

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE OCTOBER 18, 2018
REGULAR MEETING**

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS NOT PRESENT:

Louis P. Levine, Member
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 7:32 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 July 19, 2018:

Mr. Stone noted that a discussion and vote on the minutes would be deferred to a future meeting given the absence of eligible voting members.

Minutes of the EPB Regular Meeting of September 20, 2018:

The Board considered the minutes of the EPB's September 20, 2018 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Rosenfeld, Ms. Ley, and Ms. Gordon. No corrections were proposed/recommended.

Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the September 20, 2018 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

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Acceptances/Extensions/Withdrawals:

#1825 – Clay Hill Road/Arden Lane/Crystal Lake Road - NA - City of Stamford and Heatherwood Condominium Association: To construct certain storm drain improvements, install an emergency generator, and conduct other related activities in and within close proximity to wetlands, a pond, and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The proposed work area lies within the public right of way at the intersection of Clay Hill Road, Arden Lane, and Crystal Lake Road (Unimproved) and on an adjoining private property to the south owned by the Heatherwood Condominium Association.

#1826 – 0 High Ridge Road – Lot 2 – High Ridge Developers, LLC: To construct a new single family dwelling, drive, drainage, septic and other related facilities in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Poorhouse Brook. The property is situated along the east side of High Ridge, Road, approximately 200 feet south of Pinner Lane, and is identified as Lot 2, Account 002-3185, Card E-195, Map 27, Block 388, Zone RA-1, and ±1.0028 Acres.

Reference is made to EPB Staff Memos dated October 9, 2018 and October 16, 2018.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 1825 and 1826.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Rosenfeld, the EPB voted to **ACCEPT** EPB Permit Applications No. 1825 and 1826.

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

Action Items:

#1815 – 0 Woodway Road – Lot 9 - Aquarion Water Company for Woodway Country Club, Inc.: To construct a new 24" ductile iron water transmission main in and proximate to wetlands, watercourses and special flood hazard areas in the non-drinking water supply watershed of the Noroton River. The project area lies along a reach of Woodway Road, and is generally bound by Hoyt Street to the east and Regent Court to the west. Specifically, the property affected by this application is identified as 0 Woodway Road, Lot 9, Account 002-5425, Card N-016Z, Map 79, Block 381, Zone RA-1 and ±3.16 Acres.

Reference is made to an EPB Staff Agenda Summary Report, revised October 11, 2018.

In Attendance: Maureen Crowley, P.E., AECOM

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Gary Simard, P.E., AECOM
John Farrell, Aquarion Water Company

Discussion: Staff Member Talamelli offered a brief description of the permit application and a summary of pertinent issues. He reminded the members that the Board first considered the details of the application at the September 20, 2018 meeting. He noted that the Aquarion Water Company, on the behalf of the Woodway Country Club, seeks the Board's permission to construct a new 24" ductile iron water transmission main in and proximate to wetlands, watercourses and special flood hazard areas in the non-drinking water supply watershed of the Noroton River. The transmission line is proposed to provide additional capacity and improve the reliability of the water supply in the area.

The project area lies along a section of Woodway Road, in an area generally bound by Hoyt Street to the east and Regent Court to the west. The area affected by the proposed development is characterized by the presence of gently to moderately sloping uplands, a reach of the Noroton River, narrow wetland fringe, and special flood hazard areas. The uplands support vegetation ranging from manicured lawn to light woods. The wetlands have been maintained primarily as lawn.

Mr. Talamelli went on to state that at the September meeting, considerable testimony had been provided to address important development issues including resource impacts, hydraulic impacts, structural flood proofing, dewatering, emergency response, water quality and restoration/mitigation. Following discussion, Board members determined that additional information was warranted to confirm the applicant's examination of alternatives, such as directional drilling, that may be available to further reduce impacts to regulated areas. Accordingly, the Board determined to defer action on EPB Permit Application No. 1815 pending the submission of additional information concerning the availability of "alternatives" having less of a potential impact on "regulated areas." The alternative discussion was expected to include specific comments on design and construction practice. Mr. Talamelli then reported that the applicant, in response to the concerns raised at the September meeting,, submitted a written alternative crossing analysis.

