

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE AUGUST 31, 2016  
SPECIAL MEETING**

**Members Present:**

Gary H. Stone, Chairman  
Louis P. Levine, Member  
Dr. Leigh Shemitz, Member  
Richard Rosenfeld, Esq., Member (Arrived 7:38PM)  
Ashley A. Ley, Member  
Bradford Spaulding, Alternate Member  
Laura Tessier, Alternate Member

**Members Not Present:**

Nathaniel Bowler, Alternate Member

**Staff Present:**

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

The Special Meeting, which was called to order by the Chair at 7:30 PM, was held in the Cafeteria, 4<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

Note that this was the first meeting attended by newly designated Alternate Member Laura Tessier. The Chair welcomed Ms. Tessier during the introduction of the meeting's participants.

**MINUTES**

**Minutes of the July 21, 2016 Regular Meeting of the Environmental Protection Board:** The Board considered the minutes of the EPB's July 21, 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 July 21, 2016 Regular Meeting as presented.

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

**ACCEPTANCES:**

**#1630 – 4 Old Orchard Lane and 326 Dundee Road – Lots 4 and 12 - City of Stamford/Engineering Bureau for B. and N. Fauble and S. Wruble – Drainage Improvements:** To reconstruct a drainage swale, grade and landscape in and proximate to wetlands and watercourses situated in the drinking

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water supply watershed of the Mianus River. The project shall occur within an existing easement on the following properties: 4 Old Orchard Lane, B. and N. Fauble, Lot 4, Account 001-3342, Card W-002, Map 65, Block 394, Zone RA-1,  $\pm$ 50,965 square feet, and 326 Dundee Road, S. Wruble, Account 000-0059, Card E-023, Map 65, Block 394, Lot 12, Zone RA-1, and  $\pm$ 44,431 square feet.

**#1632 – Cascade Road – Lot A-2 –North Ridge Contractors, LLC:** To construct a new subdivision road, culvert crossing, walls, drainage, and other related facilities associated with a proposed six (6) lot subdivision of property. The proposed regulated activities lie in and within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The property lies along the east side of Cascade Road, across the street from Michael Road, and is identified as Lot A-2, List 002-4916, Card S-023, Map 27, Block 384, Zone RA-1, and  $\pm$ 8.95 Acres.

Reference is made to an EPB Staff Memo, dated August 24, 2016 as to both applications.

**In Attendance:** John Leydon, Esq.  
John Pugliesi, P.E., E.J. Frattaroli, Inc.

**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. 1630 and 1632.

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

**ACTION ITEMS:**

**#1627 – 8 Stanwick Circle, 42 Stanwick Place and 60 Northwoods Road – Lots16, 13 and 17 – City of Stamford/Office of Operations for V. Boccagna, J. Annuzzi and J. Gibek:** To remove vegetation, excavate fill and debris and construct a retaining wall, 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. The project area is generally confined to an easement on and proximate to properties situated at 8 Stanwick Circle, 42 Stanwick Place, and 60 Northwoods Road, Stamford, Connecticut.

Reference is made to an EPB Staff Memo, dated August 24, 2016.

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

Note that Mr. Rosenfeld joined the meeting during the discussion of this item at approximately 7:38PM.

**Discussion:** Mr. Talamelli summarized the application for the Board. He noted that the City of Stamford seeks the Board's permission to remove vegetation, excavate dumped fill/debris, and construct a new retaining wall, end wall, rip rap and other related drainage structures in and proximate to known

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wetlands/watercourses. The activity has been proposed to restore the function of an 18" reinforced concrete pipe that historically allowed for the passage of storm water from collection structures situated in the vicinity of Stanwick Circle/Stanwick Place. It was reported that the obstruction has adversely impacted drainage on both private and public properties, and prevented the testing of a storm water outfall required under the City's MS4 program.

Mr. Talamelli reported that the regulated areas lie in the extreme southern reaches of the project area, and consist of an intermittent watercourse and wooded wetlands. The system generally drains to the south and east through several residentially developed parcels before entering Toilsome Brook at West Lane.

