

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JUNE 17, 2021
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Ashley A. Ley, Member
Laura Tessier, Member
David J. Kozlowski, Alternate Member (Arrived 7:35 PM)
Thomas C. Romas, Alternate Member
Stephen J. Schneider, Alternate Member

MEMBERS NOT PRESENT:

Joseph Todd Gambino, Member

STAFF PRESENT:

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

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

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Minutes of the Regular Meeting of May 20, 2021

The Board considered the minutes of the May 20, 2021 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, Ms. Ley, and Mr. Romas. There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the May 20, 2021 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

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#2021-04 – 130 Shelter Rock Road – Lot N27 – F. LaFauci and J. LaFauci: To install four (4) above ground propane tanks and maintain a terrace proximate to wetlands and a watercourse on property situated within the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the south side of Shelter Rock Road, approximately 430 feet north of the intersection of Shelter Rock and Rising Rock Roads, and is identified as Lot N27, Account 001-2563, Card E-014, Map 48, Block 394, Zone RA-1, and \pm 1.14 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated June 15, 2021.

#2021-06 - Pheasant Lane and Briarwood Lane – NA – City of Stamford - Pheasant Lane Drainage Improvements: To construct certain drainage improvements in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The project affects both public and private properties generally situated between Briarwood Lane (northeast) and Pheasant Lane (southwest). The private properties include the following:

Address	Lot	List	Card	Map	Block	Zone	Area
30 Pheasant Lane	1	001-4257	N-003	75	377	RA-1	\pm 1.24 Ac.
36 Pheasant Lane	2	001-2908	N-004	75	377	RA-1	\pm 1.15 Ac
75 Briarwood Lane	1	003-7661	W-008Z	75	377	RA-1	\pm 1.05 Ac.
79 Briarwood Lane	3	002-4769	E-011Z	75	377	RA-1	\pm 2.40 Ac.

Reference is made to an EPB Staff Agenda Summary Report, dated June 8, 2021.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Frank LaFauci (6/7/2021) and Joseph Canas, P.E., Tighe and Bond, (6/7/2021) granting the Board extensions of the decision deadline for EPB Application No. 2021-04 and 2021-06 order to develop necessary information.

Motion/Vote:None

#2021-12 – 5 North Ridge Road – Lot 2 – North Ridge Contractors, LLC: To construct a single-family dwelling, drive, septic, well, drainage and other related facilities proximate to wetlands and watercourse situated in the drinking water supply watershed of the Rippowam River. The property is located along the south side of North Ridge Road, just east of Cascade Road, and is identified as Lot 2, Account 004-5917, Card E-001, Map 27, Block 384, Zone RA-1, and \pm 1.4279 Acres.

#2021-13 – 265 Cascade Road – Lot 1 – North Ridge Contractors, LLC: To construct a single-family dwelling, drive, septic, well, drainage and other related facilities proximate to wetlands, watercourses and designated conservation easement areas situated within the drinking water supply watershed of the Rippowam River. The property is situated along the east side of Cascade Road, approximately 320 feet south of North Ridge Road, and is identified as Lot 1, Account 002-4916, Card S-023, Map 27, Block 384, Zone RA-1, and \pm 1.1938 Acres.

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Reference is made to an EPB Staff Memo, dated June 17, 2021 as to both EPB Application No. 2021-12 and 2021-13.

#2021-14 – 438 Hunting Ridge Road – Lot 3 – Ahneman Kirby, LLC for D. Villacis: To construct and in-ground pool, pool pavilion, pool septic, and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property is located along the west side of Hunting Ridge Road, approximately 1050 feet north of Wildwood Road, and is identified as Lot 3, Account 001-3418, Card W-031, Map 33, Block 397, Zone RA-1, and ± 2.39 Acres.

Reference is made to an EPB Staff Memo, dated June 14, 2021

#2021-15 – 146 Minivale Road – Lot 3 – J. Mallozzi, P.E. for N. Muralles and M. Muralles: To maintain a wood deck, an above ground pool and related features, and restore wetlands, watercourses and associated upland review areas on property situated in the non-drinking water supply watershed of Springdale Brook. The property is located along the west side of Minivale Road, approximately 340 feet north of Bouton Street West, and is identified as Lot 3, Account 002-2622, Map 78, Block 380, Card W-020, Zone R-20, and Area $\pm 34,494$ s/f. This property was the subject to a Cease and Desist Order in May 2021.

