

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE NOVEMBER 17, 2016  
REGULAR MEETING**

**Members Present:**

Louis P. Levine, Member  
Dr. Leigh Shemitz, Member  
Richard Rosenfeld, Esq., Member  
Ashley A. Ley, Member  
Laura Tessier, Alternate Member

**Members Not Present:**

Gary H. Stone, Chairman  
Bradford Spaulding, Alternate Member  
Nathaniel Bowler, Alternate Member

**Staff Present:**

Richard H. Talamelli, Environmental Planner

The Regular Meeting, which was called to order by the Acting Chair, Louis P. Levine, 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.

**MINUTES**

**Minutes of the EPB's Regular Meeting of October 20, 2016:** The Board considered the minutes of the EPB's October 20, 2016 Regular Meeting. Members present and eligible to vote were Levine, Shemitz, Rosenfeld and Tessier. Mr. Rosenfeld recommended several minor corrections relating sentence structure and the names of attendees. Accordingly, upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** the Minutes of the October 20, 2016 Regular Meeting with the corrections noted.

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

**APPLICATIONS AND PERMITS:**

**Acceptances/Extensions:**

**#1640 – 153 Guinea Road – Lot 1 – J. McGowan:** To maintain a stone retaining wall, fill and landscaping installed proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Guinea Road, approximately 1840 feet south of June Road, and is identified as Lot 1, Account 001-6912, Card N-009, Map 80, Block 396, Zone RA-2 and ±1.0876 Acres.

**#1641 – 23 Overhill Road – Lot 17 – Frangione Engineering, LLC for K. Bivona:** To construct a new single family dwelling, drive, drainage, utilities and other related facilities proximate to wetlands situated in the non-drinking water supply watershed of the Rippowam River. The subject property lies along the east side of Overhill Road, just south of Barncroft Road, and is identified as Lot 17, Account 002-1518, Card E-002, Map 89, Block 375, Zone RA-1 and  $\pm 0.85$  Acres.

**#1642 – 92 Newfield Drive – Lot 13 – D. Romano:** To restore disturbed wetland and upland review areas situated within the non-drinking water supply watershed of Ayers Brook/Rippowam River. The subject property lies along the south side of Newfield Drive, approximately 1120 feet west of Newfield Avenue, and is identified as Lot 13, Account 000-6369, Card S-005, Map 105, Block 379, Zone RA-1 and  $\pm 1.58$  Acres.

**#1643 – 166 East Middle Patent Road – Plot B – S. Danzer for M. Moore:** To replace and improve an existing patio situated within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of East Middle Patent Road, approximately 585 feet north of Cherry Hill Road, and is identified as Plot B, Account 000-2032, Card W-006, Map 30, Block 400, Zone RA-3 and  $\pm 3.090$  Acres.

Reference is made to EPB Staff Memos of November 9, 2016 (No. 1640, 1641 and 1642) and November 14, 2016 (No. 1643).

**In Attendance:** Jacqueline McGowan  
John O'Malley

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

**Motion/Vote:** Upon a motion by Mr. Rosenfeld, the Board voted to **ACCEPT** EPB Permit Applications No. 1640, 1641, 1642 and 1643.

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

**ACTION ITEMS:**

**#1626 – 733 Long Ridge Road – Lot A – B. Defreese:** To construct a wood deck, stair 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  $\pm 0.81$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated November 10, 2016.

**In Attendance:** None

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**Discussion:** Mr. Talamelli summarized the application for the Board. He stated that the applicant proposes to construct a wood deck, stair and other related facilities proximate to wetlands and watercourses and within the base floodplain of the Rippowam River. It was noted that the applicant determined to modify the original application to omit a proposed propane tank.

Mr. Talamelli reported that the property currently supports residential development including a single-family dwelling, drive, fences, walkways and other related facilities. The structure is served by both sanitary sewers and the public water supply. The site is characterized by gently to moderately sloping uplands, a  $\pm 150$  foot long reach of the Rippowam River, a narrow band of wetland, extensive floodplain areas and a few large trees. The most intensely treed areas generally lie to the east along the river, and south along the property boundary.

Given the nature of the project, the applicant is required to demonstrate that resource impacts are minimized, that drainage and adjoining properties are not adversely affected, that water quality is preserved, and that the development is consistent with the "Flood Regulations" as they pertain to river rise, compensatory flood storage, and the integrity of structures.

