

**AGENDA SUMMARY REPORT
ENVIRONMENTAL PROTECTION BOARD**

APPLICATION: #2023-06, Cabrera

DATE: June 8, 2023

LOCATION: 208 Fishing Trail – Lot 6

ZONE: RA-1

WATERSHED: Poorhouse Brook

AREA: ±1.001 Acres

ACCOUNT: 000-7992

CARD: E-020

BLOCK: 390

MAP: 26

FLOOD MAP & DATE: 09001C0368F, 6/18/2010

ZONE: X

WETLAND SOILS: Ridgebury, Leicester, Whitman soils extremely stony

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REFERENCES:

- “Wetland/Wetland Buffer Restoration Plan,” for 208 Fishing Trail, Stamford, CT, by Aleksandra Moch, dated May 29, 2023.
- “Environmental Impact Analysis of the Wetland Filling,” at 208 Fishing Trail, Stamford, CT, by Aleksandra Moch, April 15, 2023.
- Correspondence from Aleksandra Moch, “208 Fishing Trail – Edison Villa Cabrera – EPB Application No 2023-06 – revised plans” dated May 29, 2023.
- “Soil Report” for 208 Fishing Trail, Stamford, CT, by Steven Danzer PWS #1321, dated May 16, 2022.
- “Plot Plan” for Edison Villa Cabrera, 208 Fishing Trail, Stamford, CT by Kenneth Frattaroli, Edward Frattaroli PLS #70012, Inc, dated November 28, 2022.

PROPOSAL: The applicant is proposing a restoration plan for unauthorized filling and clearing in wetlands and upland review areas.

Approximately 8,092 square feet of upland review area and 8,112 square feet of wetlands were impacted by the fill according to the applicant.

This application for permit was filed on April 17, 2023 and ACCEPTED by the Board at its meeting held on April 20, 2023.

Property Description: The property is situated along the north side of Fishing Trail, approximately 1,500 feet southeast of the intersection of Fishing and Short Trails.

The site is currently developed with a house, deck, and driveway. It is currently serviced by septic and a private well. Prior to filling, the front yard was lawn with a few trees, growing denser with trees west of the house toward the wetland. The back yard was mostly wooded with a clear area adjacent to the house.

Onside wetlands are associated with watercourses just offsite. Brooks run along the eastern and western property lines, connecting to an offsite pond to the north. The wetlands can be described as a red maple swamp. Vegetation within the wetlands include birch, oak, red maple, beach, black gum, and ash trees, along with sweet pepperbush, spice bush, wild raspberry, viburnum, and various groundcover. The agent and wetland scientist also noted a few invasive plant species such as privet and multiflora rose. The soils report was conducted after installation of the fill and according to the soil

scientist, there is a possibility that the wetland line could be adjusted after removal of the fill.

The subject property lies within the non-public drinking water supply watershed of the Poorhouse Brook. The Environmental Protection Board typically regulates a minimum of 25 feet to wetlands and watercourses situated within the non-public drinking water supply watersheds.

The property does not lie within any areas of endangered, threatened, or special concern species according to the CT CEEP Natural Diversity Database.

ISSUES/DISCUSSION: After approval for a building permit to install a second-floor addition outside of upland review area (URA), EPB staff was notified of unauthorized filling onsite. Staff found that fill had been added around the yard within URAs and wetlands with no erosion controls. After staff inspection, the owner installed silt fencing, had the property surveyed, and the wetlands delineated. Based on aerial photography, prior to the unauthorized fill, no encroachment was noted onsite. The application has been submitted to restore the wetland and URAs. The applicant is expected to demonstrate that impacts to resources and regulated areas, drainage, and water quality are avoided or minimized to the greatest extent possible. The applicant seeks to address these requirements as follows:

A wetland buffer restoration plan has been provided by the agent and environmental consultant. The plan includes removal of some fill in southeastern and southwestern portions of the site, removal of debris and construction materials, installation of wetland plantings, and removal of a gravel parking area within the URA. The areas where fill will be removed are the thickest and negatively affects large trees. According to the agent, in the areas where the fill will not be removed, the fill does not exceed 8 inches and does not have a significant affect on wetland hydrology. According to the agent, the owner would prefer not to remove any fill onsite in an effort to expand the lawn.

