

FINAL

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE DECEMBER 21, 2023
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

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

MEMBERS NOT PRESENT:

Leigh Shemitz, Member
Todd Gambino, Member
David Kozlowski, Alternate Member

STAFF PRESENT:

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

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

➤ **MINUTES:**

November 16, 2023 (Regular Meeting)

The Board considered the minutes of the November 16, 2023 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Ms. Tessier, and Mr. Romas. No modifications were recommended.

Motion/Vote: Upon a motion by Mr. Romas and second by Ms. Tessier, the Board voted to **ACCEPT** the Regular Meeting Minutes of November 16, 2023.

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

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals

#2023-27 – 736 Den Road – Aleksandra Moch for Donald Broggi
Construct residential addition, pool, and drainage system (Parcel ID 003-6993)

Mr. Clausi informed the board that Application #2023-27 was submitted on December 20, 2023 after the final agenda had been posted. Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted unanimously (4-0) to add this item to the agenda.

#2023-23 – 112 Gun Club Road – Quesited Consulting LLC for Jason & Cynthia Drexel
Construct pool and drainage system (Parcel ID 003-1979)

#2024-24 – 0 Studio Road – Redniss & Mead Inc. for Studio 503 LLC
Construct residential addition and modify driveway (Parcel ID 003-4841)

#2023-25 – 688 Westover Road – Redniss & Mead Inc. for Edward & Yvonne Raboy
Construct residential additions (Parcel ID 003-4194)

#2023-26 – 23 Laurel Road – Aleksandra Moch for TGF Holdings LLC
Construct residential additions and drainage system (Parcel ID 001-7689)

Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Application #2023-23, 2023-24, 2023-25, 2023-26, and 2023-27.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to **ACCEPT** EPB Permit Applications #2023-23 through 2023-27.

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

Action Items

#2023-17 – 1349 Newfield Avenue – Sterling Farms Golf Course

Hydrorake two ponds on a property within the non-drinking water supply watersheds of Springdale Brook, Ayers Brook, and the Noroton River. The property is located along the east side of Newfield Avenue, approximately 50 feet east of the intersection of Newfield Avenue and Newfield Drive, and is identified as Lot A, Account 002-6063, Card E 073, Map 78, Block 380, Zone P, and is \pm 132.500 Acres.

In Attendance: N/A

Discussion: The application summary Mr. Clausi presented on behalf of Environmental Analyst Pamela Fausty provided details of the project and discussed the impacts to the area from the work that is proposed. Mr. Clausi clarified how the summary table of test results for contaminants should be read and pointed out the few samples that registered above the detection limit are well below the Connecticut residential direct exposure criteria. During the ensuing general discussion with the board members, Mr. Clausi stated that if a permit is granted it will be possible for the club to hydrorake the ponds as many times as they choose over the next ten years so long as they extend their permit. Mr. Stone recommended staff be given more than 48 hours notice prior to any hydroraking that may be done following the first treatment.

Ms. Tessier voiced her concern that the applicant proposes to mow the buffer restoration areas on an annual basis. Mr. Clausi offered his experience that areas of herbaceous perennial vegetation that are not occasionally mowed tend to be overrun by invasive woody plants. Ms. Tessier recommended silt fencing be added to the staked hay bales proposed around the two dewatering areas adjacent to the ponds.

In response to a question from the board, Mr. Clausi stated that approval of this application does not predetermine the outcome of any similar application in the future. Hearing no further comments, Mr. Stone asked for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board acknowledged this is not a significant impact activity and that measures have been offered to mitigate the minor impacts associated with the project, and the Board voted to **APPROVE** EPB Permit Application #2023-17 with slight modifications to two of the eight EPB recommended conditions of approval contained in Agenda Summary Report dated December 15, 2023 to reflect the two recommendations made by the members.

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

MOD #1911 – 128 North Stamford Road – David Devin

Dredge a watercourse and reconstruct a weir and retaining wall on property within the non-drinking water supply watershed of Poorhouse Brook. The property is located along the west side of North Stamford Road, across from the intersection of North Stamford and Cascade Roads, and is identified as Lot B, Account 004-2096, Card N-010, Map 36, Block 387, Zone RA-1, and is \pm 3.532 Acres.