Mr. Talamelli stated that the proposed deck, which lies along the eastern plane of the dwelling, is situated within both the base floodplain and floodway. The floodplain encroachment is unavoidable. Setbacks to both the wetland and river edge are extensive, exceeding 145 feet. It is estimated that approximately 384 square feet of the floodplain will be affected by the development. No significant vegetation will be lost or altered. With the exception of a minor roof over the entryway door, the deck is open, and is considered to be only a minor increase in imperviousness that will not adversely impact drainage or adjoining parcels. The project engineer has provided a statement stating that the project will not raise flood heights and flood storage losses linked to the new deck posts, sono-tubes and other related features have been addressed with a shallow excavation east of the dwelling. The total volume of the excavation equals or exceeds the projected loss. A sediment and erosion control plan has been provided, consisting of perimeter silt fencing, designated accessways, stone under the deck, and final stabilization measures applied to all disturbed earth surfaces. The applicant demonstrated consistency with the structural provisions of flood regulations by confirming that the cost of the deck, when combined with costs of a prior family room improvement in January 2016) remains below the 50% improvement threshold. Accordingly, structural floodproofing of the entire dwelling is not required. However, to limit the potential for flood damage and hazards, a Connecticut Engineer has provided a deck plan that has been designed in accordance with Section 7.1 of the Stamford Zoning Regulations and can withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Mr. Talamelli stated that provided the applicant constructs the facilities in accordance with the permit plans and other related submittals, it is not anticipated that the project will adversely affect valued resources, impact drainage, increase threats to persons or property, or render the project inconsistent with the performance standards of the flood regulations.

In response to a question by Mr. Levine, Mr. Talamelli stated that given the extensive nature of the floodplain and both the location and orientation of the dwelling, that the applicant has no ability to avoid the floodplain encroachment with an attached recreational deck and stair.

Dr. Shemitz expressed concern about the location of stockpile areas given the intensity of flooding. Mr. Talamelli noted that material stockpile areas will likely be in the general vicinity of the deck, which is

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located in the floodplain fringe and a substantial distance to the river's edge. Given the very limited duration of the project, the concern, although real, may be less troubling.

**Motion/Vote:** Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1626 with the conditions outlined in an EPB Staff Agenda Summary Report, dated November 10, 2016.

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

**#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  $\pm 3.7271$  Acres.

Reference is made to an EPB Staff Memo, dated November 10, 2016.

**In Attendance:** None

**Discussion:** Staff Member Talamelli acknowledged the receipt of correspondence from Joseph J. Capalbo, Esq. dated November 10, 2016 withdrawing the subject application from further consideration.

**Motion/Vote:** None

**#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  $\pm 1.00$  Acres.

Reference is made to an EPB Staff Memo, dated November 16, 2016.

**In Attendance:** None

**Discussion:** Staff Member Talamelli acknowledged the receipt of correspondence from Debarati Basu and Partha Sarkar, received November 16, 2016 withdrawing the subject application from further consideration.

**Motion/Vote:** None

**#1638 – 36 Den Road – Lot 7 – M. Wilson:** To construct a residential addition and other related facilities proximate to wetlands and watercourses situated in the drinking water supply watershed of the

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Mianus River. The property lies along the west side of Den Road, approximately 575 feet north of Roxbury Road, and is identified as Lot 7, List 000-9931, Card N-047, Block 374, Map 81, Zone RA-1, and ±1.075 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated November 2, 2016.

**In Attendance:** Toan Nguyen, P.E., TDN Engineering, LLC

**Discussion:** Staff Member Talamelli summarized the application for the Board. He noted that applicant proposes to construct a small residential addition in regulated areas. The property, which lies within the drinking water supply watershed of the Mianus River, is characterized by gently sloping, developed uplands, portions of an open water pond, a watercourse, and designated wetland soil areas.

Given the scope and nature of the improvement, the applicant is expected to demonstrate that the project is technically feasible and minimizes impacts upon resources, drainage and water quality. Mr. Talamelli stated that the new main entrance, stair and other related features shall be confined to uplands along the eastern (front) plane of the existing dwelling. Existing development separates the addition from the regulated areas, and that extensive setbacks to the wetland, watercourse and pond shall be maintained. Implementation will not require substantial grade change or vegetation loss. In total, approximately 126 square feet to the upland review area shall be impacted. The Stamford Engineering Bureau has endorsed the application, concluding that the project provides for only a minor increase in imperviousness and that any increase in runoff would not adversely impact drainage or adjoining properties. To assist in the preservation of water quality, an erosion control plan has been developed. The plan includes provisions for the installation of a perimeter silt fence, tracking pad/pavement sweeping, designated stockpile areas, and final soil stabilizing measures. To improve water quality, enhance aesthetics, and improve the overall conservation value of the regulated areas, the applicant has developed a planting/mitigation plan consisting of numerous conservation-valued shrubs and groundcovers. The plantings will displace lawn along portions of the pond, wetlands and watercourses situated in the western reaches of the site. Mr. Talamelli concluded that provided the applicant constructs the addition and implements the mitigative measures described in the application, the project will have an acceptable impact on the regulated areas, drainage, and the quality of waters leaving the site.

Toan Nguyen provided a brief summary of the erosion control measures applied to the project.

Both Dr. Shemitz and Ms. Ley asserted that the addition has been positioned in the best location to avoid impacts upon the regulated areas and affirmed the positive values of the landscape/mitigation plan.

**Motion/Vote:** Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1638 with the conditions outlined in an EPB Staff Agenda Summary Report, dated November 2, 2016.

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

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**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

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

**OTHER BUSINESS:**

**ADJOURN:**

**Adjourn the Regular Meeting of November 17, 2016:**

There being no further business, the Board, upon a motion by Dr. Shemitz, voted to **ADJOURN** the Regular Meeting of November 17, 2016.

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

The meeting was adjourned at 7:40PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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