

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
July 17, 2008**

Present: Louis Levine, Chairman *pro tem*; Barbara Hicks, Member; William Morris, Member; Leigh Shemitz, Member (arrived at 7:35 P.M.); Peter Conetta, Alternate Member (arrived at 7:40 P.M.)

Also present: David M. Emerson, Director.

The regular meeting convened at 7:30 P.M. and adjourned at 9:30 P. M. and was tape recorded.

MINUTES:

Ms. Hicks made the motion to approve the minutes of the June 19, 2008 meeting as presented.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine. ABSTAIN - Mr. Morris.

Ms. Shemitz and Mr. Conetta not present.

Ms. Shemitz joined the meeting at 7:35 P.M. Mr. Conetta joined the meeting at 7:40 P.M.

APPLICATIONS & PERMITS:

#2808 – High Ridge Road – Lot 5, D. Mahar f/ G. Narine.

The applicant is proposing to replace drainage piping and to construct an outlet control structure within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Poorhouse Brook at 2374 High Ridge Road.

#2809 – High Ridge Road – Lot 6, D. Mahar.

The applicant is proposing to install drainage piping and to construct a retaining wall, storage shed and play area within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Poorhouse Brook at 2370 High Ridge Road.

In attendance were: Mr. and Ms. Mahar (owners/applicants); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Tom Ryder, Analyst, Land-Tech Consultants, Inc.; and Wayne Russell (neighbor).

Mr. Ryder summarized the applications for the Board. Mr. Mahar was proposing a project to improve the usability of his yard, but involved work on a neighboring property hence two applications. Mr. Pugliesi described existing conditions and the proposed drainage improvements designed to eliminate ponding of water caused by an undersized culvert under the downstream driveway and yard to the north at 2374 High Ridge Road.

Discussion focused on the planting plan, location of proposed storage shed, and the adequacy of mitigation measures.

Motion By: Mr. Morris made the motion to adopt the findings and recommendations of staff and approve the application (#2808) with the conditions listed in the Agenda Summary report dated July 14, 2008 with the added conditions that landscaping/mitigation measures be submitted to staff for review and approval, and that a drainage easement be provided.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

#2809 – High Ridge Road – Lot 6, D. Mahar (Cont.).

Motion By: Mr. Morris made the motion to adopt the findings and recommendations of staff and approve the application (#2809) with the conditions listed in the Agenda Summary report dated July 14, 2008 with the added conditions that additional landscaping/mitigation measures and spill-containment measures within the shed be submitted to staff for review and approval.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

#2810 – Thunder Hill Drive – Lot 12, W. DeMartino.

The applicant is proposing to install a replacement septic system and to construct an addition to the existing residence proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 99 Thunder Hill Drive.

In attendance were: Mr. DeMartino (owner/applicant); and John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer).

Mr. Pugliesi summarized the application for the Board.

Motion By: Mr. Conetta made the motion to adopt the findings and recommendations of staff and approve the application with the conditions listed in the Agenda Summary report dated July 8, 2008.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

#2812 – Merriebrook Lane/Mianus River Park, City of Stamford.

The applicant is proposing to undertake stream-bank and in-water improvements to reduce erosion and create a controlled access point to the Mianus River for park users within and proximate to wetlands, watercourses, and designated flood hazard areas within Mianus River Park.

In attendance was: John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer).

Mr. Emerson summarized the application for the Board. Mr. Pugliesi presented the results of his analysis supporting the finding that there would be no impacts on flooding conditions.

Motion By: Ms. Hicks made the motion to adopt the findings and recommendations of staff and approve the application with the conditions listed in the Agenda Summary report dated July 13, 2008.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

#2817 – Klondike Avenue – Lot L, F. Gentile.

The applicant is proposing to maintain an above ground pool with deck and filter, gravel play area, stone curbing, and concrete pavers within and proximate to wetland areas property within the non-drinking water supply watershed of the Noroton River at 99 Klondike Avenue.

In attendance was: Brian P. McMahan, P.E., Redniss & Mead, Inc. (project engineer).

#2817 – Klondike Avenue – Lot L, F. Gentile (Cont.).

Mr. McMahon summarized the application for the Board. Discussion focused on the adequacy of proposed mitigation measures in light of the absence of any buffer plantings.

The Board determined to defer action until the August 21st meeting to afford the applicant the opportunity to rethink the proposal.

The Board acknowledged receipt of the following new applications filed in a timely manner with all of the required minimum information.

#2824 – Scofieldtown Road – Lot 1, Stamford Museum and Nature Center.

The applicant is seeking permission to create a “woodland picnic area” including the deposition of fill and site grading, clearing of vegetation, construction of log pavilions, construction of a fire pit, construction of a boardwalk ramp, and construction of a stone-lined drainage swale within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Poorhouse Brook at 39 Scofieldtown Road.

