

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE JULY 20, 2017  
REGULAR MEETING**

**Board Members Present:**

Gary H. Stone, Chairman  
Louis P. Levine, Member  
Dr. Leigh Shemitz, Member (Arrived at meeting at 8:03 PM)  
Richard Rosenfeld, Esq., Member  
Ashley A. Ley, Member  
Laura Tessier, Alternate Member  
Emily Gordon, Alternate Member

**Board Members Not Present:**

Bradford Spaulding, Alternate Member

**Staff Members 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, 4<sup>th</sup> Floor, Stamford Government Center, 888 Washington Boulevard, Stamford, Connecticut 06904-2152. The meeting was video recorded.

**Minutes of the EPB Regular Meeting of June 15, 2017:** The Board considered the minutes of the EPB's June 15, 2017 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Mr. Rosenfeld, Ms. Ley, Ms. Tessier, and Ms. Gordon. No corrections were proposed/recommended.

Upon a motion by Mr. Levine, the Board voted to **APPROVE** the minutes of the June 15, 2017 meeting as proposed.

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

**Acceptances/Extensions/Withdrawals:**

**#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  $\pm 4.101$  Acres ( $\pm 0.487$  Acres within the City of Stamford).

Reference is made to an EPB Staff Memo, dated July 18, 2017.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Teodoro Milone, P.E., Redniss and Mead, dated March 20, 2017 requesting an extension of EPB Permit No. 1120.

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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, 2018.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 1120 for a period of one (1) year until September 23, 2018.

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

**#1131 – 123 North Lake Drive – Lot 6 – H. and R. Colindres:** To construct a new septic system, implement grading, and install both drainage and other related features proximate to wetlands situated within the drinking water supply watershed of the Mianus River. The property lies along the north side of North Lake Drive, approximately 1500 feet west of Long Ridge Road, and is identified as Lot 6, List 001-8661, Card N-003, Block 400, Zone RA-2, and  $\pm$ 2.003 Acres.

Reference is made to an EPB Staff Memo, dated July 18, 2017.

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Hugo Colindres, dated April 25, 2017 requesting an extension of EPB Permit No. 1131.

Mr. Stone confirmed that 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, Mr. Talamelli recommended that the Board grant the extension request, allowing the permit to remaining in full force and effect until June 4, 2018.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit No. 1131 for a period of one (1) year until June 4, 2018.

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

**#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  $\pm$ 2.13 Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2017.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Edward O'Hanlon, Esq., Robinson and Cole, LLP, dated June 5, 2017 requesting an extension of EPB Permit No. 2509.

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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, 2018.

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

**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, 2018.

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

**#1708 – 263 Mill Road – Lot 16 - City of Stamford/Engineering Bureau for H. Devin – Roadway and Drainage Improvements** - To implement certain roadway and drainage improvements in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The activities lie within both a portion of Mill Road and an existing drainage easement on property situated at 263 Mill Road, N/F H. Devin, Lot 16, List 000-1416, Card S-021, Map 15, Block 402, Zone RA-1, and  $\pm 1.03$  Acres.

Reference is made to an EPB Staff Memo, dated July 18, 2017.

**#1711 - 267 Silver Hill Lane – Lot 34 – J. Lektorova:** To construct residential additions, deck and other related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the north side of Silver Hill Lane, approximately 675 feet east of Loveland Road, and is identified as Lot 34, List 000-3698, Card N-018, Map 98, Block 324, Zone R-10, and  $\pm 0.26$  Acres.

Reference is made to an EPB Staff Memo, dated July 17, 2017.

**#1712 – 1402 Riverbank Road – Plot E – J. Casale:** To demolish and existing garage and construct a new garage, second story addition and other related features proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Riverbank Road, approximately 1,650 feet north of Erskine Road, and is identified as Plot E, List 000-4095, Card W-054, Block 399, Map 40, Zone RA-1, and  $\pm 1.0005$  Acres.

Reference is made to an EPB Staff Memo, dated July 14, 2017.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of correspondence from Frank Vonella (July 18, 2017), Jelena Lektorova (July 14, 2017) and Leonard D'Andrea, P.E., D'Andrea Surveying and Engineering, Inc. (July 13, 2017) granting the Board extensions of time in which to render decisions on EPB Application Nos. 1708, 1711, and 1712 for a period of sixty-five (65) days. Accordingly, final decisions shall be rendered on these applications or before October 1, 2017.

