

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE DECEMBER 15, 2016
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Bradford Spaulding, Alternate Member
Laura Tessier, Alternate Member

Members Not Present:

Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Nathaniel Bowler, Alternate Member

Staff Present:

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

The Regular Meeting, which was called to order by the Mr. Stone 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 EPB's Regular Meeting of November 17, 2016: The Board considered the minutes of the EPB's November 17, 2016 Regular Meeting. Members present and eligible to vote were Mr. Rosenfeld, Ms. Ley and Ms. Tessier. Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** the Minutes of the November 17, 2016 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Extensions of Review Period:

#1633 – 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 December 6, 2016.

#1635 – 185 Interlaken Road – Lot 2 - Frangione Engineering, LLC for T. Kalamaras: To construct a new single family dwelling, drive, drainage, well, septic system and other related facilities proximate to wetlands, watercourses and designated conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the south side of Interlaken Road, approximately 525 feet west of Lakeside Drive and is identified as Lot 2, Account 004-1851, Card S-018, Map 60, Block 383, Zone RA-1 and ± 1.61 Acres.

Reference is made to an EPB Staff Memo, dated December 7, 2016.

#1636 – 966 Westover Road – Lot 1 – J. R. Milo: To construct an above ground pool, pool equipment and other related facilities proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Westover Road, approximately 575 feet south of Highline Trail, and is identified as Lot 1, Account 002-1515, Card W-071, Map 95, Block 373, Zone RA-1 and ± 1.0011 Acres.

Reference is made to an EPB Staff Memo, dated December 12, 2016.

#1637 - 193 Shelter Rock Road - Lot N-30 - R. Wordell for K. Lubash: Construction of a shed and other related features within proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Shelter Rock Road, approximately 480 feet north of Riverbank Drive, and is identified as Lot N-30, List 001-0045, Card W-016, Block 394, Zone RA-1, and ± 1.0002 Acres.

Reference is made to an EPB Staff Memo, dated December 12, 2016.

#1639 – 360 Westover Road – Lot 13 – A. Violi: To construct residential additions, deck, and other related facilities proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Westover Road, approximately 550 feet south of Westover Lane, and is identified as Lot 13, List 002-0019, Card W-020, Block 366, Map 108, Zone RA-1, and ± 1.157 Acres.

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

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from the applicants or their designated representatives granting the Board extensions of the statutory decision deadlines for a period of sixty-five (65) days.

Motion/Vote: None

Acceptances:

#1644 – 1088 Westover Road – Lot 4 - A. and J. Antonucci: To construct a two (2) story residential addition, propane tank, generator and other related facilities within close proximity to a watercourse situated in the drinking water supply watershed of the Mianus River. The subject property lies along the west side of Westover Road, approximately 400 feet south of Winding Brook Lane, and is identified as Lot 4, Account 000-1500, Card W-090, Map 88, Block 373, Zone RA-1 and ± 1.0423 Acres.

#1645 – 29 Bittersweet Lane – Lot 42A – M. Mastrogiacomo: To install an above ground propane tank within proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The subject property lies along the north side of Bittersweet Lane, approximately 550 feet east of

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Woodbine Road, and is identified as Lot 42A, Account 001-7835, Card N-003, Map 11, Block 190, Zone RA-1 and ± 1.224 Acres.

#1646 – 17 Doral Farm Road – Lot 57 – A. Krim: To construct a residential addition and deck proximate to wetlands situated in the non-drinking water supply of the Rippowam River. The subject property is situated within the complex known as “Doral Farms” access of which lies along the south side of Roxbury Road, approximately 420 feet west of Overhill Road. The property is identified as Lot 57, Account 003-5260, Card E-002, Map 89, Block 368, Zone RA-1D and $\pm 10,250$ sq/ft.

#1647 – High Ridge Road, Turn of River Road, Perna Lane, Dzamba Grove, Meredith Lane, and the Vicinity – NA – City of Stamford Water Pollution Control Authority – Perna Lane Sanitary Sewers: To construct sanitary sewers, drainage and other related improvements in and within close proximity to wetlands, watercourses and the base floodplain of the Rippowam River (non-drinking water supply). The project area borders a section of High Ridge Road, and is generally bound to the north by Meredith Lane, south by Dunn Avenue, east by Dzamba Grove, and west by Redmont Road.

Reference is made to an EPB Staff Memo, dated December 7, 2016 for EPB Application Nos. 1644-47.

#1648 – 12 Pond View Lane – Lot 5 – C. R. Murphy: To maintain a split rail fence, install a patio and replace stairs proximate to wetlands and a pond on property situated within the drinking water supply watershed of the Mianus River (East Branch). 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 December 12, 2016 for EPB Application No. 1648.

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. Rosenfeld, the Board voted to ACCEPT EPB Permit Applications Nos. 1644, 1645, 1646, 1647 and 1648.

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

ACTION ITEMS:

#1634 – 333 Mayapple Road – Lot C-1 – E. Ford and V. Ford: To maintenance dredge a pond situated within the non-drinking water supply watershed of the Haviland Brook. The property, which supports wetlands, watercourses and designated open space preserve/conservation easement areas, lies along the north side of Mayapple Road, approximately 770 feet east of Rock Rimmon Road, and is identified as Lot C-1, Account 003-9191, Card N-022, Map 9, Block 403, Zone RA-2 and ± 5.599 Acres.