As with all projects of this nature, the applicant is required to minimize resource impacts, utilize measures to preserve water quality, and confirm the absence of negative drainage effects. When the impacts of the project are unavoidable, mitigation may be proposed to offset the impacts or enhance the function of the regulated areas. Mr. Talamelli reported that the work, which is generally confined to an existing drainage easement on several Stanwick Circle, Stanwick Place and Northwoods Road properties, will necessitate the removal of up to five (5) feet of fill to uncover the existing pipe outlet and create the space necessary for the new plunge pool, stabilized outlet and other related features. Up to 175 square feet of wetlands and 760 square feet of the upland review area will be temporarily/permanently impacted by the project. Two (2) of the larger trees in the development envelope and several lesser sized trees/shrubs are expected to be lost. To preserve water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter fences, swept/stabilized accessways, stockpile areas and final stabilizing groundcovers applied to the disturbed earth surfaces. In addition, the drainage outfall shall be reworked to provide for a plunge pool and rip rapped channel to assist in the collection of sediments, stabilize the soil, and ensure that any damaging velocities are appropriately mitigated. The consulting engineer notes that the project will restore proper functionality of the existing storm drain system for Stanwick Circle, while maintaining existing drainage patterns and stormwater runoff flow rates. The engineer has concluded that the project will not have any significant effect or adversely impact on adjoining properties or downstream areas. Finally, to mitigate for the loss of vegetation and stabilize the soil, the applicant has provided for the protection of several trees in the project areas with snow fence, and expects to apply a meadow seed mix to the disturbed space adjoining the wetland.

Mr. Talamelli stated that the project will remedy a long standing drainage issue with a minimal impact upon important resources, drainage or water quality. However, he recommended that the Board require certain modifications to the proposal to further improve water quality or better mitigate the anticipated effects. These modifications include a revised drainage plan that provides for the installation of outlet controls on the contributing catch basins to enhance the sediment trapping capabilities of these structures, and a revised planting plan that provides for the installation of several woody conservation shrubs along the base of the reconstructed outfall to assist in the filtering of runoff, stabilization of the soil, and furthering of the aesthetic/conservation values of the site and its regulated areas.

In response to questions by both Dr. Shemitz and Ms. Tessier, Mr. Talamelli reported that the City has provided for the full replacement of the entire pipe if further testing/inspection shows that the system has been compromised. The full inspection can only be conducted when the pipe outlet is uncovered.

Mr. Daunais, whose firm prepared the plans on the behalf of the City, acknowledged the receipt of the

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Agenda Summary Report and offered no objection to its contents or recommended conditions of approval.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1627 with the conditions outlined in an EPB Staff Agenda Summary Report, dated August 24, 2016.

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

**#1631 - Hope Street - Lot 22 - City of Stamford/Engineering Bureau for the Town of Stamford – Drotar Park Walkway:** To construct an asphalt walking path proximate to wetlands and watercourses and within the base floodplain of Springdale Brook. This parcel lies in a non-drinking water supply watershed. The subject property lies along the south side of Hope Street, approximately 450 feet west of Mead Street, and is identified as Lot 22, List 002-5924, Block 86, Zone P, and ±194,278 square feet.

Reference is made to an EPB Staff Agenda Summary Report, dated August 24, 2016.

**In Attendance:** None

**Discussion:** Mr. Talamelli was called upon to summarize the application for the Board. He reported that the City of Stamford seeks the Board's permission to construct a five (5) foot wide paved pedestrian walkway to provide a safe and permanent means of access from Hope Street to the Springdale Elementary School. The project is before the EPB given the expected encroachment into the base floodplain and proximity to both wetlands and Springdale Brook.

Mr. Talamelli reported that the proposed asphalt pathway generally mimics an existing dirt path etched into the soil by prior pedestrian use. Given the circumstances of this site, applicants are typically required to assess potential resource impacts, provide erosion controls and other water quality measures, mitigate potential drainage impacts, and ensure compliance with the hydraulic impact and storage requirements outlined in Section 7.1 of the Stamford Zoning Regulations ("Flood Prone Area Regulations of the City of Stamford").

Although excavation is warranted to remove several existing concrete platforms and provide a suitable base for the walkway, the construction is expected to necessitate little site disturbance, change of grade, or resource loss. The walkway shall be set flush with the existing grade and has been sited to avoid significant trees. Although there are no direct wetland/watercourse encroachments proposed, the path is expected to affect approximately 1,539 square feet of the non-watershed upland review area and 1,155 square feet of the floodplain. Encroachments lie 12-60 feet from the edge of wetland which is situated along the base of the steeply sloping embankment. To assist in the protection of water quality during the construction phase, silt fences shall be installed and maintained between the project areas and brook. Given the absence of grade change, the Engineering Bureau Staff has concluded that there will be no adverse impacts on flood heights and no flood storage shall be lost. Engineering Bureau Staff further determined that the project results in a minimal increase in imperviousness, which will result in an

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imperceptible and negligible increase in runoff. Planting mitigation between the pathway and brook is not proposed at this time given the absence of resource impact, and the likelihood of a major project in the future to remedy significant bank erosion in this reach of the watercourse.