**Motion/Vote:** None

**#1721 – 1040 Westover Road – Lot 4 – M. Ritacco and T. Bocuzzi:** To construct a wood deck, stair and other related facilities within close proximity to wetlands and a pond situated in the drinking water supply watershed of the Mianus River. The property lies along the east side of Westover Road, approximately 830 feet north of Nathan Hale Drive, and is identified as Lot 4, List 001-1886, Card E-072, Block 368, Zone RA-1,

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and  $\pm 1.9353$  Acres.

Reference is made to an EPB Staff Memo, dated July 13, 2017.

**#1722 – Juniper Hill Road – Parcel A – M. McCullough for M. Grunberg:** To construct a new single family dwelling, drive, drainage, septic, well and other related facilities in and or proximate to wetlands, watercourses, and a designated conservation easement situated in the drinking water supply watershed of the Mianus River. The property lies along the east side of Juniper Hill Road, with the driveway access situated approximately 470 feet south of Guinea Road, and is identified as Parcel A, Block 373, Zone RA-2, and  $\pm 2.002$  Acres. The subject property is located behind the existing dwelling at 3 Juniper Hill Road.

Reference is made to an EPB Staff Memo, dated July 18, 2017.

**#1723 – 44 June Road – Lot 1 – J. Rosenthal:** To construct a new single family dwelling, drive, drainage, pool, and other related facilities proximate to wetlands, watercourses, and special flood hazard areas situated within the drinking water supply watershed of the Mianus River. The property lies along the south side of June Road, approximately 635 feet west of Riverbank Road, and is identified as Lot 1, List 002-3134, Block 373, Map 73, Card S-003, Zone RA-3, and  $\pm 3.0496$  Acres.

Reference is made to an EPB Staff Memo, dated July 18, 2017.

**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. 1721, 1722 and 1723.

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

### **Action Items:**

**#1701 – 18 Studio Road – Lot 1B – J. Rosenthal for B. Rapaport:** To replace a septic system and construct related facilities in and proximate to wetlands, watercourses and the base floodplain of the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Studio Road, approximately 350 feet south of Wire Mill Road, and is identified as Lot 1B, List 001-2959, Card E-002, Block 378, Zone RA-1, and 1.89 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 14, 2017.

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

**Discussion:** Mr. Talamelli summarized the application for the Board. He noted that the application was reviewed Leigh DeMarco, Environmental Analyst, and the Staff's findings/recommendations are outlined in an Agenda Summary Report, dated July 14, 2017.

Mr. Talamelli reported that the property currently supports a single family dwelling, a cottage, decks, patios, drives, and other related features. Resources include a reach of the Rippowam River, tributary watercourses, wetlands, and special flood hazard areas.

The applicant proposes to replace a failing septic system that is solely associated with a one (1) bedroom

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cottage situated on the parcel. The dwelling supports a separate sanitary system not impacted by this project. The project engineer has developed a site and septic replacement plan that provides for a new septic tank, pump chamber, force main, leaching fields, and other related features. New leaching fields shall be located in an area of suitable soils outside of wetlands, upland review areas and special flood hazard areas. However, the expected construction access, new tank, pump chamber, main, and other features are expected to temporarily/permanently impact approximately 14 linear feet of the watercourse, 3,500 square feet of wetlands, 2,800 square feet of wetland setback area, and 2,600 square feet of the floodplain.

Given the nature of the proposal, the applicant must demonstrate that resource impacts are minimized, that water quality and drainage impacts are appropriately mitigated, and that the proposal is consistent with the "Flood Regulations" as it pertains to flood heights, compensatory flood storage and the integrity of structures.

Mr. Talamelli reported that the site and septic design plans provide for an acceptable impact upon the wetlands, watercourses, floodplain, existing grades and tree resources. A detailed sedimentation and erosion control plan was provided as well and a dewatering/water handling plan to allow for the crossing of the small tributary watercourse in the driest conditions possible. To further reduce the potential for sedimentation and water quality impact, a previously unpermitted roof drain discharge shall be redirected and restabilized, and the stream bank shall be repaired by regrading and a commitment to provide an appropriate native planting plan. The engineer has certified that the project will not adversely impact drainage and conforms to the impact standards for the absence of both flood rise and compensatory flood storage. Engineering Bureau confirmed the engineer's findings as they relate to drainage and hydraulic impacts. Those portions of the septic subject to the dynamic forces of the flood have been designed to withstand the flood depths, pressures, velocities, impact and uplift forces associated with the base flood.

