

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 19, 2015
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis Levine, Member
Richard Rosenfeld, Esq., Member
Nathanial Bowler, Alternate Member

Members Not Present:

Dr. Leigh Shemitz, Member
Stephen Wayne, Member
Bradford Spaulding, Alternate Member

Staff Present:

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

The Regular Meeting, which was called to order by the Chairman at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was both audio and video recorded.

MINUTES

Minutes of the January 8, 2015 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's January 8, 2015 Regular Meeting held for the purpose of budget. No changes or alterations were recommended/discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the January 8, 2015 Regular Meeting as presented.

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

Minutes of the January 15, 2015 Regular Meeting of the Environmental Protection Board:

The Board considered the minutes of the EPB's January 15, 2015 Regular Meeting. No changes or alterations were recommended/discussed. Accordingly, upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** the Minutes of the January 15, 2015 Regular Meeting as presented.

In Favor: Stone, Levine, and Rosenfeld
Opposed: None

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Abstaining: None
Not Voting: Bowler

APPLICATIONS AND PERMITS

#1427 – 255 West Lane – Lot 19 – T. and J. Daniel: To maintain pool fencing, a propane tank and concrete pad, construct an improved concrete pad for existing pool equipment and a fenced enclosure, and restore and/or enhance areas in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the south side of West Lane, approximately 250 feet north and east of Toilsome Brook Road, and is identified as Lot 109, List 002-3668, Map 104, Block 216, Card N-015, Zone R-20, and ± 1.0086 Acres.

Reference is made to an Agenda Summary Report dated February 10, 2015.

In Attendance:

Tamir Daniel
Julie Daniel
Matthew Klein, Esq.
Dr. Steven Danzer
Traci Chalifoux
Harold Bernstein, Esq.
Lisa Zarrow
Meryl Meiteles

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty stated that the applicants (Tamir Daniel and Julie Daniel of 255 West Lane, Stamford, Connecticut 06905) seek the Board's permission to maintain an above ground propane tank, concrete pad and pool fencing, construct a concrete pool equipment pad and a chain link fence tank enclosure, and implement certain actions to remedy or mitigate the impact of prior unauthorized encroachments into the regulated areas. These remedial/mitigative actions include the removal/regrading of wetland fill, the removal of debris, the removal of piping, the addition of boulders and rip rap, and the installation of both stabilizing groundcovers and other related plantings. It was reported that although a propane tank was previously endorsed for the parcel by EPB Staff, an unauthorized change in size and location occurred, resulting in an encroachment into regulated areas with a larger storage facility. It was also reported that approximately 408 square feet of wetlands and 331 square feet of the upland review area are expected to be impacted by the project.

Ms. Fausty stated that although the applicant has sought the advice of both wetland and landscape professionals to address identified issues, the Board may consider alternative, less intrusive designs to reduce potential impacts and long term commitment of wetland resources, and may further seek additional corrective actions/mitigation to appropriately restore and enhance regulated areas. She noted that an alternative enhancement plan may include provisions for additional fill removal, both in and adjoining the wetland, and the installation of additional native planting to further stabilize the soil, screen abutters, and improve overall aesthetic and conservation values.

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Mr. Stone acknowledged the receipt of correspondence from two (2) interested parties (M. Meiteles, 2/12/15 and L. Zarrow, 2/17/15) outlining a number of questions and concerns about this application. Following this acknowledgement, the applicants and their representatives were invited to address the Board.

On the behalf of the applicants, Matthew Klein, Esq., presented a brief accounting of the project history and reconfirmed the details of the proposal. He noted that many of the conditions observed on the property pre-dated wetland regulation. By engaging in the work, the applicants sought only to increase the general level of safety and preserve the site's existing uses and facilities. Mr. Klein claimed that his clients were committed to bringing the property into compliance with the regulations through the permit process.

