

**FINAL**  
**ENVIRONMENTAL PROTECTION BOARD**  
**CITY OF STAMFORD**  
**MINUTES OF THE JUNE 15, 2023**  
**REGULAR MEETING**  
**CONDUCTED VIA INTERNET AND CONFERENCE CALL**

**MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Thomas C. Romas, Alternate Member  
Stephen Schneider, Alternate Member

**MEMBERS NOT PRESENT:**

Laura Tessier, Member  
Leigh Shemitz, Member  
Joseph Todd Gambino, Member  
David Kozlowski, Alternate Member

**STAFF PRESENT:**

Robert Clausi, Executive Director

Mr. Stone called the meeting to order at 7:30 p.m. Seated to vote for the meeting were Mr. Stone, Mr. Romas, and Mr. Schneider.

Mr. Stone introduced the first item on the agenda.

➤ **MINUTES:**

**April 20, 2023 (Regular Meeting)**

Consideration of the minutes of the April 20, 2023 Regular Meeting was **TABLED** to the July 20, 2023 meeting due to the absence of a quorum of the members who were present at the April meeting.

**May 18, 2023 (Regular Meeting)**

The Board then considered the minutes of the May 18, 2023 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Mr. Romas, and Mr. Schneider. No comments or modifications were recommended.

**Motion/Vote:** Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to **ACCEPT** the Regular Meeting Minutes of May 18, 2023.

In Favor: Stone, Romas, and Schneider.  
Opposed / Abstaining / Not Voting: None.

## **APPLICATIONS & PERMITS:**

### **Acceptances/Extensions/Withdrawals:**

**#2023-09 – 12 Walter Lane – Lot 10 – Chailin Barroso and Juan Castro:** To construct an addition, driveway modification, storm drainage system, and site grading proximate to a watercourse and wetlands on a property located within the drinking water supply watershed of the Mianus River (West branch). The property is situated on a corner lot along the south side of Walter Lane and the west side of Den Road, and is identified as Lot 10, Account 002-5455, Card S-001, Map 81, Block 374, Zone RA-1, and is  $\pm$  1.03 Acres.

**Discussion:** Mr. Clausi stated the minimum information necessary to accept EPB Permit Application No. 2023-09 has been submitted.

**Motion/Vote:** Upon a motion by Mr. Romas and second by Mr. Schneider the Board voted to **ACCEPT** EPB Permit Application No. 2023-09.

In Favor: Stone, Schneider, and Romas.  
Opposed/ Abstaining/ Not Voting: None.

Mr. Stone also acknowledged the extension of time granted by the applicant for the EPB to review Permit Application No. 2023-07, 94 Bentwood Drive.

### **Action Items:**

**#2023-06 – 208 Fishing Trail – Lot 6 – Moch for Cabrera:** To restore filled area adjacent to wetlands and watercourses on property situated within the non-drinking water supply watershed of the Poorhouse Brook. The property is situated along the north side of Fishing Trail, approximately 1,500 feet south east of the intersection of Fishing and Short Trails, and is identified as Lot 6, Account 000-7992, Card E-020, Map 26, Block 390, Zone RA-1, and is  $\pm$  1.001 Acres.

**In Attendance:** Edison Villa Cabrera, Owner  
Aleksandra Moch, Environmental Consultant

**Discussion:** A summary of the application offered by Mr. Clausi on behalf of Environmental Analyst Lindsay Tomaszewski provided details of the impacts to the property from unauthorized clearing and filling performed in wetlands and upland review areas in 2022, and the applicant's proposal for restoring the property. Mr. Clausi stated no Cease and Desist Order was issued for the violation, so Ms. Tomaszewski's recommendation is for the Board to issue a permit with a deadline by which the restoration must be completed.

Hearing no substantive questions or comments from the members, Mr. Stone asked the applicant's agent, Ms. Moch, if she had any questions or concerns about the recommendations contained in the Agenda Summary Report.

Ms. Moch asked whether recommended condition #9 requiring 2:1 replacement of any trees removed from the property applied to the three trees marked for removal on the restoration plan. Mr. Clausi replied that the ten trees the plan proposes for planting compensate for these

three trees. The condition will apply if any additional trees need to be removed due to the impact of the unauthorized filling.

Ms. Moch then asked the Board to consider reducing the 10' wide planted buffer along the edge of the wetland recommended in Condition 5 to allow her client to maintain a reasonably sized back yard for family use. After some discussion, the members agreed that a demarcation feature along the edge of the wetland and establishment of a clear vegetative break between the residential landscaping and the natural wetland would be sufficient.

Mr. Stone concluded with a recommendation that Condition 14 be reworded to state the bond shall be held "for at least one year" rather than exactly one year to allow for installation of any plantings staff may determine are necessary to replace restoration stock that hasn't survived the first year.