Mr. Levine stated that the application warranted passage as the means to prevent further water quality impacts posed by the diminished function of the septic system.

Mr. Pugliesi acknowledged the prior 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. 1701 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 14, 2017.

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

**#1705 - 24 Tamar Lane – Lot 4 – G and T High Ridge Associates, LLC. for C. and F. Bedu Addo:** To maintain an existing stone retaining wall, and construct a new retaining wall, install fill, grade, and landscape in and/or within close proximity to a conservation easement area situated in the non-drinking water supply watershed of Ayers Brook/Rippowam River. The property lies along the north side of the cul-de-sac of Tamar Lane, approximately 270 feet east of High Ridge Road, and is identified as Lot 4, List 004-5801, Card N-002, Map 84, Block 324, Zone R-10, and ±0.3099 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 14, 2017.

**In Attendance:** Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C.  
Matthew Popp, RLA, Environmental Land Solutions, LLC.

**Discussion:** Mr. Talamelli summarized the application for the Board. He noted that the parcel was the product of a six (6) lot subdivision endorsed by the Environmental Protection Board and approved by the

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Planning Board in March 2015. The subdivision approval included provisions for the creation of an Open Space Preserve/Conservation Easement for approximately 9,244 square feet of property to protect trees, screen abutters and address the open space needs of both the property and neighborhood. Additional conditions required field delineation of the conservation easement with standard pins, posts and conservation signage, and the installation of select planting to further enhance the aesthetic and functional values of the space. In April 2016, EPB Staff conducted a site plan review, authorizing the issuance of a building permit for a dwelling on the property. Having found that the proposed development would be confined to non-regulated uplands, it was determined that a permit from the Environmental Protection Board would not be required provided the applicant staked the proposed development limits, installed and maintained effective erosion and construction controls, provided engineering supervision/certification for the engineered elements, stabilized all disturbed earth surfaces, provided environmental supervision/certifications for the approved planting and mitigation activities, posted the conservation easement with standard pins, posts and signage, and prohibited the use of in ground fuel oil storage.

In February 2017, EPB and Engineering Bureau Staff inspected the subject parcel, finding that, in addition to several compliance issues pertaining to drainage, landscaping and other matters, several lengths of retaining wall had been mislocated, resulting in tree loss and an unpermitted encroachment into the designated Conservation Easement. Staff noted that the activities had been conducted without the prior written approval of the EPB in violation of both Section 4.1 of the Inland Wetland and Watercourse Regulations of the City of Stamford and the provisions of the filed Conservation Easement. The owner was directed to develop a plan to either restore the walls to the approved design or file an application for EPB Permit. Mr. Talamelli reported that this permit application has been submitted as the means to bring the site into compliance.

Mr. Talamelli stated that the applicant seeks the Board's permission to maintain the eight (8) foot high stone masonry retaining wall that was installed in the approximate center of the conservation easement. A new, low profile, modular block wall shall be constructed along the base of the existing wall to "restore" the full width of the conservation easement. Clean fill shall be placed between the walls, and numerous trees and shrubs shall be installed between the wall to displace the planted lawn, screen the abutters, and enhance the overall conservation values of both the easement and site. Approximately 2,100 square feet of the easement shall be affected by the project. Erosion controls shall be utilized to protect existing drainage/collection structures, and a statement has been provided to confirm the absence of drainage impact. The City Engineer verified the conclusions of the applicant's drainage summary statement. Mr. Talamelli went on to note that during the review process less durable alternatives to the wall, such as stand-alone planting or planting in combination with a split rail fence, were considered, but dismissed.

In response to concerns raised by Ms. Tessier concerning the spacing and viability of the proposed planting, Mr. Popp stated that in his professional opinion, that there would be sufficient spacing and depth of good, plantable material to allow the landscaping to thrive.

Mr. Daunais acknowledged the prior 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. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1705 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 12, 2017.

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

**#1710 - 65 Malvern Road – Lot 10 – I. Miner for S. Kurada:** To maintain an existing shed, stone wall, patio, fence, fill and other related features constructed in and proximate to wetlands situated in the non-

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drinking water supply watershed of Toilsome Brook. The property lies along the east side of Malvern Road, approximately 450 feet south of Club Road, and is identified as Lot 10, List 000-9681, Card E-008, Map 84, Block 379, Zone R-20, and ±0.61 Acres.

Reference is made to an Agenda Summary Report, dated July 7, 2017.

