

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JULY 21, 2016
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, 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 the Chair at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

MINUTES

Minutes of the June 16, 2016 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's June 16, 2016 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 June 16, 2016 Regular Meeting as presented.

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

ACCEPTANCES:

#1626 – 733 Long Ridge Road – Lot A – B. Defreese: To construct a wood deck, stair, propane tank and other related facilities proximate to wetlands and watercourses and within the base floodplain of the Rippowam River. The property lies along the east side of Long Ridge Road, just north of Barnes Road, and is identified as Lot A, List 002-4369, Card E-058, Block 359, Zone R-20, and ±0.81 Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2016.

#1627 – Stanwick Circle/Stanwick Place/Northwoods Road – Lot NA – City of Stamford/Office of Operations: To remove fill and construct an end wall, rip rap and other related drainage structures in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook.

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The project area is generally confined to an existing easement on and proximate to properties situated at 8 Stanwick Circle, 42 Stanwick Place, and 60 Northwoods Road.

Reference is made to an EPB Staff Memo, dated July 13, 2016.

#1628 – 490 Scofieldtown Road - Lot 10E – Estate of Timothy Kennedy: To construct a driveway, walls, drainage, utilities, and other related facilities in and proximate to wetlands situated in the non-drinking water supply watershed of Haviland Brook. The activities are associated with a proposed two (2) lot subdivision of property. The property lies along the west side of Scofieldtown Road, approximately 700 feet north of Chestnut Hill Road, and is identified as Lot 10E, List 001-1631, Card W-026, Block 372, Zone RA-1, and ± 3.7271 Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2016.

#1629 – 57 Acre View Drive – Lot 27 – P. Sarkar and D. Basu: To maintain a subsurface sewage disposal system, reconstruct drainage and grade in and within close proximity to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The property lies along the east side of Acre View Drive, approximately 800 feet north and east of High Ridge Road, and is identified as Lot 27, List 000-8282, Card E-004, Block 388, Zone RA-1, and ± 1.00 Acres.

Reference is made to an EPB Staff Memo, dated July 20, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept these permit applications.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1626, 1627, 1628 and 1629.

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

ACTION ITEMS:

#1610 – 180 Wildwood Road – Tract A1 – J. Shulman: To erect a fence and swimming pool enclosure in and within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Wildwood Road, just west of Long Ridge Road, and is identified as Tract A1, List 002-4984, Card S-013, Block 394, Zone RA-1, and ± 1.1348 Acres.

Reference is made to an EPB Staff Memo, dated July 15, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Burt Hoffman, Esq. dated July 15, 2016 withdrawing EPB Permit Application No. 1610 from further consideration.

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Motion/Vote: None

#1612 – 2118 Long Ridge Road – Lot 3 – K. and G. Chybowski: To construct residential additions, a deck, drive, retaining walls, and other related improvements within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Long Ridge Road, just north of Wildwood Road, and is identified as Lot 3, List 001-9079, Card W-126, Block 398, Zone RA-1, and ±1.5 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 15, 2016.

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

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the subject property supports a reach of the Mianus River (East Branch), along with designated wetlands and special flood hazard areas. The applicant seeks the Board's permission to construct several residential additions, a deck, drive, septic system, drainage, retaining walls, and other related improvements within close proximity to the regulated areas. Although there are no direct encroachments proposed, the project will affect approximately 7,907 square feet of the upland review area. Staff concerns relating to drainage, water quality and resource impact have been addressed with the submission of a drainage report/plan that confirms the absence of impact, a detailed sediment and erosion control plan that provides for the installation of perimeter controls and final stabilization measures, and a mitigation plan that includes provisions for the removal of landscape debris, invasive plant control, and the installation of certain landscape enhancements in and along the regulated areas. The mitigation activities will serve to enhance the conservation values of the site, filter runoff, and restore historically altered land areas. Ms. Fausty noted that Engineering Bureau Staff has reviewed the project and confirmed the conclusions, study methodology, and design details reflected in the engineer's reports/plans.

In response to questioning by Mr. Stone, Mr. Pugliesi, acknowledged the receipt of the Agenda Summary Report, and offered no objection to the conclusions or recommended conditions of approval contained therein.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1612 with the conditions outlined in an EPB Staff Agenda Summary Report, dated July 15, 2016.