On the behalf of the applicants, Dr. Steven Danzer and Traci Chalifoux addressed the Board, summarizing their observations and describing the details of their development/restoration plan. Dr. Danzer noted that in the area of interest, the watercourse, which emanates from a nearby culvert, has been channelized and many of the adjoining wetland areas have been filled or otherwise altered. Wetlands show evidence of both "recent" and "historic" filling, to a depth of approximately seven (7) inches. Boulders have been recently installed in an attempt to support fills and stabilize the space. Both Dr. Danzer and Ms. Chalifoux noted that the focus of their plan was to restore the recently disturbed wetland areas, stabilize the soil, protect water quality, and support the existing structures/facilities. Specifically, the project includes provisions for the installation of temporary erosion controls, the removal of assorted debris, the removal of fill and boulders from wetland areas, the removal of a small drainage pipe, the installation of a new concrete pad for existing pool equipment, the placement of boulders to shore up the propane tank pad, and enact measures to temper the effects of unmanaged driveway drainage and erosion. Driveway drainage management measures include the installation of stone, the development of water breaks, and application of native shrub and groundcover planting. Ms. Chalifoux reported that excess fill shall be removed from site or disposed of on the property, in a pre-approved location outside of regulated areas. Upon the completion of their presentation, the Chair invited members of the public to address the Board.

Representing adjoining property owners (Larry and Meryl Meiteles, 261 West Lane, Stamford, Connecticut), Harold Bernstein, Esq., claimed that the applicants had full knowledge of the local inland wetland permit requirements in advance of the work. Unpermitted actions showed a blatant disregard for the regulations and have negatively impacted important wetland functions and adjoining properties. The restoration plan submitted to date is inadequate, constitutes a reduction in standards, and should be rejected. Mr. Bernstein implored the Board to require the applicants to restore the regulated areas to the pre-development condition.

Lisa Zarrow, a former owner of the subject parcel, noted that the applicants, prior to closing, were advised of local inland wetland permit requirements for work in and adjoining the wetlands and watercourses. Ms. Zarrow confirmed that substantial changes have occurred on the property with vegetation removed, the pool fences reconstructed, and a large, above ground propane tank constructed in a space formerly occupied by a small "bottle-type" tank. The smaller vessel reportedly existed on the parcel since the early 1960's.

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Meryl Meiteles, a resident of 261 West Lane, Stamford, Connecticut, noted that the activities were conducted with little regard for the regulations or the neighborhood. Reportedly, work continued on the site even after one or more residents reminded the applicants of the laws governing wetlands and watercourses. Mrs. Meiteles testified that the unpermitted actions have reduced the screen between properties, diminished visual qualities, intensified erosion, and altered the natural drainage patterns in the area. She requested that any plan endorsed by the Board provide for both the relocation of the propane tank to the unregulated space originally authorized by EPB Staff, and a full restoration of the wetland/watercourse system to the pre-construction condition.

Following the completion of testimony, significant discussion ensued among Board Members. When polled, Messrs. Levine, Rosenfeld and Bowler each stated that additional information was warranted to clarify the scope of the proposal and fully assess the application. Mr. Stone provided a summary of the discussion, requesting that the applicant provide detailed, revised plans showing the size and location of the propane tanks (both the original and new installations), potential alternative locations for a propane tank, the limits and depth of fill removal, the location of boulders (as originally located and currently located), the location and details of fences (both the prior and new installations), all grade changes, all other changes in regulated areas, and all other changes in upland areas that potentially affect regulated areas. All notions shall be properly colored/keyed. Mr. Stone further invited the public to provide additional information to further clarify their observations, particularly as they relate to the reported parking areas.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **DEFER** Action on EPB Permit Application No. 1427 pending the receipt and review of all noted items of additional information.

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

#1428 – 346 Thornridge Drive – Lot 1C – J. Lyman for LFRET, LLC: To reconstruct a free standing garage proximate to wetlands and within a designated open space preserve/conservation easement situated in the non-drinking water supply watershed of Springdale Brook. The property lies along the west side of Thornridge Drive (eastern leg), approximately 415 feet south of Davenport Ridge Road, and is identified as Lot 1C, List 004-2489, Map 53, Block 382, Card E-018A, Zone RA-1, and ±1.11 Acres.

