

DRAFT

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE MARCH 21, 2024
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

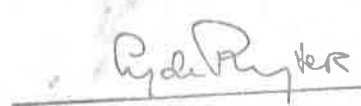
Gary H. Stone, Chairman
Laura Tessier, Member
Thomas Romas, Alternate Member
Stephen Schneider, Alternate Member

MEMBERS NOT PRESENT:

Todd Gambino, Member
Leigh Shemitz, Member

STAFF PRESENT:

Robert Clausi, Executive Director
Jaclyn Chapman, Environmental Analyst
Courtney Fahan, OSS, Land Use Bureau


TOWN CLERK, CITY OF STAMFORD
FILED: MAR 22 2024

Mr. Stone called the meeting to order at 7:30 p.m.

➤ **MINUTES:**

February 15, 2024 (Regular Meeting)

The Board considered the minutes of the February 15, 2024 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 February 15, 2024.

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

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals

#2023-15– 0 Wire Mill Road – AECOM for Aquarion Water Company
Modify EPB permit to replace public water supply well pump

#2024-05 – 11 Konandreas Drive – Chris & Michelle Morton
Construct single-family residence, driveway, septic system, and drainage.

#2024-06 – 482 Woodbine Road – William Finan
Replace septic system

Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Applications 2023-15 (Mod), 2024-05, and 2024-06.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to ACCEPT EPB Permit Applications 2023-15, 2024-05, and 2024-06.

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

Action Items

#2024-04 – 150 Interlaken Road – Tighe & Bond Inc. for Aquarion Water Company

Request for jurisdictional ruling on proposed installation of release flow meter and vault on North Stamford Reservoir Dam.

In Attendance: Matt Regan, Tighe & Bond Inc.

The application summary Mr. Clausi presented provided details of the project and discussed the impacts to the area from the work that is proposed. Mr. Stone asked if any Board member had an additional question or concern about this application.

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

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to acknowledge the activities outlined in EPB Application #2024-04 are permitted as-of-right per section 3.1.e. of the Stamford Inland Wetlands & Watercourses Regulations

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

#2023-22 – 65 Stanton Lane – Lot 90 – J. Domiziano

Construct additions, expand driveway, install drainage, and related activities.

In Attendance: Leonard D'Andrea, P.E., D'Andrea Surveying & Engineering, P.C.

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.

The Board members had no questions or comments about this application, so Mr. Stone asked for a motion from the Board.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to APPROVE EPB Permit Application #2023-22 with the 13 recommended conditions of approval contained in the Agenda Summary Report dated February 12, 2024 and revised March 15, 2024, as this project poses no significant adverse wetland impacts.

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

#2023-26 – 23 Laurel Road – Lot B – Moch for TGF Holdings LLC

Construct additions, deck, and stormwater detention system, and install enhancement plantings

In Attendance: Aleksandra Moch

Wayne D'Avanzo, P.E., Fairfield County Engineering

The application summary Mr. Clausi presented on behalf of Environmental Analyst Lindsay Tomaszewski provided details of the project and discussed the minimal chance this project will result in adverse wetland/watercourse impacts.

Ms. Tessier asked what is the square footage of the roof that is going to be diverted to the retention system. Mr. D'Avanzo answered that it is about the same size as the increase in site impervious coverage that this project will yield.

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

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to APPROVE EPB Permit Application #2023-26 with the 13 recommended conditions of approval contained in the Agenda Summary Report dated March 15, 2024, as this project poses no significant adverse wetland impact.

In Favor: Stone, Tessier, Romas, and Schneider

Opposed/ Abstaining/ Not Voting: None

#2024-03 – 83 Camp Avenue – Lot 22 – Steve Mickels

Continue use of the property as a storage area for landscaping materials

In Attendance: Joseph Capalbo, Esq.

Matt Popp, LLA, Environmental Land Solutions, LLC

Jose Villaluz, P.E., Risoli Planning & Engineering

Leonard D'Andrea, P.E., D'Andrea Surveying & Engineering, P.C.

The application summary Environmental Analyst Jaclyn Chapman presented provided details of the project and discussed the impacts to the area from the work that is proposed. Ms. Chapman summarized the additional information the applicant has provided in response to the issues identified during staff's review of the initial submission and the concerns expressed by members of the Board during its first consideration of this application at last month's meeting. Mr. Clausi added that the Board members should be quite familiar with this site and the various challenges the current use of the property pose since this matter was explored in detail during the review of Application 2023-11 late last year.

