

MEMO TO: Environmental Protection Board

FROM: Richard H. Talamelli, Environmental Planner
Environmental Protection Board

SUBJECT: 398 West Hill Road
Negri Residence
EPB Permit No. 2929

DATE: January 7, 2010

REFERENCES:

- “Topographic Survey Depicting Property at 398 West Hill Road, Stamford, Connecticut,” Prepared for Michael P. Negri, by Rocco V. D’Andrea, Inc., dated July 30, 2009.
- Correspondence from Leonard D’Andrea, P.E., Rocco V. D’Andrea, Inc., dated November 18, 2009.

PROPOSAL:

Maintain a post and rail fence (split rail fence) constructed in and proximate to wetlands situated in the drinking water supply watershed of the Mianus River.

APPLICATION HISTORY:

On May 22, 2008, the Environmental Protection Board approved a permit application to maintain fill and install/reinstall lawn areas in/proximate to wetlands on the subject property (398 West Hill Road, Negri, Lot 1, #2803, 5/08). The permit application, which was the product of a prior EPB enforcement action, included provisions to restore wetlands and regulatory buffer disturbed by unauthorized tree removal, filling and grading activities. The approval was granted with nine (9) conditions including provisions for the posting of a bond, certifications, and a standard landscape agreement. A copy of the agenda summary report (Talamelli 5/15/08) and permit (Emerson, 5/27/08) have been attached.

On November 20, 2008, the Environmental Protection Board approved a proposal to modify EPB Permit No. 2803 to allow for the construction of a stockade fence and other related features in/proximate to wetlands. The permit modification was approved with three (3) conditions including provision for the staking of property boundaries, a fence installation field adjusted to avoid significant trees, and engineered design for any walls equaling or exceeding three (3) feet in height. A copy of the modification approval has been attached (Talamelli to Negri, 11/24/08).

On September 29, 2009, EPB Staff conducted an inspection to assess consistency with the provisions of both the permit and subsequent permit modification. Our review showed that the permitted activities had been completed in substantial compliance with the approval – with the exception of the following:

- A run of split rail fencing, approximately 100 feet in length, had been added to the project. The fencing was installed along the north property boundary, in and proximate to the designated wetlands. Note that the applicant was directed to either remove the unpermitted section of fence or seek a modification of permit (D'Andrea, 10/2/09).
- Dead or declining plantings shall be replaced per the warranty agreement.
- Construction debris and silt fences shall be removed from regulated areas.

On November 20, 2009, an application to maintain the fence was submitted by the applicant (398 Westhill Road, Negri, #2929, 11/09).

On November 30, 2009, referrals were made to the Water Company (Dejong, 11/30/09), Libraries (Gong and Baldwin, 11/30/09) and Town Clerk (Loglisci, 11/30/09) in accordance with the regulations.

On December 17, 2009, the EPB formally accepted the permit application (Talamelli to Negri, 12/18/09, Certified Mail 7001 0360 0002 8047 2419).

DISCUSSION/RECOMMENDATIONS:

The applicant proposes to maintain the approximate 100 feet of additional post and rail (split rail) fencing that was installed in and proximate to wetlands along portions of the north property boundary. Although conservatively estimated to affect approximately 80 square feet of wetlands and 20 square feet of buffer (assuming 1 square foot/linear feet of fence), the installation of this fence resulted in a minimum of site disturbance and few resource impacts.

Large voids in the fence allow for the continued passage of storm water and wildlife. It is not anticipated that the proposal will have an adverse impact on the functions/values of these regulated areas.

Accordingly, the Board may act to approve EPB No. 2929 with the following conditions:

1. Work shall comply with the following plans and correspondence:
 - “Topographic Survey Depicting Property at 398 West Hill Road, Stamford, Connecticut,” Prepared for Michael P. Negri, by Rocco V. D’Andrea, Inc., dated July 30, 2009.
 - Correspondence from Leonard D’Andrea, P.E., Rocco V. D’Andrea, Inc., dated November 18, 2009.
2. Submission of a permit filing fee in the estimated amount of Fifty-Three and 00/100 Dollars (\$53.00) within fifteen (15) days of the decision’s publication (on or about February 10, 2010).
3. Waiver of the “Permit Compliance Fee” given the fact that the project does not warrant a significant degree of follow-up compliance inspection.
4. Remove any remaining construction debris and silt fences from regulated areas by May 15, 2010.
5. Replace any dead or declining plantings per the landscape/warranty agreement by May 15, 2010.