

FINAL

ENVIRONMENTAL PROTECTION BOARD CITY OF STAMFORD MINUTES OF THE SEPTEMBER 21, 2022 SPECIAL MEETING CONDUCTED VIA INTERNET AND CONFERENCE CALL

MEMBERS PRESENT:

Joseph Todd Gambino, Member
Leigh Shemitz, Member
Thomas C. Romas, Alternate Member

MEMBERS NOT PRESENT:

Gary H. Stone, Chairman
Laura Tessier, Member
David J. Kozlowski, Alternate Member
Stephen Schneider, Alternate Member

STAFF PRESENT:

Robert Clausi, Executive Director
Courtney Fahan, OSS, Land Use Bureau

The meeting was called to order by Dr. Shemitz at 7:30 p.m. Seated to vote for the meeting were Mr. Gambino, Dr. Shemitz, and Mr. Romas.

Dr. Shemitz introduced the first item on the agenda.

➤ MINUTES:

July 21, 2022 Regular Meeting Draft Minutes:

The Board considered the minutes of the July 21, 2022 Regular Meeting. Members present and eligible to vote were Mr. Gambino, Dr. Shemitz, and Mr. Romas.

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **ACCEPT** the Regular Meeting Minutes of July 21, 2022.

In Favor: Gambino, Romas, and Shemitz

Opposed: None

Abstaining: None

Not Voting: Romas

APPLICATIONS & PERMITS:

Acceptances/Extensions/Withdrawals:

#2022-18 – Barnes Road – Account #003-8064 – Heatherwood Association: The applicant is seeking to legitimize the pond aerator installation and replacement of the electric cable that runs to the pond aerator compressor within watercourses and a conservation easement. The existing cable is located on a homeowner's sub meter and will be relocated to a Heatherwood community-based power source to allow professional access to the circuit breaker. The property is located within the Rippowam River watershed and lies outside of the drinking water supply watershed. The property is located along the east side of Barnes Road, and is identified as Unit 17, Account 003-8064, Map 89, Block 359, and Zone RD.

#2022-19 – 18 Studio Road – Lot 1B – Ken Nixon for Dicosola: To install a new deck proximate to wetlands and watercourses and within the special flood hazard area on property situated within the non-drinking water supply watershed of the Rippowam River. The property is situated along the east side of Studio Road, approximately 200 feet south of the intersection of Studio and Wire Mill Roads, and is identified as Lot 1B, Account 001-2959, Card E 002, Map 67, Block 378, Zone RA-1, and is \pm 1.89 Acres.

Discussion: Dr. Shemitz acknowledged the receipt of the minimum information necessary to accept EPB Permit Application Nos. 2022-18 and 2022-19.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **ACCEPT** EPB Permit Application Nos. 2022-18 and 2022-19.

In Favor: Gambino, Romas and Shemitz

Opposed: None

Abstaining: None

Not Voting: None

Action Items:

#2022-14 – 322 Wildwood Road – Lot 4 – Devore Associates: To replace existing stone steps, construction of a 180 square foot viewing platform, and mulch path walkway to the existing pond for recreational access proximate to wetlands and watercourses on a property located within the drinking water supply watershed of the Mianus River (East Branch). The property is situated on the south side of Wildwood Road, and is identified as Lot 4, Account 003-5482, Card S-023, Map 40, Block 394, Zone RA-1, and is \pm 2.4800 Acres.

In Attendance: Diane Devore, Landscape Architect, Devore Associates

Discussion: A summary of the application offered by Mr. Clausi on behalf of Environmental Analyst Pam Fausty provided details of the project and impacts to the area from the work to be performed. Mr. Clausi noted that this is a reapplication and through working with staff they have come to a new plan. The work will be confined to areas that were previously disturbed.

Dr. Shemitz asked the Board if there were any questions or comments.

Mr. Gambino asked if there was anything still of question after coming to a mutual agreement between the EPB staff and applicant.

Ms. Devore state that the existing path is very difficult to use and that she has worked with EPB staff to compromise. She also stated there will be 450 native ferns planted and remove the invasive.

Hearing no further comment, Dr. Shemitz called for a motion from the Board.

Motion/Vote: Upon a motion by Mr. Gambino and second by Mr. Romas, the Board voted to **APPROVE** EPB Permit No. 2022-14 with the 11 conditions outlined in the EPB Agenda Summary Report dated September 8 2022 as there will be minimal environmental impact and subject to the review and approval of EPB Staff.

In Favor: Gambino, Romas and Shemitz

Opposed: None

Abstaining: None

Not Voting: None

#2022-16 – 45 Mianus Road, Lot 1 – Bailey: To install a whole house, diesel powered generator with built in tank proximate to wetlands and a watercourse on property situated within the drinking water supply watershed of the Mianus River. The property is situated along the northwest side of Mianus Road, 420 feet to the southwest of the intersection with Westover Road, and is identified as Lot 1, Account 000-4809, Card N-003, Map 107, Block 373, Zone RA-1 and is ± 1.45 acres.

In Attendance: James Paul Martin Bailey, Owner

Discussion: A summary of the application offered by Mr. Clausi on behalf of Environmental Analyst Pam Fausty provided details of the project and impacts to the area from the work to be performed.

Dr. Shemitz asked the Board if there were any questions or comments.