Mr. Stone asked the members to share their thoughts at the conclusion of Ms. Chapman's summary. Mr. Romas stated that it appears the applicant has addressed the range of issues and concerns noted last month. Mr. Schneider agreed with Mr. Romas, but said he remained concerned about the flooding and the practical implementation of the flood preparedness measures outlined by the applicant. Ms. Tessier stated she continues to have serious concerns about this application; particularly the fact that the 100-year storm will overtop the storage bays and the landscaping materials may be mobilized during such an event. Ms. Tessier went on to say that the reference 100-year rainfall amount may not reflect the true value given the effect that climate change seems to be having on storm intensities. Ms. Tessier questioned how the applicant's proposed twice-a-year inspections of the drainage measures will be monitored and she concluded that she remains skeptical that this is an appropriate site for this operation.

Attorney Capalbo, representing the applicant, explained the site is in the M-G zone, which allows the widest range of business uses, including landscape materials storage and sale (Mr. Schneider and Ms. Tessier pushed back on this point later in the meeting and Mr. Capalbo conceded he didn't mean to imply that just because it is allowed by zoning that the Board must or should approve this application). Mr. Capalbo went on to note how the property was previously used, the fact that the surface of the site was completely impervious before his client took it over, and that the applicant's plan will remove some of the paving and restore plantings to the site (Ms. Tessier stated the imperviousness of this site is not an issue for the Board later in the meeting).

Mr. Villaluz, the applicant's design engineer, then expanded on the materials that have been submitted and responded to the statements made by the members. He stated maintenance records will be kept in a logbook and these records will be shared with EPB. He said the operator will monitor the seven-day forecast and implement the measures needed to secure the site from coming storms. A coir log will always be in place in front of the level spreader to filter runoff and will be regularly inspected. Bins will be equipped with roofs and fabric covered gates to protect the stored materials and filter mobilized material from flood waters. The fabric covered fence along the southern property line will filter any sediment that may escape the previously described measures.

Mr. Clausi asked the applicant's engineers to discuss the 10 foot high fence along the southern boundary in more detail and whether the fence should also extend somewhat up the east and west sides of the property.

Mr. D'Andrea, the engineer the applicant hired to do a peer review of the proposal, summarized his analysis of how flooding behaves in this location – i.e., this is a true floodplain where water spreads and recedes without velocity. He agreed that wrapping the fence up the sides is a good idea and added that a shorter filter fabric cover on this fence might function better than the proposed 10 foot height.

Mr. Clausi then asked what sort of maintenance of the stone in the level spreader is likely to be required. Mr. Popp, the applicant's landscape architect, suggested installing the level spreader with filter fabric about 6" below the top of the stone would limit sediment deposition to the top layer of stone where maintenance would be practical. He also recommended the level spreader be extended east and west so that it butts into the walls around the site perimeter.

Mr. Clausi directed the participants' attention to the "Exhibit A: Operations and Maintenance Plan" document the applicant included in their submission and noted it does not include a reporting requirement. Mr. Clausi recommended this document be amended to add a requirement that the results of the twice annual routine inspections and the P.E. inspections every five years must be submitted to the EPB and that the drainage declaration that will need to be filed on the Land Records reference this amended O&M Plan. Mr. Capalbo and Mr. D'Andrea agreed with this idea.

Chairman Stone asked Mr. D'Andrea for the conclusions he drew from his firm's peer review of the application. Mr. D'Andrea stated this site will need to be maintained and he is most concerned about the potential that the daily operations will cause adverse impacts rather than the occasional severe flood. He thinks the main benefit of the level spreader will be its ability to infiltrate intercepted runoff into the underlying well drained soil rather than just spreading the flow off the site. He considers the risk from severe floods will not be that the landscaping material will be mobilized due to velocity through the site, but that fine material may be pulled from the site as the water recedes. He believes the filter fabric on the southern perimeter fence should only be 3 or 4 feet high, this fence should be extended along the east and west to meet the bins, regular inspections should be done four times rather than twice a year, and the site controls should be inspected before and after major storms. Mr. D'Andrea stated that the control measures proposed by the applicant will work provided they are maintained.

