853$ square feet.

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 4

Reference is made to an EPB Agenda Summary Report Memo, dated October 9, 2014.

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

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli noted that the applicant seeks permission to install an elevated, 120 gallon propane tank and platform within the base floodplain of the Rippowam River. The property, which lies along the south side of Loughran Avenue, approximately 760 feet east of Long Ridge Road, is characterized by gently sloping uplands, special flood hazard areas, and a 140 foot reach of the Rippowam River.

Mr. Talamelli reported that important technical and resource protection issues had been addressed under the permit review process. The project minimizes impacts upon areas of resource, confining the project to developed space along the northern plane of the dwelling, no less than 160 feet to the river. No significant vegetation loss or grade change is expected. The applicant reports that approximately 21 square feet of the designated floodplain area will be impacted. Water quality concerns have been addressed with the submission of a basic erosion control plan consisting of perimeter silt fence and final soil stabilizing measures. The project engineer has confirmed that the project will not cause any rise in flood heights and compensatory flood storage has been provided. The volume of the proposed excavation exceeds that occupied by the platform's supporting piers. The conclusions of the engineering studies have been verified by the Stamford Engineering Bureau. The tank shall be situated on an elevated pad, the top of which lies at 82.5 feet NAVD-88 or 2.3 feet above the projected 100-year storm elevation and 0.7 feet above the predicted 500-year storm elevation. In addition, the platform has been certified by the engineer as capable of withstanding the flood depths, pressures, velocities and uplift forces associated with the base flood.

In response to a question by Mr. Spaulding, Mr. D'Andrea stated that the tank will be limited to 120 gallons, utilized only for stove cooking.

Mr. Talamelli, responding to a question by Mr. Rosenfeld, noted that the platform shall be constructed per the requirements of Stamford's flood regulations, meaning that the structure shall be capable of withstanding the flood forces, and shall be elevated above the project limits of the 500-year storm. Matters such as the necessity of emergency cut off systems and other safety requirements shall gain further attention during the "building" permit review process conducted by the appropriate reviewing bodies in the City.

Motion/Vote: Upon a motion by Mr. Wayne, the Board voted to **APPROVE** EPB Permit Application No. 1422 with the conditions outlined in the Agenda Summary Report, dated October 7, 2014.

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

#1423 – 143 Old Mill Lane – Lot 14C – H. Tooter: To reconstruct an in-ground pool patio/deck and conduct other related activities proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property is situated at the terminus of Old Mill Lane, and is identified as Lot 14C, List 001-7389, Card N-009, Block 373, Zone RA-2, and ±5.15 Acres.

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 5

Reference is made to an EPB Agenda Summary Report Memo, dated October 10, 2014.

In Attendance: Brian McMahon, P.E., Redniss and Mead
Barbara Wilson, Rockspring Design Group
Howard Tooter
Jacqueline Tooter

Discussion: Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to reconstruct an existing concrete pool deck and patio proximate to wetlands and a reach of the Mianus River. The applicant reports that approximately 3,960 square feet of the upland review area shall be affected by the project. There are no direct encroachments into the wetlands, watercourses or the designated floodplain areas. Areas affected by the installation lie 20-60 feet to the river. Other development, including an existing wood deck, lies between the pool and river as well. Ms. Fausty stated that staff concerns relating to water quality, particularly with the construction access, shall be addressed prior to building permit with the submission of additional erosion control details. No further mitigation required given the limited impact of the development.

Brian McMahon, P.E., Redniss and Mead, acknowledged the receipt of the agenda summary report, and offered no objection to any of the recommended conditions of approval.

Motion/Vote: Upon a motion by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1423 with the conditions outlined in the Agenda Summary Report, dated October 10, 2014.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

#4017 – Brundage Street/Mulberry Street – Lots 45 and 46 B/C – Brundage Associates, LLC:

Subdivision of two (2) existing properties into four (4) parcels capable of supporting residential development. All subdivided parcels are expected to be served by sanitary sewers and public water.

Reference is made to an EPB Agenda Summary Report dated October 8, 2014.

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

Discussion: Staff Member Talamelli summarized the subdivision application for the Board. He noted that the applicant proposes to subdivide the two (2) existing parcels into four (4) parcels capable of supporting residential development, drives, drainage, utilities, public water, sanitary sewer, and other related facilities. The "property", which lies in the Springdale section of town, currently supports single family dwellings, drives, walkways, sheds, sanitary sewer, public water, and other related facilities. It was noted that a portion of the site is encumbered with a storm easement that is

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 6

draped over and existing 36" RCP pipe.

The property is characterized by gently to moderately sloping uplands and a fairly typical collection of small to moderately sized trees, shrubs groundcovers. There are no wetlands, watercourses, or special flood hazard areas present.

