

DRAFT

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE MAY 16, 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
Jaclyn Chapman, Environmental Analyst
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. Schneider.

➤ **MINUTES:**

April 18, 2024 (Regular Meeting)

The Board considered the minutes of the April 18, 2024 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Mr. Gambino, Ms. Tessier, Dr. Shemitz, and Mr. Schneider. No modifications were recommended.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to ACCEPT the Regular Meeting Minutes of April 18, 2024.

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

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals

#2024-10 – 26 Rising Rock Road – Alejandro and Jill Knopoff

Construct residential addition and designate septic reserve area

#2024-11 –68 Deep Valley Trail – John Landrum Bryant

Maintaining construction of an accessory structure

Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Applications 2024-10 and 2024-11.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to ACCEPT EPB Permit Applications 2024-10 and 2024-11.

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

Action Items

#2024-03 – 83 Camp Avenue – Steve Mickels

Store landscaping materials in flood zone

In Attendance: Joseph J. Capalbo II, Attorney
Len D'Andrea, PE

The application summary Ms. Chapman presented highlighted the changes that the applicant has made to their plans and proposed operational procedures based on the input provided by the Board at the March 2024 meeting. Ms. Chapman noted a decision must be made by the Board at this meeting because the statutory review period for this application is ending in late May. The Agenda Summary Report therefore contains conditions of approval for the Board to consider if it decides to grant a Flood Prone Area permit. Mr. Clausi recommended that a final construction plan condition that includes several details that are missing from the latest plan be added to the list of draft approval conditions and that Condition #8 be deleted because authorization of site inspections by EPB staff is covered by the drainage maintenance agreement that will have to be filed on the Land Records. Mr. Clausi concluded by pointing out that the Board must give reasons and suggest prudent and feasible alternatives if it decides to deny the application.

Mr. Stone asked the board if they have any questions or concerns, and that the applicant can then respond to the questions.

Mr. Schneider expressed his opinion that he would likely not have been inclined to approve this operation in this location if it had been brought to the Board before the operation began. He asked Mr. Clausi if a use permit can be issued only for a limited period of time, so the applicant has time to find another location where he can conduct his business. Mr. Clausi replied that they cannot put a time limit on a permit, but if this operator leaves the site and a new business comes in the Board could require them to apply for a new permit.

Dr. Shemitz stated she is troubled by the last minute submission of requested additional information by the applicant. She also expressed her concern with the impact of encroachments into the riparian buffer of Springdale Brook. Discussion then ensued as to the location of the southern boundary of the subject property and the fact that the riparian buffer is part of the abutting property to the south. Ms. Tessier shared the 5/13/24 site plan on her screen to orient the group to the property layout and Mr. Clausi added that the chain link fence that is proposed along the southern boundary will prevent future encroachments into the buffer. In response to a question from Dr. Shemitz later in the meeting, Mr. Clausi described how staff will handle any compliance issues they may find during site inspections.

Ms. Tessier stated she would be more comfortable if the 5-year rather than the 10-year storm were to be used as the trigger for implementation of the flood protection measures.

Mr. D'Andrea then spoke on behalf of the applicant. He said the operator is very conscientious about keeping the site clean and sweeps the lot every day. Mr. D'Andrea stated that this site is subject to flood waters that rise and fall without velocity, and he reiterated a comment he made at the March meeting that he is more concerned with the potential impacts of the smaller, more frequent storms than he is with the occasional, extensive flood. In recognition of this concern, the applicant's plan includes

multiple layers of protection. He clarified that the shed is used for storage of tools and similar items, and no petroleum products are stored on site. He also pointed out that the vehicles used in this operation will be moved to the higher ground west of the site prior to floods.

Mr. Capalbo repeated a comment he made at the March meeting that this property is zoned as M-G and this type of use is allowed in the M-G zone, and then added there is a scarcity of available similarly zoned land in the City.

There was some discussion without a resolution between the members and applicant's representatives regarding the idea of limiting the time of year when mulch can be stored on the property as a way to reduce the amount of material most likely to be mobilized during a hurricane or similar summer-fall storm.

Mr. Gambino asked if EPB's oversight would apply to the landowner or the tenant/operator. Mr. Clausi responded that the property owner is ultimately responsible for compliance with conditions that the Board might include in an approval of this use, but practically the operator would be the point of initial contact and expected remedial action.

