

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE NOVEMBER 20, 2014  
REGULAR MEETING**

**Members Present:**

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

**Members Not Present:**

Stephen Wayne, Member  
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 relocated from the 4<sup>th</sup> Floor Cafeteria to the Planning Board Conference Area, 7<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152 due to a scheduling conflict. The meeting was audio recorded. Visual recording was not available.

**MINUTES**

**Minutes of the October 16, 2014 Regular Meeting of the Environmental Protection Board:**

The Board considered the minutes of the EPB's October 16, 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 October 16, 2014 Regular Meeting as presented.

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

**APPLICATIONS AND PERMITS**

**#1419 - 39 North Street - Lot 14 - R. Filarski:** To construct a residential addition and implement certain renovations on property situated within the base floodplain of the Rippowam River. The property lies along the south side of North Street, approximately 125 feet west of Washington Court, and is identified as Lot 14, List 001-5367, Card S-030, Block 264, Zone R-MF, and ±6,314 square feet.

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Reference is made to an EPB Agenda Summary Report Memo, dated November 13, 2014.

**In Attendance:** R. Filarski

**Discussion:** Staff Member Fausty summarized the application for the Board. She noted that the applicant is proposing to construct an enclosed staircase addition within the base floodplain of the Rippowam River. The existing stairway that serves this multi-family structure has been deemed non-compliant by the Stamford Fire Marshal's Office. There are no wetlands, watercourses or other important environmental resources on the parcel. The property lies, in its entirety, within the base floodplain of the Rippowam River.

Ms. Fausty reported that important technical and resource protection issues have been addressed through the permit review process. The project minimizes impacts upon areas of resource, confining the construction to previously developed space along the western plane of the dwelling. No significant vegetation loss or grade change is expected. In total, approximately 376 square feet of the designated floodplain area shall be impacted. The project engineer has confirmed that the project will not cause any rise in flood heights and compensatory flood storage has been provided, essentially through the removal of an existing accessory structure. A positive endorsement of the engineering analysis by the Stamford Engineering Bureau is expected. Pertinent documentation has been submitted to confirm that the construction remains below the minimum 50% threshold for improvement. Accordingly, the structure does not have to be brought into conformance with Stamford's strict structural floodproofing standards. To enhance the overall conservation values of the parcel and reduce overall site imperviousness, portions of the site currently occupied by pavement or structure shall be restored and replanted. Revisions to the planting plan are required and have been noted as a proposed condition of approval.

Mr. Filarski acknowledged the receipt of the Agenda Summary Report, and stated that he offered no objection to any of the findings or conditions described therein.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1419 with the conditions outlined in the Agenda Summary Report, dated November 13, 2014.

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

**#1424 – 77 Havemeyer Lane – Lot 97 – Palmer Hill Partners, LLC.:** To maintain manicured space, drainage and other related features installed within close proximity to wetlands, and implement certain mitigating activities including the removal of invasive vegetation, installation of native plantings, and construction of a split rail fence as a permanent demarcation feature. The property lies along the east side of Havemeyer Lane, approximately 1825 feet south of Palmer's Hill Road, and is identified as Lot 97, Block 283, Zone C-D, and ±19.69 acres.

Reference is made to an EPB Agenda Summary Report, dated November 13, 2014.

**In Attendance:** Michele Ford, New England Environmental, Inc.

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**Discussion:** Staff Member Talamelli summarized the application for the Board. He reminded the Members, that in 2004, the Zoning Board approved a site plan permitting the construction of a 195 unit residential development along with associated parking, a clubhouse, landscaping and other related improvements on the property. Given the absence of encroachments into the designated regulated areas, the initial block of building permits for unit construction were endorsed by Environmental Protection Board Staff in October 2007. All work was expected to be confined to upland areas, more than twenty-five (25) feet to the designated wetlands. In October 2013, EPB and Engineering Bureau Staff initiated an in-depth inspection of infrastructure, landscaping and other features on the parcel. It was during these inspections and a subsequent review of the final improvement location surveys that certain the wetland buffer encroachments were uncovered, particularly in the western reaches of the parcel.