**In Attendance:** Toan Ngyun, P.E., TDN Engineering.  
Aleksandra Moch

**Discussion:** Mr. Talamelli summarized the application for the Board. He reported that the applicant seeks to maintain an existing block retaining wall, fill, patio, shed, and drainage structures that have been installed in and proximate to wetlands without the prior consent to the Environmental Protection Board. The unpermitted work was first discovered during a routine inspection of a building permit application. A review of available aerial photography indicated that the walls, fill, drainage and patio were installed sometime between 2013 and 2017. The shed appeared to have existed in some form prior to 1998.

Mr. Talamelli stated that the property currently supports a single family dwelling, drive, shed, walkways, patio, walls, drainage and other related facilities. The site is characterized by gently sloping uplands, several small to moderately sized trees, and extensive wetland areas. The wetlands, which are confined to the eastern portions of the site, are a part of a corridor that generally drains from residential properties to the north to a culvert system situated on school property to the south. On this parcel, the wetland remains relatively undisturbed, supporting a dense collection of trees, shrubs, and groundcovers/hanging vines.

Mr. Talamelli went on to report that the unpermitted activities affected approximate 90 square feet of wetlands and 1,245 square feet of the non-watershed upland review area. Grade change in and proximate to the wetland ranged from 1-3 feet. The project engineer assessed the potential impact of the project on drainage. The work resulted in the addition of approximately 1,400 square feet of new imperviousness with a resultant increase in the volume and peak rate of runoff. To mitigate the impact, the engineer provided for the installation of a structured drainage system to retain the increase in volume for a 25-year storm. Fifteen (15) low profile, chambers shall be installed to accept the runoff attributed to the rear roof areas of the dwelling. Grates shall allow for any overflow to drain to the east towards the receiving wetland. The engineer noted that if implemented per the approved plans, that there will be no adverse on downstream drainage systems and the surrounding areas. The Stamford Engineering Bureau has reviewed the plans/reports and has confirmed the findings and design. To assist in the protection of water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fence, a designated accessway, and final soil stabilizing measures. In addition, roof drainage has been directed to infiltrators to seize upon the soil's natural ability to cool and treat runoff prior to discharge. It was noted that the consulting environmental professional provided a report evaluating the wetlands and assessing the impact of the proposal. The consultant acknowledged that the shed and other features had been installed without permit. The alternative of removing the walls and fill was considered, but discouraged, given the minimal area affected by the project and the significant land disturbance that would be required to implement a full restoration project. The consultant noted that the infiltration system would improve drainage and the quality of storm waters leaving the developed portions of the site. The wall, which has been certified as stable by the project engineer, would serve to better define the wetland, reduce the potential for human encroachment, and limit access to the developed portions of the site by the species that may utilize the wetland. To further mitigate the impact, a planting plan consisting of several conservation valued trees and shrubs have been proposed to screen the regulated areas, displace lawn, filter runoff, and provide a potential source of food/cover for wildlife.

A discussion ensued between Board members on topics ranging from "after the fact permitting" to storms/design standards for drainage systems throughout the various portions of the City.

When queried by Mr. Stone, Mr. Ngyun confirmed the prior 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. 1710 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 7, 2017.

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

Note: Dr. Shemitz joined the meeting during the initial stages of the presentation of EPB Permit Applications Nos. 1713-1716 at approximately 8:03 PM.

**#1713 - Stillwater Road – Lot 1 – 1045 Stillwater Associates, LLC:** To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 675 feet south of London Lane, and is identified as Lot 1, List 004-5806, Card E-037, Map 103, Block 247, Zone R-20, and ±0.51 Acres.

**#1714 - Stillwater Road – Lot 2 – 1045 Stillwater Associates, LLC:** To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 600 feet south of London Lane, and is identified as Lot 2, List 004-5807, Card E-037A, Map 103, Block 247, Zone R-20, and ±0.51 Acres.

**#1715 - Stillwater Road – Lot 3 – 1045 Stillwater Associates, LLC:** To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed).. The property lies along the east side of Stillwater Road, approximately 530 feet south of London Lane, and is identified as Lot 3, List 004-5808, Card E-037B, Map 103, Block 247, Zone R-20, and ±0.53 Acres.

