

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE DECEMBER 19, 2019  
REGULAR MEETING**

**BOARD MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Dr. Leigh Shemitz, Member  
Ashley A. Ley, Member  
Laura Tessier, Member  
Thomas Romas, Alternate Member  
Stephen Schneider, Alternate Member

**BOARD MEMBERS NOT PRESENT:**

Louis P. Levine, Member  
David J. Kozlowski, Alternate Member

**STAFF PRESENT:**

Richard Talamelli, Executive Director/Environmental Planner  
Lindsay Tomaszewski, Environmental Analyst

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

Mr. Stone acknowledged the attendance of Mr. Stephen Schneider, Alternate Member, recently appointed to the Board.

**MINUTES:**

**Minutes of the EPB Regular Meeting of November 21, 2019:**

Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Ley, and Mr. Romas. No corrections or modifications were recommended.

**Motion/Vote:** Upon a motion by Ms. Ley, and seconded by Dr. Shemitz, the Board voted to **APPROVE** the Minutes of the November 21, 2019 Regular Meeting as presented.

In Favor: Stone, Shemitz, Ley, and Romas  
Opposed: None  
Abstaining: None  
Not Voting: Tessier and Schneider

**APPLICATIONS AND PERMITS:**

**Acceptances/Extensions/Withdrawals:**

**#1926 – 39 Lisa Lane – Parcel H – Fairfield County Engineering, LLC. for S. Grosso:** To construct a detached garage, drive, drainage, 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 Lisa Lane, just north of South Lake Drive, and is identified as Parcel “H”, Card W-001, Account 000-5383, Map 13, Block 400, Zone RA-2, and ±2.346 Acres.

Reference is made to an EPB Staff Memo, dated December 11, 2019.

**In Attendance:** None

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 1926.

**Motion/Vote:** Upon a motion by Dr. Shemitz, and seconded by Mr. Romas, the Board voted to **ACCEPT** EPB Permit Application No. 1926.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas  
Opposed: None  
Abstaining: None  
Not Voting: Schneider

**Action Items:**

**#1922 – 38 West Washington Avenue – Lot 4 – Redniss and Mead, Inc. for A. Gupta:** To construct a new two (2) family residence, drives, drainage, utilities and other related features within the base floodplain of the Rippowam River. The property lies along the west side of West Washington Avenue, approximately 400 feet north of North Street, and is identified as Lot 4, Account 001-4328, Card W-005, Map 115, Block 242, Zone R-5, and ±0.111 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated December 12, 2019.

**In Attendance:** Brian McMahon, P.E., Redniss and Mead

**Discussion:** Staff Member Talamelli summarized the application for the Board. He reported that the applicant proposes to demolish an existing two (2) family dwelling, and construct a new, floodproof, two (2) family residence, drives, drainage, utilities and other related features on the property.

The parcel, which lies along the west side of West Washington Avenue, approximately 400 feet north of North Street, currently supports an existing two (2) family dwelling, detached garage, gravel/asphalt drive, walkways, fences, sanitary sewer, public water, and other related facilities. The parcel lies some 300 feet east of the Rippowam River. The site is characterized by the presence of gently sloping urban lands, extensive flood hazard areas, and only a handful of small trees, generally limited to space to the north and west of the dwelling. There are no wetlands. The entire property lies within the base floodplain

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of the Rippowam River (Zone AE, Elevation 27.4 feet NAVD-88, FIRM, 09001C0516G, 7/8/13, LOMR effective 5/25/18), and is affected by deep, slow moving floodwaters during the peak of the 100-year storm. There is no dry access. The closest area of dry pavement lies some 600 feet to the east on Hoyt Street.

Mr. Talamelli stated that the regulations applicable to the special flood hazard areas require applicants to demonstrate that the project minimizes potential resource impacts, mitigates any adverse drainage impacts, preserves/enhances water quality, addresses applicable flood rise and storage impacts, ensures consistency with the structural requirements of the "Flood Prone Area Regulations," enacts measures to limit flood impacts on persons and properties, and employs measures to enhance or limit negative visual/aesthetic impacts or enhance the overall conservation values of the property.

A development plan was provided by the applicant confirming that approximately 4,840 square feet of the floodplain will be affected by the development. The applicant's ability to avoid flooding is limited given the extensiveness of the floodplain. Overall grade change is expected to be low, with cuts/fills not exceeding 1-2 feet. The few small trees currently found on the parcel shall be lost.