Reference is made to an EPB Staff Memo, dated June 14, 2021

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications Nos. 2021-12, 2021-13, 2021-14, and 2021-15.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Applications Nos. 2021-12, 2021-13, 2021-14, 2021-15.

In Favor: Stone, Shemitz, Tessier, Ley and Schneider

Opposed: None

Abstaining: None

Not Voting: Romas

Note that Mr. Kozlowski arrived at the meeting during the initial phase of the presentation on EPB Permit Application No. 2021-05, 63/69 Oaklawn Avenue, Lots 13/14, G. Teitel for Young Israel of Stamford, Inc.

Action Items:

#2021-05 – 63/69 Oaklawn Avenue – Lots 13/14 – G. Teitel for Young Israel of Stamford, Inc. To expand and redevelop an existing synagogue building, parking and other related features in and/or proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The properties lies along the north side of Oaklawn Avenue, approximately 200 feet west of Dorlen Road, and are identified as Lots 13 and 14, Accounts 004-4617 and 000-7665, Cards N-010 and N-009, Map 104, Block 352, Zone R-75, and ± 1.555 Acres (combined).

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Reference is made to an EPB Staff Agenda Summary Report, dated June 11, 2021.

In Attendance: David Ginter, P.E., Redniss and Mead
Tracy Chalifaux
Steven Danzer, PhD
Dr. Leon Hanna

Discussion: The application was summarized for the Board by Lindsay Tomaszewski. Ms. Tomaszewski reported that Young Israel of Stamford proposes to construct an addition, parking, driveway, drainage, and related features in and proximate to wetlands situated at 63 and 69 Oaklawn Avenue, Stamford, Connecticut. The properties, which lie along the north side of Oaklawn Avenue approximately 200 feet west of Dorlen Road, currently support a synagogue, dwelling, detached garage, parking, driveways, drainage and other related facilities. The properties are characterized by the presence of gently sloping developed spaces, wooded wetlands, wetlands maintained as manicured space, and several large trees. The wetland is part of a much larger system affecting several properties along the north side of Oaklawn Avenue. Dumping and the spread of invasive vegetation has impacted large portions of the regulated areas. Ms. Tomaszewski reported that the property has history before the agency, with the existing parking lot the result of EPB Permit Application No. 8462, issued in December 1984.

Under the current proposal, a portion of the addition, deck, patio, parking lot, drive and drainage system along with areas dedicated to a wetland creation/enhancement are expected to affect approximately 885 square feet of wetlands and 8,453 square feet of the non-watershed upland review area. It was noted that approximately 2,305 square feet of wetlands shall be created or enhanced. Ms. Tomaszewski reported that under the application process, the applicant provided three (3) alternative designs, each of which includes similar or additional encroachments with less of an opportunity for wetland creation or enhancement. Although providing for a building expansion, includes the same number of parking spaces as currently existing. To address potential drainage and water quality concerns, the applicant has provided a sediment and erosion control plan, has added porous pavement to portions of the proposed parking area, utilizes collection structures with deep sumps and outlet controls, and introduced an infiltration system. The project engineer has stated the project will not adversely impact drainage, infrastructure or adjoining properties. Stamford Engineering Bureau Staff has confirmed the engineer's study methodology, conclusions and design. The mitigation proposal includes provisions for the removal of trash/debris, mechanical removal of invasives (based on a 3 year management plan), regrading and the introduction of numerous conservation valued trees, shrubs and groundcovers. Dense planting and the use of standard pins/posts/signage shall be installed along the new edge to define and protect the restored space.

