

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 15, 2018
REGULAR MEETING**

Board Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Bradford K. Spaulding, Alternate Member
Laura Tessier, Alternate Member
Emily Gordon, Alternate Member

Board Members Not Present:

Dr. Leigh Shemitz, Member

Staff Members Present:

Richard H. Talamelli, Executive Director/Environmental Planner

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

MINUTES:

Minutes of the EPB Special Meeting of January 10, 2018:

The Board considered the minutes of the EPB's January 10, 2018 Special Meeting. Members present and eligible to vote were Mr. Stone, Mr. Rosenfeld, Mr. Spaulding, and Ms. Gordon. No corrections were proposed/recommended.

Upon a motion by Mr. Spaulding and seconded by Ms. Gordon, the Board voted to **APPROVE** the Minutes of the January 10, 2018 Special Meeting as presented.

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

Minutes of the EPB Regular Meeting of January 18, 2018:

The Board considered the minutes of the EPB's January 18, 2018 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Mr. Rosenfeld, Ms. Ley, Mr. Spaulding and Ms. Gordon. No corrections were proposed/recommended.

Upon a motion by Mr. Levine and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the January 18, 2018 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1727 – 60 East Middle Patent Road – Lot 12 – Fairfield County Engineering, LLC for L. DeFonce and G. Ferone: To remove a stone rubble stockpile, construct stone walls, and create a pond in and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of East Middle Patent Road, approximately 845 feet east of Taconic Road, and is identified as Lot 12, Account 002-5407, Block 400, Map 30, Card W-003, Zone RA-3, and ± 2.019 Acres.

Reference is made to an EPB Staff Memo, dated February 12, 2018.

In Attendance: Lisa DeFonce
Gary Ferone

#1728 – 46 Shadow Ridge Road – Lot 49 – Fairfield County Engineering, LLC for A. and A. Olomola: To maintain a block retaining wall, fill, drainage and other related facilities installed proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Ayers Brook. The property lies along the east side of Shadow Ridge Road, approximately 575 feet south of Cedar Heights Road, and is identified as Lot 49, List 002-4181, Block 359, Map 76, Card E-003, Zone R-10, and ± 0.24 Acres.

Reference is made to an EPB Staff Memo, dated February 12, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Wayne D'Avanzo, P.E., Fairfield County Engineering, LLC, dated February 7, 2018 withdrawing EPB Permit Applications No. 1727 and 1728 from further consideration at this time.

Motion/Vote: None

#1803 – 546 Wire Mill Road – Parcel A – G. Backman: To construct/relocate propane tanks and generator within special flood hazard areas situated in the non-drinking water supply watershed of the Rippowam River/Haviland Brook. The property lies along the north side of Wire Mill Road, approximately 335 west of Blackwood Lane, and is identified as Parcel A, Block 377, Zone RA-1, Card N-011, Account 001-0785, Map 67, Zone RA-1, and ± 2.357 Acres.

Reference is made to an EPB Staff Memo, dated February 5, 2018.

#1804 – 63 Richmond Hill Avenue and 0, 10, 24, 32, 36, 40, 46, and 52 Greenwich Avenue - Lots 4, B, B, 7, 8, 9, 10, 11 and A - Mill River Park Collaborative for the City of Stamford – Mill River Park Middle Corridor Project: To construct walls, walkways, lighting, and other related features, implement grading, and install certain landscape enhancements/recreational facilities in and/or within close proximity to wetlands, watercourses, and special flood hazard areas in the non-drinking water supply watershed of the Rippowam River. The project area, which is generally bounded by Tresser Boulevard to the north, Richmond Hill Avenue

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to the south, the Rippowam River to the east, and Greenwich Avenue to the west, is more accurately defined as follows:

Address	Account	Area	Card	Map	Block	Lot	Zone
10 Greenwich Avenue	002-6246	24000 s/f	E-003	127	7	B	P
24 Greenwich Avenue	000-6803	7071 s/f	E-004	127	7	7	R-5
32 Greenwich Avenue	002-0281	5472 s/f	E-005	127	7	8	R-5
36 Greenwich Avenue	002-0282	2850 s/f	E-006	127	7	9	R-5
40 Greenwich Avenue	000-7267	4160 s/f	E-007	127	7	10	R-5
46 Greenwich Avenue	002-4957	2168 s/f	E-009	127	7	11	R-5
52 Greenwich Avenue	001-5047	4920 s/f	E-010	127	7	A	R-5
0 Greenwich Avenue	001-5049	5796 s/f	E-012	127	7	B	R-5
63 Richmond Hill Avenue	001-6936	21859 s/f	N-006	127	7	4	C-L

Reference is made to an EPB Staff Memo, dated February 7, 2018.

