

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
July 5, 2007**

Present: Louis Levine, Chairman; Barbara Hicks, Member; William Morris, Member; Larry Barron, Alternate Member.

Also present: David M. Emerson, Director.

The meeting convened at 7:30 P.M. and adjourned at 10:30 P. M. and was tape recorded.

APPLICATIONS & PERMITS:

#2718 – Taconic Road – Lot 1B, Land-Tech Consultants.

The applicant is proposing to maintain the dredging of a pond and replacement of outlet pipe with restoration of disturbed areas within and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River at 404 Taconic Road.

In attendance was: Robert Jontos, Land-Tech Consultants, Inc. (project planners).

Mr. Jontos summarized the proposed activities for the Board, and described the background of the unauthorized pond dredging and other activities at the site. He noted that the pond had been dredged to a depth of approximately eight feet with two – six feet of accumulated sediment removed for the purpose of improving its capacity to supply water for irrigation purposes. He noted that the spoil area, badly in need of stabilization, covered approximately 8,000 square feet of nearby wetlands and adjoining buffer. Mr. Jontos presented a plan for the control of invasive plant species, and summarized the interim stabilization measures that had been implemented.

Motion By: Mr. Morris 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 June 27, 2007.

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

#2722 – Cascade Road – Lot 2, J. Sulkin.

The applicant is proposing to construct residential additions and a drainage system within and proximate to wetlands, watercourses, and designated flood hazard areas on property within the drinking water supply watershed of the Rippowam River at 460 Cascade Road.

In attendance were: John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Jordan and Rachael Sulkin (owners/applicants); Thomas Tuttle, AIA (project architect).

Mr. Pugliesi described the project for the Board, and presented an updated plan.

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 June 26, 2007.

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

#3948 – Partridge Road – Lot B, Doru and Julia Simone.

Site plan approval for the proposed construction of a single-family home with associated drainage improvements, driveway, septic system, utilities, appurtenances, and landscaping on a property within the non-drinking water supply watershed of the Haviland Brook on Lot B located along the north side of Partridge Road at #49

In attendance were: William J. Hennessey, Jr., Esq., Jacqueline Olschan, Esq., Sandak Hennessey & Greco (representing applicants); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Alex Pencu and Rachel Lieberfarb (future owners/applicants); and Ryan Salvatore, Nassau Development (general contractor).

Also in attendance were:

Harry Day (R-13th District/neighbor); Leo Levine (neighbor); other neighbors.

Mr. Hennessey summarized the proposal for the Board. He described the distinction between the subdivision process and the site-plan review process, and noted that the EPB was asked by the Planning Board to review and approve the final site development plan to ensure that the commitments made to the Planning Board at the time of subdivision were fulfilled with appropriate safeguards put in plan. Mr. Hennessey noted that the Planning Board had not approved a “conditional” subdivision; the Board approved the subdivision with conditions. The lot has been created with the expectation and requirement that any site development plan generally conform to the plan presented to the planning Board (condition #3), and that the EPB review and approve a final plan (condition #5).

Mr. Pugliesi described the site design considerations, drainage, septic design, and limits of disturbance. He presented an updated and revised plan reflecting modifications that resulted in a reduction in overall site disturbance, and more clearly defined limits of disturbance. All of the proposed activities will occur on those areas of the property outside of the limits of the EPB’s regulated areas.

Mr. Levine stated that the Board had jurisdiction over any activities, whether they occurred within regulated areas or not, if it were determined that the activities would be likely to adversely impact wetlands and watercourses either on site or off site.

Ryan Salvatore described the general sequence of construction activities that would be implemented. The key strategy would be to prepare the site for the installation of erosion controls, and to undertake the tree clearing, rock removal, and other work necessary for the construction of the retaining walls and foundation.

Mr. Day stated his belief that the plan exploited a gap in regulations in that the Zoning Board had not formalized the recommendations/provisions of the Planning Board’s currently adopted Master Plan of Conservation and Development. He noted that it was regrettable, in his view, that the subdivision that created Lot B had been approved by the Planning Board. He questioned the feasibility of protecting wetland areas and trees during construction given the ruggedness of the site and limited room within which to work.

Mr. Leo Levine (no relation to the Chair) bemoaned the impacts of the development of Lot B on the character of the Partridge Road neighborhood.

Mr. (Louis) Levine stated his belief that the expected impacts to the natural character of the site would adversely impact the regulated areas, and suggested that an application for EPB permit was required. Mr. Barron indicated that he was also concerned about impacts on the character of the neighborhood, but suggested that the Board needed to be most concerned about impacts to wetlands that might be reasonably anticipated based upon factual rather than speculative concerns.

Discussion focused on alternatives to the plan as present, what opportunities might be available for reducing site disturbances, and ways to ensure that any plan that might be approved would be implemented correctly.

Motion By: Mr. Morris made the motion to adopt the findings and recommendations of staff as they pertained to a positive determination, and to approve the site plan as amended with the conditions listed in the Agenda Summary Report dated June 26, 2007 with additional conditions pertaining to an independent site monitor and long-term tree protections.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Morris, Mr. Barron. NO - Mr. Levine.

ENFORCEMENT:

Show Cause Hearing --

372 Long Ridge Road – Lot 1B, Becker Chicazia.

380 Long Ridge Road – Lot 1A, Sean Alexander.

The modification of vegetation, expansion of manicured surfaces, and the installation of recreational equipment and other features in a regulated areas without the prior written approval of the Environmental Protection Board in violation of the “Inland Wetland and Watercourse Regulations of the City of Stamford” and the enforcement provisions of the Conservation Easement and Landscape Maintenance Agreements filed on the Stamford Land Records.

In attendance were: Sean and Adrian Alexander (owners/respondents #380).

Mr. Emerson summarized the facts and circumstances for the Board, and noted that the respondents (372 Long Ridge Road) had been into the office and had indicated their willingness to work toward a resolution upon return from a vacation trip. Mr. and Ms. Alexander had similarly stated their intent to cooperate in bringing the site into conformance.

Motion By: Ms. Hicks made the motion to maintain the Cease and Desist Order in effect and to modify it to require completion of the corrective measures included in the Agenda Summary Report dated July 13, 2007 with notices of violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Mr. Barron.

There being no further business, the Board adjourned at 10:30 P.M.