

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

Board Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member (Arrived at 7:32 PM)
Ashley A. Ley, Member
Bradford K. Spaulding, Alternate Member
Laura Tessier, Alternate Member
Emily Gordon, Alternate Member

Board Members Not Present:

Richard Rosenfeld, Esq., 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 Regular Meeting of February 15, 2018:

The Board considered the minutes of the EPB's February 15, 2018 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Levine, Ms. Ley, Mr. Spaulding, Ms. Tessier, 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 February 15, 2018 Regular Meeting as presented.

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

Note that Dr. Shemitz arrived at the meeting at 7:32 PM following the discussion and vote on the minutes.

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1733 – Wedgemere Road, White Oak Lane, Emerald Lane and Eden Road – City of Stamford, WPCA, Sanitary Sewer Extension: To construct sanitary sewers, drainage, and other related improvements in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Springdale Brook. The project areas lie east of Newfield Avenue, in an area generally bounded by Wedgemere Road to the north, Emerald Lane to the south, and Eden Road to the east.

Reference is made to an EPB Staff Memo, dated March 14, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Prakash Chakravarti, P.E., Stamford Water Pollution Control Authority, dated March 14, 2018 withdrawing EPB Permit Application No. 1733 from further consideration.

Motion/Vote: None

#1736 – 125 Turn of River Road – Lot 9 – A. Lipsker for Tap Capital Partners, LLC: To construct a new single family dwelling, drive, and other related facilities proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Ayres Brook/Rippowam River. The property lies along the east side of Turn of River Road, approximately 215 feet north of Talmadge Lane, and is identified as Lot 9, Account 002-2741, Block 379, Map 77, Card E-024, Zone R-10 and ± 0.1362 Acres.

Reference is made to an EPB Staff Memo, dated March 9, 2018.

#1801 – 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 ± 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 March 14, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Avi Lipsker for Tap Capital Partners, dated March 6, 2018 and John Pugliesi, P.E. for A. McCullough and M. Grunberg, dated March 14, 2018 granting the Board an additional sixty-five (65) days in which to render a decision of EPB Application No. 1736 and 1801. Accordingly, decisions shall be rendered on or before May 28, 2018.

Motion/Vote: None

#1807 – Hope Street, Mead Street and Bouton Street West – NA - City of Stamford/Engineering Bureau for Brook Run Terrace Condominium Association – Springdale Brook Channel Wall Stabilization Project: To implement certain wall, channel and stream bank stabilization measures in and/or within close proximity to wetlands, watercourses and special flood hazard areas associated with Springdale Brook (Non-Drinking Water Supply Watershed). The project generally affects a reach of Springdale Brook that stretches from Bouton Street West (northwest) to Mead Street (southeast). Specific properties affected by the project include 7 Mead Street, Units A-G, 1201 Hope Street, 0 Bouton Street West, and 49 Bouton Street West.

Reference is made to an EPB Staff Memo, dated March 9, 2018.

#1808 – 11 North Street – Lot A – Redniss and Mead, Inc. for the Housing Authority of the City of Stamford: To implement certain building improvements, construct a fence, install drainage, repave a parking lot, and implement other related improvements proximate to wetlands and watercourses and within the base floodplain of the Rippowam River. The property, which currently supports the residential facility known as Rippowam Manor, lies along the south side of North Street, approximately 290 feet west of Hollywood Court, and is identified as Lot A, Account 003-6063, Card S-042Z, Map 121, Block 264, Zone R-5, and ± 0.7601 Acres.

Reference is made to an EPB Staff Memo, dated March 14, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1807 and 1808.

Motion/Vote: Upon a motion by Mr. Levine, and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1807 and 1808.

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

Action Items:

SITE PLAN REVIEW:

#3982-1 – Pakenmer Road – Lot 1 – N. Alpino: To construct a new single family dwelling, drive, drainage, utilities within close proximity to a designated conservation easement situated in the non-drinking water supply watershed of the Rippowam River. An EPB Site Plan Review is required for this property by a Condition of Planning Board (Subdivision) No. 3982. The parcel is situated along the west side of Pakenmer Road, approximately 600 feet north of Doolittle Drive, and is identified as Lot 1, Account 000-1614, Card W-003, Map 82, Block 375, Zone RA-1, and ± 1.13 Acres.

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

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

Discussion: Mr. Talamelli summarized the application for the Board. He noted that the Agenda Summary Report was prepared by Leigh DeMarco, Environmental Analyst. Mr. Talamelli reported that the applicant proposes to construct a new single family dwelling, drive, drainage, sanitary sewer, utilities and other related features on the parcel. By a Condition of Planning Board No. 3982, the individual site development plan for this parcel necessitates a site plan review by the EPB to ensure consistency with the overall development, drainage, and resource protection concepts outlined at the time of subdivision.

It was noted that the property lies along the west side of Pakenmer Road, approximately 600 feet north of Doolittle Drive, and is characterized by the presence of gently to moderately sloping uplands, a perimeter conservation easement area, and a single large "Red Oak" that was evaluated by a Connecticut Arborist at the time of subdivision, and identified as a resource worthy of protection. Although there are no wetlands on the parcel, an upland review area associated with the wetlands/watercourses found on the property to the south, extends onto the subject parcel. Given the circumstances of this application, the applicant is charged with the task of demonstrating that the proposed development remains consistent with the concept outlined at the time of subdivision, that resources have been adequately protected, that drainage impacts have been appropriately mitigated, that erosion and water quality controls have been implemented, and functional conservation enhancements have been employed.