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

#1613 – Wildwood Road – Tract K-1 – J. Shulman: To erect a fence and swimming pool enclosure in and within close proximity to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Wildwood Road, approximately 350 feet west of Long Ridge Road, and is identified as Tract K-1, List 002-4985, Card S-014, Block 394, Zone RA-1, and ±1.00 Acre.

Reference is made to an EPB Staff Memo, dated July 15, 2016.

In Attendance: None

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Discussion: Mr. Stone acknowledged the receipt of correspondence from Burt Hoffman, Esq. dated July 15, 2016 withdrawing EPB Permit Application No. 1613 from further consideration.

Motion/Vote: None

#1619 – 50 Three Lakes Drive – Lot 73 – L. Andrzejewski.: To maintain and enhance a retaining wall, install fill, and grade in and within close proximity to a watercourse and the base floodplain of Ayers Brook/Rippowam River. The property lies along the west side of Three Lakes Drive, approximately 155 feet south of Elaine Drive, and is identified as Lot 73, List 002-2450, Card N-007, Block 359, Zone R-10, and $\pm 10,117$ square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated July 13, 2016.

In Attendance: Dean Martin, P.E., Grumman Engineering

Discussion: Staff Member Talamelli summarized the application for the Board. He noted that the applicant seeks the Board's permission to construct a retaining wall, place fill and grade in and proximate to regulated areas to create level yard space to the rear of the existing residence. The regulated areas on this parcel include ± 53 foot long reach of Ayres Brook and special flood hazard areas sited primarily in the northwest portions of the site.

Mr. Talamelli reported that the construction was initiated in January 2016. Given the absence of a proper EPB Permit, Staff advised the owner to refrain from further work, reestablish properly installed sediment and erosion control, apply necessary measures to ensure a safe environment, and immediately assemble a team of qualified engineering/environmental professionals to assess the property and develop a specific plan/timetable to remedy the encroachments. A permit application was submitted in May 2016.

Given the initial encroachments, the applicant was required to assess potential resource impacts, provide water quality controls, mitigate potential drainage impacts, and ensure compliance with the hydraulic impact, storage and structural flood proofing requirements outlined in Section 7.1 of the Stamford Zoning Regulations. However, through the permit application process, the applicant determined to pursue a less intrusive alternative and relocate the wall and associated fill to the south and east. As a result, the encroachments into the stream bank and special flood hazard areas were reduced to a single, at grade, stabilized wall drainage outfall encumbering approximately 16 square feet. Buffer encroachments associated with the wall and fill were reduced to approximately 450 square feet. Staff noted that the revision increased the overall buffer to the brook and diminished wall heights. Existing wall footings shall be removed, the stream banks shall be restored to their original grade, and the soil restabilized with both an erosion control grass seed mix and several woody plantings. Mr. Talamelli noted that a revised planting plan, as developed by a qualified landscape professional, is warranted to better stabilize the soil and enhance the conservation values of the space adjoining the brook. The plan should rely on a more dense and diverse collection of woody shrub plantings. To assist in the protection of water quality during the construction phase, silt fences shall be installed and maintained. The Stamford Engineering Bureau had reviewed the revised project, confirming the project engineer's conclusion that the wall construction and grading will not adversely impact drainage and adjoining properties.

Dr. Shemitz and Mr. Levine praised the workings of a permit application process that resulted in a reduction in impact and a long term commitment of resources. They further confirmed that a planting plan, revised to include a greater number of functional conservation shrubs, was warranted to reestablish the bank and enhance the conservation value of the areas adjoining the brook.

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In response to questioning by Mr. Stone, Mr. Martin, acknowledged the receipt of the Agenda Summary Report and offered no objection to the conclusions or recommended conditions of approval contained therein.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1619 with the conditions outlined in an EPB Staff Agenda Summary Report, dated July 13, 2016.

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

#1621 - 23 Barry Place (aka 50 Barry Place) – Lots A/B – Barry Place Ventures, LLC: To construct storm water drainage and other related facilities within close proximity to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the west side of Barry Place, approximately 365 feet north of Fairfield Avenue, and is identified as Lots A/B, List 003-1399, Card W-002, Block 35, M-G Zone, and ±11.7733 Acres.

Reference is made to an EPB Agenda Summary Report, dated July 14, 2016.

In Attendance: Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C.