Mr. Romas asked if the fuel tank is going to be above ground or below ground and the material of the fuel tank. Mr. Bailey answered that the tank will be above ground and described what type of tank he is proposing to use. He also summarized

Mr. Gambino asked what the capacity of the tank is and Mr. Bailey answered that it is 132 Gallons. Mr. Gambino also asked if it is possible to create a natural barrier between the tank and the river in the event of failure to make sure it is contained. Mr. Bailey stated that there is a boulder between.

Dr. Shemitz asked if propane has been considered and why it was not selected. Mr. Bailey answered that his concern was that if there is a big outage propane is hard to get and diesel will be a more readily available fuel. Dr. Shemitz states she can't in good conscious allow diesel at the edge of the drinking water supply and that propane is a better option.

Mr. Clausi commented that he has seen systems where a fuel tank is placed in a concrete bathtub that acts as an emergency reservoir. Dr. Shemitz is in support of Mr. Clausi's suggestion of sending the applicant back with a request for a propane with the stipulation that it could be staff approved. She then asked the fellow board members if they would like to go with this proposal or stick to Mr. Clausi's idea of a reservoir. Mr. Gambino and Mr. Romas is in support of having the applicant use propane with the approval by staff. Mr. Clausi then states the application is not out of time if Mr. Bailey authorizes the board to extend the review another 65 days. Mr. Bailey said he would move forward with the board voting.

After hearing no other comments from the members, Dr. Shemitz called for a motion from the Board.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **APPROVE** EPB Permit No. 2022-16 with the 8 conditions outlined in the EPB Agenda Summary Report dated September 8, 2022 with an additional condition that the permit authorizes installation of a propane fuel generator and the location and specifications shall be worked out with EPB Staff as there will be minimal environmental impact and subject to the review and approval of EPB Staff.

In Favor: Gambino, Shemitz, and Romas
Opposed: None

Abstaining: None

Not Voting: None

#2022-17 – West Glen Drive over the Mianus River – City of Stamford: Rehabilitation of a bridge proximate to wetlands and watercourses and within the special flood hazard area on property situated within the drinking water supply watershed of the Mianus River West Branch. The project area lies along West Glen Drive, approximately 200 feet west of the intersection of West Glen Drive and Westover Road, and is located in the general vicinity of properties having address of 30 and 29 West Glen Drive.

In Attendance: Andy Shepard, Project Engineer, Close, Jensen and Miller
Eric Buckley, Hydraulic Engineer, Close, Jensen and Miller
Lou Casolo, Engineer, City of Stamford

Discussion: A summary of the application offered by Mr. Clausi on behalf of Environmental Analyst Lindsay Tomaszewski provided details of the project and impacts to the area from the work to be performed.

Dr. Shemitz asked the Board if there were any questions or comments.

Mr. Gambino asked if it is a state or city project. Mr. Shepard answered that it is a state project. Mr. Gambino has raised the issue because the past bridge proposals the board felt like they were being rushed into making a decision due to the state funds expiring. Mr. Gambino then asked if the design has satisfied the staff review. He then had concerns regarding the replacement of trees ratio and asked if there is any reason why it is only one to one. Mr. Clausi answered that there are already many trees in that area and is only limited space and believes one to one in this area is reasonable. Dr. Shemitz also shared concern regarding the one to one tree ratio.

After hearing no other comments from the members, Dr. Shemitz called for a motion from the Board.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **APPROVE** EPB Permit No. 2022-17 with the 10 conditions outlined in the EPB Agenda Summary Report dated September 9, 2022 and with a 3 additional conditions; a review of the schedule with EPB staff, that the contract with the contractor and state to consider an acceleration clause to minimize the time impact in the watershed area and a pre-construction site review meeting specific to logistics and erosion control measures, as there will be minimal environmental impact and subject to the review and approval of EPB Staff.

In Favor: Gambino, Shemitz, and Romas
Opposed:
Abstaining:
Not Voting: None

- **SITE PLAN REVIEWS:** None.
- **SUBDIVISION REVIEWS:** None.
- **SHOW CAUSE HEARINGS/ENFORCEMENT:**

146 Minivale Road Lot 3 Muralles Failure to correct Violations.

In Attendance: John Mallozzi, Professional Engineer
Aleksandra Moch, Soil Scientist

Discussion: Mr. Clausi summarized what was said at the last meeting regarding the violations. The enforcement action was reinitiated after not receiving the completed application. EPB received a revised plan to restore the watercourse and removing certain unauthorized features. EPB also received a landscaping plan to revegetate areas that will be disturbed. Mr. Clausi recommended to issue an order to correct with 7 Conditions and recommended 2 more condition. He also recommended that the deadline be June 15, 2023.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **APPROVE** the action to correct violations at 146 Minivale Road with two additional conditions that the work be conducted under the supervision of a licensed Engineer or a similar professional whose qualifications are reviewed and approved by EPB staff prior to the start of site activities and at the conclusion of the work it be certified by a professional.

In Favor: Gambino, Shemitz, Romas
Opposed: None Abstaining: None Not Voting: None

- **OTHER BUSINESS:**

Draft EPB Meeting Schedule for 2023

Motion/Vote: Upon a motion by Mr. Gambino and second by Mr. Romas, the Board voted to **APPROVE** EPB Meeting Schedule for 2023.

In Favor: Gambino, Shemitz, Romas
Opposed: None Abstaining: None Not Voting: None

ADJOURN:

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **ADJOURN** the Regular Meeting of September 21, 2022.

In Favor: Gambino, Shemitz, and Romas
Opposed: None Abstaining: None Not Voting: None

Meeting adjourned at 9:06 p.m.

Gary H. Stone, Chairman
Environmental Protection Board