Mr. Talamelli reported that a site plan, reports, and other pertinent information have been submitted to address the identified development issues. Although supporting a dwelling having a larger footprint, the plan mirrors the development concept outlined at the time of subdivision with all structures and grading confined to uplands outside of both the designated conservation easement and upland review areas. It was noted that as a result of the site plan review process, development plans were amended to provide additional setbacks to the conservation easement and preserve the lone significant tree slated for protection. To preserve/enhance water quality, a sediment and erosion control plan was submitted, drainage structures have been equipped with deep sumps and outlet controls, infiltration has been proposed, and the dwelling shall be served by natural gas. There are no in-ground fuel storage tanks proposed. Potential drainage impacts have been attenuated with a structured drainage system consisting of catch basins, pipes and an on-site infiltration system sized to accommodate the larger dwelling and its attendant facilities. The project engineer has stated that development, if properly implemented, will not adversely impact, drainage, soils, the street, and adjoining properties. The Stamford Engineering Bureau has reviewed the submitted documents, confirming the absence of impact, study methodology, and design. Mr. Talamelli further noted that the proposed landscape/mitigation plan was recently revised to include fenced tree protection for the trees of value, pins, posts and signage along the limits of the conservation areas, a demarcation feature consisting of buried boulders, a proposal to mechanically manage invasives, and extensive landscaping for both the conservation easement and the upland review areas. The planting plan supports a dense collection of trees, shrubs and ground covers, many having substantial conservation value.

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Dr. Shemitz, Ms. Ley, Ms. Tessier and Mr. Spaulding expressed concern about the potential impacts the construction and maintenance of the drive, drainage and other proposed facilities may have on the large "Red Oak." Numerous alternatives were discussed including greater development setbacks to the tree, limiting development activities to a single side of the tree, reduced grading, reconfiguring the proposed house/driveway designs, and providing additional construction supervision and control. Although Mr. Daunais asserted that certain modifications to the drive and drainage systems could be addressed as a condition of approval and with prior Staff endorsement, the Board felt strongly that revised civil drawings, altered in response to an arborist's current assessment/recommendations, were necessary before the Board could render a decision on this application. In addition, several the members requested that the civil drawings be further amended to accurately reflect the location of the tree's dripline.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Levine, the Board voted to **DEFER** from further action on EPB Site Plan Review No. 3982-1 pending the submission of a report, as prepared by a Connecticut licensed arborist, assessing the condition of the "Red Oak" and outlining specific recommendations to ensure that the proposed development (during and post construction) would not adversely impact the tree.

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

SUBDIVISION REVIEWS: None

ENFORCEMENT- STATUS REPORTS & SHOW CAUSE HEARINGS: None

OTHER BUSINESS:

#2428 – South Brook Drive – Lot 1 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 1, List 003-9979, Card E001, Block 400, Zone RA-3, and ±2.43 Acres.

#2429 – South Brook Drive – Lot 2 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 2, List 003-9982, Card W002, Block 400, Zone RA-3, and ±2.14 Acres.

#2430 – South Brook Drive – Lot 3 – W.B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and

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watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 3, List 003-9983, Card W003, Block 400, Zone RA-3, and ± 2.06 Acres.

#2431 – South Brook Drive – Lot 6 – W. B. Levine for WCL L.P.: Construction of an access driveway and a new single-family residence and appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River. . The property lies along the cul-de-sac of South Brook Drive, approximately 875 feet south of Jonathan Drive, and is identified as Lot 6, List 003-9981, Card W001, Block 400, Zone RA-3, and ± 2.06 Acres.

Reference is made to and EPB Staff Memo, dated March 6, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from John Pugliesi, P.E., E.J. Frattaroli, Inc., dated January 26, 2018 requesting the extension of permits. Mr. Talamelli confirmed that there were no reported violations on the property, that the permit was legally issued, and that conditions have not changed as to warrant a reevaluation. Accordingly, Staff recommended that the Board approve this extension requests for a period of one (1) year until January 27, 2019.

Extensive discussion ensued on the total time a permit could be extended under the statutes. Mr. Talamelli reported that the statutes provide for varying expiration dates based on the original issue date of the permit. As applicable to this matter, if a permit was issued prior to July 1, 2011 and was valid as of May 9, 2011, the permit remains valid for a period of not less than nine (9) years from the original date of issuance, and can be renewed for a period not exceeding fourteen (14) years from the original date of issuance. The Board typically reviews these matters on a yearly basis to prompt an inspection of the property and assess permit compliance.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Levine, the Board voted to **APPROVE** the extension of EPB Permit Applications No. 2428, 2429, 2430 and 2431 for a period of one (1) year. Accordingly the permits shall remain in full force and effect until January 27, 2019.

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

ADJOURN:

Adjourn the Regular Meeting of March 15, 2018:

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

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

Meeting adjourned at 8:31 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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

Dated/Revisions: V1 – March 26, 2018