**#1716 - Stillwater Road – Lot 4 – 1045 Stillwater Associates, LLC:** To construct a new single family dwelling, drive, drainage, utilities and other related facilities in and/or proximate to a conservation easement, wetlands, watercourses, and the base floodplain or the Rippowam River (non-drinking water supply watershed). The property lies along the east side of Stillwater Road, approximately 500 feet south of London Lane, and is identified as Lot 4, List 004-5809, Card E-037C, Map 103, Block 247, Zone R-20, and ±0.57 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 12, 2017.

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

**Discussion:** Mr. Talamelli summarized the applications for the Board. He noted that the properties were the result of a subdivision endorsed by the Environmental Protection Board and approved by the Planning Board in early 2015. The subdivision approval was granted with sixteen (16) conditions including requirements for a conservation agreement for the proposed open space, final engineering approval for drainage, site lines, and other engineered elements, EPB Permits for the development of Parcels 1-4, conservation staking of the designated conservation areas, preservation of significant trees and stone walls to the extent feasible, a prohibition on the burial of stumps and debris, a prohibition on the use of in-ground fuel oil tanks, a performance surety, a final erosion control plan, application of standard, City of Stamford drainage/landscape agreements, driveway construction in advance of any building on individual lots, certification of all landscaping, environmental enhancements, and drainage by the supervising design professionals,



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agreements pertaining to the maintenance of the shared driveway, and the application of certain administrative notes. Mr. Talamelli noted that with the submission of these applications, the owner seeks to comply with the permitting requirement outlined in Condition Three (3) of Planning Board (Subdivision) No. 4015.

Mr. Talamelli reported that the property is currently "undeveloped". The single-family dwelling, shed and other facilities that formally occupied the site were razed in 2015. Facilities remaining on the property are generally limited to a municipal sewer trunk line. The parcels are characterized by gently to moderately sloping uplands, a  $\pm$ 420 foot reach of the Rippowam River, special flood hazard areas, and portions of a designated conservation easement. Vegetation types range from historically altered manicured space to moderately dense woodland. Note that the conservation easement, which was established as a condition of the subdivision approval, includes the river channel, twenty-five (25) foot wide setbacks to the watercourse, and portions of the special flood hazard area.

The applicant proposes to construct four (4) new, single family dwellings, drives, drainage, and other related facilities in and/or proximate to watercourses, special flood hazard areas, and a conservation easement. Under the permit process, the applicant is charged with the task of convincing the Board that the individual development plans are generally consistent with those supplied at the time of subdivision, that the project limits impacts upon the existing character of the land and its resources, that proper drainage attenuating measures are applied, that appropriate erosion and water quality controls are implemented, that the project complies with the provisions of the flood regulations, and that functional conservation enhancements are installed.

Mr. Talamelli reported that the submitted development schemes remain consistent with those presented to the Board at the time of subdivision. All dwellings, drives and most of the attendant facilities have been confined to uplands outside of the conservation easement, special flood hazard area, and upland review area. Encroachments into the regulated areas have been generally limited to the construction of the sanitary sewer connection and/or drainage outfalls. The applicant reports that the encroachments affect 1,575 square feet of floodplain on Lot 1, 650 square feet of floodplain on Lot 2, 3,660 square feet of floodplain on Lot 3, and 1,950 square feet of floodplain on Lot 4. The project engineer submitted a report analyzing drainage impacts. It was determined that the project closely follows the subdivision concept with minimal increase in stormwater runoff to the east towards the river. Despite the increase, no on-site stormwater detention was proposed given the location of the property relative to the river, and a determination that the increase was negligible in comparison to the larger watershed basin. The applicant has determined to better collect and treat stormwater runoff generated by the dwellings/drives by creating/managing post construction watersheds and installing structured drainage systems consisting of catch basins, pipes, junction boxes, infiltration galleries, level spreaders and other related features. The project engineer has concluded that the project, if constructed per the design, controls and distributes runoff so that there will be no adverse impacts to local drainage patterns, adjoining properties or nearby storm drainage systems. The Stamford Engineering Bureau Staff has confirmed the conclusions, study methodology and design of the report/plans. Mr. Talamelli went on to note that the project engineer has verified that grades within the special flood hazard areas shall not be impacted by fill, and has further verified that the alterations will not cause a rise in flood heights. Given the absence of storage loss, compensatory flood storage is not required. For the structures situated within the special flood hazard areas, including the sanitary sewer, a floodproof detail and certification has been provided. Water quality concerns have been address with the submission of a detailed sediment and erosion control plan, a prohibition on the use of in-ground fuel oil storage, connections to the sanitary sewer, the use of deep sumps and outlet controls on drainage collection structures, and the use of infiltration to seize upon the soil's natural ability to treat and cool runoff prior to discharge. Mr. Talamelli further reported that the conservation objectives outlined at the time of subdivision were similarly addressed. The arborist's recommendations to preserve and protect specific individual or groups of valued trees have been incorporated into the design plans, and tree protection details have been added. The boundary of the conservation easement shall be memorialized in the field with pins, posts and standard conservation signage, and a planting plan was provided to enhance site aesthetics, mitigate for the loss of trees, enhance the streetscape, and to define and improve the overall conservation value of both the site and

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conservation easement.

