

FINAL

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE APRIL 18 , 2024
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Laura Tessier, Member
Todd Gambino, Member
Leigh Shemitz, Member
Thomas Romas, Alternate Member
Stephen Schneider, Alternate Member

MEMBERS NOT PRESENT:

None.

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, Mr. Gambino, Ms. Tessier, Dr. Shemitz, and Mr. Romas.

Mr. Stone prefaced the meeting by informing the Board that Courtney Fahan will be moving into another position within the Land Use Bureau in the near future. Mr. Stone thanked Ms. Fahan for her efforts on behalf of the EPB and wished her well in her new post.

➤ **MINUTES:**

March 21, 2024 (Regular Meeting)

The Board considered the minutes of the March 21, 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 March 21, 2024.

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

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals

#2024-07 – 76 Maple Tree Avenue – Denaut Builders Contracting Co. Inc. for Riverview Terrace Association, Inc. Repair and replace decks

#2024-08 – 32 Urban Street – Redniss & Mead Inc. for Benhur and Nahoko Mesfin

Construct residential addition

#2024-09 – 131 Bentwood Drive – Wayne A. Clarke, ASLA for Taras and Cynthia Kucher

Demolish pool and deck, construct gazebo, site grading and landscaping

Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Applications 2024-07, 2024-08, and 2024-09.

Motion/Vote: Upon a motion by Mr. Gambino and second by Ms. Tessier, the Board voted to ACCEPT EPB Permit Applications 2024-07, 2024-08, and 2024-09.

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

Action Items

#2024-03 – 83 Camp Avenue – Steve Mickels

Store landscaping materials in flood zone

This item was not brought before the Board for discussion this evening pending receipt of information previously requested by the Board, but Dr. Shemitz asked a procedural question about the expiration of the statutory review period. Mr. Clausi stated the 130-day review period will end on May 27th, so the Board will have to decide whether to approve or deny this application at the May 16th meeting based on the record in hand at that time.

#2023-15 – 0 Wire Mill Road -AECOM for Aquarion Water Company

Modify permit to replace public water supply well pump house.

In Attendance: Maureen Crowley, P.E., AECOM
Peter Sammis, Project Manager, AECOM

The application summary Mr. Clausi presented on the Supplemental Agenda Summary Report dated April 3, 2024 provided details of the project and discussed the modification being requested to EPB Permit #2023-15 issued in October 2023. Mr. Clausi explained that Aquarion would like permit condition #4 modified so either precast components or poured in place concrete can be used to build the pump house, depending on which method will allow for the most expeditious completion of the construction in this sensitive, flood prone site.

Mr. Gambino stated that he does not see anything in the applicant's submission that supports modifying the permit condition. A lengthy discussion ensued between the members and about the logistics of the construction methods. Responding to a question from Mr. Gambino, Mr. Sammis said it is not possible to use the Merritt Parkway ramp to access the construction site. Ms. Crowley and Mr. Clausi reminded the Board that this project, including the river crossing required to access the construction site, is permitted as of right per section 3.1.e. of the Stamford Inland Wetlands and Watercourses Regulations.

Board members repeated their strong interest in having this project completed as quickly as possible once it begins. Dr. Shemitz added this project will require a significant level of oversight given the sensitivity of the site.

The sense of the Board was that the applicant needs to develop project-specific metrics for each of the construction methods and provide this additional information to support their request.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to DEFER EPB Permit Application #2023-15 to the May 16, 2024 meeting.

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

#2024-05 – 11 Konandreas Drive – Chris & Michelle Morton

Construct single-family residence, driveway, septic system, and drainage.

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

The application summary Mr. Clausi presented on behalf of Environmental Jaclyn Chapman provided details of the project and discussed the minimal chance this project will result in adverse wetland/watercourse impacts. No questions or concerns were voiced by the members of the Board.

Mr. Stone asked the applicant's agent, Mr. French, if he and his client had received a copy of the Agenda Summary Report and if they had any questions or concerns about its recommendations. Mr. French replied they had received the report and have no objections.

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. Romas, the Board voted to APPROVE EPB Permit Application #2024-05 with the 15 recommended conditions of approval contained in the Agenda Summary Report dated April 12, 2024, plus an added condition that Engineering Bureau approval of the drainage plan be obtained prior to the issuance of a building permit.

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

#2024-06 – 482 Woodbine Road – William Finan

Replace septic system

In Attendance: Robert Zmarzlak, P.E., Soundview Engineers & Land Surveyors LLC

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 any questions or concerns about this application and the members answered that they did not.

Mr. Stone asked the applicant's design engineer, Mr. Zmarzlak, if he and his client had received a copy of the Agenda Summary Report and if they had any questions or concerns about its recommendations. After receiving some clarification from Mr. Clausi about the location of the upland review area that is being recommended for restoration in Condition #8, Mr. Zmarzlak replied they have no objections.

