

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE MAY 17, 2018
REGULAR MEETING**

Board Members Present:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Emily Gordon, Alternate Member

Board Members Not Present:

Louis P. Levine, Member
Bradford K. Spaulding, Alternate Member
Laura Tessier, Alternate Member

Staff Members Present:

Richard H. Talamelli, Executive Director/Environmental Planner

The meeting was called to order by Mr. Stone at 7:30 PM.

MINUTES:

Minutes of the EPB Regular Meeting of April 19, 2018:

The Board considered the minutes of the EPB's April 19, 2018 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Ley, and Ms. Gordon.

Upon a motion by Ms. Ley, and seconded by Ms. Gordon, the Board voted to **APPROVE** the Minutes of the April 19, 2018 Regular Meeting with the correction to the adjournment vote as reported in the revised document, dated May 17, 2018.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1812 – 95 Intervale Road #1 – Parcel 1 – A. Carlucci: To expand an existing recreational deck in a designed conservation easement area and proximate to wetlands situated in the non-drinking water

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supply watershed of Ayres Brook/Rippowam River. The dwelling lies within the planned residential development known as "Stonebrook" - the entrance of which lies along the south side of Intervale Road, approximately 1,200 feet east of Turn of River Road. Reference is made to Account 004-1803 in records maintained by the Stamford Tax Assessor.

Reference is made to an EPB Staff Memo, dated May 8, 2018.

#1813 – 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 May 8, 2018.

#1814 – 1260 Rock Rimmon Road – Parcel B – J. and C. Winterle: To install air conditioner condensing unit(s) proximate to a pond situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Rock Rimmon Road, approximately 450 feet east of Winslow Road, and is identified as Lot B, Account 002-3405, Block 402, Map 7, Card W-087, Zone RA-2, and ± 1.02 Acres.

Reference is made to an EPB Staff Memo, dated May 15, 2018

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 1812, 1813 and 1814.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Applications No. 1812, 1813, and 1814.

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

Action Items:

#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.

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Reference is made to an EPB Staff Agenda Summary Report, dated May 10, 2018.

In Attendance: Louis Casolo, Jr., P.E., City Engineer, Stamford, Connecticut
Michael Fisher, P.E., BL Companies

Discussion: Mr. Talamelli summarized the application for the Board. He noted that the Staff Agenda Summary Report was prepared by Environmental Analyst Pamela Fausty. The applicant proposes to implement certain stream channel, wall, drainage, and bank stabilization activities within a 270 foot long reach of Springdale Brook, just south of the intersection of Hope and Mead Streets. The applicant seeks to correct a long standing erosion issue caused by high velocity flows that emanate from several culverts/pipes in the northern reaches of the project area. The discharges have resulted in severe scouring the channel bottom, erosion of the natural river banks, and the undermining of existing erosion control structures including a length of gabions on property owned by the City of Stamford (Drotar Park/Springdale School) and a large concrete retaining wall that supports rear yard areas on property owned by the Brook Run Terrace Condominium Association. It was noted that over time, sink holes have formed on the landward side of the retaining wall threatening the integrity of the residential structures and other related features.

Mr. Talamelli reported that specific remedies made a part of the design plan include the replacement of the gabion wall, installation of a deeper apron wall along the existing retaining wall, filling of voids with a flowable fill, installation of rip rap to both restore the grade of the channel bottom and better protect the banks/erosion control structures, creation of preformed scour holes, addition of rock weirs, and the relocation and reconfiguration of drainage along the west bank. The applicant reports that approximately 11,594 square feet of the non-watershed setback, 336 linear feet of watercourses and 8,872 square feet of the floodplain will be temporarily/permanently impacted by the development. Note there are no wetland soils present or affected by the project.

Development issues pertaining to resource impact and loss, drainage impact, hydraulic impact, structural floodproofing, and water quality were addressed under this permit application. Mr. Talamelli reported that detailed plans and reports were developed and submitted by the consulting engineer. Resource loss is limited to the numerous small to moderately sized trees that currently occupy the west bank of the brook. Grades shall be generally restored to the natural condition. The project engineer has confirmed that the project will not adversely impact draining, soils, infrastructure or adjoining properties, will not cause a rise in flood heights, and will not result in an increase in damaging velocities. Structures/features added to the floodprone areas have been designed withstand the expected flood forces. Detailed erosion control, water control and staging plans have been supplied, and a planting plan has been developed to mitigate for the expected tree loss, filter runoff and enhance the overall conservation values of the project area, particularly along the west bank on park and school properties. Mr. Talamelli reported that the plantings are appropriate given the circumstances of the project.