#1805 – 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 ±1.03 Acres.

Reference is made to an EPB Staff Memo, dated February 13, 2018.

#1806 – Berrian Road and 914 Newfield Avenue – NA/Lot 21 – Aquarion Water Company for the City of Stamford and Bridgeport Roman Catholic Diocesan Corporation – Stamford Water Transmission Main (West) - To construct new ductile iron water transmission main and related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. Under this application, the activities are confined to a section of Berrian Road, generally bordered to the west by Idlewood Road, and to the east by a private property situated at 914 Newfield Avenue. The private property, which is owned by the Bridgeport Roman Catholic Diocesan Corporation (“Trinity Catholic High School” and “Trinity Catholic Middle School”), is identified as Lot 21, Account 002-6652, Card W-052, Map 91, Block 324, Zones RA-1 and R-20, and ±25.91 Acres.

Reference is made to an EPB Staff Memo, dated February 13, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1803, 1804, 1805 and 1806.

Motion/Vote: Upon a motion by Mr. Levine and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1803, 1804, 1805 and 1806.

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

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Action Items:

#1731 – 1315 Washington Boulevard and 0, 1, 4, 8, 12, 15 and 16 Stanley Court – Lots 8, 3/2, 1/2, 9, 8, 7, 4, and 6 - Garden Homes Stanley Court, L.P.: To construct a new, floodproof, residential apartment building, drives, parking, drainage, utilities, and other related facilities within the base floodplain of the Rippowam River/Southwest Shoreline. The property, which is comprised of eight (8) parcels totaling ±0.957 acres, lies along the east side of Washington Boulevard, approximately 400 feet south of North Street, and more specifically includes the following:

Address	Lot	Account	Card	Block	Zone
1315 Washington Boulevard	8	001-8827	E-058	238	C-L
0 Stanley Court	3 pt 2	000-1161	S-003	238	R-MF
1 Stanley Court	1 pt 2	002-6537	S-002	238	R-MF & C-G
4 Stanley Court	9	001-8813	N-002	238	R-MF
8 Stanley Court	8	000-9300	N-003	238	R-MF
12 Stanley Court	7	000-7836	N-004	238	R-MF
15 Stanley Court	4	002-4676	S-004	238	R-MF
16 Stanley Court	6	000-1669	N-005	238	R-MF

Reference is made to an EPB Staff Agenda Summary Report, dated February 5, 2018.

In Attendance: Richard Freedman, Garden Homes Stanley Court, L.P.
 John Pugliesi, P.E., E.J. Frattaroli, Inc.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the applicant seeks the Board's permission construct a new, flood proof, multi-story residential building, drives, parking, drainage, utilities, and other related facilities within the base floodplain of the Rippowam River/Southwest Shoreline.

The property, which is currently comprised of eight (8) parcels totaling ±0.957 acres, lies along the east side of Washington Boulevard, approximately 400 feet south of North Street. The site currently supports a cement block building, parking, walkways, drainage, utilities, fences and other related features. Multi-family dwellings that formerly occupied the property were raised in 2016-17. The property is characterized by the presence of gently sloping urban lands, special flood hazard areas, and few isolated trees and shrubs. There are no wetland soils. During a 100-year storm, flood waters would be expected to impact the extreme western portions of the property with flood waters of less than one (1) foot. There is dry access to the site, east to Franklin Street, then north to North Street. Washington Boulevard is expected to remain flood impacted during the peak of the 100-year storm.

