

## **ENFORCEMENT REPORT ENVIRONMENTAL PROTECTION BOARD**

**Date:** February 8, 2024

**Location:** 35 Bird Song Lane

**Owners:** Gregory Moore

**Watershed:** Poorhouse Brook

**Account:** 001-0935

**Flood Map:** 09001C0365F (6/18/2010)

**Flood Zone:** X – Minimal Chance Flood

**Area:** 1.025 acres

**Map/Block/Lot:** 44/386/4

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### **References**

- 2023 and 2024 images from site inspections depicting current conditions.
- 2018 images from site inspection depicting historical conditions.
- EPB Permit No. 2020-28 File.

### **Unauthorized Regulated Activities**

Construction of boulder retaining walls, placement of significant fill, clearing natural vegetation, and grading all within onsite wetlands. Furthermore, failure to secure the required Building Permit and inadequate stabilization, which has led to erosion and sediment discharge to the surrounding area.

### **Property Description**

The subject property supports a single-family residence and driveway with wetlands located in the western portion of the property and extending westward onto a portion of property belonging to the Stamford Museum and Nature Center. This wetland corridor is located within the non-drinking water supply portion of the Poorhouse Brook, where EPB typically regulates a minimum 25-foot upland review area around wetlands and watercourses. The wetlands on 35 Bird Song Lane were delineated by William Kenny in 2018 and by Steven Danzer in 2017.

### **Issues/Discussion/Recommendation**

EPB visited the site initially on August 18, 2023, after receiving a complaint of erosion discharge by a neighbor situated west of the area, and again on September 14, 2023, January 23, 2024, and January 30, 2024. It was thought that the discharge originated mostly from activities associated with drainage improvements on Bird Song Lane under EPB Permit No. 2020-28 associated including the installation of drainage structures within a drainage easement at 35 Bird Song Lane were occurring, however, significant fill, grading, new retaining walls, and clearing of natural vegetation was observed on both properties at 35 and 46 Bird Song Lane. Subsequent site visits confirmed that improper wall construction is leading to ongoing erosion as well as a code enforcement violation with the City of Stamford Building Department for failure to secure a Building Permit.

Image 1: City GIS aerial photo from 2019.

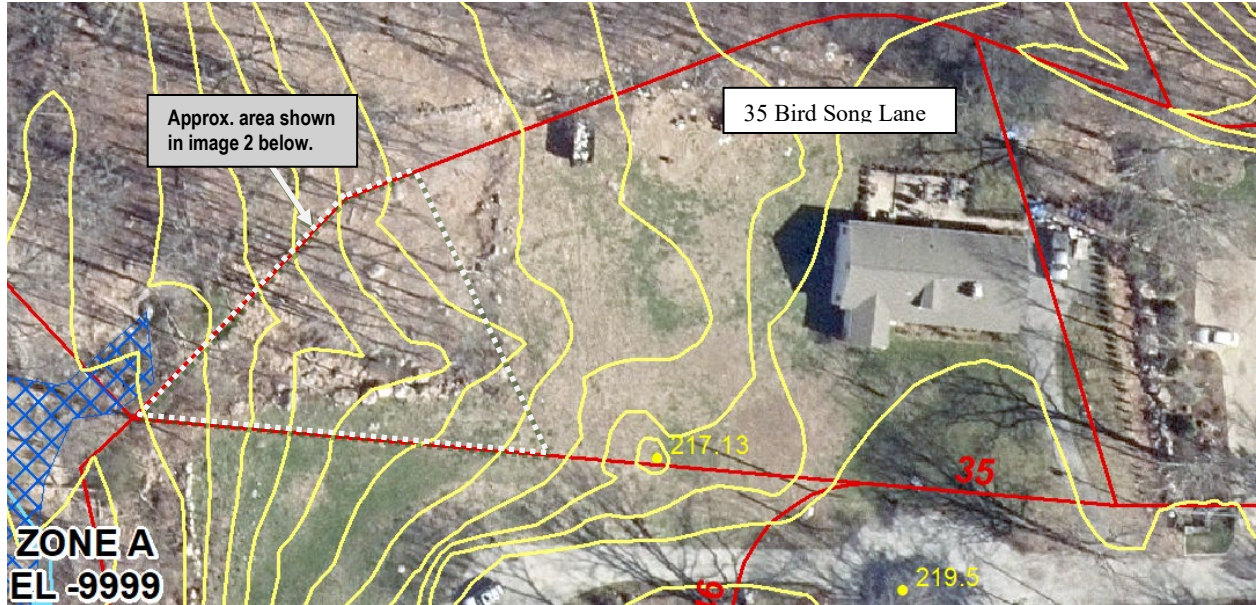


Image 2: A composite with portion of existing conditions survey for 46 Bird Song Lane showing wall and elevations matched to wetlands from 35 Bird Song Lane as shown on EPB Permit plan.