In response to a question posed by Ms. Ley concerning the availability of more "natural" approaches to the bank stabilization project, Mr. Talamelli responded that the applicant examined alternatives to the "hardened" measures proposed. Mr. Talamelli reported that the project engineer considered several alternatives, but given the substantial velocities encountered in this reach of the watercourse, the configuration of the drainage structures, and limitations on available space, it was determined that the impacts were best addressed by either gabions and/or a wall. Gabions were chosen based on several

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factors including ease of installation and cost.

Motion/Vote: Upon a motion by Dr. Shemitz, and seconded by Ms. Gordon, the Board voted to **APPROVE** EPB Permit Application No. 1807 with the conditions outlined in the EPB Staff Agenda Summary Report, dated May 10, 2018.

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

#1811 – Division Street and 4, 6, and 10 Division Street and 69 and 75 Clinton Avenue – Lots 1,2,3,14 and 15 – City of Stamford for RBS Americas Property Corp. and Clinton Court - A Condominium Association, Inc.: To remove and abandon existing outfalls, drainage structures, roadway surfaces, and other features, and construct a new outfall, drainage structures, parking, and other related facilities proximate to a watercourse and within the base floodplain of the Rippowam River. Areas affected by the project lie along the west side of Clinton Avenue, and include a portion of Division Street and several properties situated to the north of Division Street including the following:

<u>Address/Owner</u>	<u>Lot No.</u>	<u>Account</u>	<u>Card</u>	<u>Area</u>
4 Division Street RBS Americas Property Corp	1	001-9314	N-010Z	±6,380 s/f
6 Division Street RBS Americas Property Corp	2	002-4699	N-009	±7,441 s/f
10 Division Street RBS Americas Property Corp	3	002-5791	N-008	±8,483 s/f
69 Clinton Avenue Clinton Court – A Condominium Association Inc.	14	999-0171 (Main)	NA	±21,399 s/f
75 Clinton Avenue RBS Americas Property Corp	15	000-0970	W-035	±7,260 s/f

Reference is made to an EPB Staff Agenda Summary Report, dated May 9, 2018, revised to May 16, 2018.

In Attendance: Teodoro Milone, P.E., Redniss and Mead
 William Hennessy, Esq., Carmody, Sandak, Torrance and Hennessy
 Louis Casolo, Jr., P.E., City Engineer, Stamford, Connecticut

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the

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“project area” lies along the west side of Clinton Avenue, and includes both a portion of Division Street and several privately held properties situated to the north of Division Street. The “project area” is characterized by the presence of gently to moderately sloping uplands, a ± 260 foot reach of the Rippowam River, narrow tidal wetland fringe, special flood hazard areas, and a few large trees.

Mr. Talamelli noted that the project provides necessary enhancements to the municipal drainage system and further supports the site development concepts envisioned for properties owned by RBS Americas Property Corp. and Clinton Court – A Condominium Association, Inc. He noted that both the RBS and Clinton Court projects provide for an expanded, publically accessible, pedestrian trail system, substantial water quality enhancements, and extensive native landscaping along this reach of the Rippowam River under a plan conceived by the Mill River Collaborative.

Under this permit application, the City of Stamford seeks the Board’s permission to execute one of the initial phases of the project by removing an existing drainage outfall and associated infrastructure from a “discontinued” section of Division Street, constructing a new drainage outfall and storm drain system in a proposed easement to the north, and implementing other related improvements on and proximate to a property situated at 69 Clinton Avenue. The improvements associated with the condominiums at 69 Clinton Avenue include the removal of an existing drainage outfall/drainage structures, removal/reconfiguration of an existing asphalt parking lot, and the construction of a new drainage system having enhanced water quality controls.

To ensure consistency with the provisions of both the “Inland Wetland and Watercourse Regulations” and “Coastal Area Management Regulations”, applicants are required to minimize resource impacts, confirm the absence of drainage impact, assure consistency with applicable hydraulic/flood storage thresholds, and preserve/enhance water quality.

