

EPB AGENDA SUMMARY

APPLICATION: #2914 - 89 Slice Drive - Lot 8, John Garfano

WATERSHED: Noroton River **DATE:** July 22, 2009
LOCATION: 89 Slice Drive **AREA:** 1.25 acres
ZONE: RA-1

MAP AND OTHER REFERENCES:

"Plot Plan Prepared for John Garfano"
prepared by: Edward J. Frattaroli, Inc.
dated: March 5, 2009; revised: May 1, 2009

"Site Development Plan Depicting 89 Slice Drive - SE1"
"Planting Plan Depicting 89 Slice Drive - PP-1"*
prepared by: Redniss & Mead, Inc.
dated: June 12, 2009; revised: July 31, 2009; August 11, 2009*

"Drainage Summary Report - Garfano Residence:
prepared by: Teodoro Milone, P.E., Redniss & Mead, Inc.
dated: June 12, 2009; revised: July 31, 2009

PROPOSAL: The applicant is proposing to install drainage piping with associated site grading, expand driveway area, install fencing, and maintain lawn areas within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Noroton River at 89 Slice Drive.

Approximately 1,355 square feet of wetland, 60 linear feet of drainage channel, and 3,200 square feet of Buffer/Setback is affected by the proposed activities as calculated by the applicant.

The application was received on June 12, 2009, and was ACCEPTED by the Board at its meeting held on June 18th.

DISCUSSION: The application was filed as part of an EPB decision made at a Show Cause Hearing held on March 19th. The hearing followed the issuance of a Cease and Desist Order resulting from the cutting of trees within regulated areas of the property. The Board considered the following - 1.) Mr. Garfano was a recent purchaser of the property; 2.) there were no identified wetland areas on the property at the time of purchase, and tree cutting occurred either within maintained areas of the yard and within visibly dry areas of the property; 3.) upon notification by staff, Mr. Garfano immediately ceased all work within the property and engaged the services of qualified professionals to prepare a survey of the property to depict existing conditions including wetland boundaries; and 4.) wetland areas were determined to be maintained primarily as lawn, and the majority of the tree cutting took place within designated buffer/setback areas.

Setback areas within the site subject to the jurisdiction of the EPB extend 25 feet from the perimeter of all designated wetland areas, and 25 feet from the top of bank of the drainage channel across the front of the property.

Mr. Garfano reported that the front of the property flooded during rainstorms because of apparent inadequacies of existing piping. Staff observed that a prior owner had installed piping under the driveway that appeared to be best described as a "do-it-oneself" endeavor. In addition, the adjoining property owner to the west (upstream) had piping that appeared similar in its lack of informed installation. No drainage easement was in place.

Mr. Garfano requested the opportunity to work with a civil engineer to devise a plan for drainage improvements addressing the ponding of water within the front yard as part of the formulation of a restoration plan for affected regulated areas. The Board determined to defer any further enforcement action pending receipt and consideration of an application for permit.

The project engineer has proposed a connection to the existing outfall, with permission, on the neighboring property with installation of new piping through the lawn following the general path of the existing drainage channel. A connection will be made to the existing pipe under the driveway, and a proper outfall with sediment trap will be constructed. Collected surface water will then be carried in an existing channel down slope to a wetland area and then to an established drainage channel/watercourse to the southeast.



Low area of water ponding and drainage channel in Front yard. Trees were cut from within pachysandra bed.

No significant adverse impacts on wetland resources are anticipated to result from either the construction as proposed, subject to the proper installation and maintenance of erosion controls, or future use. Prior to tree cutting, as noted, much of the designated wetland area had been maintained as yard. Tree cutting occurred from within established pachysandra beds and from within lawn areas. The loss of maturing trees is regrettable, and practically irreversible. However, the cut stumps will re-sprout, and augmentation with new trees and shrub plantings, if designed appropriately, will enhance habitat and water/bio-filtration functions.



View of designated wetland area from back yard looking toward house (left). Tree cutting ended at visible water (right). Channel will be enhanced, and will carry flow from under driveway.



An application of this type provides the Board with the opportunity to seek an enhancement of the functional and conservation values of wetland and buffer areas. In this instance, the resolution of the enforcement action requires restoration and enhancement to the extent the Board determines to be necessary and appropriate to the circumstances.

Enhancement is achieved through implementation of mitigation measures such as landscaping and water quality/watershed improvements that are designed to provide a more diverse array of naturalized vegetation as well as long-term meaningful protections to important resources. Plantings when so utilized are most useful, from a conservation perspective, when they are located along the edges of watercourses and within and adjoining wetland areas.

The applicant has provided a landscaping plan to demonstrate his commitment to restoration and enhancement. While a work in progress at this writing, staff is confident that an acceptable plan can be finalized.

The proposal is for specific areas of existing lawn area containing wetland soils will not be reclaimed. The rationale is that these areas have been so maintained for many years, and were maintained yard areas at the time of purchase. However, enhancement of the drainage channel, and enhancement of other affected wetland and buffer areas will provide an increase in plant diversity and result in the establishment of effective buffer/habitat. The proportion comprising a reasonable balance is an issue for consideration and determination by Board members.

CONCLUSIONS: The issue for the Board, in the opinion of EPB staff, is whether the proposed mitigation/enhancements are appropriate to the circumstances and reasonable.

RECOMMENDATION: If the Board elects to approve the application, staff recommends the following conditions for consideration.

1.) Standard Contractor's Compliance Statement to be filed with EPB staff prior to the start of site work with notification of staff no less than 48 hours before the start of construction.

2.) Standard bond or other acceptable surety for the installation of erosion controls, landscaping, and certifications, with a 15 percent contingency, to be filed with the EPB. An estimate is to be prepared by the permittee and submitted to EPB staff for review and approval.

3.) All landscaping improvements, with final plan to be submitted to staff for review and approval, to be completed under the supervision of qualified professionals with certification of proper completion provided to EPB staff prior to release of surety.

4.) A Standard Landscape Maintenance Agreement, Drainage Maintenance Agreement, and Drainage Easement to be filed on the Stamford Land Records;

5.) Permit Filing Fee of \$48.00, and Permit Compliance Fee of \$200.00 to be submitted to staff within 15 days.

David M. Emerson, Executive Director