In Attendance: David Devin, Owner
John Pugliesi, P.E.

Discussion: The application summary Mr. Clausi presented on behalf of Environmental Analyst Lindsay Tomeszewski provided details of the project, discussed the impacts to the area from the work that is proposed, and noted the applicant had provided the additional information Ms. Tomeszewski was waiting for to complete her review.

Mr. Schneider and Ms. Tessier questioned the benefit of the applicant's proposed repair of the weir. Mr. Pugliesi stated a properly functioning weir will capture sediment and contaminants in the basin that is proposed upstream of the weir rather than allow this material to settle out in the high quality swamp wetland just downstream. The weir is designed to direct flows to its center, which will reduce the erosive force on the sides of the downstream channel and may be required to properly support the western section of the retaining wall that is to be rebuilt along the south side of the brook. Mr. Pugliesi also stated his opinion that restoring the small pond behind the weir with the proposed emergent plants will be an aesthetic improvement compared to current conditions.

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

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board acknowledged this is not a significant impact activity and that measures have been offered to mitigate the minor impacts associated with the project, and the Board voted to **APPROVE** EPB Permit Modification Application #1911 with the 9 recommended conditions made to the EPB Agenda Summary Report dated December 13, 2023.

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

#2023-21 – 237 Blackberry Drive – Lot 31 –Steven Infield

Install a generator proximate to wetlands and watercourses on a property located within the public drinking water supply watershed of the Mianus River (East Branch). The property is situated along the west side of Blackberry Drive, and is identified as Lot 31, Account 003-4097, Card N-024, Map 15, Block 402, Zone RA-1, and is \pm 1.00 Acres.

In Attendance: N/A

Discussion: The application summary Mr. Clausi presented on behalf of Environmental Analyst Jaclyn Chapman provided details of the project and the extremely low likelihood of the project causing impacts to the wetland.

Hearing no questions or comments from the board members, Mr. Stone asked for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas noting this project will have no appreciable wetland impact, the Board voted to **APPROVE** EPB Permit Application #2023-21 with the 5 recommended conditions contained in the EPB Agenda Summary Report dated December 15, 2023.

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

#2023-22 – 65 Stanton Lane – Jessica Domiziano

Construct residential additions and drainage system

No discussion and no action taken by the Board pending receipt of additional information.

➤ **SUBDIVISION REVIEWS:** None

➤ **SITE PLAN REVIEWS:** None

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

136 Breezy Hill Road – James Banahan

Unauthorized clearing of vegetation and filling within wetland, watercourse, & upland review area

In Attendance: N/A

Discussion: Mr. Clausi summarized the update memo prepared on December 13, 2023 by Jaclyn Chapman, which notes the plan the board directed Mr. Banahan to submit to restore this clearing and filling violation is overdue. The memo also describes the recent installation of a drainpipe that discharges to the road and flows to an off-site wetland. Ms. Chapman recommended that the Cease & Desist Order be maintained and a January 18, 2024 deadline be set for submission of a restoration plan and information about the pipe.

The board members expressed their consensus with the recommendations in staff memo dated December 13, 2023. No vote was taken by Board.

46 Bird Song Lane – Trevor Arthur and Heather Williams

Unauthorized construction of boulder retaining walls with fill in wetlands and upland review areas

Update only - no action taken by Board.

175 Prudence Drive – Christopher and Maria DeSiato

Unauthorized installation of shed on gravel pad in wetland

In Attendance: Maria DeSiato

Discussion: Mr. Clausi directed the members' attention to the enforcement report he prepared on December 13, 2023, which describes the shed and supporting gravel pad that were recently placed in the wetland at the eastern end of the subject property. In order to correct this compliance matter, Mr. Clausi recommended the board maintain the Cease & Desist Order that was issued on December 12, 2023 and set a March 15, 2024 deadline for removal of the shed and gravel from the wetland, with subsequent restoration of any wetland disturbance this coming Spring. Mr. Clausi also recommended the board authorize filing a Notice of Violation on the Stamford Land Records if the violation is not corrected as directed by the Board. Mrs. DeSiato acknowledged her understanding of the recommendations.