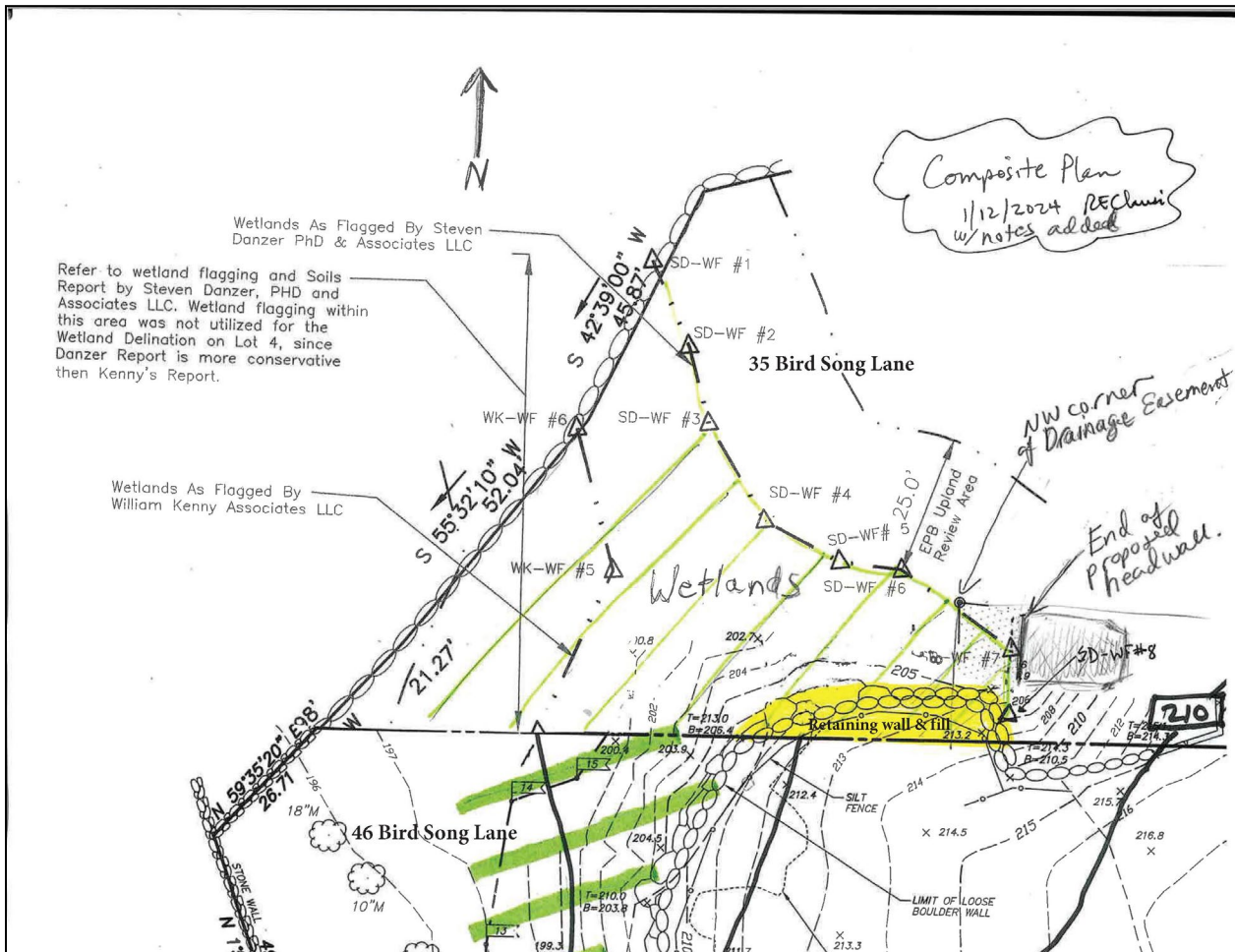




Photo 1: Taken on 6/13/18, looking west towards wetlands on 35 Bird Song Lane (southern boundary marker in foreground).



Photo 2: Taken on 9/21/23, looking west towards wall constructed in wetlands on 35 Bird Song Lane.



Photo 3: Taken 10/13/23 looking east along wall.



Photo 4: Taken 1/30/24 looking west along wall.



As part of the conditions of approval for EPB Permit 2020-28, an as built survey of the property will be required.

A Cease-and-Desist Order was sent to Mr. Moore on February 8, 2024 stating that these unauthorized activities constitute a violation of the Inland Wetlands Regulations of the City of Stamford. The Order also informed Mr. Moore of the Show Cause Hearing that will be held as part of the Board's regularly scheduled meeting on February 15, 2024. Staff recommends the Board maintain this Cease-and-Desist Order until this violation has been corrected. Staff also recommends the Board authorize the filing of a Notice of Violation on the Land Records if a restoration plan for removal of the wall and fill, stabilization, and plantings at 35 Bird Song Lane is not submitted for review and approval by March 15, 2024. Finally, staff recommends the Board make clear to the property owner that additional enforcement action, including referral to the Law Department for initiation of action in Connecticut Superior Court, may result from failure to comply with the Board's instructions to correct this violation.