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

In Attendance: Edwin Ford
Veronica Ford
Andrew Winer, Pristine Waters

Mark Amler, Pristine Waters

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant proposes to maintenance dredge portions of a small open water pond that occupies the southern reaches of this property. The pond is part of a larger system of wetlands and watercourses that reach from residentially developed properties to the north and west to open lands to the south and east. It was noted that the pond, along with the adjoining wetlands, watercourses and upland review areas are contained within an open space preserve/conservation easement that was established as part of a prior subdivision.

Ms. Fausty notes that the applicant proposes to remove an estimated 920 cubic yards of material from the most heavily impacted portions of the pond using a "Diver Assisted Hydraulic Dredge." It was noted that the operation is seasonally constrained, generally confined to the less active spawning/hatching periods during the drier Summer months. A floating turbidity curtain shall be installed at the pond outlet to reduce the potential for downstream impacts. Sediment and leaf litter that is suctioned from the pond floor shall be routed through a geotextile bag and haybale/silt fence barriers for the purpose of filtering and dewatering. Fully dewatered sediments shall be removed from site or may, in part, be used to assist in the repair and stabilization of the space affected by the operation. The applicant reports that approximately 7,650 square feet of open water shall be affected by the project. Recommended conditions of approval included provisions for a bond, landscape maintenance agreement and a planting plan for the north edge of the pond to assist in the restoration of the primary dewatering area, displace portions of the existing manicured lawn, filter runoff from the adjoining developed uplands, and enhance the overall conservation values of the regulated areas.

Edwin and Veronica Ford, the owners of the property, then addressed the Board. They objected to several of the recommended conditions of approval including those relating to planting, supervision and the filing of a standard, City of Stamford, Landscape Maintenance Agreement. They noted that additional planting would be costly and unnecessary citing the minimal spread of the existing manicured space, the existence of native plants along portions of the wetland edge, and the minimal disturbance associated with this type of dredging operation. They stated that the planting plan would little to alter the principal issue with the pond, which is accumulating leaf litter. It was noted that enforcement of these conditions may cause them to reassess their efforts to improve the pond. The Fords further stated that the requirement for a standard, City of Stamford Landscape Maintenance Agreement, given its restrictive nature, may prove to be an economic liability and limit their ability to effectively market the property in the future. The Fords believe that, in this instance, the landscape maintenance agreement is unnecessary and the terms redundant, offering few additional protections not already imposed by the existing Conservation Easement Agreement.

Ms. Tessier and other members of the Board reaffirmed that value of native riparian buffers and the important role they have in improving water quality stabilizing the soils, and elevating the overall conservation values of wetlands and watercourses. Ms. Tessier noted that a planting plan does not have to be complicated or expensive to be effective and often, areas sown with an appropriate, low maintenance meadow or wildflower mixes can have a significant environmental benefit. Ms. Fausty noted that the landscape maintenance agreement has been consistently applied by the Board to projects of the nature to ensure the success of the planted features.

Extensive discussion ensued between the parties on the value of riparian buffers, the timing of the project to best limit potential impacts, the scale of the anticipated disturbance, the purpose, application and value of landscape maintenance agreements, precedent, and other related matters.

Motion/Vote: Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1634 with the conditions outlined in an EPB Staff Agenda Summary Report, dated December 13, 2016, modified to include an additional condition that excludes the performance of the dredging operation during the generally accepted "active biological period" of May 1 – August 15.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

#2843 – Ingleside Drive – Lot B-1 – M. Innaurato: To construct a new single family residence, patio, pool, driveway, septic system, berm, and water control structure within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of Ingleside Drive, just south of Spring Hill Lane East, and is identified as Lot B-1, List 004-5436, Card N-013B, Block 217, Zone RA-2, and ± 2.21 Acres.

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

Reference is made to and EPB Staff Memo, dated December 7, 2016 as to both applications.

In attendance: None

Discussion: Mr. Talamelli confirmed that there are no reported violations on the property, that the conditions on the site have not changed as to warrant a reevaluation, and that the permits were routinely and legally issued by the Board. Accordingly, Mr. Talamelli recommended that the Board approve the extension requests for a period of one (1) year, until December 24, 2017.

Motion/Vote: Upon a motion by Rosenfeld, the Board voted to **APPROVE** the Extension of EPB Permit Application No. 2843 for a period of one (1) year. The permit shall remain in full force and effect until December 24, 2017.

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

Upon a motion by Ms. Ley, the Board voted to **APPROVE** the Extension of EPB Permit Application No. 2844 for a period of one (1) year. The permit shall remain in full force and effect until December 24, 2017.

In Favor: Stone, Rosenfeld, Ley, Spaulding, and Tessier
Opposed: None

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Abstaining: None
Not Voting: None

ADJOURN:

Adjourn the Regular Meeting of December 15, 2016:

There being no further business, the Board, upon a motion by Mr. Rosenfeld, voted to **ADJOURN** the Regular Meeting of December 15, 2016.

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

The meeting was adjourned at 8:35PM.

Gary H. Stone, Chairman
Environmental Protection Board

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