Hearing no further discussion, Mr. Stone asked for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to **APPROVE** the recommendations in the December 13, 2023 Enforcement Report.

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

19 Twin Brook Drive – Mohamed Mahdi

Unauthorized removal of trees from wetland

In Attendance: Mohamed Mahdi

Discussion: Mr. Clausi summarized the enforcement report he prepared on December 14, 2023, which describes the violation and staff's attempts to resolve the matter with the property owner. In addition to the recommendation that the board set a deadline for the 2:1 replacement of the five trees that were initially cut from the wetland, staff recommended that the two wetland and three conservation easement trees subsequently deemed hazardous and therefore allowed to be removed by staff also be replaced. Markers that are missing from along the edge of the conservation easement that surrounds the house also need to be reestablished in their survey-accurate locations.

Mr. Mahdi described the unkept condition in which he found the subject property when he purchased it earlier this year and the fact that the trees and branches that had fallen on his house and in his yard where his children play prompted him to remove the trees. He also stated he does not have the means to do the restoration right away.

After some discussion about the type of trees to use in the restoration plan, the replacement ratio, and the timing for implementation, Mr. Clausi summed up the following points the members seemed to agree on:

1. Maintain the Cease & Desist Order,
2. Require the submission of a planting plan for EPB staff review and approval by January 31, 2024 to restore the cleared wetland and conservation easement areas with native canopy trees spaced no closer than 15 feet apart. The plan shall specify the mix of species of minimum 1" diameter to be planted and the proposed locations of the fourteen (14) trees required to restore the wetlands in front of and behind the house and the three (3) trees required to restore the conservation easement.
3. Require half of the approved restoration plan to be implemented by April 15, 2024 and the remainder of the plan to be implemented by September 15, 2024.
4. Require the markers that are missing from the edge of the conservation easement area around the house to be restored to their survey-accurate locations by September 15, 2024.
5. Require that at least 90% of the restoration plantings remain alive and thriving five (5) years after completion of the restoration planting and require mortality of more than 10% to be replaced before lifting the Cease & Desist Order.
6. File a Notice of Violation on the Stamford Land Records if any of the deadlines set in this Order are not met.

Hearing no further questions or comments, Mr. Stone asked for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to **APPROVE** the recommendations as summarized by Mr. Clausi.

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

➤ OTHER BUSINESS:

83 Camp Avenue – Steve Mickels for M F Real Estate LLP

Mr. Clausi summarized Jaclyn Chapman's December 15, 2023 memo, in which she notes that when the board denied EPB Application #2023-11 during last month's meeting it overlooked the need to set a deadline by which the operator of the landscape materials supply business currently on this site must reapply if they wish to seek EPB approval to continue this use of the property. Ms. Chapman recommended a February 15, 2024 application deadline with enforcement action to be initiated if a timely application is not submitted.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Scheider, the Board voted to **APPROVE** the recommendations in the staff memo.

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

0 Mill Road (Lot 2) – Withdraw Cease & Desist Order and Notice of Violation

Mr. Clausi summarized the history of this 1999 clearing violation and the fact that an EPB permit was subsequently issued for development of this vacant lot without restoration being required due to the natural regeneration of the vegetative cover in the affected area. Mr. Clausi reported the current property owner intends to sell the lot and wishes to clear the title. Mr. Clausi recommended the board lift the Cease & Desist Order and remove the Notice of Violation from the Stamford Land Records.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Scheider, the Board voted to **APPROVE** staff's recommendations.

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

Discussion of amendment of the Stamford Inland Wetlands and Watercourses Regulations

Discussion only - no action taken by Board.

➤ ADJOURN:

Motion/Vote: Upon a motion by Mr. Romas and second by Ms. Tessier the Board voted to **ADJOURN** the Regular Meeting of December 21, 2023.

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

Meeting adjourned at 9:26 p.m.

Gary H. Stone, Chairman
Environmental Protection Board