Reference is made to an Agenda Summary Report dated February 14, 2015.

In Attendance:

James Lyman
Ilyse Lyman

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty stated that the applicants propose to reconstruct a storm damaged, detached garage on the property. The structure, condemned by the City of Stamford due to safety concerns, was recently demolished.

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The property is currently developed, supporting a small residential dwelling, barn, drive and other related facilities. Regulated areas include a small pocket wetland, a surrounding upland review area of twenty-five (25) feet, and conservation areas that were established during a recent subdivision review. Ms. Fausty noted that the wetland, buffer and easement areas have been historically maintained as coarse lawn. The applicant reports that the “in-kind” garage replacement will temporarily affect approximately 400 square feet of the setback and conservation area.

Ms. Fausty testified that concerns relating to resource loss and erosion control have been addressed with the submission of detailed site development and erosion control plans that provide for the installation of perimeter controls, the application of stabilizing groundcovers, gutter outfall protection, and the restoration of required signage/demarcation features. A planting plan has been proposed to further define and improve the overall conservation values of the regulated areas.

In response to an inquiry by Mr. Stone, James Lyman confirmed receipt of the Agenda Summary Report, and offered no objection to the conclusions or recommended conditions contained therein.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1428 with the conditions outlined in the Agenda Summary Report of February 14, 2015.

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

#1429 - 1620 Washington Boulevard - Lot A - City of Stamford, Engineering Bureau - Woodside Firehouse Generator: To construct an emergency generator, platform and other related facilities within the base floodplain of the Rippowam River and proximate to wetlands and watercourses (non-drinking water supply watershed). The property lies along the west side of Washington Boulevard, approximately 550 feet North of Linden Place, and is identified as Lot A, List 002-6543, Card W-078, Map 115, Block 242, Zone R-MF, and ±0.406 Acres.

Reference is made to an EPB Staff Memo, dated February 10, 2015.

In Attendance:

None

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli reported that the City of Stamford proposes to install and emergency generator, platform and other related facilities within the base floodplain of the Rippowam River and proximate to wetlands and watercourses. The property, which lies along the west side of Washington Boulevard north of Linden Place, currently supports the building and related facilities associated with the “Woodside Fire House.” The site is characterized by gently sloping, urbanized uplands, a ±90 foot reach of the Rippowam River, a “wooded” wetland fringe, special flood hazard areas, and a few moderately sized trees.

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Mr. Talamelli reported that concerns relating to resource impact, water quality, drainage, flood rise/flood storage impacts, and structural floodproofing were addressed through the application process. Mr. Talamelli noted that the proposed tank and platform shall be confined to developed space along the western plane of the building no less than 68 feet to the river. The space, although situated outside of the floodway, lies within space affected by the floodplain. Approximately nine (9) square feet of the designated floodplain area shall be impacted, primarily associated with the placement of footings/piers. There will be no significant changes in grade, overall site imperviousness, or tree cover anticipated. The project engineers have confirmed that the project will not result in a rise in flood heights or impacts to drainage/adjoining properties. To offset the expected loss of flood storage, primarily the result of the elevated platform's piers, the applicant has determined to excavate below the platform to provide approximately 19.2 cubic feet of storage. The generator has been situated on an elevated steel platform, the top of which lies at 32 feet NAVD-88 or 3.2 feet above the projected 100-year storm elevation and 1.5 feet above the predicted 500-year storm elevation. The platform has been detailed on the plans and has been certified by the engineer as capable of withstanding the flood depths, pressures, velocities and uplift forces associated with the base flood. A basic erosion control plan consisting of perimeter silt fence and final soil stabilizing measures has been provided to limit resource/offsite impacts during/post construction. The generator shall be powered by diesel fuel, housed in an internal base tank. Like the rest of the generator, the tank shall lie on the proposed steel platform, the top of which lies above the limits of the 500-year storm. The tank supports secondary containment, meaning that the tank is "double walled" steel construction to diminish the possibility of leaks.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1429 with the conditions outlined in the Agenda Summary Report of February 10, 2015.

In Favor: Stone, Levine, Rosenfeld, and Bowler.