In response to a question by Mr. Rosenfeld, Mr. Talamelli responded that the planting plan as presented, was well thought out and appropriately mitigates the expected development impacts.

When queried by Mr. Levine, Mr. Talamelli stated that the project appears to have addressed the major requirements of subdivision. Resources of value have been preserved, development limits have been honored, grades have been maintained in the low to moderate range, drainage impacts have been evaluated, hydraulic impacts are absent, pollution controls have been provided, and suitable conservation measures have been implemented to define the designated conservation easement, and enhance the overall aesthetic and conservation values of the property.

Mr. Daunais acknowledged the prior 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. Rosenfeld, the Board voted to **APPROVE** EPB Permit Applications Nos. 1713, 1714, 1715 and 1716 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 12, 2017.

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

**#1717 - 65 Stanton Lane – Lot 90– J. Domiziano:** To construct a new in-ground pool, pool fence and other related facilities proximate to wetlands situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the north side of Stanton Lane, approximately 350 feet east of Skyview Drive, and is identified as Lot 90, List 002-3687, Card W-005, Map 102, Block 360, Zone R-20, and ±0.56 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 14, 2017.

**In Attendance:** Jessica Domiziano

**Discussion:** Mr. Talamelli summarized the application for the Board. He noted that the application was reviewed Leigh DeMarco, Environmental Analyst, and the Staff's findings/recommendations are outlined in an Agenda Summary Report, dated July 14, 2017.

Mr. Talamelli reported that the applicant seeks the Board's permission to maintain an existing shed and construct a new in-ground pool, spa, fence, and related facilities proximate to the designated wetlands. The property currently supports a single family dwelling, patio, shed, asphalt driveway, public water and sanitary sewer, and related facilities. The wetland soil areas, which lie to the rear of the dwelling, supports vegetation types ranging from manicured lawn to moderately dense woodland.

Given the scope and nature of the project, the applicant is expected to demonstrate that impacts to resources and regulated areas, drainage, and water quality are avoided or minimized to the greatest extent possible. It was noted that the new construction shall be confined to areas currently maintained as lawn and no less than fifteen (15) feet from the wetland boundary. The proposed work will not necessitate any change in grade or result in the loss of any significant vegetation. Approximately 434 square feet of wetland setback shall be affected by the new pool, fence and related facilities. To confine the development and limit water quality impacts, a construction and erosion control plan has been developed, consisting of perimeter silt fence,

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stockpile areas, a designated construction accessway, anti-tracking bed, and final soil stabilizing measures. In addition to the pool construction activities, approximately 204 square feet of the upland review area has been affected by the shed. It was noted that the shed was inherited from a prior property owner. Although an alternative location for the structure outside of the regulated areas is available, the home owner seeks the Board's permission to maintain the shed in its current location. As mitigation, the applicant proposes to implement an overall enhancement plan consisting of brush and debris removal, the installation of numerous conservation plantings, and the application of a three (3) year invasive species removal strategy.

Mrs. Domiziano acknowledged the receipt of the agenda and offered no objection to its findings. Several questions relating to project administration

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1717 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 14, 2017.

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

**#1706 – 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, 28, 36 and 37, Block 384, Zone RA-1, and  $\pm 8.95$  Acres.

Reference is made to and EPB Agenda Summary Report, revised July 14, 2017.

**#4031 – Cascade Road – Lot A-2 –North Ridge Contractors, LLC:** Subdivision of an existing  $\pm 8.95$  acre parcel into six (6) lots capable of supporting residential development and related facilities/infrastructure. 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, 28, 36 and 37, Block 384, Zone RA-1, and  $\pm 8.95$  Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 14, 2017 .