Mr. Talamelli noted that the wetland area subject of this permit application supports both coarse meadow and light to moderate woodlands. The meadow areas, which are situated in the approximate center of the wetland, are characterized by a collection of grasses, weeds, vines, and an occasional shrub. The wooded space, which is generally limited to the perimeter of the wetland, is marked by the presence of many small to moderately sized trees, a few shrubs, and a fairly dense tangle of groundcovers/vines. Many of the species in both areas may be classified as “non-native and invasive.”

Mr. Talamelli stated that the applicant seeks the Board’s permission to maintain a portion of the lawn grass, drainage structures and other related features installed within twenty-five (25) feet of the designated wetland. To mitigate the impact, it is the applicant’s intent to establish a firm, more uniform limit of lawn, approximately 7-12 feet from the terraces at Buildings N and P and 10-12 feet from the terraces at Building M. In addition, a mitigation scheme shall be implemented consisting of the construction of a split rail fence along a newly defined limits of development, removal of lawn grass from the wetland side of the split rail fence, removal of accumulated debris, implementation of a comprehensive plan to reduce or eliminate targeted invasive species including Burningbush, Mugwort, Porcelainberry, Wineberry, Multiflora Rose, Bittersweet, and the implementation of a landscape restoration plan that provides for the sowing of open meadow grasses and the installation of many containerized species of conservation value. In addition, the plans provide for a recommended mowing schedule to eliminate invasives and maintain the meadow environment. Mr. Talamelli reported that approximately 4,000 square feet of the wetland and 6,211 square feet of the upland review area shall be temporarily/permanently affected by the project.

Dr. Shemitz and Mr. Spaulding questioned the suitability of the mitigation scheme given the scope of the unpermitted encroachment. Mr. Talamelli stated that he believed that the mitigation proposal was well conceived and appropriate to the circumstances. He noted that the environmental professionals conducted a thoughtful study of the project area, and developed a plan that balances basic needs of unit holders with those of the environment. He noted that overall, the regulated areas would benefit from the removal of manicured surfaces, the addition of a solid demarcation feature, the installation of many conservation valued plantings, and the implementation of specific treatment/mowing schedules to reduce the influence of invasives and maintain the meadow environment. Mr. Talamelli stated that it is likely that the original, approved development plans did not allow sufficient spacing to construct drainage and other design elements without an encroachment.

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In response to questions by Dr. Shemitz and Mr. Rosenfeld concerning the proposed herbicide use and mowing schedule, Michele Ford confirmed her qualifications as both a licensed environmental professional and herbicide applicator. She noted that the overall treatment schedule is species specific, minimizes the use of herbicides, and avoids the employment of broad application methods. She noted that Bittersweet and Burningbush shall be cut by hand, the plant material removed, and the herbicide applied to stems by brush. With the larger Multiflora Rose and Wineberry, the plant material shall be cut and removed, and the herbicide applied with a small backpack style spray applicator. With Mugwort, the plants shall be lightly sprayed with a backpack spray applicator. All herbicides shall be mixed per the label and applied under the supervision of the licensed applicator. Ms. Ford noted further, that the May mowing schedule was chosen to beat seed release and avoid certain bird nesting seasons.

**Motion/Vote:** Upon a motion by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1424 with the conditions outlined in the Agenda Summary Report, dated November 13, 2014.

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

**#1425 – 25 Bittersweet Lane – Lot 42 – J. Gray:** To reconstruct a single family dwelling on an existing foundation proximate to wetlands and a pond situated in the drinking water supply watershed of the Rippowam River. The property lies along the north side of Bittersweet Lane, approximately 650 feet east of Woodbine Road, and is identified as Lot 42, List 001-7473, Card N-004, Zone RA-1, Block 190, and ±1.2037 Acres.

Reference is made to an EPB Agenda Summary Report Memo, dated November 14, 2014.