Maureen Crowley, P.E. and Gary Simard, P.E summarized the findings of the crossing analysis for the Board. Mr. Simard reported that his firm, in advance of this permit application, evaluated numerous river crossing scenarios including affixing the pipe to the bridge, and the use open trench excavations, pipe jacking, and horizontal direction drilling in a variety of locations in and along the bridge. After considering potential resource impacts, project duration, traffic/roadway effects, cost, and other factors, the project engineer determined that on open trench excavation along the north side of the bridge was the least disruptive, most efficient and best long term solution to the Noroton River Crossing. Mr. Simard then provided additional comments on "Directional Drilling" - the crossing scenario that sparked the interest of several members of the Board at the September meeting. He reported that directional drilling requires substantial excavation at both the launching and receiving ends of the pipe. The drill is run back and forth in the guide hole until the proper size bore is attained, which is typically 1.5 times the size of the pipe's outside dimension. Aquarion proposes the use of a 24" transmission main based on the region's needs. The conditions of this installation dictate that the pipe needs to be both solid and durable, supporting minimum 3" thick walls. Therefore the pipe is expected to support an outside dimension of approximately 30". Accordingly, the bore hole would need to be fairly large, generally in the range of 45-48" in diameter. Mr. Simard indicated that although directional drills are fairly common and uneventful for smaller diameter pipes, the process for larger pipes presents unique challenges. Because directional drilling was an outgrowth of the oil/gas industry, most contractors having the equipment capable of installing a pipe this size are from

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the West and Midwest. Directional drilling for a pipe of this size would be an expensive undertaking just to import and stage the proper equipment. The drilling operation would also significantly prolong the installation in the regulated areas, upping the duration of the project from approximately one (1) week to one (1) month. He noted that the excavating contractor had been installing up to one hundred (100) feet of pipe per day in the adjoining community. Mr. Simard further noted there are other significant down sides to "Directional Drilling" including the potential underground obstructions (which often necessitate a completely new hole), pipe breakage, hole collapse/seepage, and substantial dewatering and water quality issues. Many of water quality issues are posed by the "drilling mud" or "slurry" necessary to keep the bore hole open. He stated that given the conditions and width of the stream north of the bridge, it is reasonable to assume that the actual crossing could be accomplished with the placement of a single length of pipe in one (1) day. Finally, Mr. Simard stated that additional precautions have been applied to the project to protect resources including "low flow" restrictions, construction, erosion and water quality controls, storm monitoring, and the adoption of an emergency operations plan.

In response to a question posed by Mr. Rosenfeld, Mr. Simard responded that the expected cost difference between the "open trench" and "directional drilling" crossing scenarios jumps from approximately \$200.00 per liner foot to approximately \$1,000.00 per linear foot.

In response to a question by Ms. Ley, Mr. Simard reported that subsurface explorations, either by test hole or radar, were not accomplished at the crossing. However, other explorations were conducted along the bridge and project area. Based on an examination of those soils and the conditions observed in the streambed, it is reasonable to assume that boulders or other similar obstructions may be present. If boulders are encountered along the chosen pathway, the initial bore hole would need to be abandoned, and a completely new hole would need to be drilled.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Gordon, the Board voted to **APPROVE** on EPB Permit Application No. 1815 with the conditions outlined in the EPB Staff Agenda Summary Report, revised October 11, 2018.

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

#1821 – 152 Harpsichord Turnpike – Lot 4 - P. Wong: To remove a stone patio and foundation, construct a wood landing and steps, and install above ground propane tanks, air conditioning condenser units, and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the East Branch of the Mianus River. The property lies along the south side of Harpsichord Turnpike, just east of Riverbank Road, and is identified Lot 4, Account 001-1766, Card S-10Z, Map 40, Block 398, Zone RA-1 and ±1.246 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated October 11, 2018.

In Attendance: Steven Danzer, PhD

Discussion: Staff member Talamelli summarized the application for the Board. He noted that

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the Agenda Summary Report had been prepared by Environmental Analyst Pamela Fausty. Mr. Talamelli reported that the applicant seeks the Board's permission to remove a raised terrace, construct a new wooden landing/stairs, and install both air conditioning condensing units and several above ground propane tanks proximate to a pond and wetland area found on the property.

Mr. Talamelli reported that the encroachments have been substantially setback from the pond/wetlands, that the existing structures lie between the expected building envelope and pond/wetland areas, and that the overall disturbance shall be minimal. Approximately 100 square feet of the setback shall be impacted. A temporary/permanent erosion control plan has been provided, and an extensive planting plan has been developed to displace existing manicured surfaces, filter runoff, and improve the overall conservation values of the parcel. Staff has concluded that the plan is appropriate to the site and circumstance of this application.