Detailed plans and reports were developed by the project engineer to assess potential drainage and water quality impacts. The engineer notes that under the proposed condition, development will result in a substantial decrease in total site imperviousness (3,520 square feet to 2,316 square feet) given the elimination of the detached garage, parking and other features. The drainage analysis confirmed that in all three (3) post construction watersheds, a decrease in peak flow would be realized for all the storms studied (1-25 years). Accordingly, the project engineer has stated that the project will not adversely impact adjacent or downstream properties or a receiving storm drain system. To assist in the protection of water quality, the applicant submitted a temporary sediment and erosion control plan, a connection to the sanitary sewer, a prohibition on the use of on-site fuel storage, and the installation of a drainage collection/infiltration system to store and treat the expected water quality volume (WQV). The system, which consists of several catch basins, pipes, junctions, and eight (8) Cultech units, enables the applicant to seize upon the soil's natural ability to treat and cool runoff prior to a discharge. Collection structures shall also be equipped with deep sumps and outlet controls to further assist in the collection of silts/ debris prior to discharge. Mr. Talamelli further reported that post-construction, a substantial increase in "green" space shall be realized on the parcel.

The project engineer also provided the necessary hydraulic/flood storage impact statements. The engineer noted that the property is far removed from the river, and is embedded in a densely developed neighborhood, hydraulically shielded from moving water during a base flood event. Accordingly, since the development lies within the "ineffective flow area", the project engineer was able to conclude that the proposed construction will not result in any (0.00 feet) increase in water surface elevation during a base flood event. In addition, the engineer has established that based upon the grading plan and volumetric analysis provided, a net increase in flood storage of approximately 713 cubic feet will be realized.

Mr. Talamelli reported that the Stamford Engineering Bureau independently has confirmed both the project's design and the conclusions of the submitted drainage, water quality, hydraulic impact, and flood storage assessments.

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Mr. Talamelli went on to note that Connecticut engineers/architects have submitted plans and other design details to demonstrate compliance with the structural requirements of the flood regulations. The first floor living space has been elevated more than 2.21 feet above the projected base flood elevation, and the lower garage/storage areas shall be constructed in accordance with the provisions of “fully enclosed areas below the minimum elevation standard.” The space supports an appropriate number of properly sited, hydraulic wall openings, and is devoid of all utilities, mechanical equipment, distribution and other related facilities that service the structure.

A flood preparedness plan has been developed for the subject property to describe the extent of flooding over the site during the base flood, outlines the structural floodproofing measures incorporated into the design of the building, shows a route of vehicular/pedestrian evacuation, and describe general measures to ensure the safety of residents and limit property damages during the time of flood.

Finally, to mitigate the potential impacts of the development, and further the aesthetic and water quality objectives of the regulations, the applicant provided a planting plan consisting of several shrubs and groundcovers, generally confined to the eastern reaches of the parcel. Mr. Talamelli noted that the plan requires modification to further enhance the streetscape/building foundations, improve the overall conservation values of the site, and provide necessary screening in rear yard areas.

In response to questions and comments by Dr. Shemitz, Mr. Talamelli reconfirmed that there are no wetland or regulated soils on the property, and that the development proposal does not include any provisions for above or below ground fuel storage. All dwellings shall be served by electric heat. Given the extensive flooding expected at the garage/crawl space levels during the storm’s peak, Dr. Shemitz recommended that the Board consider the placement of signage to warn residents of the flood hazard and prohibit the storage of gasoline or other similar hazard materials in that space.

In response to questions and comments by Ms. Tessier, Mr. Talamelli responded that there is an expected increase in “green space” on the property given the expected reductions in pavement, graveled surfaces and structure, that the first floor elevation has been conservatively elevated above the minimum elevation standard to provide an extra measure of flood protection, and that a preparedness plan has been provided to confirm the scope of flooding over the site, outline the structural floodproofing measures incorporated into the buildings, highlight information resources, show a probably evacuation route, and describe general preparedness activities to ensure the safety of residents and limits property damages. The plan is particularly important given the absence of dry access, and the need to prepare and evacuate the property well in advance of the storm’s peak.

Ms. Ley reinforced the necessity of providing a revised landscape plan to improve the streetscape, enhance the foundations, improve the conservation values of the property, and provide necessary screening. It was further recommended that the plan include a greater number of trees given the expected tree loss, and the use of landscape features tolerant of potentially flooded conditions.