Dr. Shemitz and Ms. Ley noted that although this project provides for the installation of an asphalt pathway, future projects of this sort should give consideration to materials and construction practices that promote infiltration, such as porous pavement.

**Motion/Vote:**

Upon a motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application No. 1631.

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

Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1631 with the conditions outlined in an EPB Staff Agenda Summary Report, dated August 24, 2016.

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

**#1516 – 28 Quaker Ridge Road – Parcel B – Frangione Engineering, LLC. for Gerkos, LLC:** To construct residential additions and a deck, install a new septic system, provide drainage, and implement other related improvements proximate to wetlands in the non-drinking water supply watershed of Haviland Brook. The property lies along the north side of Quaker Ridge Road, approximately 350 feet east of East Hunting Ridge Road, and is designated as Parcel B, List 001-0344, Card N-002, Block 391, Zone RA-1 and ±0.916 Acres.

Reference is made to an EPB Staff Memo, dated August 25, 2016.

**In Attendance:** Robert Frangione, P.E., Frangione Engineering, LLC  
Natasha Gerasimoff, Gerkos, LLC  
Susan Kosterich, Gerkos, LLC

**Discussion:** Mr. Talamelli summarized the concepts outlined in this permit modification request. He reminded the Members that in January 2016, the EPB approved EPB Permit No. 1516 allowing construction of several residential additions and deck, a new septic system, drainage, and other related improvements proximate to the designated wetland. The applicant currently seeks the Board's permission to modify EPB Permit No. 1516 to allow for the full demolition of the existing structure and construction of a new single family dwelling in approximately the same location as previously permitted. The determination to demolish and rebuild is reportedly based upon a structural engineer's evaluation of the existing foundation system, and a determination that the foundation was structurally compromised to the point where it would not be prudent to keep it.

Mr. Talamelli stated that the variations to the new building footprint and deck are minor. Although the proposed deck and entryway have slightly enlarged, a minor decrease in total impervious has been achieved with adjustments to other portions of the development plan. Previously defined limits of disturbance have been honored, and sufficient space exists between the new dwelling/deck and wetland to permit both construction and post-construction uses. The project engineer notes that the revised development proposal will not result in any additional impacts to the wetland and no changes to the proposed septic or drainage concepts have been required. It was noted that the Stamford Engineering Bureau has endorsed the modified proposal.

In response to a question posed by Mr. Rosenfeld, Mr. Talamelli reconfirmed that no changes to the proposed septic system have been required, and that all other terms and conditions of the permit shall remain in full force and effect.

Mr. Frangione, whose firm prepared the modified plans/reports on the behalf of the applicant, acknowledged the receipt of the Agenda Summary Report, and offered no objection to its contents or recommended conditions of approval.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** the proposed Modification of EPB Permit Application No. 1516 with the conditions outlined in an EPB Staff Agenda Summary Report, dated August 25, 2016.

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

#### **SITE PLAN REVIEWS:**

**#3860 – Campbell Drive – Lot C1-A – Construction Management Group, LLC.:** To construct a new single family dwelling, drive, drainage, septic, walls, and other related facilities proximate to an open space preserve/conservation easement on property situated within the non-drinking water supply watershed of Haviland Brook. A site plan review is required by a Condition of Planning Board (Subdivision) No. 3860. The property lies along the north side of Campbell Drive, approximately 1,215 feet west of Scofieldtown Road, and is identified as Lot C1-A, List 004-3312, Card N-007Z, Map 50, Block 377, Zone RA-1, and ±108,800 square feet.

**#3860 – Campbell Drive – Lot C1-B – Construction Management Group, LLC.:** To construct a new single family dwelling, drive, drainage, septic, walls, and other related facilities proximate to an open space preserve/conservation easement on property situated within the non-drinking water supply watershed of Haviland Brook. A site plan review is required by a Condition of Planning Board (Subdivision) No. 3860. The property lies along the north side of Campbell Drive, approximately 1115 feet west of Scofieldtown Road, and is identified as Lot C1-B, List 004-3311, Card N-006, Map 51, Block 377, Zone RA-1, and ±93,654 square feet.

Reference is made to EPB Staff Agenda Summary Reports dated August 24, 2016.

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**In Attendance:** Robert Frangione, P.E., Frangione Engineering  
Salvatore Zarella, Construction Management Group

**Discussion:** Ms. Fausty summarized the site plan review applications for the Board. Ms. Fausty reported that the lots had been created under Subdivision Application No. 3860 which gained a prior endorsement by the Environmental Protection Board. A condition of the subdivision established that individual site development plans would be subject to the review and approval of the EPB prior to the issuance of building permit. In 2011, individual site plans were reviewed and approved by the Board. Although securing the site plan approvals, development in the subsequent years was limited to tree clearing and rough grading in the vicinity of the common drive. New and revised site development plans submitted by a new owner triggered the need for new Site Plan Approval Applications from the Board.

