

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
March 15, 2007**

Present: Louis Levine, Chairman; Barbara Hicks, Member; Leigh Shemitz, Member; Gary Stone, Member; Larry Barron, Alternate Member.

Also present: David M. Emerson, Director; Richard Talamelli, Environmental Planner.

The regular meeting convened at 7:35 P.M. and adjourned at 10:40 P. M. and was tape recorded.

MINUTES:

Mr. Stone made the motion to approve the minutes of the January 18, 2007 meeting as presented.

The Board members voted on the motion as follows:

APPROVAL – YES –Mr. Barron, Ms. Hicks, Mr. Levine; Ms. Shemitz; Mr. Stone.

Ms. Hicks made the motion to approve the minutes of the February 15, 2007 meeting as presented.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Shemitz, Ms. Hicks, Mr. Levine. Mr. Barron and Mr. Stone not voting.

APPLICATIONS & PERMITS:

#2653 – Westover Road – Lot 1, L. Constantini.

The applicant is proposing to maintain a portion of a retaining wall, chain link fence, and pool equipment proximate to wetland areas on property within the drinking water supply watershed of the Mianus River at 901 Westover Road.

In attendance were: Dean Martin, P.E., Grumman Engineering (project engineer); Lou Constantini (owner/applicant).

Mr. Emerson reminded the Board that they had previously considered the application at the December meeting. At that time, the Engineering Bureau had reported that there was insufficient information available to assess the structural integrity of the stone wall.

Mr. Martin summarized the proposed activities for the Board. He noted that revised plans detailing the wall design had been prepared as required and submitted for review to the Engineering Bureau.

Motion By: Mr. Stone made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Reports dated December 7, 2006 and March 9, 2007.

The Board members voted on the motion as follows:

APPROVAL – YES –Unanimous.

#2654 – Nutmeg Lane – Lot 24, K. Scott.

The applicant is proposing to maintain a stone wall, grading, and associated alteration of vegetation proximate to wetland areas on property within the non-drinking water supply watershed of the Toilsome Brook at 68 Nutmeg Lane.

In attendance were: John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Mr. and Mrs. Scott (owners/applicants).

Mr. Pugliesi summarized the proposed project for the Board, and described the restoration plans for the site. Discussion focused on the adequacy of the mitigation plan, and concerns about the encroachments occurring without obtaining the required permits.

No motion was made, and the matter was deferred to the April meeting. Later in the meeting, the applicants requested re-consideration as the deadline for decision was determined to be March 29th. Mr. Emerson reported that there was no practical consequence of not meeting the decision deadline. However, he noted that the Board had always endeavored to keep within mandated time frames unless there were special circumstances.

Motion By: Ms. Hicks made the motion to suspend the rules in order to re-visit consideration of the application as requested by Mr. and Mrs. Scott.

The Board members voted on the motion as follows: APPROVAL – YES – Unanimous.

Motion By: Ms. Hicks made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated March 12, 2007.

The Board members voted on the motion as follows:
APPROVAL – YES – Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron. ABSTAIN – Ms. Shemitz.

#2658 – Westover Road – Lot 1, W. Levine.

Alteration of water levels, dam alteration, alteration of vegetation, and other disturbance within and proximate to wetlands, watercourses, and designated flood hazard areas on property within the drinking water supply watershed of the Mianus River at 684 Westover Road.

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

Mr. Pugliesi summarized the facts and circumstances for the Board. The lack of riparian vegetation along a portion of the Mianus River shoreline was noted.

Motion By: Ms. Shemitz made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated March 15, 2007 with the additional condition that a plan for riparian/buffer plantings be prepared by a qualified professional on behalf of the applicant and submitted to staff for approval.

The Board members voted on the motion as follows:
APPROVAL – YES – Unanimous.

#2661 – Sleepy Hollow Lane – Lot 19, L. Whitehead.

#2662 – Sleepy Hollow Lane/Sleepy Hollow Park, City of Stamford Engineering Bureau.

Maintain storage shed, grading, stream channelization, wall construction, and other alterations within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Noroton River at 48 Sleepy Hollow Lane and at Sleepy Hollow Park.

In attendance was: John Leydon, Esq., Brennan and Leydon (representing Linda and Edward Whitehead); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Mr. and Mrs. Whitehead (owners/applicants).

It was noted that there were two properties involved, and therefore two applications filed with the Board.

Mr. Leydon summarized the proposal for the Board. He requested that consideration be deferred pending completion of a mitigation plan by a landscaping professional. After general discussion, Mr. Levine directed that a presentation go forward.

Mr. Leydon noted that the application submittal was a response to an EPB enforcement action and ongoing litigation brought by the City on behalf of the EPB to gain compliance with Board directives. He stated that his clients were seeking to gain the Board's approval to leave the unauthorized encroachments in place and supplemented with mitigation measures. He asserted that a storage shed within wetland areas was rebuilt on a foundation that had supported a prior shed that had been on the property for 40 years. He stated that it was the assertion of his clients that they had permission from the City of Stamford to work within Sleepy Hollow Park, and that the affected area of the park was remote from any areas used by the public.

Mr. Whitehead addressed the Board and stated that he was told that he could complete the work within wetlands and within the Park by Stamford's director of public services Frank Fedeli.

Mr. Leydon stated that the work was done to alleviate a mosquito problem and concerns about West Nile virus. He opined that the City could be liable for claims of injury should the owners be infected by the virus if the area were required to be restored. Ms. Shemitz addressed the West Nile virus claim from the perspective of her academic background in environmental health. She noted that Sleepy Hollow Park was not an identified "hot bed" of virus-carrying mosquitoes.