**In Attendance:** John Leydon, Esq.  
Brendon Leydon, Esq.  
John Pugliesi, P.E., Edward J. Frattaroli, Inc.  
Matthew Popp, RLA, Environmental Land Solutions  
Nicholas Lee, Lee Horticultural Services  
Tom Ryder, Land Tech  
Robert Rondano  
Jennifer Rondano

**Discussion:** Mr. Stone announced that a single, uniform presentation would be made by the applicant to address the issues pertinent to both EPB Application No. 1706 and Planning Board (Subdivision 4031). He noted that following the completion of the presentation and discussion, the Board shall vote on these matters separately.

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The floor was then turned over to the applicant and his consultants. Following a brief introduction by Attorney John Leydon, the team of consulting professionals, consisting of Brenden Leydon, Esq., John Pugliesi, PE., Matthew Popp, and Tom Ryder then provided a detailed presentation, with the focus on the revisions embraced by the applicant to address the issues and concerns raised by the Board at the May 2017 meeting. Although the project continues to provide for residential development, portions of which are served by a new subdivision roadway, culvert crossing, drainage, individual subsurface sewage disposal systems, and wells, the applicant determined to amend the plans and reports as follows:

- Reduced the total number of lots from six (6) to five (5) with the decrease in density focused on the interior lots, east of the wetland crossing. Fewer lots enabled the applicant to reduce the intensity of the development, reduce the total area of imperviousness by truncating the road and driveway system, lessen the projected grade change, reduce disturbance limits, and reduce the potential impacts on significant individual or groups of trees. The reduction and redistribution of the development further enabled the applicant to provide additional, usable yard space with each unit.
- Expanded the proposed open space preserve/conservation easement to preserve additional wetlands, watercourses, and sloping woodlands.
- Many of the existing stone walls removed as a result of the construction shall be restacked along the limits of the proposed conservation easement as a permanent demarcation feature.
- Modified the roadway and culvert crossing. The crossing was reduced in width, the required walls were increased in height, and the road grade was increased to lessen wetland, watercourse, tree and grading impacts. It is noted that the applicant remained committed to the culvert crossing, noting that the location was considered the least impactful given the existence of an existing pathway, the narrowness of the wetland/watercourse at the point of the crossing, the limited functions of the space, and the relatively short time necessary to install the structure and stabilize the surrounding land areas. The applicant reiterated its position that wetland/watercourse crossings had been historically permitted by the Board to allow for the development of upland areas that pass the stringent test for feasibility.
- Recycle stone and excavated materials to construct the necessary walls, provide an appropriate road base, backfill drainage systems, etc. Processing the materials on site shall substantially diminish truck traffic.
- A 4' x 5' passageway has been added to the culvert crossing to allow for the safe migration of small terrestrial animals along the wetland/watercourse corridor. In addition, a low flow channel shall be provided in-water to ensure continued passage/habitat for certain aquatic organisms. It is noted that the environmental professional both submitted reports assessing the potential impacts the project may have on the function and values of the wetlands and watercourses.
- Add a drainage collection structure along the roadway entrance to better collect and treat runoff prior to discharge. Previously, runoff from Cascade Road entered the stream without treatment. Overall, the project has been designed to mimic the existing flow patterns and the project engineer has confirmed the absence of impact on drainage, soils and adjoining properties.
- Post signage along the new subdivision roadway to limit the application of road sands and salts. Note that the applicant remained committed to a public road, given the City's greater oversight and responsiveness to matters of maintenance and repair and compliance with certain environmental limitations.

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- Expand the conservation/planting plan to better mitigate for the anticipated tree loss, diversify habitats, delineate conservation easement and setback areas, and improve the aesthetics of the streetscape.

Given these changes, the applicant reports that the project will temporarily/permanently affect 4,664 square feet of wetland, 16,098 square feet of the upland review area and 68 linear feet of the watercourse.

Mr. Rosenfeld questioned the applicant's contention that the road and culvert crossing would not fundamentally alter the character of the wetland and watercourse system. Ms. Ley challenged the applicant's position that it had exhausted the exploration of alternatives have less of an impact on wetlands, watercourses and other resources of conservation value, using the example of the final, configuration/grade of the proposed cul-de-sac. Dr. Shemitz noted that although the Board may have permitted crossings on other properties, site conditions are unique, and the impacts of a development can vary greatly. Accordingly, it would be an unreasonable to assume that all crossings would be permitted by the Board.

**Motion/Vote:** Upon a motion by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1706 with the conditions outlined in the EPB Staff Agenda Summary Report, revised July 20, 2017.