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the property lies within an intensely developed commercial/industrial area, supporting numerous buildings, large paved parking areas, access drives, fences, and other related facilities. Wetlands and watercourses are situated to the west, along the common property boundary with the Innis Arden Golf Course Club. Ms. Fausty noted that the property had been the subject of a prior EPB Permit which allowed for the removal of an outbuilding and remediation of contaminated soils.

The applicant proposes to upgrade and expand storm drainage within the existing paved parking lot and accessways to better collect and manage storm flows. Portions of the property are currently subject to flooding and significant erosion.

Staff concerns relating to drainage, water quality and resource impact have been addressed with the submission of a drainage report/plan that confirms the absence of impact, a detailed sediment and erosion control plan that provides for the installation of perimeter controls and final stabilization measures, a storm collection system fit with water quality controls, and a mitigation plan that includes provisions for the installation of certain landscape enhancements in and along the proposed drainage outfall. The plantings complement other landscaping installed by the proposed drainage outfall under the prior EPB Permit application.

Dr. Shemitz stated that the improvements applied to this and other similar properties in the area are important to preserve the quality of waters in Long Island Sound.

Mr. Rosenfeld noted that the photographs supplied in support of this application clearly defined the areas of concern/impact, and proved to be extremely valuable in his assessment of the application.

Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C., acknowledged the receipt of the Agenda Summary Report, and offered no objection to any of the conclusions or recommended conditions of approval.

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Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1621 with the conditions outlined in an EPB Staff Agenda Summary Report, dated July 14, 2016.

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

#1622 - 463 Roxbury Road – Lot 5 – Redniss and Mead, Inc. for 463 Roxbury Road, LLC: To maintain a generator and concrete pad installed within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of Roxbury Road, approximately 425 feet west of Den Road, and is identified as Lot 5, List 001-5016, Card E-022, Block 374, Zone RA-1, and ± 1.00 Acres.

In Attendance: Teodoro Milone, P.E., Redniss and Mead

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant seeks the Board's permission to maintain a generator and two (2) propane tanks that had been installed proximate to a pond, wetlands and watercourses on the parcel. It was noted that the property is currently developed with a residential dwelling and appurtenances, and is serviced by both a private well and septic system.

The generator and above ground tanks have been installed along the rear plane of the existing dwelling, on land that has been historically held as lawn and landscaped space. Extensive setbacks to the pond and watercourse have been maintained, and the total disturbance was minimal. The applicant reports that approximately ± 18 square feet of the upland review area had been affected. Ms. Fausty stated that no controls, plantings or other similar mitigations are necessary given the circumstances of this application.

Mr. Milone acknowledged the receipt of the Agenda Summary Report, and offered no objection to any of the conclusions or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1622 with the conditions outlined in an EPB Staff Agenda Summary Report, dated July 15, 2016.

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

#1623 – 24 Linwood Lane – Lot 1A – T. Villani: To modify a driveway and remove and/or regrade fill and drainage structures installed in and proximate to wetlands, watercourses and the base floodplain of the Rippowam River. The property lies along the north side of Linwood Lane, approximately 400 feet east of Wire Mill Road, and is identified as Lot 1A, List 000-7371, Card E-002, Block 378, Zone RA-1, and ± 1.3328 Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Joshua K. Hannant, P.E., dated July 12, 2016 granting the Board an additional sixty-five (65) days to consider EPB Permit Application No.

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1623. The extension is granted to allow for the development of necessary additional information. A final decision shall be made on the subject application on or before September 26, 2016.

Motion/Vote: None

#1624 – 1430 Washington Boulevard (aka 1450 Washington Boulevard) – Lot A – Amore Montessori/M. Jacobsen for T-C Newbury Common, LLC: To construct a pre-school and infant/toddler playgrounds with the base floodplain of the Rippowam River. The property lies along the west side of Washington Boulevard, just north of North Street, and is identified as Lot A, List 003-6715, Card W-058, Block 262, Zones P-D, R-H, and R-5, and ±3.17 Acres.

Reference is made to an EPB Staff Memo, dated July 15, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Brian McMahon, P.E., Redniss and Mead, dated July 15, 2016 granting the Board an additional sixty-five (65) days to consider EPB Permit Application No. 1624. The extension is granted to allow for the development of necessary additional information. A final decision shall be made on the subject application on or before September 26, 2016.