Mr. Talamelli stated that given the nature of the resources and the activities proposed, pertinent issues requiring the Board's attention relate to any potential resource impacts, drainage, water quality, hydraulic impact, flood storage loss, structural floodproofing, flood preparedness, and the value of the measures proposed to mitigate impacts. Mr. Talamelli reported that the development will result in the alteration of approximately 1,946 square feet of the floodplain and necessitates only minor alterations to the existing grade (0-2 feet), primarily to establish parking, building access and/or necessary flood storage. No vegetation of value shall be lost as a result of the project. A drainage analysis submitted on the behalf of the applicant indicates that the development will increase imperviousness by approximately 2,198 square feet. However, to better collect and manage the runoff, the project engineer has proposed a structured drainage system consisting of a series of catch basins, roof drains, pipes, manholes, and other related features. The storm water shall be conveyed to the existing storm system in

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Washington Boulevard. The engineer has concluded that the storm water management system can accommodate the flows, and that the proposed development will not result in any adverse impacts to drainage, soils, infrastructure or adjoining properties. The engineer has further provided a hydraulic report to assess potential impacts on flood heights. A review of both the flood study and effective LOMR indicates that the site lies within the river's ineffective flow area. Accordingly, the construction will not produce any increase (0.0 feet) in the water surface elevations during a 100-year storm. The findings are consistent with provisions of Stamford's "Flood Prone Area Regulations." To ensure that the storage capacity of the floodplain has been maintained in this reach of the river, the applicant has provided calculations confirming that a proposed lowering of grade at the driveway entrance at Washington Boulevard would result in the creation of approximately 292 cubic feet of additional flood storage, which more than adequately offsets the approximately 210 cubic feet of storage lost as a result of building construction and filling. Accordingly, there is a net increase in flood storage in this reach of the river. To assist in the attenuation of water quality impacts, the applicant has submitted a basic sediment and erosion control plan consisting of silt fence along the site's perimeter, anti-tracking, basin protection, pavement sweeping, designated stockpile areas, and final stabilization measures for any disturbed earth surfaces. In addition, new catch basins shall maintain minimum two (2) foot deep sumps and bell traps/elbows to assist in the collection of silt/debris prior to discharge. Drainage shall also be collected and routed to properly sized oil/grit separator. The structure shall be served by natural gas. Fuel oil tanks have not been proposed. Mr. Talamelli went on to note that representative sections/details have been provided to demonstrate that the proposed structure complies with the structural requirements of the flood regulations. Lobby space has been elevated above the minimum elevation standard and preliminary design details for the walls, foundations, utilities, and other related features have been certified per the requirements of the "Flood Prone Area Regulations of the City of Stamford" - meaning that the facilities are capable of withstanding the flood depths, pressures, velocities impact and uplift forces and other factors associated with the base flood. Mr. Talamelli again noted that the design plans are "preliminary" and shall be revised to address the full requirements of the "Flood Regulations" as the project moves through the Zoning Approval process. A basic flood preparedness plan has been provided to describe the nature of flooding over and about the property, identify the floodproofing measures incorporated into the building, describing general flood preparedness measures, and outlining possible vehicular and pedestrian evacuation routes/procedures. Mr. Talamelli confirmed that the primary evacuation route shall be over private properties to the east to Franklin Street. The route shall be secured with a proper easement. In addition, directional signage shall be posted along building exits and select portions of the drive to assist in the evacuation of the parcel during times of flood. Finally, to enhance the aesthetics of the parcel, redevelop the streetscape, and screen the abutters, a professionally developed planting plan has been submitted. The plan supports numerous conservation valued plantings and the elements that are generally consistent with those applied to similar projects in the area.

Ms. Ley noted that the project is expected to result in an increase in impervious coverage and acknowledged the engineer's efforts to provide a structured drainage system to collect, manage and treat the storm water runoff. In response to a question concerning the availability of alternative systems to better control and treat the runoff on the property, Mr. Talamelli reported that the basic drainage design supplied to date establishes feasibility, and demonstrates that the project can be moved forward with an acceptable impact on drainage and storm water quality. As the project advances through an extensive Engineering and Zoning review process, the design shall be refined, and alternatives may be considered to better address important drainage and water quality issues. Ms. Ley, Ms. Tessier and Ms. Gordon encouraged the pertinent City agencies to consider alternative systems, such as those that include provisions for infiltration, to better manage and treat the storm water on the property. Mr. Talamelli noted that the recommendation would be added to the cover letter that the agency forwards to zoning/engineering.