Mr. McMahon acknowledge the receipt of the Staff Agenda Summary Report and offered no objection to its findings or recommended conditions of approval.

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**Motion/Vote:** Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 1922 with the conditions outlined in the EPB Staff Agenda Summary Report, dated December 12, 2019, modified as follows:

- To secure an enhanced planting plan subject to EPB Staff approval to improve the streetscape, enhance building foundations, improve the conservation values of the property, and provide necessary screening. General concepts applied to the plan shall include a greater number of trees to mitigated for the anticipated loss and flood tolerance.
- To require the posting of EPB Staff approved flood hazard signage at the garage/crawl space level including a prohibition on the storage of hazardous materials.

In Favor: Stone, Shemitz, Ley, Tessier, and Schneider  
Opposed: None  
Abstaining: None  
Not Voting: Romas

**#1923 – 2 Cider Mill Road – Lot A-7 – S. Reynolds:** To maintain a shed situated within close proximity to a pond and wetland areas in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the east side of Cider Mill Road, approximately 285 feet north of Sawmill Road, and is identified as Lot A-7, Account 001-2676, Card E-002, Map 141, Block 394, Zone RA-1, and ±1.0988 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated December 12, 2019.

**In Attendance:** None

**Discussion:** Staff Member Tomaszewski summarized the application for the Board. She reported that the Staff Report was prepared by Environmental Analyst, Pamela Fausty. Ms. Tomaszewski stated that the applicant seeks the Board’s permission to maintain a 105 square foot shed that was installed proximate to a pond and designated wetland area. The shed was observed during a recent compliance review by EPB Staff.

The parcel, which lies along the east side of Cider Mill Road, approximately 285 feet north of Sawmill Road, currently supports as single family dwelling, well, septic system, drive, and other related features. The property is characterized by the presence of both wooded and manicured upland areas of varying slope, numerous ledge outcroppings, wooded wetlands, and portions of the small, open water pond. The property lies within the drinking water supply watershed of the Mianus River (East Branch).

Ms. Tomaszewski reported that the shed lies within gently sloping, lawned space between several large trees and ledge outcroppings more than 70 feet to the pond and wetland areas. Staff’s review of historic aerial photographs and other resources confirmed that the shed installation did not necessitate significant site disturbance or the removal/alteration of existing tree resources. Plantings or other forms

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of mitigation have not been requested of the applicant given the limited impact of the project and the density of existing wooded space.

Ms. Ley and Ms. Tessier noted that the structure had been installed in regulated areas without the benefit of a proper environmental review and permit, and would recommend that the Board consider alternatives relocating the shed outside of regulated areas, particularly if the structure were not affixed to a permanent foundation. It was noted that allowing the structure to remain may set precedent.

Dr. Shemitz recognized the importance of precedent. However, she noted that the Board may consider an alternative outcome given the relatively minor impacts of the project, and the applicant's reported efforts to seek out and address regulatory requirements. A recommendation to limit the storage of potentially hazardous materials in the shed was dismissed as being "not practical" in this instance.

**Motion/Vote:** Upon a motion by Dr. Shemitz, and seconded by Mr. Romas, the Board voted to **APPROVE** EPB Permit Application No. 1923 with the conditions outlined in the EPB Staff Agenda Summary Report, dated December 12, 2019.

In Favor: Stone, Shemitz, and Romas  
Opposed: Tessier  
Abstaining: Ley  
Not Voting: Schneider

**Site Plan Reviews:** None

**Subdivision Reviews:** None

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

**47 Emma Road – Lot 1 – M. Taylor and J. Hoyt – Enforcement Action:** Removal and alteration of indigenous vegetation, and the import, deposition and grading of fill in and proximate to wetlands and watercourses and designated conservation easement areas without the prior written authorization of the Environmental Protection Board in violation of the terms of the conservation easement agreement, and Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." The property lies along the north side of Emma Road, approximately 630 feet west of High Ridge Road, and is identified as Lot 1, List 004-1022, Card N-008Z, Block 359, Map 90, Zone R-10, and ±1.640 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated December 13, 2019.