Ms. Ley stated that she valued the submission of several iterations of the drive and parking presented to the Board, and finds that the plan with the "drive though" to be the least impactful on the regulated areas. Other issues raised by Ms. Ley included the possibility of installing porous pavement/pavers in other portions of the site to better treat and manage storm water runoff and the availability of alternative measures to prevent "creep" and further encroachment into the regulated areas post-development. Mr. Ginter indicated that porous pavement/pavers had been considered in other areas, such as the driveway, but were rejected given the expected wear and tear associated with the tight turning movements and heavy loads applied by service vehicles such as garbage and fire trucks. It was felt that the pavers were more aptly suited for "light use" areas associated with the

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parking area. Ms. Chalifoux stated that encroachment into the newly restored wetland area shall be achieved with dense wetland planting and the placement of standard pins, posts and signage along the enhanced boundary. Ms. Ley stated that a more permanent feature, such as large boulders or a split rail fence, may be more effective.

Ms. Tessier questioned the consultant's characterization of the wetland as "dry" and the suitability of the soils underlying the existing parking to support the wetland creation. In response, Mr. Ginter stated that multiple test pits conducted in the restoration zone confirmed the presence of shallow fills overlying silty materials and relatively high groundwater. Mr. Ginter was confident if properly excavated, regraded, prepared and planted, the project would produce an effective restoration. Ms. Tessier noted that she also valued the applicant's exploration of alternative designs, but believed that an additional, "no impact" or "no encroachment" alternative needed to be evaluated.

Mr. Schneider stated that he did not agree with the notion that poorly managed and maintained wetlands are "valueless," and questioned how the applicant can be better stewards of the land moving forward. Dr. Hanna reported that the synagogue does not take the responsibility lightly and maintains the entire property on a regular basis, but is often the recipient of dumped debris by trespassers or the abutters. Mr. Schneider also sought additional information concerning the expected growth of membership, parking needs, and the availability of alternative layouts and services that can reduce the parking, total site imperviousness and the wetland encroachment. Dr. Hanna added that the membership projections are not arbitrary and that the applicant has sought to balance the needs of the growing membership with the constraints of the site.

Ms. Ley stated that in her opinion, the applicant made a sufficient case for need for the size of the building and the Board should be cognizant of the federal protections offered to religious institutions and gatherings under Religious Land Use and Institutionalized Persons Act (RLUIPA). She then restated her position of looking further at both the use of porous pavement/pavers in alternative locations and permanent demarcation features to define and protect the wetlands.

Mr. Ginter offered further information noting that the additional use of porous materials towards the rear of the parcel may neither be prudent nor feasible given the fact that portions of the runoff has been directed away from the wetland to the structured drainage system at Oaklawn Avenue, and that the test pits confirmed the presence of fill and shallow depths to ground water which would limit the effectiveness of porous surface for infiltration/treatment. Ms. Chalifoux noted that a split rail fence demarcation features can be installed, but wanted to confirm that large vehicles would be able to freely negotiate the turns in the drive. Stepping the fence back some marginal distance may also be an option.

Dr. Shemitz added that the three (3) year management plan for invasives may not be sufficient to adequately control the spread, and that that further measures may be required to educate the abutters and curb the unpermitted dumping in the regulated areas. She also noted that in future applications, it may be helpful for the applicant to provide a "no impact" or "no encroachment" alternative for the Board's consideration.

Mr. Kozlowski sought further information on the durability of porous pavement/pavers. In response, Mr. Ginter stated that these treatments are being used with greater frequency, but it is his experience that porous pavement/pavers stand up best in spaces with "light" usage and where the forces applied by heavy vehicles making tight turns are not applied. It is likely that a paver surface would need to be

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replaced or restored in 10-15 years.

Ms. Tessier, in acknowledging the redirection of portions of the runoff from the wetland to the structured system at Oaklawn Avenue, questioned the potential impact on the hydro-period of the wetland. Mr. Ginter stated that as a result of the project, there would be no significant change in flow to the regulated areas based on the drainage analysis. Ms. Tessier reiterated the necessity of evaluating the “no impact” alternative, further justification for the size of the proposed building and parking, and given the constraints of the properties, the necessity of evaluating an alternative site to address the needs of a growing membership.

Mr. Kozlowski sought further guidance on the requirements of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and its applicability to the project currently before the Board.

Extensive discussion ensued between Board members concerning the status of the application and the information necessary to fully address the issues and concerns raised by the members.