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

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Motion/Vote: Upon a motion by Mr. Levine and seconded by Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1731 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 5, 2018.

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

#1735 – 237 Foxwood Road – Lot 15 – R. Perler: To maintain a wood dock and other related features constructed in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the east side of Foxwood Road, approximately 375 feet north of Fox Ridge Road, and is identified as Lot 15, Account 000-4715, Block 401, Map 24, Card S-013Z, Zone RA-1, and \pm 2.1450 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated February 8, 2018.

In Attendance: Robert Perler, DDS.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the agenda summary report was prepared by Environmental Analyst, Pamela Fausty. Mr. Talamelli stated that the applicant is proposing to construct a wood dock, stairs, a wooden bench, retaining wall and other related features constructed within close proximity to wetlands and a pond situated in the non-drinking water supply watershed of Haviland Brook.

Mr. Talamelli reported that the property, which lies along the east side of Foxwood Road, approximately 375 feet north of Fox Ridge Road, currently supports a residential dwelling, septic system, well and other related features. The parcel is characterized by gently to moderately sloping developed uplands, portions of a large, open water pond, and narrow wetland fringe areas.

In response to an inquiry by the abutter, EPB Staff confirmed that a dock was being constructed in the absence of a valid wetlands permit. Although an inland wetland permit was issued by the Board for similar construction in 1999, the dock was never installed, and the permit expired by limitation. The owner, upon notification of these circumstances, determined to stop work and submit a new application to both maintain the features installed to date and complete the required construction. It was noted that the dock is “substantially complete” with the footings, substructure, wood timber retaining wall, and seating areas having been installed. Approximately 36 square feet of wetlands and 108 square feet of open water shall be affected upon the completion of this project.

Mr. Talamelli reported that the concerns relating to resource impact and water quality have been addressed with the submission of plans that provide for the use of environmentally friendly materials, limitations on cut zones/preservative application, and the installation of plantings to both stabilize the soils and enhance the buffer. Staff has determined that although some minor details were missing from the landscape plan, plant selection and design appeared to be adequate and appropriate to the site and circumstances.

No questions were posed by Board Members.

Dr. Perler acknowledged the receipt of the Agenda Summary Report, and offered no objection to the conclusions or recommended conditions of approval.

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Motion/Vote: Upon a motion by Mr. Rosenfeld and seconded by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1735 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 8, 2018.

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

#1802 – 85 Camp Avenue – Parcels 1, 2 and 3 – The Village at River’s Edge: To repair a collapsed section of jumbo concrete block retaining wall in and proximate to wetlands, watercourses, special flood hazard areas, and conservation easement areas within the non-drinking water supply watershed of Springdale Brook. The ±8.94 Acre property currently supports the planned unit development known as “The Village at River’s Edge.” Access to the property is situated along the south side of Camp Avenue, approximately 1230 feet east of Hope Street.

Reference is made to an EPB Staff Agenda Summary Report, dated February 6, 2018.

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

Discussion: Mr. Talamelli summarized the application for the Board. He stated that the applicant proposes to repair a collapsed section of jumbo concrete block retaining wall in and proximate to wetlands, watercourses, special flood hazard areas, and conservation easement areas on parcels occupied by the planned unit development known as “The Village at River’s Edge.”

The ±8.94 acre property, which is generally bound by Camp Avenue to the north, the Metro North Railroad (New Canaan Branch) to the south, St. John’s Cemetery to the east, and Hope, Cushing and Hyde Streets to the west, is characterized by the presence of gently to moderately sloping, developed uplands, a reach of the Norton River, a reach of Springdale Brook, designated wetland areas, special flood hazard areas, and established open space preserve/conservation easement areas.

Mr. Talamelli reported that the wall was a remnant from the site’s prior industrial use (the “rock crushing plant”). The subsequent residential development (Village at River’s Edge) incorporated the wall into the development plan, supporting minimal rear yard space and landscape features linked to Building No. 16. Several years ago, a 30-35 foot section of the jumbo, concrete block wall failed, spilling the wall segments into a portion of Springdale Brook and exposing both backfill and adjoining soils.