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

Upon a motion by Dr. Shemitz, the Board voted to **OFFER NO OBJECTION** to Planning Board (Subdivision) No. 4031 as modified, with the conditions outlined in the EPB Staff Agenda Summary Report, revised July 20, 2017.

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

### **Enforcement– Status Reports & Show Cause Hearings:**

#### **71 Wood Ridge Drive – Lot A-46 – A. Williams, III – Cease and Desist Order/Show Cause Hearing:**

Removal of indigenous vegetation, deposition of cut wood, chips and debris, and the placement of a shed in and proximate to wetlands and watercourses without the prior written authority of the Environmental Protection Board in violation of Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." The property lies along the west side of Wood Ridge Drive, approximately 230 feet south of Brookvale Place, and is identified as Lot B, List 000-9324, Card N-012, Block 359, Map 90, and ±0.265 Acres.

Reference is made to an EPB Staff Memo, revised July 20, 2017.

**In Attendance:** Zhanna Williams  
Linda Baxter

**Discussion:** Ms. Fausty summarized the matter for the Board. She noted that in response to a citizen's complaint, EPB Staff inspected the site finding that logs, tree stumps, wood chips and other related materials had been deposited in and proximate to wetlands and watercourses. At least a portion of the material has crept beyond parcel boundaries onto an adjoining site owned by the City of Stamford. Other unpermitted activities may have included the removal/alteration of vegetation and the placement of a shed in the regulated areas. Impacts on drainage and adjoining parcels are alleged. At least two (2) attempts to schedule a meeting with the owner to address the compliance issues were not successful. Accordingly, the

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membership of the EPB were petitioned, a cease and desist order was authorized, and this show cause hearing was scheduled.

Ms. Fausty recommended to the Board maintain the cease and desist order in effect and modify the order to require the submission of both a survey and restoration plan, as prepared by qualified professionals, by August 17, 2017. The plan, which is subject to prior EPB Staff approval, shall provide for the removal/relocation of the shed, the removal of all wood, chips, and debris, and replanting of the affected areas. She further recommended that the Board direct Staff to **FILE** a Notice of Violation on the Stamford Land Records.

**Motion/Vote:** Upon a motion by Mr. Levine, the Board voted to **MAINTAIN** the Cease and Desist Order **IN EFFECT** and to **MODIFY** the order to require the submission of both a survey and restoration plan, as prepared by qualified professionals, by August 17, 2017. The plan, which is subject to prior EPB Staff approval, shall provide for the removal/relocation of the shed, the removal of all wood, chips, and debris, and replanting of the affected areas. The Board further directed Staff to **FILE** a Notice of Violation on the Stamford Land Records.

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

### Other Business:

#### Personnel Matter – Consideration of Position of Executive Director/Environmental Planner (Possible Executive Session)

Mr. Stone noted that the next item on the agenda concerned a personnel matter relating to a potential appointment for the position of Executive Director/Environmental Planner. The Chair sought to establish if the members desire to discuss the matter in executive session.

**Motion/Vote:** Upon a motion by Mr. Rosenfeld, the Board voted to **ENTER INTO EXECUTIVE SESSION** for the purpose of considering an appointment for the position of Executive Director/Environmental Planner in accordance with Chapter 6, Section 6-21 of the City Code of Ordinances.

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

The Board entered into executive session at approximately 10.55 PM. All members of the Board attended the session. All recording devices were disabled.

At approximately 11:05 PM, the executive session was ended. Mr. Stone noted that regular meeting would be resumed, with the initial item being a vote concerning the appointment of Executive Director/Environmental Planner. All recording devices were reactivated.

**Motion/Vote:** Mr. Rosenfeld presented the following motion:

“Pursuant to Chapter 6, Section 6-21 of the City of Stamford Code of Ordinances, wherein the

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Environmental Protection Board has been granted the exclusive power and independent authority to appoint its director and staff, as further confirmed by Ordinance 93-711 which ratified the independence of the EPB, the EPB hereby appoints Richard Talamelli as its Executive Director/Environmental Planner effective as of July 20, 2017.”

Accordingly, the Board voted to **APPROVE** the appointment of Richard H. Talamelli as the Executive Director/Environmental Planner, effective July 20, 2017.

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

**ADJOURN:**

**Adjourn the Regular Meeting of July 20, 2017:**

Upon a motion by Mr. Levine, the Board voted to **ADJOURN** the Regular Meeting of July 20, 2017.

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

The meeting was adjourned at 11:06 PM.

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Gary H. Stone  
Chairman  
Environmental Protection Board

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