Ms. Fausty noted that the parcels are characterized by the presence of moderate to steeply sloping woodlands and wooded wetlands. The wetlands and buffers were afforded protection under the terms of a conservation easement agreement establish at the time of subdivision. The new projects provide for smaller scale developments, smaller landscape envelopes, and a revised planting plan adjusted to fit the alternative developments proposed. EPB Staff found that the proposed development consistent with the provisions of the subdivision by honoring the conservation easement, limiting disturbance to the established envelopes, providing septic areas endorsed by the Health Department, supplying a drainage mitigation plan endorsed by the Engineering Bureau, and providing both demarcation features and a planting mitigation plan that are appropriate for the circumstances of the development.

Mr. Frangione, whose firm prepared the modified plans/reports on the behalf of the applicant, acknowledged the receipt of the Agenda Summary Reports, and offered no objection to their contents or recommended conditions of approval.

**Motion/Vote:**

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the Site Plan Review No. 3860-C1A the conditions outlined in an EPB Staff Agenda Summary Report, dated August 24, 2016.

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

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the Site Plan Review No. 3860-C1B the conditions outlined in an EPB Staff Agenda Summary Report, dated August 24, 2016.

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

**SUBDIVISION REVIEWS:**

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

**OTHER BUSINESS:**

**#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 N-070B, Block 283, Zone M-L, and ±19.00 Acres (827,673 square feet).

Reference is made to an EPB Staff Memo, dated August 25, 2016.

**In Attendance:** Lisa Feinberg, Esq., Carmody, Torrance, Sandak and Hennessey, LLP

**Discussion:** Mr. Talamelli summarized the matter for the Board. He reminded Members that the applicant seeks the Board's endorsement of a requests to both extend the effective period of EPB Permit No. 1413 for a period of one (1) year, and to transfer the permit from Cytec Industries, Incorporated to West Side Development Partners, II, LLC. The matter was originally considered at the Board's July 21, 2016 meeting. At that time, the Board, noting that the property may support areas of contamination that warrant substantial remediation, sought to clarify if the proposed extension/transfer of Permit would, in any way, impact the ability of any authority having jurisdiction from successfully securing and supervising any necessary site remediation. Accordingly, the Board voted to defer from action on the proposed extension/transfer of EPB Permit No. 1413, pending the submission of additional information.

Ms. Feinberg addressed the Board on the behalf of the applicant. She confirmed that the proposed transfer of permit in no way impacts the authority of any regulatory agency to exercise jurisdiction on the property. She stated that although the title to the property has been transferred since the permit was first issued, Cytec Industries for the purposes of the remediation, remains the certifying party and has agreed to investigate and remediate the property in accordance with the Department of Energy and Environmental Protection (DEEP) Remediation Standard Regulations. Ms. Feinberg noted that portions of the remediation project have been already been initiated, and that the plans for the development of the parcel with a new commercial building, parking and other related features will be coordinated with the State's remediation requirements to complete the project.

In response to questions by Mr. Stone and Ms. Tessier, Ms. Feinberg reconfirmed that an approved remediation plan is in place, that elements of the plan are currently being implemented, and that the completion of the remediation shall be linked to the future site development.

**Motion/Vote:**

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the proposed extension of EPB Permit No. 1413 for a period of one (1) year until July 28, 2018.

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

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Abstaining: None  
Not Voting: Spaulding and Tessier

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the proposed transfer of EPB Permit No. 1413 from Cytec Industries, Incorporated of 5 Garret Mountain Plaza, Woodland Park, New Jersey 07424 to West Side Development Partners, II, LLC, c/o William Hennessey, Jr., Esq., Carmody, Torrance, Sandak and Hennessey, LLP, 707 Summer Street, Stamford, Connecticut 06901.

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

**STATUS OF DRAINAGE MAINTENANCE AGREEMENTS/ENFORCEMENT:**

**In Attendance:** None

**Discussion:** Mr. Talamelli reported that the document drafted by Chair and his fellow Board Members is currently being finalized, and will be forwarded to several property management firms having developments in Stamford. Depending on the response, the project may be expanded to reach out to additional property management firms in the future.

**ADJOURN:**

**Adjourn the Special Meeting of August 31, 2016:**

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Special Meeting of August 31, 2016.

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

The meeting was adjourned at 8:09 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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