Mr. Talamelli reported that all disturbance shall be confined to upland areas situated to the landward side of the coastal jurisdiction line (CJL). There are no direct impacts to the tidal wetlands. Approximately 50 linear feet of river bank, 4,218 square feet of upland review area, and 17,257 square feet of the floodplain/floodway shall be temporarily/permanently affected. Grade change is expected to be in the low to moderate range (0-2.5 feet) and vegetation loss is expected to be limited to twenty-three (23) of the small to moderately sized trees reflected on the plans. The affected trees lie in the vicinity of the river bank, the south boundary at 69 Clinton Avenue, and along a section of Clinton Avenue.

The project engineer has confirmed that the project will not adversely impact neighboring or downstream properties or City owned drainage facilities based on an evaluation of existing infrastructure and the development concepts proposed for the adjoining properties. The project engineer further established that the project remains consistent with Stamford’s Flood Regulations as it affects flood rise and storage. Flooding in this reach of the Rippowam River is “tidally influenced”. Accordingly, the typical 0.00 foot rise and compensatory flood storage requirements generally do not apply. The exception is linked to proposals involving grade change (fill) within the regulatory floodway. Although the proposed endwall, wingwalls, and rip rap lie within the floodway boundary, the engineer has carefully matched the elevation of each structure/feature to the existing grade. The project engineer has concluded that there will be no fill within the floodway, and therefore, no anticipated increase (0.00 feet) in flood levels during the occurrence of the base flood event. The Stamford Engineering Bureau has reviewed the submitted plans/reports and has confirmed the validity of the engineer’s conclusions, study methodology and design.

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To protect and enhance water quality, the applicant has submitted detailed sediment and erosion control plans, provided a basic construction phasing plan, designed all new drainage collection structures with deep sumps and outlet controls, and added an oil and grit separator to the drainage system serving the new condominium parking lot and accessway. Mr. Talamelli noted that the existing parking lot currently lacks functional drainage and water quality features. In addition to the above, the project provides for the removal extensive areas of pavement along the river, increases the setback to the river to accommodate a future pedestrian pathway, landscaping and other features, and consolidates outfalls. Mr. Talamelli further noted that the new drainage outfall shall drain to a maintainable, rip rapped plunge pool to better manage velocities, stabilize/maintain the soil, and further the sediment/debris trapping capabilities of the drainage system. Again, the existing outfalls lack the appropriate mitigating features.

Finally, Mr. Talamelli reported that an environmental assessment provided by the applicant confirmed that the project will not have a significant adverse impact on the functions of the Rippowam River or coastal resources given the substantial improvements and protections incorporated into the plans. Several mitigation recommendations were described in the assessment for this and future projects including provisions for the removal of debris, the removal of invasive species, and the addition of plantings to mitigate for the anticipated tree loss, filter runoff, and enhance the overall conservation value of the regulated areas.

Mr. Talamelli stated that provided that the applicant adds typical water quality notes relating to vehicle parking, fueling and repair, outlines general storm preparedness guidelines, reconstructs an additional street side catch basin to City standards, supplies floodproofing details for any required fences and other floodprone features, and removes accumulated debris from the regulated areas, the project will not adversely affect valued resources, impact drainage, affect water quality or render the project inconsistent with the flood regulations. Recommended conditions were outlined in the "Agenda Summary Report", revised to May 16, 2018.

In response to questions and comments by Ms. Ley and Mr. Rosenfeld, Mr. Talamelli reconfirmed that the activities described in EPB Permit Application No. 1811 lay the groundwork for several future projects proposed for the area including a mixed use development by RBS and an expanded greenway by the Mill River Collaborative. As those projects develop, additional permitting and/or comment opportunities will become available to the EPB and Staff. Important low impact design measures and other conversation valued concepts can be explored at that time.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Gordon, the Board voted to **APPROVE** EPB Permit Application No. 1811 with conditions outlined in an EPB Staff Agenda Summary Report, revised May 16, 2018.

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

SUBDIVISION REVIEWS:

ENFORCEMENT- STATUS REPORTS & SHOW CAUSE HEARINGS:

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of May 17, 2018:

There being no further business and upon a motion by Ms. Ley, and seconded by Mr. Rosenfeld, the Board voted to **ADJOURN** the Regular Meeting of May 17, 2018.

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

Meeting adjourned at 8:07 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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

6/2/18 (V1)
6/13/18 (V2)