Mr. Talamelli stated that the applicant has submitted plans and reports to establish subdivision feasibility and ensure that the project can move forward with a minimal impact on resources, water quality, drainage and other related factors. He noted that grade change is expected to be relatively low, with cuts/fills not expected to exceed four (4) feet. The new dwellings shall be stepped into the ridge situated in the approximate center of the building site to further reduce the necessity of substantial grading. No significantly sized individual or groups of trees will be lost a result of the development. To assess the potential impact the subdivision may have on drainage, soils and abutting parcels, the applicant provided a detailed drainage analysis and plans. Mr. Talamelli stated that the subdivision is expected to increase site imperviousness, and if left unmitigated, would result in an increase in storm water runoff. However, the applicant has determined to mitigate the increase by implementing a storm water management plan that creates and manages eight (8) post-construction watersheds through the removal of structures, utilizes grading and provides for the installation of structured drainage facilities, including infiltration. The engineer has concluded that for storms up to a 25-year event, the peak runoff flow rate would be equal or reduced at all points of concern, and that the project would not have any adverse impact on local drainage or adjacent properties. Mr. Talamelli reported that the Engineering Bureau has endorsed the project. Water quality had been addressed with an erosion control plan, a drainage plan providing for both infiltration galleries and collection structures equipped with deep sumps/bells, and a prohibition on the use of in-ground fuel oil storage. All dwellings are expected to be served by propane. In regards to conservation and resource protection, Mr. Talamelli reported that the applicant has provided a conservation easement for approximately 3,109 square feet of space along the perimeter of the new sites which will be utilized for the installation of planting and other enhancements. The limits of the proposed open space/conservation easement shall be pinned and posted with standard signage, tree protection has been added for a single tree situated within the right of way, and a landscape plan has been developed to improve aesthetics, screen the abutters, and/or enhance the overall conservation values of the property. He noted that the plan further provided for the removal of large stands of Japanese Knotweed through a typical removal regime consisting of cutting and treatment with an accepted herbicide.

Dr. Shemitz expressed concern about the function and value of the proposed conservation easement area. She noted that although the dedication addresses the subdivision requirement, she was concerned that the easement had little or no true conservation value, and that the applicant should look to expand and appropriately enhance the space to make it truly meaningful.

Mr. Talamelli reaffirmed that the property does not support wetlands, watercourses or significant individual or groups of trees that could be made a part of a valued conservation area. However, he noted that the applicant sought to improve the conservation value of the space by providing functional landscaping to attract wildlife, screen abutters or improve aesthetics.

Mr. Spaulding stated that the plantings described in the landscaping plan lack the size, quantities,

and diversity necessary to significantly improve the value of the conservation easement. He suggested that the applicant provide for the development of an alternative plan.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **OFFER NO OBJECTION** to PB Application No. 4017 with the conditions outlined in the Agenda Summary Report, dated October 8, 2014 modified to include provisions for the development of both a redefined and more ecologically viable conservation easement, and the submission of an alternative landscape plan exhibiting greater density and diversity.

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

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2910 - Mill Road – Lot 2 – D. Cappello: Permit extension request to allow construction of a new single family dwelling, drive, drainage, septic and other related facilities in and proximate to wetlands on property situated within the non-drinking water supply watershed of Haviland Brook. The property is situated along the north side of Mill Road, approximately 275 feet east of Mill Spring Lane, and is identified as Lot 2, List 000-5619, Card N-016, Block 402, Zone RA-1 and 1.01 Acres.

Reference is made to an EPB Staff Memo, dated October 9, 2014.

In Attendance: None.

Discussion: The Chairman acknowledged the receipt of an extension request letter from David Capello, dated August 6, 2014. Staff Member Talamelli confirmed that the request has been submitted in accordance with Section 7.4 of the Regulations, that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension request for a period of one (1) year until August 21, 2015.

Dr. Shemitz noted that she would like to see the number of permit extensions already granted when permit extension requests are considered in the future.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the proposed **EXTENSION** of EPB Permit No. 2910 for a period of one (1) year until August 21, 2015.

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

#2218 - Wallenberg Drive - Lot 34 - Wallenberg, LLC (J. Isaacs): Permit extension to allow

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 8

construction of a new single family dwelling with associated septic system, site grading and drainage in and proximate to wetlands, watercourses, and designated conservation/open space areas on property situated within the drinking water supply watershed of the Bargh Reservoir (Mianus River). The property lies along the east side of Wallenberg Drive, approximately 150 feet south of South Lake Drive, and is identified as Lot 34, List 003-7997, Card E-003, Block 400, Zone RA-3, 2.04 Acres.

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

In Attendance: None.

Discussion: The Chairman acknowledged the receipt of an extension request letter from Jacqueline O. Kaufman, Esq., dated October 9, 2014. Staff Member Talamelli confirmed that the request has been submitted in accordance with Section 7.4 of the Regulations, that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension request for a period of one (1) year until October 10, 2015.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the proposed **EXTENSION** of EPB Permit No. 2218 for a period of one (1) year until October 10, 2015.

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

2015 Meeting Schedule: Discussion of potential meeting dates for the EPB for the year 2015.

Reference is made to EPB Staff Memo, dated October 8, 2014.

In Attendance: None

Discussion: Staff Member Talamelli presented the draft Regular Meeting Schedule for 2015. He noted that the draft document reflects meetings scheduled for the Board's traditional "Third Thursday" of each month. During its preparation, Staff sought to identify potential conflicts with school vacations and holidays. Based on the lessons of the prior years, an additional meeting has been scheduled for the earliest part of January to consider budget. 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 Mr. Rosenfeld, the Board voted to **APPROVE** the proposed 2015 Regular Meeting Schedule as reflected in the EPB Staff Memo, dated October 8, 2014.

In Favor: Stone, Levine, Wayne, Shemitz, and Rosenfeld
Opposed: None
Abstaining: None

Minutes
Environmental Protection Board
Regular Meeting of October 16, 2014
Page 9

Not Voting: Spaulding

ADJOURN:

Adjourn the Regular Meeting of October 16, 2014.

Motion by Levine to **ADJOURN** the Regular Meeting of October 16, 2014.

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

Meeting adjourned at 8:26 PM.

Meeting Minutes Assembled from Notes Prepared By Richard Talamelli, Environmental Planner

11/2/14: 9:30 AM-11:15 AM, 2:45 PM-5:00 PM RHT
11/6/14 7:00 AM-8:00 AM, 3:15 PM-5:00 PM RHT
11/12/14 6:30-6:50AM RHT