There was some discussion about flood levels on the site with various intensity storms.

Ms. Tessier asked if the 10' high fence with filter fabric in this flood zone had been factored into the hydraulic analysis. Mr. D'Andrea repeated his recommendation that the height of the fabric should be limited to a couple of feet. Ms. Tessier concluded that engineers she works with who have looked at the plans recommend the level spreader be inspected after every storm and accumulated sediment should be removed.

Mr. Capalbo gave his verbal consent to provide written authorization for the Board to extend its review of this application beyond the end of the first 65 day review period so that the applicant can work on the issues raised this evening.

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

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to DEFER EPB Permit Application #2024-03 until the next board meeting.

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

➤ **SUBDIVISION REVIEWS:** None

➤ **SITE PLAN REVIEWS:** None

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

136 Breezy Hill Road – James Banahan

Unauthorized clearing of vegetation and filling within wetlands, watercourse, and upland review areas

In Attendance: Charles J. Willinger Jr., Esq.
Matt Popp, LLA, Environmental Land Solutions, LLC
James Banahan, Owner

Attorney Willinger, representing the owner, went into detail about the property and what has occurred there before and after his client purchased it. Attorney Willinger maintained this violation was done by the previous owner, noting that there was nothing on the Land Records that there were any violations. He stated the survey dated September 2019 that his client was provided when he bought the property did not identify any wetlands or watercourses on the site, though it did identify an areas as "low and wet". Attorney Willinger asked the Board to approve the February 29, 2024 EPB Restoration Plan prepared by Environmental Land Solutions, LLC, which does not propose removal of any fill.

Mr. Clausi reminded the Board that a Show Cause Hearing on this enforcement matter was held as part of its regularly scheduled meeting in July 2023, at which time the Board voted unanimously to maintain the Cease & Desist Order that was issued before the meeting and set an August 20, 2023 deadline for submission of a fill removal and restoration planting plan. Mr. Clausi recommended the Board issue an Order to Correct based on the draft conditions in the EPB Enforcement update prepared by Environmental Analyst Jaclyn Chapman on March 15, 2024.

Mr. Stone asked for a motion from the Board after some discussion among the members and those in attendance as to how much, if any, fill should be removed from the edge of the pond.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to ISSUE an Order to Correct with the 7 conditions in the EPB Enforcement update report dated March 15, 2024.

In Favor: Stone, Tessier, Romas, and Schneider

Opposed/ Abstaining/ Not Voting: None

103 South Lake Drive- Stacy Haase- Show Cause Hearing

Unauthorized clearing of trees and other vegetation

In Attendance: David Greenstein, Owner's husband

Mr. Clausi summarized the Enforcement Report date March 19, 2024. Mr. Greenstein then described at some length his family's years owning this property, including that they had always left the area behind the house where the unauthorized clearing occurred in an undisturbed, natural state. He informed the Board that the property has been on the market for some time and that it's been a challenge to find someone to buy this unique house. Mr. Greenstein then explained the potential buyer who has come forward had their permission to bring a landscaper to the property to plan what they might do with the grounds and this landscaper proceeded to do the unauthorized clearing, reportedly without being paid or instructed to do so by the potential buyer.

Mr. Greenstein asked if they may proceed with their real estate deal. Mr. Clausi replied they can since the violation runs with the land and the Board can apply its enforcement authority on a subsequent owner if the violation is not resolved before the sale.

Ms. Tessier reacted to Mr. Greenstein's comment that conservation easement markers were missing from the property by asking if there is anything EPB can do about this recurring problem. Mr. Clausi said the Board can require the markers to be reinstalled as part of the Order to Correct it is likely to issue to resolve the clearing violation.

Mr. Clausi recommended the Board maintain a Cease and Desist Order and proceed with the enforcement recommendations and deadline noted in the Enforcement Report.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to Maintain the Cease & Desist Order that was issued on March 18, 2024 and require the owner to submit a draft restoration plan by April 12, 2024.

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

➤ **OTHER BUSINESS:**

Discussion of amendment of the Stamford Inland Wetlands and Watercourses Regulations

Mr. Clausi reported the Law Department is still in the process of reviewing the draft regulations.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to ADJOURN the Regular Meeting of March 21, 2024.

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

The meeting was adjourned at 10:01 p.m.

Gary H. Stone, Chairman
Environmental Protection Board