**In Attendance:** Michael Taylor  
Diane Phanos

**Discussion:** Ms. Tomaszewski summarized the enforcement action for the Board. She reported that the owners of 47 Emma Road, Stamford, Connecticut authorized or participated in the removal and

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alteration of indigenous vegetation, and the import, deposition and grading of fill in and proximate to wetlands, watercourses, and designated conservation easement areas without the prior written authority of the Environmental Protection Board. The activities were implemented in violation of the term of the prior conservation easement agreement and Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford. The property lies along the north side of Emma Road, approximately 630 feet west of High Ridge Road.

Ms. Tomaszewski stated that the location of the regulated areas, establishment of the conservation easement, and approval of the site development plan for the lot were the product of both a prior subdivision and EPB Permit issued in 1989-90. She testified that the unauthorized activities were first reported to the EPB in early November 2019. The activities more specifically include tree and shrub removal, the addition and grading of fill, the creation of a gravel haul road, and the placement/maintenance of an accessory structure in the regulated areas. Staff inspections and coordination with the owners has resulted in the cessation of work, the installation of some temporary sediment and erosion control measures, and a commitment to hire the survey and design professionals necessary to better define the encroachments and develop and appropriate restoration proposal. Recommendations to fully and properly remedy the encroachments have been outlined in the EPB Staff Agenda Summary Report, dated December 13, 2019.

Michael Taylor, an owner of the parcel, addressed the Board. He stated that he did recognize that the parcel supported wetlands and watercourses, but was mistaken in his belief that permitting requirement only applied if work was extended into areas situated within twenty-five (25) feet of the wetlands and watercourses. He reported that he is working with a surveyor and landscape designer to come up with an acceptable restoration plan. He noted that a gravel roadway was installed at Swampscott Road to provide a temporary, construction accessway.

Diane Phanos, an adjoining property owner, addressed the Board. She stated that the alterations appear more extensive than initially reported with a substantial number of large trees, shrubs and natural groundcovers removed, grades changed, and a gravel roadway constructed. She noted that the site's wooded character would be difficult to restore. The loss of woodland was avoidable, and better efforts are necessary to ensure that owners and contractors receive the information they need to protect regulated areas before engaging in a project of this sort.

Following extensive discussion between Board Members, it was determined that any restoration proposal should, in addition to the measures outlined in the Agenda Summary Report, include provisions for the restoration of grades, the removal of the graveled surfaces, the addition of boulders or other suitable barriers to limit access, the relocation of structures, and the installation of trees of size to reduce the time necessary to restore the woodland. Any plan shall be subject to the review and approval of the EPB at a future meeting.

**Motion/Vote:** Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **MAINTAIN** the cease and desist order in effect, and **MODIFY** the order to require submission and implementation of a comprehensive restoration plan as outlined in the EPB Staff Agenda Summary Report, dated December 13, 2019 modified to include provisions for the restoration of grades, the

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removal of the graveled surfaces, the addition of boulders or other suitable barriers to limit access, the relocation of structures, and the installation of trees of size to reduce the time necessary to restore the woodland. Any plan shall be subject to the review and approval of the Environmental Protection Board.

The Board further authorized EPB Staff to immediately **FILE** a notice of violation on the Stamford Land Records, and to both **PUBLISH** notice of facts and conduct in a newspaper having general circulation in the City of Stamford, and **NOTIFY** the Corporation Counsel to pursue all necessary actions to gain compliance if the violation is not resolved in the manner and timeframes outlined in the Agenda Summary Report.

In Favor: Stone, Shemitz, Ley, Tessier, and Schneider  
Opposed: None  
Abstaining: None  
Not Voting: Romas

**Other Business:**

Ms. Tessier sought to clarify her position on EPB applications submitted after the fact. She asserted that the Board's rulings should be consistent, and that reasonably reversible, non-permitted, non-grandfathered encroachments should be reversed as a first option. While an individual encroachment may appear to have a minor impact, the Board may be unable to assess incremental and cumulative resource impacts.

**ADJOURN:**

**Adjourn the Regular Meeting of December 19, 2019:**

**Motion/Vote:** Upon a motion by Ms. Tessier, and seconded by Ms. Ley, the Board voted to **ADJOURN** the Regular Meeting of December 19, 2019.

In Favor: Stone, Shemitz, Ley, Tessier, and Romas  
Opposed: None  
Abstaining: None  
Not Voting: Schneider

Meeting adjourned at 8:38 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

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

Draft 1 – 01-03-2020  
Draft 2 – 01-09-2020 (ATB/Web)