Opposed: None

Abstaining: None

Not Voting: None

#1501 – 12 Pond View Lane – Lot 5 – Greenwich Power Systems for C. Murphy: To install a standby generator and other related facilities proximate to wetlands and a pond on property situated within the drinking water supply watershed of the Mianus River. The property lies along the east side of Pond View Lane, just south of Rock Rimmon Road, and is identified as Lot 5, List 000-1750, Card E-001, Block 402, Zone RA-2, and ±2.221 Acres.

Reference is made to an EPB Staff Memo, dated February 14, 2015.

In Attendance: None

Discussion: Ms. Fausty summarized the application for the Board. She notes that the applicant proposes to install an emergency generator on the property. The property was the subject of an EPB Permit application. Regulated areas include a pond, wetlands and watershed upland review areas of fifty (50) feet to wetlands and one hundred (100) feet to open water. The applicant reports that the generator will affect approximately fifteen (15) square feet of the setback. It is noted that the property had been the subject of a recent EPB Permit in which an above ground pool, deck, and fencing was authorized by the Board. The permit provided for extensive planting in space adjoining the pond.

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Ms. Fausty testified that the generator shall be located a substantial distance from the pond and wetlands in an existing lawn area and that no significant disturbance is anticipated. Mitigation and additional planting is not required.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1501 with the conditions outlined in the Agenda Summary Report of February 14, 2015.

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

#1502 – 122 Palmer’s Hill Road – Lot A – Redniss and Mead, Inc., for Edgehill Property Corporation: To construct a sidewalk, install drainage, and implement other related improvements proximate to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the south side of Palmer’s Hill Road, just east side of Havemeyer Lane, and is identified as Lot A, List 000-0205, Card S-006, Map 119, Block 283, Zone R-10, and +21.8759 Acres.

Reference is made to an EPB Staff Memo, dated January 31, 2015.

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1502.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1502.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

#4012 – 745-751 High Ridge Road – Lots B/C – G and T. High Ridge Associates: Subdivision of an existing 1.9224 acre parcel into six (6) lots capable of supporting residential development. All dwellings shall be served by municipal water and sewage system.

Reference is made to and EPB Agenda Summary Report dated February 12, 2015.

In Attendance: Leonard C. D’Andrea, P.E., Rocco V. D’Andrea, Inc.
Matthew Popp, Environmental Land Solutions, LLC.

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Discussion: Staff Member Talamelli summarized the subdivision application for the Board. Mr. Talamelli noted that the applicant proposes to subdivide the 1.9224 acre property into six (6) parcels capable of supporting residential development. It is noted that access shall be gained by a new, twenty-two (22) foot wide, paved, private roadway accessed from High Ridge Road (west). All parcels shall be served by sanitary sewers and the public water supply. Drainage structures, both in the road and on individual properties are proposed to collect and manage storm water runoff. Mr. Talamelli reported that although there are no wetlands on the property, the site is characterized by gently to moderately sloping uplands. Vegetation types generally range from manicured space to the north and west to moderately dense woodland to the south and east. Many of the woodland trees are large, falling in the range of 12" to 42" DBH.

Mr. Talamelli stated that the Board, in its review of subdivisions, requires applicants to demonstrate that development can proceed with an acceptable impact upon the character of the land, its resources, water quality, drainage and other related factors, does not rely upon extraordinary measures to overcome the limitations of the property or depend on features requiring significant maintenance or expense, and results in the creation of parcels that are reasonably size, safe, accessible and livable. In addition, the applicant is required to address City's policies pertaining to useful open space/conservation easement areas.