There was a good deal of discussion about how the EPB would know if there is new operator or use of this site, and what would then happen. Staff and the applicant's representatives noted that an interruption in the required maintenance reporting would be one indication of a change. Mr. Clausi stated a new operator of a landscape materials business at this location would, at a minimum, have to provide EPB staff with assurances that they intend to follow whatever operational plan may be approved by the Board. The Flood Prone Area Regulations (Section 15.B.1 of the Zoning Regulations) are clear that any change in use, including a change in the approved operational plan, will require a new application to the Board.

Mr. Clausi replied in the affirmative to Mr. Stone's question whether the locations of the landscaping materials as labeled on the site plan will be considered as "set" if the plan is approved.

Ms. Tessier suggested relocating the topsoil and mulch storage bins along the northern side of the site in order to move these materials out of the more frequently flooded portion of the property.

Mr. Schneider stated monthly inspections and reports should be required if this application is approved and Mr. Capalbo stated that the applicant would not object to monthly inspections.

Mr. Clausi responded to a question from Ms. Tessier that this application can be denied without prejudice. To give the Board viable denial and approval options, Mr. Clausi then summarized the adjustments that would need to be made to the conditions of approval in the staff report in order to incorporate the various alternatives suggested by the members this evening.

Motion/Vote: Upon a motion by Mr. Gambino and second by Dr. Shemitz, the Board voted to APPROVE EPB Permit Application #2024-03 with the 21 conditions of approval. Changes to the conditions contained in the Agenda Summary Report dated May 14, 2024 included requiring monthly inspections in condition 6; inspection of all site controls and defining "major storms" as the 5-year, 4.6" event; deletion of Condition 8; and addition of a condition requiring submission of a final construction plan showing the topsoil and mulch bins moved to the north end of the site, 6-foot chain link perimeter fencing on southeast and southwest corners of site; and revised level spreader detail showing a layer of filter fabric 6" below the surface of stone to facilitate maintenance.

In Favor: Stone, Gambino, Tessier, and Shemitz

Opposed: Schneider

Abstaining/ Not Voting: None

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

Repair and replace decks

In Attendance: Al Denaut, Denaut Builders

The summary Mr. Clausi presented on behalf of Environmental Analyst Pamela Fausty noted that this is an application for a Flood Prone Area permit, provided details of the project, and discussed the minimal chance this project will result in adverse impacts. No questions or concerns were voiced by the members of the Board.

Mr. Stone asked the applicant's agent, Mr. Denaut, if he had received a copy of the Agenda Summary Report and if he had any questions or concerns about its recommendations. Mr. Denaut 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. Gambino, the Board voted to APPROVE EPB application #2024-07 with the 7 recommended conditions of approval contained in the Agenda Summary Report dated May 9, 2024.

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

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

Construct residential addition

In Attendance: Brian McMahon, PE, Redniss & Mead

Mr. Clausi informed the Board that this is also an application for a Flood Prone Area permit as Toilsome Brook is located to the north of the site and the subject property contains no wetlands. He then provided a brief outline of the relatively minor site disturbance that this project will entail and discussed the minimal chance the project will result in adverse impacts. He also pointed out that the estimated cost of the project does not equal 50% or more of the appraised value of the residence, so flood proofing of the residence is not required. No questions or concerns were voiced by the members of the Board.

Mr. Stone asked the applicant's agent, Mr. McMahon, 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. McMahon 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. Gambino, the Board voted to APPROVE EPB Permit Application #2024-08 with the 11 recommended conditions of approval contained in the Agenda Summary Report dated May 7, 2024.

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

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

➤ **ENFORCEMENT:**

175 Prudence Drive – Christopher and Maria DiSiato

Lift Cease & Desist Order issued in December 2023 for unauthorized installation of shed on gravel pad in wetland

In Attendance: No one

Mr. Clausi briefly summarized the violation and recommended that the Board lift the cease & desist order issued in December 2023, since the owner has relocated the shed, removed the gravel pad, and restored the impacted wetland.

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

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to lift the Cease and Desist Order.

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

➤ **OTHER BUSINESS:**

Discussion of amendment of the Stamford Inland Wetlands and Watercourses Regulations

Mr. Clausi reported that there will be a public hearing on June 13, 2024 regarding the amendments to the regulations. He informed the Board that draft revisions have been sent to the Connecticut Department of Energy and Environmental Protection and all the necessary boards and departments as required by state statute and the City Code. Notice of the upcoming public hearing and a courtesy copy of the draft revisions will also be provided to the Board of Representatives. No action on this matter was needed or taken by the Board.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to ADJOURN the Regular Meeting of May 16, 2024.

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

The meeting was adjourned at 9:29 p.m.

Gary H. Stone, Chairman
Environmental Protection Board