Mr. Pugliesi presented revised plans and described the technical details of the project.

Ms. Hicks noted that during the seven-plus years following the Board's enforcement decision, very little if any meaningful progress had been made toward resolving the matter. She further noted that the property owner had continued working within the park and within wetland areas even after being directed to stop/

Motion By: Mr. Stone made the motion to defer further consideration of the applications to April 18th pending additional information including confirmation of what permissions may have been granted by the City; what permissions may be needed for repair and maintenance; and a description of the need for the work and alternative design strategies to be presented by the Engineering Bureau.

The Board members voted on the motion as follows:

APPROVAL – YES – Mr. Levine, Mr. Stone, Ms. Shemitz, Mr. Barron. NO – Ms. Hicks.

#2706 – 99 Cascade Road – Lot 2, R. & B. Smith

The applicant is proposing to construct an in ground swimming pool, patio and spa proximate to a watercourse on property within the drinking water supply watershed of the Rippowam River at 99 Cascade Road.

In attendance was: Robert Smith (owner/applicant).

Mr. Smith summarized the proposed project for the Board. Mr. Barron expressed concern about potential impacts that may occur if pool water should drain into wetland areas.

Motion By: Ms. Shemitz made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated March 9, 2007.

The Board members voted on the motion as follows:

APPROVAL – YES – Mr. Levine, Mr. Stone, Ms. Hicks,. Ms. Shemitz. ABSTAIN – Mr. Barron.

#2708 – Brookhollow Lane – Lot 24, C. Glass.

The applicant is proposing to renovate an existing residential building and to construct a new driveway, drainage, septic system, pool, and other appurtenances proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 74 Brookhollow Lane.

In attendance were: Susan Kisken, P.E., Redniss & Mead, Inc. (project engineer); Jeff Glass (owner/applicant).

Ms. Kisken summarized the proposed project for the Board.

Motion By: Ms. Hicks made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated March 12, 2007.

The Board members voted on the motion as follows: APPROVAL – YES –Unanimous.

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

#2709 – 49 Walter Lane – Lot 14, C. & S. Brennan.

The applicant is proposing to construct a residential addition and deck proximate to wetland areas on property within the drinking water supply watershed of the Mianus River at 49 Walter Lane.

#2710 – West Avenue – Lot B1, West Avenue Realty Associates.

The applicant is proposing to construct a loading dock and associated driveway proximate to wetland areas and within and proximate to designated Conservation areas on property within the non-drinking water supply watershed of the Southwest Shoreline (Long Island Sound) at 650 West Avenue.

#2711 – Riverbank Road – Lot 3, R. Auth.

The applicant is proposing to construct a culvert crossing and associated driveway, parking area, and site clearing within and proximate to wetlands, watercourses, designated flood hazard areas, and designated Conservation areas on property within the drinking water supply watershed of the East Branch Mianus River at 1540 Riverbank Road.

#2712 – Riverbank Road – Lot 4, R. Auth.

The applicant is proposing to construct a culvert crossing and associated driveway, parking area, and site clearing within and proximate to wetlands, watercourses, designated flood hazard areas, and designated Conservation areas on property within the drinking water supply watershed of the East Branch Mianus River at 1540 Riverbank Road.

#2713 – Erskine Road – Lot 5A, F. Tarzia.

The applicant is proposing to construct a residential addition, swimming pool, septic system, site grading, drainage improvements and alteration of an outlet structure within and proximate to wetlands, watercourses, and buffer/setback areas on property within the drinking water supply watershed of the Mianus River at 298 Erskine Road.

#2714 – High Ridge Road – Lot 2, D. Donahue.

The applicant is proposing to install a new drainage system within and proximate to wetland areas on property within the non-drinking water supply watershed of the Poorhouse Brook at 2408 High Ridge Road.

#2715 – High Ridge Road – Lot 1, G. Azima.

The applicant is proposing to install a new drainage system within and proximate to wetland areas on property within the non-drinking water supply watershed of the Poorhouse Brook at 2416 High Ridge Road.

#2716 – Hoyt Street – Lots 9, 13, 18, Woodway Country Club.

The applicant is proposing to undertake general improvement to greens, fairways, tee boxes, cart paths, bunkers, and drainage outlets within and proximate to wetlands, watercourses, and designated flood hazard areas on property within the non-drinking water supply watershed of the Noroton River at 540 Hoyt Street.

#2717 – Glenbrook Road – Lot 42, Little Sisters of the Sacred Heart.

The applicant is proposing to construct walls, planters, driveways, drainage improvements, and associated facilities within designated flood hazard areas on property within the non-drinking water supply watershed of the Noroton River at 635 Glenbrook Road.

Motion By: Mr. Stone 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 –Unanimous.

SUBDIVISIONS:

#3954– Newfield Avenue – Lot C1, P. French.

The applicant proposes to subdivide the existing 3.2 acre parcel into three properties capable of supporting residential development.

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

Mr. Pugliesi summarized the project for the Board, and presented revised plans clarifying proposed Conservation areas, signage, and enhancement/buffer plantings.

Motion By: Mr. Stone made the motion to adopt the findings and recommendations of staff and to report to the Planning Board that the EPB offered no objections to the subdivision as proposed subject to the conditions listed in the Agenda Summary Report dated March 7, 2007.

The Board members voted on the motion as follows:
APPROVAL – YES –Unanimous.

There being no further business, the Board adjourned at 10:40 P.M.

Louis P. Levine, Chairman

Minutes prepared from meeting notes recorded by David M. Emerson.