Motion/Vote: Upon a motion by Ms. Tessier and seconded by Mr. Kozlowski, the Board voted to **DEFER** Action on EPB Permit No. 2021-05 pending the submission of additional information from the Law Department pertaining to the applicability of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and a discussion of further alternatives having less of a potential impact on the regulated areas (including the “no build” scenario), further data justifying the building size and parking needs, consideration of additional measures to prevent future encroachments into the regulated areas including a demarcation feature and perimeter postings, and review of the invasive management plan to establish if the duration of the treatment and monitoring provisions should be expanded to a minimum of five (5) years to ensure success.

In Favor: Stone, Shemitz, Tessier, Ley and Kozlowski

Opposed: None

Abstaining: None

Not Voting: Romas and Schneider

#2021-07 – 36 North Ridge Road – Lot 3 – North Ridge Contractors, LLC: To construct a single-family dwelling and appurtenances proximate to wetlands, watercourses and conservation areas on property situated within the drinking water supply watershed of the Rippowam River. The property is situated along the terminus of the new subdivision road, approximately 425 feet east of Cascade Road, and is identified as Lot 3, Account 004-5920, Card W-001Z, Map 27, Block 384, Zone RA-1, and ±2.0327 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated June 11, 2021.

In Attendance: Robert Rondano, North Ridge Contractors, LLC.
John Leydon, Esq.
Bryan Muller, P.E., Muller Engineering
John Pugliesi, P.E., E. J. Frattaroli, Inc.
Matthew Popp, Environmental Land Solutions

Discussion: The application was summarized by Staff Member Pamela Fausty. Ms. Fausty

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noted that the applicant is proposing to construct a new single family dwelling, driveway, drainage, septic, pool and other related features proximate to wetlands, watercourses and designated conservation easement areas. A permit for the development of this parcel is required by a condition of Planning Board No. 4031.

The property, which is situated along the terminus of the new subdivision roadway known as North Ridge Road, is currently undeveloped and is characterized by the presence of gently to moderately sloping woodlands, wooded wetlands, watercourses, drinking water supply watershed setbacks of 50 feet to wetlands and 100 feet to open water, and designated conservation easement areas. The conservation areas were established during the subdivision review. Ms. Fausty reported that the proposed development has been confined to non-regulated areas, and closely resembles the concept presented at the time of subdivision. Conservation boundaries have been honored. To preserve water quality, the applicant has provided a detailed sediment and erosion control plan and potential drainage impacts have been mitigated with the submission of a structured drainage system, again, mimicking the concept outlined at the time of subdivision. Engineering Bureau Staff has recently confirmed the site specific impact analysis and design. To mitigate for the expected trees loss, filter runoff and improve the overall aesthetic and conservation values of the parcel, the applicant has provided a planting plan that defines the limits of manicured lawn and landscaping, creates seasonally mowed meadow, introduces a number of conservation values trees and shrubs, and provides for the posting and protection of the designated conservation space.

John Leydon acknowledged the prior receipt of the agenda summary report and offered no objection to its findings or the recommended conditions of approval.

Dr. Shemitz, Mr. Romas, and Mr. Kozlowski confirmed the absence of further questions or concerns. Ms. Tessier stated that she would abstain from voting on this application given her objection to the overall subdivision concept. Ms. Ley stated that she would vote to disapprove the application given her concerns relating to the subdivision and its potential impact on wetlands, watercourses and other resources of known conservation value.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 2021-07 with the conditions outlined in the Staff Agenda Summary Report of June 11, 2021.

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

Site Plan Review: None

Subdivision Review: None

Show Cause Hearings/Enforcement: None

Other Business: None

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ADJOURN:

Adjourn the Regular Meeting of June 17, 2021:

Motion/Vote: There being no further business, and upon a motion by Mr. Kozlowski and seconded by Dr. Shemitz, the Board voted to **ADJOURN** the Regular Meeting of June 17, 2021.

In Favor: Stone, Shemitz, Tessier, Ley and Kozlowski

Opposed: None

Abstaining: None

Not Voting: Romas and Schneider

Meeting adjourned at 8:53 PM.

Gary H. Stone
Chairman
Environmental Protection Board

Version 1: 7/8/2021 (Draft to Board)
Version 2: 7/9/2021 (As to Board)
Version 3: 7/19/2021 (Post Meeting Correction)