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

**Discussion:** Staff Member Fausty summarized the application for the Board. She noted that the applicant proposes to reconstruct a single family dwelling recently destroyed by fire. The dwelling shall be reconstructed on the existing foundation, and both the existing septic system and well shall be utilized. No expansion of the structure is being proposed.

The parcel supports wetlands, watercourses and portions of an open water pond. A majority of the upland review area on this property has been maintained as manicured space. It is reported that approximately 4,500 square feet of the wetland/watercourse setback shall be affected by the project. Ms. Fausty stated that staff concerns relating to construction control and water quality have been addressed with the submission of a detailed soil erosion control plan. A planting plan shall be provided to restore and enhance space adjoining the pond system. The disturbance of these areas had been attributed to recent demolition and clean-up activities.

Ms. Fausty noted that the application has been slated for both acceptance and decision given the minimal impacts expected.

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Mr. D'Andrea acknowledged the receipt of the agenda summary report and confirmed his client's agreement with both the assessment and recommended conditions of approval. He thanked Staff for the prompt response given the unfortunate circumstances of this application.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1425.

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

Upon a Motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1425 with the conditions outlined in the Agenda Summary Report, dated November 14, 2014.

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

**#1426 - Gutzon Borglum Road – NA - M. Poulter:** To widen and implement certain improvements to a private roadway proximate to wetlands and watercourses and within the base floodplain of the Rippowam River/Haviland Brook. The project affects approximately 380 linear feet of Gutzon Borglum Road, just north of its intersection with Wire Mill Road.

Reference is made to an EPB Staff Memo, dated November 13, 2014

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Application No. 1426.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1426.

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

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

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

**OTHER BUSINESS:**

**#2843 – Ingleside Drive – Lot B-1 – M. Innaurato:** To construct a new single family residence,

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patio, pool, driveway, septic system, berm, and water control structure within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of Ingleside Drive, just south of Spring Hill Lane East, and is identified as Lot B-1, List 004-5436, Card N-013B, Block 217, Zone RA-2, and 2.21 Acres.

**#2844 - Ingleside Drive – Lot B-2 – M. Innaurato:** To construct a new single family residence, patio, pool, driveway, and septic system within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of Ingleside Drive, approximately 125 feet south of Spring Hill Lane East, and is identified as Lot B-2, List 004-5435, Card N-013A, Block 217, Zone RA-2 and 2.01 Acres.

Reference is made to an EPB Staff Memo, dated November 17, 2014.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from letter from Michael Innaurato requesting the extension of the permits. In response to questioning by the Chair, Staff Member Talamelli noted that 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 requests for a period of one (1) year until December 24, 2015.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 2843 and 2844 for a period of one (1) year until December 24, 2015.

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

**#2926 – 48 Cider Mill Road – Lot A-11 – J. Olsen Koval and M. J. Koval:** To install a replacement septic system and grading within and proximate to a designated flood hazard area and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Cider Mill Road, approximately 450 feet north of Sawmill Road, and is identified as Lot A-11, List 001-8150, Card W-004, Zone RA-1, Block 394, and ±1.063 Acres.

Reference is made to an EPB Staff Memo, dated November 17, 2014.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of a letter from Phillip J. Boutall and Kirstie H. Eustace requesting a transfer and extension of permit. In response to questioning by the Chair, Staff Member Fausty noted that 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,

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Staff recommended that the Board approve the transfer and extend the permit to February 17, 2015.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **APPROVE** the proposed **TRANSFER** of EPB Permit No. 2926 from J. Olsen Koval and M. Koval to K. Eustace and P. Boutall.

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

Upon a Motion by Mr. Levine, the Board voted to **APPROVE** the proposed **EXTENSION** of EPB Permit No. 2926 until February 17, 2015.

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

**ADJOURN:**

**Adjourn the Regular Meeting of November 20, 2014.**

There being no further business, the Board, upon a Motion by Mr. Levine voted to **ADJOURN** the Regular Meeting of November 20, 2014.

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

Meeting adjourned at 8:07 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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