On the plan, the primary extent of fill is noted by the silt fencing line, though some fill does extend past this line. Additionally, other areas belong the silt fence line were clear and disturbed or used for storage of materials. These areas will be restored as part of the mitigation plan. The planting plan includes 10 trees and 70 shrubs to restore cleared portion of the understory, stabilize the soil, improve habitat, and replace invasive plants. Staff is recommending that all fill within wetland areas be removed/restored and for the planting plan be updated to extend at least a 10-foot buffer to wetlands. Additionally, since fill could have negatively affected trees onsite, staff recommends an arborist review the trees after fill removal and present findings to EPB staff.

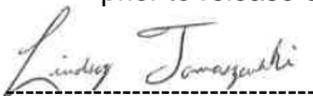
The application was referred to both engineering and health departments, which offered no objections.

RECOMMENDATIONS: If the Board confirms that the restoration plan is appropriate and a suitable range of conservation enhancements have been applied to define the buffer, protect remaining trees of value, and enhance the overall conservation values of the site, the Board may determine to **APPROVE** EPB Permit Application No. 2023-06 with the following conditions.

1. Work shall comply with the following plans and correspondence:

- “Wetland/Wetland Buffer Restoration Plan,” for 208 Fishing Trail, Stamford, CT, by Aleksandra Moch, dated May 29, 2023.
- “Environmental Impact Analysis of the Wetland Filling,” at 208 Fishing Trail, Stamford, CT, by Aleksandra Moch, April 15, 2023.
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2. Submission of a permit filing fee in the amount of \$65.00 within fifteen days of the decision's publication (on or about July 15, 2023).
3. "Permit Compliance Fee" in the amount of \$400.00 shall be filed with the Environmental Protection Board. The initial fee shall be submitted to the EPB prior to the start of any site activity and issuance of building permit. Subsequent fees shall be submitted on an annual basis on or before the anniversary of the permit's effective date until the project is satisfactorily completed. Said fee is required pursuant to Section 5.10b of the "Inland Wetland and Watercourse Regulations."
4. Submission of a performance bond or certified check to secure the timely and proper performance of temporary and permanent sediment and erosion controls, landscaping, mitigation activities, and supervision/certifications. A detailed estimate of cost shall be supplied to EPB staff for approval prior to the submission of the performance surety. The performance surety shall be submitted to EPB staff prior to the start of any on-site activities.
5. Prior to the start of any on-site activities, the restoration plan shall be updated to include removal of fill within all wetland areas and the planting plan updated to include a 10-foot buffer to wetlands.
6. Sediment and erosion controls shall be installed in the manner and location shown on the permit plans prior to the start of any site activity and approved in writing by EPB Staff.
7. Submission of a completed "Contractor's Compliance Statement" prior to the start of any site activity.
8. All fill removal, landscaping, and mitigation measures shall be completed prior to the date that passes first: October 31, 2023 OR prior to the issuance of a certificate of occupancy.
9. Upon removal of fill, applicant shall have an arborist review trees onsite. Any trees recommended for removal shall be replaced on a 2:1 basis.
10. All landscaping shall be implemented under the supervision of a certified landscaping professional with written certifications (signed/letterhead) submitted to EPB Staff prior to the issuance of a certificate of occupancy and release of surety.
11. All wetland restoration and debris removal shall be implemented under the supervision of a certified wetland scientist with written certifications (signed/letterhead) submitted to EPB Staff prior to the issuance of a certificate of occupancy and release of surety.
12. All disturbed areas shall be stabilized with topsoil, seed and mulch, sod or other suitable alternatives prior to the issuance of a certificate of occupancy/completion and release of the performance surety.
13. Filing of a standard, City of Stamford, landscape maintenance agreement to ensure the survival of all proposed landscape enhancements prior to the issuance of a certificate of occupancy/completion and release of the performance surety.
14. Bond shall be held for 1 year after the full completion of the restoration to ensure survival of plantings. Plantings to be inspected by EPB staff and replacements made as necessary prior to release of the performance surety.



Lindsay Tomaszewski