Hearing no further comments, Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Mr. Schneider and second by Mr. Romas the Board voted to **APPROVE** EPB Permit No. 2023-06 subject to the conditions outlined in the Agenda Summary Report dated June 8, 2023, with a modification to condition 5 that the planting plan will be updated to add a demarcation feature along the edge of the wetland with a clear vegetative separation between the lawn and the wetlands, and modification of the wording of condition 14 as stated above.

In Favor: Stone, Romas, and Schneider  
Opposed / Abstaining / Not Voting: None

**#2023-08- 153 Interlaken Road – Lot Y- John Richardson:** Remove fill and restore pre-existing topography on property containing a conservation easement and situated within a special flood hazard area and the non-drinking water supply watershed of the Rippowam River. The property is located 1,800 feet east of High Ridge Road and is identified as Lot Y, Account 004-2944, Map 60, Block 383, Zone RA-1, and is± 12.5 acres.

**In Attendance:** John Richardson, Owner  
Stephen Huppaty, Owner's relative

**Discussion:** Mr. Clausi summarized his Agenda Summary Report, noting the application has been made to resolve compliance issues related to unauthorized fill deposited in flood plain and upland areas that have persisted on the site for a number of years. Mr. Clausi stated no Cease and Desist Order was issued for the violations, so his recommendation is for the Board to issue a permit with a deadline by which the restoration must be completed.

Mr. Stone began the discussion by stating that confirmation should be obtained from the Tennessee Gas Transmission Company that trucking fill off the site over their pipeline which crosses the property is acceptable.

Upon hearing no additional comment or concern from the members, Mr. Stone asked Mr. Richardson if he had received a copy of the Agenda Summary Report and if he has any concerns regarding it.

Mr. Richardson stated that the gas company has determined a new driveway he developed to access his property is acceptable. Mr. Richardson said he will remove all of the unauthorized materials that are in the flood plain by the recommended deadline of October 31, 2023. He also stated he is prepared to remove the detached garage from the flood plain. However, he went on to state he may want to use the material in the upland stockpiles beyond the end of October. After some discussion between Mr. Richardson, Mr. Huppaty, and the members, the consensus was to set an April 30, 2024 deadline to either remove the upland stockpiles or obtain any and all approvals that may be needed from other regulatory bodies to maintain and utilize the stockpiles per Mr. Richardson's plans.

Hearing no further comments, Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Mr. Schneider and second by Mr. Romas the Board voted to **APPROVE** EPB Permit No. 2023-08 subject to the 7 conditions outlined in the Agenda Summary Report dated June 9, 2023 with an additional condition to that the applicant provide verification the gas company approves of trucks crossing their pipeline and a modification of condition 6 to indicate October 31, 2023 is the deadline by which the unauthorized materials must be removed from the flood plain and that the upland stockpiles must either be removed by April 30, 2024 or the applicant must obtain any and all approvals that may be needed from other regulatory bodies to maintain and utilize the stockpiles on site.

In Favor: Stone, Romas, and Schneider  
Opposed / Abstaining / Not Voting: None

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

#### **1. Preliminary review of Mill River Park Playground Replacement Project.**

**In Attendance:** Michael Stake, Mill River Park Collaborative

Mr. Stake asked the members to provide him with their initial comments on the MRPC's plan for replacement of the Mill River Park playground that is located northeast of the intersection of West Main Street and Tesser Boulevard. He described the poor condition of the existing playground and several safety issues to which the configuration of the playground has contributed. He shared a number of the plan sheets as he outlined the features of the new playground. Mr. Stake noted all of the site work is going to be done outside the floodway and an engineering analysis has found the project will not have any impact on flood elevations or flow patterns. He pointed out that the southeast corner of the new playground is proposed to encroach into an existing lawned wetland. Mr. Stake concluded his presentation by stating the plan includes removal of invasive species from the site and installation of native species.

In response to a question from Mr. Stone whether there are other areas in the park that would be suitable to build this playground, Mr. Stake said the remaining undeveloped portions of the park are not suitable due to limited area and sloping topography.

Mr. Romas and Mr. Schneider stated they are comfortable with the plans.

Mr. Clausi noted besides the playground encroachment, drainage structures are going to be installed in and immediately adjacent to the lawned wetlands. He suggested the design team consider whether it's feasible to direct some of the drainage system discharge to the wetland and/or otherwise enhance the wetland with plantings. Mr. Clausi pointed out to Mr. Stake that the board members who were not able to attend this meeting may have additional comments.

No action was taken by the Board at the conclusion of the discussion.

➤ **ADJOURN:**

**Motion/Vote:** Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to **ADJOURN** the Regular Meeting of June 15, 2023.

In Favor: Stone, Romas, and Schneider  
Opposed / Abstaining / Not Voting: None

Meeting adjourned at 8:36 p.m.

Gary H. Stone, Chairman  
Environmental Protection Board