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

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to APPROVE EPB Permit Application #2024-06 with the 14 recommended conditions of approval contained in the Agenda Summary Report dated April 1, 2024.

In Favor: Stone, Tessier, Shemitz, Gambino and Romas Opposed/ Abstaining/ Not Voting: N/A

- **SUBDIVISION REVIEWS:** None
- **SITE PLAN REVIEWS:** None
- **ENFORCEMENT:**

103 South Lake Drive – Stacy Haase

Unauthorized clearing of trees and other vegetation from wetland, watercourse buffer, and conservation easement.

In Attendance: No one

Mr. Clausi reminded the Board of the Show Cause Hearing held in March on this matter and its decision to maintain the Cease and Desist Order and require submission of a professionally prepared restoration plan by April 12, 2024. Mr. Clausi then reviewed the main features of the plan and explanatory narrative prepared by Daryl Beyers Landscape Design & Development in response to the Board's instructions.

The only comment on the proposed restoration plan was voiced by Ms. Tessier, who felt that soil stabilization in the upland areas from which small trees had been removed should be accomplished with shade tolerant native grass seed rather than turf grass seed so that these areas, which are largely located in the conservation easement, can be maintained as meadow under the remaining tree canopy.

Hearing no further comments the board Mr. Stone asked for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas the Board voted to maintain the Cease and Desist Order and ISSUE an Order to Correct with the 5 conditions in the EPB Enforcement Status Report dated April 9, 2024, plus a specification that shade tolerant native grass seed be sown in the upland areas affected by the unauthorized clearing of small trees.

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

28 Four Brooks Road- Luis Lopez and Maria Garcia– Show Cause Hearing

Unauthorized clearing of vegetation and filling in wetland upland review area.

In Attendance: Luis Lopez, Owner
Leonard D'Andrea, D'Andrea Surveying and Engineering P.C.

Mr. Clausi summarized the Enforcement Report dated April 5, 2024. Mr. Lopez then explained that the area adjacent to his driveway and patio was so steep that the driveway and patio were washing out so last year he arranged to have fill brought in to level the area. The rough grading took about two weeks, after which Mr. Lopez expected the operator to return with topsoil so the area could be landscaped, but the individual who did the work never returned and Mr. Lopez has been unable to reach him since October. Mr. Lopez apologized for this situation, stated he did not know that this work required prior EPB review and approval, and declared he will do what needs to be done to correct the situation.

Mr. D'Andrea stated he has visited the site and determined that the western edge of the fill needs to be pulled back so that erosion control measures can be installed. His firm will soon survey the property in order to develop the restoration plan. In response to a question from the Board about whether the fill might contain contaminants, Mr. D'Andrea stated it appears to be demolition debris and he has not observed pipes, leachate, or any other telltale sign of possible contamination.

Dr. Shemitz said that she thinks the fill should be tested since Mr. Lopez has no idea where it came from. Mr. Gambino added the test results may provide clues as to the source of the fill and thereby offer an avenue for recovery of damages.

Mr. Stone asked for a motion from the board at the conclusion of the discussion.

Motion/Vote: Upon a motion by Mr. Gambino and second by Ms. Tessier, the Board voted to Maintain the Cease & Desist Order that was issued on April 9, 2024. The Board went on to approve the immediate removal and on-site stockpiling of fill to allow for installation of erosion and sedimentation controls to protect the wetland and watercourse, noting that the fill should be observed during the removal and stockpiling operation to detect any contaminants or materials that may indicate where the fill originated. The fill stockpile must also be analytically tested to determine if it contains any hazardous or regulated materials. The deadline for submission of a restoration plan and the analytical test results is June 14, 2024.

In Favor: Stone, Tessier, Shemitz, Gambino and Romas
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.

Mr. Clausi went on to echo Mr. Stone's expression of thanks to Ms. Fahan for the able support she has given to EPB operations, joined the members in wishing her well, and noted his relief that she will still be close by to answer his questions and provide backup.

Mr. Clausi concluded by informing the members that EPB has benefited from the services of two interns this winter and spring. Warren Chov is a UConn-Stamford junior who has been organizing and digitizing some of the thousands of conservation easements, landscape maintenance documents, and other records of agreements that EPB is responsible for enforcing. Senhayllo Vinson is a Stamford High School senior who has been a big help to staff as we better organize and start to cull the 50 years of paper files that fill the EPB office. She has also learned about EPB operations by accompanying staff on field inspections. Senhayllo will be attending UConn-Stamford in the fall.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Ms. Tessier and second by Dr. Shemitz the Board voted to ADJOURN the Regular Meeting of April 18, 2024.

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

The meeting was adjourned at 8:58 p.m.

Gary H. Stone, Chairman
Environmental Protection Board