#2825 – East Cross Road – CP5242, Stamford WPCA.

The applicant is seeking permission to construct new sanitary sewers and associated drainage improvements within and proximate to wetlands and watercourses on properties within the non-drinking water supply watershed of the Noroton River along and near East Cross Road and Slice Drive.

Motion By: Ms. Hicks made the motion to accept the applications based upon the determination that all required minimum information had been received.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

SUBDIVISION REVIEW:

#3976 – Erskine Road – Lot 1AA, H. Dunn.

The applicant proposes to subdivide the existing 11.6 acre parcel into three properties capable of supporting residential development. The existing main residence will remain. Two new dwellings will be constructed on proposed Lot 2 and Lot 3. The site is served by septic systems and wells.

In attendance were: Louise and Hildreth Dunn (owners/applicants); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); and John Leydon, Esq., Brennan & Leydon (representing applicants).

Mr. Leydon summarized the proposed subdivision for the Board. Mr. Pugliesi described the proposed provisions for the management of storm water.

Motion By: Mr. Conetta made the motion to direct staff to report to the Planning Board that the EPB offered no objection to the subdivision subject to the conditions listed in the Agenda Summary report dated July 9, 2008.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

ENFORCEMENT – SHOW CAUSE HEARING:

Westover Road – Lot 3, Westover Enterprises, LLC.

Regulated and/or unauthorized activities include failure to install and maintain effective erosion and sediment control measures resulting in off-site trafficking of materials and discharges of silts, sediments, and debris to regulated areas; failure to install and maintain effective construction controls and limits to disturbances resulting in site work extending beyond the approved limits of construction including encroachments into wetland buffers, designated conservation areas, and the removal of large trees designated for protection and preservation; and failure to provide documentation that the required performance surety remains in full force and effect.

In attendance were: Mr. and Ms. Sandolo, Westover Enterprises, LLC. (respondents); and John Leydon, Esq., Brennan & Leydon (representing respondents).

Mr. Emerson summarized the facts and circumstances for the Board. Mr. Leydon reported that his clients were prepared to implement required corrective measures.

Discussion focused on the status of compliance to date, the failure of the permittees to follow their approved site development plan, and the lack of responsiveness that prompted the need for the initiation of formal enforcement action.

Motion By: Mr. Conetta made the motion to maintain the cease and desist order in effect and to required completion of corrective measures as described in the Agenda Summary Report dated July 16, 2008 with a Notice of Violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

ENFORCEMENT – STATUS REPORT:

High Ridge Road – Lot B3, Ljubeca Radulovic/Lida Nosick.

The property has been found to be in compliance with the terms, conditions, and corrective measures required by the Environmental Protection Board as contained in a Cease and Desist Order as modified, and a Notice of Violation as filed at Volume 3613 Page 342 of the Stamford Land Records.

In attendance were: No one was in attendance concerning this matter.

Mr. Emerson summarized the facts and circumstances for the Board..

Motion By: Mr. Morris made the motion to Withdraw the Cease and Desist Order due to the successful completion of required corrective measures, and to direct staff to file a release of the Notice of Violation on the Stamford Land Records as directed by the Corporation Counsel upon satisfaction of the court judgment pertaining to the payment of fines, penalties, and costs.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

OTHER BUSINESS:

#2022 – Erskine Road – Lot 2, Erskine Partners, LLC.

The permittee has approval for the construction of a new single-family dwelling and associated facilities within and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River adjacent to 351 Erskine Road. Requested is an extension of the expiration of the permit for one year to October 4, 2009.

In attendance was: Nicholas Vitti, Jr., Esq., Cacace Tusch & Santagata (representing Erskine Partners, LLC.)

Mr. Emerson summarized the circumstances for the Board pertaining to the timely request for a one-year extension of the permit.

Motion By: Mr. Conetta made the motion to approve the extension as requested.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

#2509 – Wallenberg Drive – Lot 36, P. Levine.

The permittee has approval for the construction of a new single-family dwelling and associated facilities within and proximate to wetlands, watercourses, and designated Conservation Areas on property within the drinking water supply watershed of the Bargh Reservoir Mianus River at Lot 36 Wallenberg Drive. Requested is an extension of the expiration of the permit for one year to August 2, 2009.

In attendance was: Edward V. O’Hanlan, Esq., Robinson & Cole, LLP. (representing Peter Levine)

Mr. Emerson summarized the circumstances for the Board pertaining to the timely request for a one-year extension of the permit.

Motion By: Ms. Shemitz made the motion to approve the extension as requested.

The Board members voted on the motion as follows:

APPROVAL – YES –, Ms. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Conetta.

There being no further business, the Board adjourned at 9:30 P.M.

Louis P. Levine, Chairman, *pro tem*