In response to a question by Ms. Ley, Dr. Danzer confirmed that many of the activities have been proposed to correct historic encroachments to and beyond the property boundary.

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

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 1821 with the conditions outlined in the Agenda Summary Report, dated October 11, 2018.

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

Site Plan Reviews: None

Subdivision Reviews: None

Enforcement – Status Reports & Show Cause Hearings:

1 Mill Road – Lot C-1 – William T. Squires, et al: Show Cause Hearing to consider violations of the "Inland Wetland and Watercourse Regulations of the City of Stamford (Section 10) and the terms of EPB Permit No. 1122 (1 Mill Road, Lot C-1, W. and P. Squires, dated September 26, 2011). The property lies along the south side of Mill Road, approximately 275 feet east of Old Long Ridge Road, and is identified as Lot C-1, List 001-1555, Card S-003, Map 23, Block 401, Zone RA-1, and ±1.05 Acres.

Reference is made to an EPB Staff Memo, dated October 11, 2018.

In Attendance: William T. Squires

Discussion: Mr. Talamelli summarized the project and enforcement history for the Board. He

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noted that in September 2011, the Environmental Protection Board approved EPB Permit No. 1122 to allow construction/reconstruction of a floodproof, single family dwelling and other related facilities proximate to wetlands and watercourses and within the base floodplain of the Mianus River. The permit was granted with sixteen (16) conditions including provisions for a performance surety, professional supervision, and certification of the structural floodproofing, civil engineering, and landscape elements. Following the submission of the pertinent fees, revised plans, and a performance surety, EPB Staff, in December 2011, authorized the issuance of a building permit to construct a new dwelling and attendant features. Construction progressed over the next two (2) years. On several occasions over the following five (5) years, EPB Staff gave notice to the owner that the important provisions of EPB Permit No. 1122 had yet to be fully addressed, and that a final certificate of occupancy had not been endorsed/issued. There was no meaningful response by the owner or his/her representatives. Given the absence of a timely response, EPB Staff, in October 2018, petitioned the Board to issue a Cease and Desist Order. Issuance of the order was endorsed by the Board, and the Show Cause Hearing was scheduled in accordance with the requirements of the regulations. Note that the specific activities and tasks found to be in violation with the provisions of the "Inland Wetland and Watercourse Regulations of the City of Stamford" (Section 10) and the terms of EPB Permit No. 1122 were described in the Cease and Desist Order and EPB Staff Memo, dated of October 11, 2018.

Mr. Squires acknowledged the receipt of the cease and desist order and the detailed accounting of the items that must be addressed to bring the site into compliance. He stated that certain personal and professional considerations precluded full compliance with the terms of the permit, and that he would seek Staff's guidance to direct him on a path to compliance.

Mr. Stone noted that important compliance issues had remained outstanding for a number of years, that the list provided by Staff was explicit, and that compliance may best be achieved by consulting with the professionals he had hired to supervise the project and develop the necessary professional certifications.

Discussion ensued between Board members concerning the time that should be afforded to the owner to address the outstanding compliance issues.

Motion/Vote: Upon a motion by Mr. Rosenfeld, and seconded by Ms. Ley, the Board voted to **MAINTAIN** the Cease and Desist Order **IN EFFECT** and **MODIFY** the order to require the completion of all work, administrative tasks, and certifications outlined in EPB Permit No. 1122 within ninety (90) days (January 16, 2019). The Board further directed EPB Staff to immediately file a Notice of Violation on the Stamford Land Records. Finally, EPB Staff was authorized to publish a notice of facts and conduct in a newspaper having general circulation in the City of Stamford and to notify the Corporation Counsel to pursue all actions necessary to gain compliance if the violation is not resolved in the prescribed manner and time frame.

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

Other Business: None

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ADJOURN:

Adjourn the Regular Meeting of October 18, 2018:

There being no further business, the Board, upon a motion by Ms. Ley, and seconded by Mr. Rosenfeld, the Board voted to **ADJOURN** the Regular Meeting of October 18, 2018.

In Favor: Stone, Rosenfeld, Ley, Tessier and Gordon

Opposed: None

Abstaining: None

Not Voting: None

The meeting was adjourned at 8:20 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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

Draft 1: October 29, 2018

Draft 2: November 19, 2018