Mr. Talamelli noted that it was the applicant’s intent to restore the wall to its original height and location to support the residential structures/uses, reestablish a stable bank, and restore the hydraulic capacity of the brook. Given the slope of the property and proximity of the residences along the south bank, the applicant proposes to access the work area by installing a temporary watercourse crossing from the north bank. Materials shall be stockpiled and access gained from a paved parking lot linked to a commercial property on Camp Avenue. Mr. Talamelli stated that under this application, the applicant is required to minimize potential resource impacts, provide erosion/construction controls, institute water quality measures, assess and mitigate any potential drainage impacts, and ensure compliance with the hydraulic impact, flood storage and structural flood proofing requirements outlined in the “Flood Prone Area Regulations of the City of Stamford”. In addition, the applicant is expected to supply a mitigation proposal to restore/enhance those portions of the regulated areas impacted by the project.

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Mr. Talamelli reported that the project will temporarily affect 840 square feet of wetlands, 30 linear feet of watercourse, 2,200 square feet of the floodplain, 2,200 square feet of the upland review area, and 1,500 square feet of the conservation easement. The project engineer has confirmed that the project has been designed to minimize grade and resource impacts. The construction will have no discernible impact on drainage, given the fact that the existing drainage patterns/surface conditions shall remain unchanged. Similarly, given the absence of fill or other changes to floodplain, river hydraulics shall remain unchanged and no flood storage capacity shall be lost. A structural engineer has provided a wall design detail, concluding that the structure is capable of withstanding the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A plan outlining specific temporary/permanent water quality controls has also been provided. The plan provide for temporary out-of-water controls including perimeter silt fence, pavement sweeping, catch basin protection and the establishment of protected stockpile areas. It also includes temporary in-water controls and a diversion plan that provides for the placement of geotextile fabric along the channel bottom, the installation of pipes sized to pass the standard two (2) year design storm, the creation of a crushed stone bed, and the placement of sandbags. The facilities allow for the passage of river flows, provide access, and establish a stable platform to perform the work. Downstream, stone check dams shall also be installed to further protect the watercourse from the effects of erosion/sedimentation. It is the applicant's intent to remove the temporary crossing immediately upon the completion of the project, restoring the channel to its original grade and configuration. Work shall be limited to low flow periods typically associated with the drier summer months, and an emergency operation plans has been developed that provides for the tracking of weather and removal of the temporary diversions should a significant storm be predicted. Permanent water quality measures include provisions for the removal of accumulated sediments from nearby drainage structures, the placement of rip rap along the base of the restored wall segment, and the stabilization of disturbed earth surfaces with topsoil, seed and mulch or other suitable groundcovers. To mitigate the impacts of the project, including the few expected tree removals, the applicant has submitted a detailed landscape/enhancement plan. The plan provides for the removal of accumulated brush and debris from both side of the channel, flush cutting of trees to be removed from the river's edge, the application of fenced tree protection for trees of value, and the installation of a fairly substantial collection of native, conservation valued, trees, shrubs and groundcovers. The plantings shall be applied to the space affected by the construction on both sides of the brook.

In response to a question by Mr. Rosenfeld concerning project history, Mr. Daunais noted that the repair has been under consideration for several years. A prior EPB Permit Application to authorize the repair was withdrawn in order to secure authorization for the alternative access and assemble the information necessary to address the concerns of the agency.

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

Motion/Vote: Upon a motion by Mr. Levine and seconded by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1802 with the conditions outlined in the EPB Staff Agenda Summary Report, dated February 6, 2018.

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

SUBDIVISION REVIEWS:

ENFORCEMENT- STATUS REPORTS & SHOW CAUSE HEARINGS:

OTHER BUSINESS:

0 Wallenberg Drive – Lot 34 – W. J. Hennessey, Esq. for Wallenberg, LLC and Stamford Land Conservation Trust, Inc. – Proposed Release of Conservation Easement:

Reference is made to an EPB Staff Memo, dated February 7, 2018.