Motion/Vote: None

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2509 – Wallenberg Drive – Lot 36 – P. Levine: Construction of a single family dwelling and associated facilities in and/or proximate to wetlands, watercourses and designated Conservation Areas situated in the drinking water supply watershed of the Bargh Reservoir/Mianus River. The property lies along the east side of Wallenberg Drive, approximately 575 feet south of South Lake Drive, and is identified as Lot 36, List 003-7996, Card E-002, Block 400, Zone RA-3, and ±2.13 Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Edward O’Hanlon, Esq., Robinson and Cole, LLP, dated June 13, 2016 requesting an extension of EPB Permit No. 2509.

Mr. Stone noted that based on a review of the Staff Report, there were no outstanding violations on the property, that conditions on the site have not changed as to warrant re-evaluation of the permit, and that the permit was routinely and legally issued by the Board. Accordingly, Staff recommended that the Board grant the extension request, allowing the permit to remaining in full force and effect until August 2, 2017.

Mr. Levine noted for the record that he has no relationship with the owner of this parcel.

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Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 2509 for a period of one (1) year until August 2, 2017.

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

#1120 – 371 Taconic Road – Lot 25 – T. Milone, P.E., Redniss and Mead, Inc. for V. and E. Loganchuk: To install a new fence, stone wall and other related features in and/or proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Taconic Road, approximately 2300 feet north of Farms Road, and is identified as Lot 25, List 002-2397, Card W-3, Block 400, Zone RA-3, and ± 4.101 Acres (± 0.487 Acres within the City of Stamford).

Reference is made to an EPB Staff Memo, dated July 13, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Ted Milone, P.E., Redniss and Mead, dated May 17, 2016 requesting an extension of EPB Permit No. 1120.

Mr. Stone noted that based on a review of the Staff Report, there were no outstanding violations on the property, that conditions on the site have not changed as to warrant re-evaluation of the permit, and that the permit was routinely and legally issued by the Board. Accordingly, Staff recommended that the Board grant the extension request, allowing the permit to remaining in full force and effect until September 23, 2017.

Motion/Vote: Upon a Motion by Dr. Shemitz, the Board voted to **APPROVE** the extension of EPB Permit No. 1120 for a period of one (1) year until September 23, 2017.

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

#1413 – 1937 West Main Street – Lot B-2 – West Side Development Partners, LLC for Cytec Industries, Inc.: To construct storm water management facilities, fence and other related facilities, grading and landscaping in and/or proximate to a designated conservation easement situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the north side of West Main Street, approximately 850 feet east of Alvord Lane, and is identified as Lot B-2, List 004-3105, Card N070B, Block 283, Zone M-L, and ± 19.00 Acres ($\pm 827,673$ square feet).

Reference is made to an EPB Staff Memo, dated July 15, 2016.

In Attendance: Deborah Brancato, Esq., Carmody, Torrance, Sandak and Hennessey

Discussion: Mr. Talamelli summarized the matter for the Board. Mr. Talamelli noted that the Board is in receipt of correspondence form Lisa L. Feinberg, Esq., Carmody, Torrance, Sandak and Hennessey, dated June 22, 2016 requesting an extension and transfer of EPB Permit No. 1413.

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He reported that based on a review of the file and site inspection, that the Board's typical requirements for an extension and transfer have been met, meaning there were no outstanding violations on the property, that conditions on the site have not changes as to warrant reevaluation, and that the permit was routinely and legally issued. Accordingly, Staff recommended that the Board approve an extension of EPB Permit No. 1413 for a period of one (1) year until July 28, 2018, and transfer the permit from Cytec Industries, Inc. to West Side Development Partners, II, LLC, noting that all permit conditions shall remain in full force and effect.

Dr. Shemitz stated that the property may support areas of contamination that warrant substantial, supervised remediation. Dr. Shemitz sought to clarify if the proposed extension/transfer of EPB Permit would, in any way, impact the ability of any authority having jurisdiction from successfully securing and supervising any necessary site remediation. Extensive discussion between Board Members and Staff ensued.

Motion/Vote: Upon a motion by Dr. Shemitz, the Board voted to **DEFER** from action on the proposed extension/transfer of EPB Permit No. 1413, pending the submission of further information confirming that the granting of the extension/transfer of permit will in no way diminish the authority of any regulatory agency having jurisdiction over the property.

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

ADJOURN:

Adjourn the Regular Meeting of July 21, 2016:

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of July 21, 2016.

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

The meeting was adjourned at 8:37 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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