Mr. Talamelli reported that the submitted plans show fairly substantial impacts to resources and the existing character of the parcel, with grade changes ranging from 0-8± feet, the use of approximately 900 linear feet of retaining wall, and the loss of seventy (70) of the largest trees reflected on the submitted plans. Given anticipated increases in imperviousness, significant increases in the rate/volume of runoff would be expected in left unmitigated. To address these concerns, the project engineer has determined to manage the post construction runoff by creating twelve (12) post construction watersheds, implementing grading, and installing retention systems under the proposed roadway and on most of the individual lots in the subdivision. Although all post-construction runoff ultimately reaches a pond west of High Ridge Road, the plan provides for the routing of some of the storm water from its original pathway from the "low areas" on the abutting parcel to the south directly to the storm system situated in High Ridge Road. The alternative routing has been proposed to prevent excessive ponding on the adjoining property to the south. The engineer has concluded that the development, as proposed, will not have any negative effect or adverse impacts on local drainage patterns or adjoining properties. The Stamford Engineering Bureau has verified the conclusions, study methodology and design of the project, and offers no objection to the application with conditions. Water quality measures incorporated into the plans include connections to the sanitary sewer, an erosion control plan, drainage structures with water quality controls, infiltrators, and the use of natural gas to heat the dwellings. To address the conservation requirements of the regulations, the applicant has provided for an open space/conservation area consisting of approximately 9,244 square feet of space, the pinning and posting of the conservation easement boundary, "arbor care" recommendations for the protection of the few trees expected to be kept in the post construction landscape, and a landscape plan to mitigate for the substantial tree loss, improve aesthetics, enrich the streetscape, and enhance the overall conservation values of the property.

Mr. Talamelli stated the subdivision may be inconsistent with many of the Board's subdivision review

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objectives, relying on considerable measures to overcome the limitations of the property posed by slope and other environmental factors, utilizing extensive grade change and long lengths of retaining wall to reduce the level the property at the expense of approximately seventy (70) large trees, supporting parcels with minimal yard space, odd configurations and/or other encumbrances that may limit overall usability, requiring extensive drainage in the road and on individual properties that require maintenance by individual owners, and providing a disjointed collection of open space areas having few resources or significant purpose. Alternatives having a less of an impact on the site's resources may be available, and worthy of consideration. Mr. Talamelli noted that the submitted arborist's report falls short by failing or provide both an objective assessment of the existing trees and meaningful recommendations to ensure that the most prized individual or groups of trees are preserved and incorporated into the post construction landscape.

At the prompting of the Chair, both Messers. Levine and Rosenfeld noted that any presentation offered by the applicant should address the areas of concern outlined in the agenda summary report, and further detail responses to the issue of tree loss, planting restoration, and open space selection.

Leonard D'Andrea, P.E. offered a brief description of the project and accounting of the design history. Mr. D'Andrea noted that the site posed interesting challenges from a design standpoint given the location/character of the property, density, and other related factors. He believes that the project suitably balances the requirements of the zone with the needs of the environment, citing several design revisions embraced by the applicant that resulted in the protection of an additional number of trees and the expansion of plantable space. Focus of the project should be on the value of the mitigating landscape plan offered by the applicant.

Matthew Popp described the proposed landscape/mitigation plan. Mr. Popp noted that the plan addresses three (3) pertinent areas of the property, the streetscape, the proposed open space, and the unit space between parcels. Generally, the plantings include a collection of shade and flowering trees to enhance the aesthetics of the street line, evergreens to screen and define unit space, and fruiting trees/shrubs to enhance the overall conservation value of the designated open space and property. In total, more than fifty (50) trees shall be added to the development.

In response to a question by Mr. Stone, Mr. D'Andrea noted that in this instance, the selection of the open space was driven by the location of the house sites and other necessary improvements. The size and configuration of the property and the density of the development does not allow for further open space commitments or greater linkage between the separate land areas proposed as part of the conservation easement.

Extensive discussion ensued among the Board members. Mr. Bowler stated that he was satisfied by the overall subdivision concept, particularly the landscaping and other mitigative measures offered by the applicant to offset the expected tree loss.

Motion/Vote: Upon a motion by Board Member Levine, the Board voted to **OFFER NO OBJECTION** to Planning Board No. 4012 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 12, 2015.

In Favor: Stone, Levine, Rosenfeld, and Bowler

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Opposed: None
Abstaining: None
Not Voting: None

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of February 19, 2015.

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of February 19, 2015.

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

Meeting adjourned at 9:25 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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