In Attendance: William Hennessey, Esq., Carmody, Torrance, Sandak and Hennessey, LLP

Discussion: Mr. Talamelli offered a brief summary of the applicant's request to release the existing conservation easement from property situated at Lot 34, Wallenberg Drive. He noted that the property supports an array of important environmental resources including wetlands, watercourses, portions of a vernal pool and many large trees. The site has a long history before the Environmental Protection Board in which applications to allow a residential development, were first denied, then approved, and then appealed through the courts. Ultimately, the abutting property owner determined to purchase the parcel as the means to preserve the environmental resources and maintain a natural buffer to other developments. The owner routinely returned to the Board to extend the effective period of the permit. Several years ago, when the ability to extend the permit was exhausted, a new permit was applied for and granted by the agency based upon the submission of near identical plans, reports and other technical documentation. Recently, the owner determined to transfer the title to the parcel to the Stamford Land Conservation Trust, Incorporated as the means to permanently preserve the land and protect its important resources. A condition of the "sale" required the seller to return to the EPB to gain a release of both the Conservation Easement (and subsequent modification of the conservation easement) in a manner consistent with Section Twenty (20) of the original conservation easement document. It is noted that the Section Twenty (20) provides for the release of the easement if all or part of the property is donated to a bona fide land conservation organization whose purposes and objectives are consistent and compatible with those purposes outlined in the agreement as determined by the EPB.

In response to a question by Mr. Stone, Mr. Talamelli stated that although rare, the EPB has released conservation easements when suitable alternative conservation proposals are made to the agency.

The floor was turned over to Mr. Hennessey. Mr. Hennessey summarized the proposal for the Board and provided both a detailed description of the resources and accounting of the application history. Board members, including Mr. Rosenfeld, Ms. Ley, Ms. Tessier and Mr. Spaulding, sought responses to concerns relating to the purpose and necessity of the release, the Land Trust's plans for the property, the timing of the closing, the ability of the Land Trust to sell the parcel, and details of the "non-development" clause reportedly outlined in the contract. Based on the discussion, it was determined that many of the issues may best be addressed by representatives of the Stamford Land Trust.

Motion/Vote: Upon a motion by Mr. Rosenfeld and seconded by Mr. Levine, the Board voted to **DEFER** from further action pending the submission of additional information by representatives of the Stamford Land Conservation Trust, Incorporated, concerning the purpose and necessity of the release of conservation easement, and the other pertinent matters raised by the Board.

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

#1727 – 60 East Middle Patent Road – Lot 12 – Fairfield County Engineering, LLC for L. DeFonce and G. Ferone: To remove a stone rubble stockpile, construct stone walls, and create a pond in and proximate to

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wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of East Middle Patent Road, approximately 845 feet east of Taconic Road, and is identified as Lot 12, Account 002-5407, Block 400, Map 30, Card W-003, Zone RA-3, and ±2.019 Acres.

In Attendance: Lisa DeFonce
Gary Ferone

Discussion: Mr. Ferone requested a moment to address the members of the Board. He wanted the members to note that although EPB Permit Application No. 1727 was withdrawn earlier in the evening due to absent information and time constraints, he and his consultants have committed to produce the necessary items of information in advance of the Board's the April 2018 meeting. Given his continued efforts secure the permit and bring the site into compliance with the regulations, Mr. Ferone requested that a small interior renovation proposed for his dwelling be allowed to move forward in the building permit process.

Following discussion, the Chair requested that Staff review the circumstances of this request.

Motion/Vote: None

Note: On Friday, February 16, 2018, EPB Staff reviewed the circumstances of this request, and endorsed the issuance of a building permit for the proposed interior remodel.

ADJOURN:

Adjourn the Regular Meeting of February 15, 2018:

There being no further business, the Board, upon a motion by Mr. Levine and seconded by Mr. Rosenfeld, the Board voted to **ADJOURN** the Regular Meeting of February 15, 2018.

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

Meeting adjourned at 8:22 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Minutes Prepared from meeting notes taken by Richard H. Talamelli, Executive Director/Environmental Planner

Dated/Revisions: February 27, 2018
March 3, 2018 (V1)
March 5, 2018 (V2)